POLICY MAKING AND PUBLIC SPHERE: AN ANALYSIS OF COMMUNITY RADIO IN THAILAND (1997-2021)

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POLICY MAKING AND PUBLIC SPHERE:

AN ANALYSIS OF COMMUNITY RADIO IN THAILAND (1997-2021)

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ABSTRACT

Radio broadcasting policies and practices in Thailand have long been affected by political uncertainties, starved of financial support and therefore left with little technical progression. This research examines Thailand's approach to public service broadcasting (PSB) through a theoretical framework of public sphere and market failure. Comparative media systems are also applied as an analytical framework to show media ecosystems where PSB can exist.

This research has two objectives: to examine the development of radio as a public sphere in Thailand and the influences in the policy making process; and to identify the implications of radio broadcasting policies between 1997 and 2021 in order to achieve feasible practices of a public sphere. To reach the research objectives, the thesis research questions about radio broadcasting in Thailand between 1997 and 2021 are framed around the analysis of policy development, and the analysis of policies and practices in terms of their aspirations and objectives.

To answer two research questions, this research has been conducted through examination of policy documents associated with Thailand's constitutions and acts related to radio broadcasting, together with semi-structured interviews of seventy stakeholders, including personnel attached to the regulator, politicians, personnel from government and military organisations as well as personnel in local radio stations and advocacy groups, academics and reporters.

The research has found that radio broadcasting in Thailand has been controlled by government authorities through their frequency ownership and the Thai top-down governmental system, while local radio stations resist legitimate authorities in order to survive and serving public sphere. It is suggested that better administrative and technological skills are required for local radio stations, and championing the concept of PSB is essential to support people empowerment in a democratic society through participatory spaces of Thai radio broadcasting.

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LIST OF ABBREVIATIONS

AM	Amplitude Modulation
AMARC	World Association of Community Radio Broadcasters (French: Association Mondiale Des Radiodiffuseurs Communautaires)
ARD	Arbeitsgemeinschaft – der öffentlich-rechtlichen Rundfunkanstalten – der Bundesrepublik Deutschland (Germany)
ASEAN	Association of Southeast Asian Nations
BBC	British Broadcasting Corporation (the United Kingdom)
BE	Buddhist Era
BRU	Broadcasting Research Unit (the United Kingdom)
CPMR	Campaign for Popular media Reform (Thailand)
DCMS	Department for Digital, Culture Media & Sport (the United Kingdom)
DES	Digital for Economic and Society Ministry (Thailand)
EC	European Council
EU	European Union
FCC	Federal Communications Commission (the United States of America)
FM	Frequency Modulation
GDP	Gross Domestic Product
GBP	Great Britain Pound

IAMCR	International Association of Media and Communication Research
ITV	Independent Television (Thailand)
ITV	Independent Television (the United Kingdom)
ITU	International Telecommunication Union
KBS	Korean Broadcasting System (South Korea)
MCOT	Mass Communication Organisation of Thailand (Thailand)
MP	Member of Parliament
NBC	National Broadcast Commission (Thailand)
NBT	National Broadcasting of Thailand (Thailand)
NBTC	National Broadcast and Telecommunication Commission (Thailand)
NCPO	National Council for Peace and Order (Thailand)
NGO	Non-Government Organisation
NHK	Japan Broadcasting Corporation (Japanese: *Nippon Hōsō Kyōkai)*
NMP	National Master Plan (Thailand)
Ofcom	Office of Communication (the United Kingdom)
PM	Prime Minister
PRD	Public Relations Department (Thailand)
PSB	Public Service Broadcasting
PSM	Public Service Media
RQ	Research Question
RTKH	Radio Television Hong Kong (Hong Kong)
TA	Thematic Analysis

THB	Thai Baht
Thai PBS	Thai Public Broadcasting Service (Thailand)
TSD	Thai-Style Democracy
TVRI	Televisi Republik Indonesia (Indonesia)
UNESCO	United Nations Educational, Scientific and Cultural Organisation
USSR	Union of Soviet Socialist Republics
VRE	Virtual Research Environment
ZDF	Zweites Deutsches Fernsehen (Germany)

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ACKNOWLEDGEMENTS

AUTHOR'S DECLARATION

I, Paninee Boonlert, hereby declare that all the material contained in this thesis is my own work and has not been presented or accepted in any previous application for a degree. This work has been carried out by me unless otherwise mentioned, and where the work is mine, it reflects personal views and values.

Paninee Boonlert

CHAPTER ONE

INTRODUCTION

1.1 RESEARCH BACKGROUND

In today's advanced media and communication systems radio broadcasting appears to be redundant, even in developing countries like Thailand. Competing policies and regulatory priorities governing radio broadcasting in the country have contributed to the decline of radio broadcasters and listeners in metropolitan areas, with just 23.03 per cent of radio broadcasting receivers in metropolitan Bangkok, which is less than in other regions (the north-east with 62.55 per cent, the north with 62.49 per cent and the centre with 56.08 per cent) (National Broadcasting and Telecommunications Commission, 2018). In the rural areas of Thailand approximately 9.7 million Thais still use radio as their method of receiving information (Infoquest, 2021a), and this is important for their way of life.

The competing policies and regulatory priorities for broadcasting services derive from the tight state control over traditional broadcasting media – radio and television – and the democratic objectives of an informed public and citizens' participation in broadcasting projects. Despite democratic regulatory objectives that have been legally authorised under the 1997 constitution in the country, community radio broadcasters still operate under tighter restrictions than their government and military national counterparts on account of the frequency control by the radio broadcasting regulator that acts for the government orgnisations.

In terms of ownership and operation, radio broadcasting in Thailand has been under the control of government and military organisations since it began more than seventy years ago. Radio broadcasting has struggled with this monopolistic structure, and the importance of public engagement with the opening up of a communication space for the public had not been identified until the 1997 constitution.

That year, 1997, was the start date of empowering the public within the regulatory framework and practices of Thai radio broadcasting, as the 1997 constitution allowed radio frequencies as a national resource to be allocated for public use nationwide. However, regulatory enforcement has not been fully functional in terms of exercising public engagement following government policy directives, and radio broadcasting is still a source of income and power for government and military organisations.

This study outlines the radio broadcasting regulatory framework in Thailand and the policy development and practices, along with issues arising that have shaped the scope of people empowerment through public service broadcasting (PSB). Aware of incomplete official legal practices, the researcher has aimed to contribute to knowledge covering the public sphere and PSB that has perhaps occurred in Thai radio broadcasting to a limited extent up to the present time (2021).

The public sphere (discussed in Chapter 2) is seen in Western media landscapes through the lens of PSB. Media systems, including the system in which PSB can

exist, have been studied by various scholars (as set out in Chapter 3). This research studies PSB principles seen in radio broadcasting in Thailand, which may differ from those in Western media ecologies. A way to conduct this research is to investigate radio broadcasting in Thailand through the lens of the public sphere and market failure that might allow public empowerment in a democratic country. Based on the background of this research, goals and objectives are identified to direct the routes taken for the study.

1.2 RESEARCH GOALS AND OBJECTIVES

This research aims to explain how Thai radio broadcasting policies and regulations fall short of enabling operators to fulfil the democratic objectives of radio broadcasting and to follow Habermas' notion of the public sphere (Habermas, 1962, cited in Reid, 2014). The research also offers policy recommendations to enable community radio broadcasters to fulfil their democratic roles.

To achieve these goals, this research aims to:

1. Examine the development of Thai radio broadcasting policies between 1997 and 2021, and the influences in the policy making process
2. Identify the implications of these policies to achieve a public sphere in radio broadcasting in Thailand.

The first objective provides the context of the Thai media landscape and relevant factors that shape Thai radio broadcasting policies. The second objective

explains the implications of radio broadcasting policies for radio broadcasters and listeners who are also citizens. From these findings, practical guidelines may be developed for policy actors, including the regulator and personnel in radio broadcasting stations in Thailand, to provide a constructive platform of the public sphere to sustain public engagement.

Along with theories applied to reach the public sphere in Thai radio broadcasting, the research questions are presented as well as the theoretical framework to be employed through data analysis. Having studied the data obtained from policy documents and semi-structured interviews, the researcher has analysed the regulatory framework and practices in depth, taking into account all contexts of Thai media.

1.3 RESEARCH QUESTIONS

This research has set out two main research questions with regard to the public sphere and PSB, relying on an analytical framework of comparative media systems. The research questions are set out below to approach the research objectives as follows:

RQ1: How have radio broadcasting policies in Thailand developed after the recognised period of media reform (1997–2021)?

RQ2: How have the aspirations and objectives of radio broadcasting policies in Thailand adopted between 1997 and 2021 been compromised by issues that have occurred in the country?

Taking into consideration the relationship between both research questions, the researcher sees two main research interests, which are divided into topics of policy development, consisting of practices and characteristics of policy practices and issues; and policy framework, including policy aspirations, policy details and policy directions. The research topic has been formulated by the examination of policy documents and in taking account of what has been said in semi-structured interviews. This is shown in Figure 1.1.

Research interest	**Research topics**	**Research methods**
	Policy originations	Examination of policy documents
Policy development	Policy directions and details	Examination of policy documents
		Semi-structured interviews
	Significant issues	Examination of policy documents
		Semi-structured interviews
Policy framework	Policy practices	Semi-structured interviews
	Practice characteristics	Examination of policy documents
		Semi-structured interviews

Radio broadcasting in Thailand

Figure 1.1 Research interests, topics and methodological framework for this research.

This research is framed by the research questions and research methods, which act as guides for conducting the research. It is essential to have a theoretical and analytical framework rooted in this research to reach the basis of a democratic society in Thailand as mentioned in the research background and objectives.

1.4 THEORETICAL AND ANALYTICAL FRAMEWORK

In the West's radio broadcasting ecosystem, and in European countries in particular, PSB is embedded in methods of communication to sustain the democratic condition of the countries concerned. This connects with other systems that exist, including the countries' politics, economies and social systems. In comparative media systems, PSB exists within the public sphere, empowering people to engage in mass media.

Regarding PSB, Habermas's public sphere is one of the basic notions vis à vis public engagement (Habermas, 1962, cited in Reid, 2014), and this research realises its importance. Market failure (which occurs when the market is not able to provide and share resources proficiently regarding commodities for the general public) (Pickard, 2015), is another important theory that this research relies on.

Having understood PSB theories, the researcher attempts to analyse media systems comparatively to be able to assess the issues influencing radio broadcasting in Thailand and to embrace the concept of PSB. Models applied in this research are from Hallin and Mancini (2004) and McQuail (1994, cited in Hardy, 2008). This research reaches the research objective of analysing radio

broadcasting policies and practices in Thailand through the approach of PSB in which problematic issues regarding regulatory implementation are seen.

Two main theoretical frameworks are considered: the public sphere and market failure, along with an analytical framework of comparative media systems. Bearing the particular context of media in Thailand in mind, this research begins in the following chapter with a discussion of PSB within the public sphere and market failure before considering the media contexts in which PSB can exist, followed by a consideration of media in Thailand.

1.5 RESEARCH METHODS

This research focuses on the notion of radio broadcasting in Thailand approaching PSB through the public sphere in a supportive media ecosystem. To address the research questions and reach the research objectives, policy documents have been analysed and semi-structured interviews of stakeholders in radio broadcasting have been conducted.

The researcher has examined policy documents in depth related to radio broadcasting between 1997 and 2021, in connection with aspirations, directions and issues resulting from the regulations, together with the context and structure of radio broadcasting. Semi-structured interviews of seventy stakeholders involved in the regulation and operational process of the radio broadcasting landscape in Thailand have taken place, including interviews with personnel working with the regulator, national and local radio broadcasters, public service broadcasters, an advocacy group, media experts and academics. These two

research approaches through thematic analysis allow the researcher to answer the research questions.

In the research procedure, each step is explained and followed by the researcher. In Figure 1.2, for example, the research process is shown to be composed of assumptions, questions, data collection, data analysis and discussion of the findings, all of which are conducted in standard qualitative research.
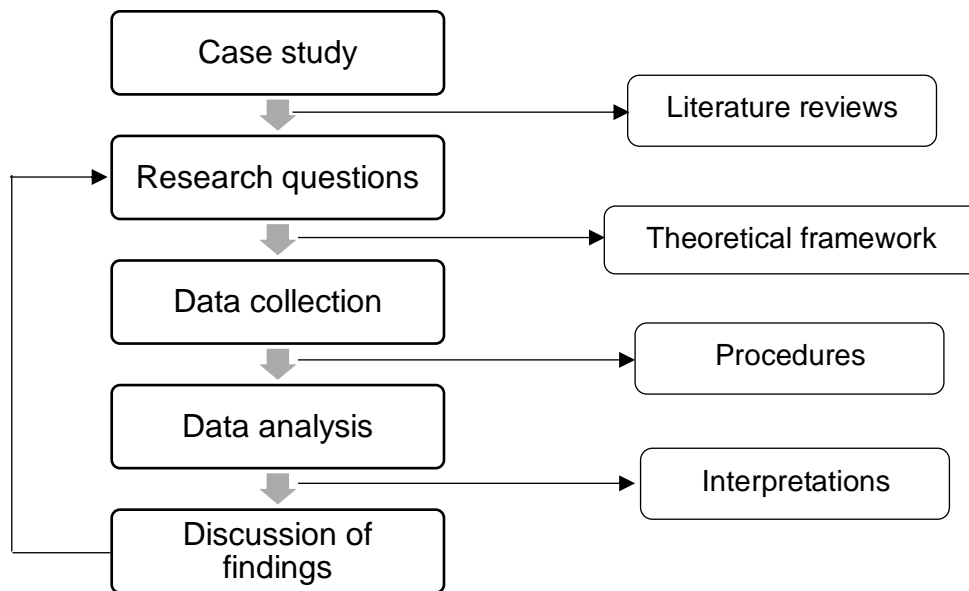
Figure 1.2 Research procedures and sequences between steps.

Once each step of this process was completed, the researcher rechecked the research proceedings to ensure the research reached its objectives and addressed the research questions. The researcher has ensured that all steps have reached the required standard of research procedure.

1.6 RESEARCH OUTLINE

This research follows the research guidelines through the lens of approaches to reach PSB in radio broadcasting in Thailand. There are nine chapters which are set out below.

Chapter 1: Introduction

The researcher sets out the background of the research, the research objectives, research questions, theoretical framework, research methods and research outline for the framework of this research.

Next, the literature reviews in Chapters 2, 3 and 4 frame discussions of PSB, community media, comparative media systems and the Thai context of radio broadcasting.

Chapter 2: Approaches to Public Service Broadcasting

In this chapter of literature review, PSB is defined, and the way in which PSB functions in society within the public sphere and in the market as market failure is set out, along with its obligations and governance. Together with PSB principles, community media are described and discussed, as well as their obligations and administration due to the formation of community radio in Thailand.

Chapter 3: Comparative media systems: Ecosystems supporting PSB principles

The literature review of comparative media systems is elaborated as an analytical framework for approaching PSB in the public sphere in connection with Thai radio broadcasting. Media systems in the West and the East are discussed. Since PSB is mostly embedded in the media ecosystems of the West, predominantly in European countries, this research focuses on areas where PSB can be sustained.

Chapter 4: Context of the media in Thailand

This chapter of literature review describes the landscape of Thai media. The background includes politics, the military, the Thai economy; Thai identity, culture and demography, which influence radio broadcasting and audience demography in Thailand. Notions are provided of media in Thailand, and the structure of radio broadcasting, its ownership and regulations that pertain to it, as well as the existence of local radio broadcasting in the country.

Chapter 5: Research methodology

Research methodologies are provided to explain the methods of collecting data by setting out the research objectives, research questions, research ethics, data collection and data analysis. This chapter shows all the research steps to clarify the research direction for effective results of this research and addresses the research questions.

Chapter 6: Radio broadcasting policies in Thailand: Development and intentions

This chapter of data analysis elaborates on the policy development of radio broadcasting in Thailand, the issues revealed in policy documents and data obtained from interviews. A brief discussion of the development of radio broadcasting policies before 1997 illustrates the evolution of the regulatory framework and practices. Subsequently there is a discussion about the regulations and actions stemming from radio broadcasting policies in Thailand after 1997 from the perspective of public engagement. Factors affecting radio broadcasting in the country are then analysed following the investigation of policy development after 1997.

Chapter 7: Legacies of radio broadcasting policies in Thailand after 1997

This chapter of data analysis focuses on the outcome of the 1997 policies. The legacies of the radio broadcasting policies are the birth of an independent regulator, community radio, deriving from the Broadcasting and Television Businesses Act of 2008, and the Thai public service broadcaster, Thai PBS, which is analysed in terms of the public sphere and market failure in comparative media systems. These legacies are studied to answer the first research question set out in Chapter 5, with the consequences of policies discussed in Chapter 6.

Chapter 8: Radio broadcasting in Thailand after 1997: Characteristics and challenges

Based on the stakeholder interviews, this chapter of data analysis presents reactions to the regulatory practices after their enforcement. To support the public

sphere through PSB principles, there are two main sections devoted to the response to the policy framework. The first section is divided into four main regulatory practices: frequency allocation, licensing procedure, editorial independence and public funding. The second section characterises radio broadcasting in Thailand with regard to its strengths, weaknesses, opportunities and threats in terms of maintaining the public sphere and empowerment of the public.

Chapter 9: Conclusion

This chapter summarises the key findings of the research, its possible contribution to knowledge regarding approaches to PSB, limitations, and other issues to be explored further. Recommendations for a new regulatory framework and practices are also discussed in this chapter.

CHAPTER TWO

APPROACHES TO PUBLIC SERVICE BROADCASTING

2.1 INTRODUCTION

Globally, PSB has been recognised as a tool to solve issues relating to broadcasting ownership, diversity of content, audience accessibility, and the structural administration of radio and television broadcasting. In the communication platform of radio broadcasting in Thailand, the idea of PSB has been initiated to cultivate PSB principles nationwide, while the method of communication of radio broadcasting has been struggling for various reasons.

The literature reviews in this chapter have guided the way for the researcher to contribute an analysis of radio broadcasting in Thailand as well as worldwide theories and thoughts about PSB, Habermas's idea of the public sphere; and the economic function of market failure that initiated the communication space. These concepts comprise the theoretical and analytical framework for this research. This framework will later be applied to policy documents that shape the radio broadcasting market structure and practices in Thailand (see Chapters 6, 7 and 8).

Working with similar principles to those of PSB, community radio is also considered to identify its characteristics and its significance, since community radio has played a major part, and has had so much influence, in developing countries such as Thailand. The concept, obligations and administration of community radio are set out in section 2.3 of this chapter.

This chapter sets out various approaches to PSB (see Figure 2.1), and three main features are outlined. First, PSB includes duties and obligations to society and, second, its market. Third, the concept of community radio, which includes that of PSB with its service in the public interest, is defined in this chapter, together with its features, obligations and administration.

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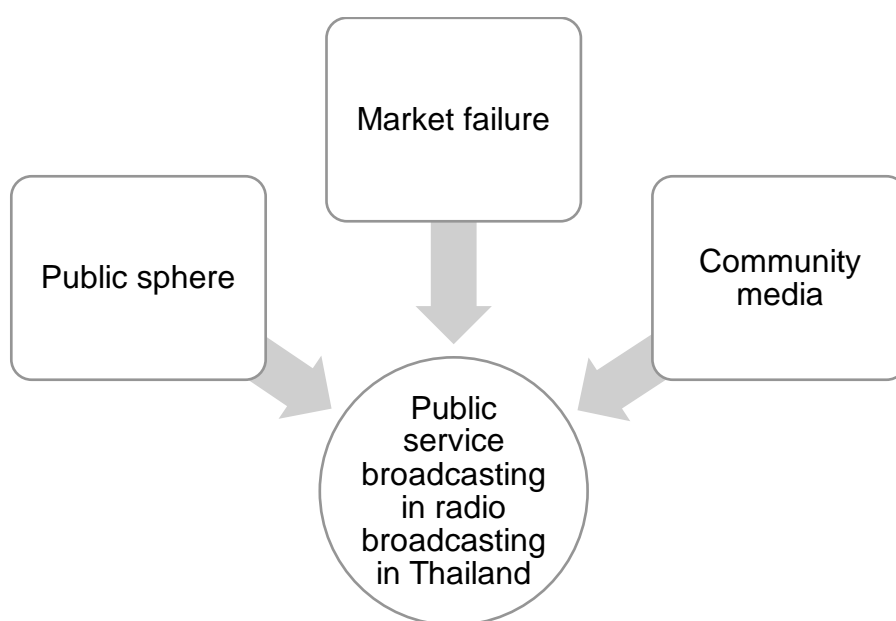
Figure 2.1 Concepts and theories applied to this research.

This chapter about approaches to PSB aims to identify the concept, obligations and governance of PSB within broadcasting media organisations and community media.

2.2 PUBLIC SERVICE BROADCASTING

Public Service Broadcasting has been defined in various ways. One such is based on a UNESCO publication as follows:

PSB is broadcasting made, financed and controlled by the public. It is neither commercial nor state-owned. It is free from political interference and pressure from commercial forces. Through PSB, citizens are informed, educated and also entertained. When guaranteed with pluralism, programming diversity, editorial independence, appropriate funding, accountability and transparency, public service broadcasting can serve as a cornerstone of democracy (Nissen, 2006, cited in Abbot, 2016, p6).

This definition explains PSB, which covers political and commercial non-interference, objectives, programming and governance. With regard to the above explanation, PSB can be clearly elaborated in two different ways, adopting either an institutional or philosophical point of view. That is, PSB can be constructed as an organisation, as a place to rely on, or can be seen in an ideological sense, representing various opinions and identities. Public service broadcasting provides different ideas to the public that are easily understood by most people, despite their different backgrounds. People are able to expand their understanding and access different points of view, so that they can make better decisions about issues related to their lives. Public service broadcasting may also be an institution that provides a space for people to share opinions and exchange views.

In the Peacock Committee 1986 in the UK, PSB was understood to be: 'any major modification of purely commercial provision resulting from public policy' (Peacock, 1986, cited in Crisell, 2002, p130). Crisell (2002) explained that this was the service viewers as taxpayers and voters, but not as consumers in terms of marketing or economics, were eager to support and that PSB provided a service which the market could not do.

In Section 264 (4) of the UK Communications Act of 2003, the UK parliament attempted to define PSB for the purposes of programming provision and for the needs and satisfaction of audience interests (Feintuck and Varney, 2006). The UK Office of Communications (Ofcom) maintained that PSB affects and reinforces UK cultural identities through original programme production at national and regional levels, and that it occasionally brings audiences together to share their opinions about original content (Ofcom, 2017, cited in Booth, 2020). These characterisations of PSB show it to be grounded on the basis of diverse content and different audiences. Therefore this research considers both content and audiences to be principles of PSB.

Definitions of PSB have evolved with technological advance and societal values. In some instances, PSB has possibly been amended to include not only broadcasting services but also public service media (PSM) (Abbott, 2016) as one of the public communication platforms. Public service media may be defined in the same way as PSB, but also includes other platforms such as online access. Although the notion of PSM has recently been applied to the media, with responsibility for public services with a full range of information, journalism and entertainment, PSB still retains its own unique characteristics within the broadcasting media. The term 'public service broadcasting' tends to be used in this thesis rather than PSM, as the main focus is on the policies of radio broadcasting in Thailand, rather than on other forms of media. Also, radio broadcasting is still one of the main methods of communication available to Thai

audiences and broadcasters in terms of devices and budgets as shown in Chapter 4.

Public service broadcasting is defined as a self-sustaining philosophy that guarantees access of essential information to all citizens in the country in which it operates, and has to service all groups of people from every social background. To date, in some countries PSB ideology has lived up to its original concept where their ecosystems have helped to sustain PSB principles. In Thailand, however, the original concept of PSB in radio broadcasting, which this research focuses on, is still to be achieved.

Regarding the basis of PSB, Scannell (2000, cited in Hendy, 2013, p58) stated that it was to: 'fulfil—never without difficulty, always under pressure—its role as an independent "public sphere" and [act as] a forum for open public discussion of matters of general concern.' Public service broadcasting works through stipulations geared to asking the nation's population to initiate a collective environment of responsible opinions about the society they live in, and also to represent minority groups of people.

Public service broadcasting stems from the notion of the public sphere, which this research has used to analyse data and apply to radio broadcasting in Thailand. In the literature review it was found that PSB originated from two main needs: to generate a public sphere as a tool for democracy, and to prevent market failure by state intervention when the market cannot react to the needs of all customer groupings. Both these needs are discussed below.

2.2.1 Functions of PSB in society: the public sphere

When using the words 'public sphere', people usually think of a place where people can join to engage in activities together. Primarily, the public sphere can be said to comprise a collection of individuals demonstrating different perceptions within different participatory ethnic groups, with different religions, occupations, ages and backgrounds. The notion of the public sphere has been utilised in many areas to involve the use of space for democracy, societal participation and media including PSB.

The notion of a public sphere was formed by Jürgen Habermas, a German philosopher who considered it to be a mutually inclusive space for private individuals to share and interconnect with ideas about their lives (Susen, 2011), and where the private sphere could expand its activities to become part of a public sphere (Collins, 1992). Limapichart (2009) has said that a public sphere occurs when private individuals gather together in a critical debating platform relating to common matters and in an atmosphere of anti-authoritarian power. As a collective arena, the public sphere allows PSB to inform citizens. To access the public sphere comprehensively, individuals need to lower or exclude their personal objectives to help create a public sphere for the whole society. This can be done through participants holding a discussion in a shared space. Habermas (1962, cited in Reid, 2014) claimed that the public sphere appears as an independent space detached from political influence where social and political issues are publicly debated.

Habermas also considered that media create a society which generates responsible public opinions that may be opposed to the power held by private individuals (Livingstone and Lunt, 1994). In many societies, since media comprise a constructed place for leaders and citizens to contact each other indirectly (Thomass, 2003), the public sphere is a place for discussion of shared values. Iosifidis (2010) has maintained that the shift in opinion transfers from self to public by pre-eminent institutions such as mass media. This explains the responsibilities of the public sphere in general, in which broadcasting media, particularly PSB, can be counted as one of the public spheres serving the general public through collective debate.

The focus on access and participation is very important for maintaining the notion of the public sphere (Gaynor and O'Brien, 2011, Meadows et al., 2005, both cited in Jirattikorn, 2016). Habermas's public sphere represents enlightenment in a public space in social and political life, and hope for a democratic state (Gitlin, 1998, cited in Calhoun, 2011; Habermas, 1989, cited in Raboy, 1995; Jacka, 2003). This is because PSB allows people to form a place in which to join and participate in discussion and argument.

According to O'Neill (2015), PSB is considered to be a public good because it is a public space offering different opinions. It provides access to collective information; access to important criteria, and engages with different viewpoints, diverse understanding, awareness and toleration among citizens, and also provides shared cultural entertainment. Calhoun (2011) has also suggested that

the public sphere can access the public good through the creation of both public and private strategies.

Moreover, the public sphere is a place where important concerns of citizens can be aired, together with their organisation, dialogue, debate, cultural creativity, and where state organisations serving the public's interests can state their views (Calhoun, 2011). The platform for broadcasting media is not only a place where differences can be shown, recognised and accepted, but also a market place for ideas and for people to share their creativity.

Nevertheless, there are criticisms regarding the public sphere relating to its neglect of certain issues. For instance, criticism appears in Helbardt's statement of 2015 that income, gender and ethnicity are characteristically excluded in the the public sphere. Jirattikorn (2016) has said that pluralism in Habermas's concept of the public sphere ignores pluralism for marginalised groups in mainstream channels. In the past, the notion of the public sphere was weak and both public and private spheres were separated, but now private and public spheres are more conflated (Negt and Kluge, 1993).

Acting as a public sphere, broadcasting accepts the public as consumers and citizens in which commercial broadcasting is responsible for consumers. However, PSB acts in its duty to audiences as citizens (Smith, 1991, cited in Raboy, 2006). Here, broadcasting's public sphere accepts a public service in its role to count its audience as citizens in society and is different from its commercial counterpart.

Another concept aims to clarify PSB principles in terms of the public interest and as a tool for democracy. Public service broadcasting mediates between political and corporate interests, and does not have to maximise profit or political power, but has to provide the best platform for a modern public sphere (Garnham 1990, cited in Collins, 1992). Also, Tracey (1998) has noticed that within the public sphere the media are responsible for presenting and fostering the organisation of democratic activities. Public service broadcasting is therefore a functional tool to serve democracy and link people together. Significantly, Thomass (2003) believed that media can utilise the concepts of civic engagement, transparency and access.

Barnett (2009) and Susen (2011) have agreed that the public sphere plays an important role in providing a democratically constructive environment. The public sphere has been seen as a significant tool to deliver the requirements of a democratic society, together with public interests related to journalism that support a healthy democracy. In most democratic countries PSB is usually available to sustain a check on government activities.

Livingstone and Lunt (1994) have suggested that a public sphere is a means for citizens who participate in communication to form a relationship between the established power and its citizenry. As an operational and independent purveyor of information, PSB is able to empower people to associate with key matters within a given society. Livingstone and Lunt (1994) have stated that individuals who are concerned about what they think and create may have an impact on the

society they live in. PSB is an instrument that can be utilised to access sources of important information about the way people live now, and inform them of this information.

Public Service Broadcasting is responsible for providing people with information for them to empower themselves, and it is the responsibility of PSB to provide information about human knowledge and achievements to homes (Scannell, 1990). Bardoel and Brants (2003, cited in Bardoel and d'Haenens, 2008) highlighted the political responsibility of PSB in its association with democracy, pluralism and public debate, and also with socio–cultural goals to serve social integration, cohesion and cultural affiliation.

Public service broadcasting is one of the main devices for many countries to enable their population to be involved in creating and repairing democracy. Smith (2012) noted that PSB is a major pillar of support for a functioning democracy as well as a culture-enriching device, and PSB institutions provide an essential space for fostering democratic practices among citizens (Padovani and Tracey, 2003). The public sphere is an obvious place for preparing people to be active citizens in a democratic society, in which they are not just consumers of products (Limapichart, 2009). Public service broadcasting demonstrates that the rights of individuals can create an expansion of a collective society to connect with, and legitimise, democracy (Nissen, 2006). People can empower themselves by getting involved in PSB.

To summarise the PSB societal function, the public sphere is a framework which relates to PSB as it is where people can join in a social space with various concerns related to politics, the economy, culture and their surroundings. However, the idea of a public sphere cannot be utilised in every society as a country's political ideology may prohibit its inclusion, even though the theoretical concept of a public sphere may be a PSB ideal. To initiate PSB organisations, it is necessary to ensure that their governance can rely on PSB principles, which can function both in society and in content creation.

2.2.2 Functions of PSB in the market: market failure

There have been debates about whether it is proper for a government to intervene in the broadcasting market to originate and operate PSB. Worldwide, PSB has been looked after either completely or partially by state-related entities resulting in PSB obtaining priority over other broadcasters. State intervention is seen in a negative light because of the excuses it provides to manage PSB. State-related bodies are both direct players in, and also regulators of, the broadcasting industry. Many people, however, believe that the business market should be free of any control and interference so that corporates can compete in a fair market. Regulations are then supposed to support PSB, but with state intervention problems dominate the broadcasting market. A careful balance of state intervention in the broadcasting business needs to be considered.

One of the concepts of market failure of radio broadcasting is identified as a social problem rather than failure to deliver specialised information in a competitive market (Tambini, 2015). The radio broadcasting market may not be able to

achieve the required satisfactory output of programmes for various groups of people because there are so many groups in terms of ethnicity, nationality, gender, age, religion, race, occupation, and possibly in terms of other factors.

Moreover, the market supply of broadcasting cannot fulfil the needs of all the different groups of people, and PSB helps to supply the needs of those who have previously been unable to access the broadcasting market; that fills the gaps with the optimal public outcome. McQuail (2003) has said that PSB was created and maintained to provide for social needs, usually determined by a democratic political system, to serve the public interest that goes beyond what market forces provide.

For Dijk, Nahuis and Waagmeester (2005), PSB can be rationalised by the issues of incomplete market-oriented origination of broadcasting, and because moral values in broadcasting are affected in terms of programme content. It should be noted that the value of certain specific content cannot be accounted for in terms of prioritising financial criteria. By focusing on advertising revenue, the variety and quality of programmes in the commercial sector are unsatisfactory in a solely commercial market (Armstrong, 2005). Public service broadcasting can respond to citizens' needs better than its commercial counterparts in forming quality standards and in creating specific content for particular audiences (Bardoel and d'Haenens, 2008).

O'Neill (2015) has claimed that with regard to media content provision, arguments surrounding market failure have supported the notion that audiences deserve

desired content currently unavailable. This occurs in areas where specific content is not available and minority groups are not serviced and cannot access programmes to sustain their identities and existence. This notion of market failure appears clearly in the radio broadcasting landscape of Thailand which this research focuses on.

Another reason for market failure stems from what Pickard (2015) says. He claims that market failure occurs when the market is not able to provide and share resources proficiently, in particular regarding commodities for the general public. This results from radio broadcasting companies not receiving a return from their investment, or when consumers cannot afford to pay for public broadcasting services. In situations such as these, market failure is defined as an inefficient outcome in which the expected gains cannot be reached through the provision of cost-related personal preferences (Ofcom, no date).

When market failure occurs, the government potentially intervenes to ensure efficient provision of services regarded as the norm (Ofcom, no date). For instance, the Ofcom has justified PSB and government intervention on its behalf in the broadcasting market (Ofcom, no date). Regarding the economic perspective, the state should intervene to ensure the provision of beneficial broadcasting and to include education in democratic countries. Booth (2020), and Frey (2003, cited in Booth, 2020) have discussed this market intervention to justify this.

In Ofcom (no date), it is stated that audiences are keen to receive PSB, and that certain types of broadcasting benefit the entire public as a result of its delivered positive externalities, in which market failure is significant and seen for certain programming content (Dijk, Nahuis and Waagmeester, 2005). In broadcasting content, for instance, children's programmes are potentially within the scope of market failure (Steemers, 2017). In general, most media businesses can work profitably only once the programme content obtains an affordable profit. Such organisations usually eliminate low profit-oriented content, and replace it with profitable programmes.

In a liberal economic system, if demand is high, supply will grow. Economically, the active broadcasting media market seems to be problematical because of the highly competitive costs to entry and the plurality of programme production without concerns of certified programme diversity (Nissen, 2006). Bardoel and d'Haenens (2008) have suggested that from an audience perspective, commercial broadcasters mainly provide entertainment content, while public broadcasters tend to serve information and factual programmes to satisfy citizens' interests.

Reid (2014) has stated that Habermas thought the failure of traditional media to access the public sphere resulted from technological and economic limitations. Public service media were unable to represent universal access and to 'inform, educate and entertain' as Reith, the BBC founder, said of the British Broadcasting Corporation (BBC). In the twenty-first century, the problem of market failure possibly no longer concerns broadcasting competitors of PSB, since technology

has changed the way people communicate and is a phenomenon that eliminates the condition. However, for some societies that have not yet experienced technological media advancement, PSB is required when there is market failure, and Thai radio broadcasting is an example of this.

Market failure may be problematic for initiating PSB because demand and supply of the market, as well as media content presentation, cannot be predicted in the broadcasting industry. In the event of market failure in radio broadcasting, state intervention in the public interest is required, since the public should be able to attain the best outcome from PSB.

Also, as is shown in the analysis of radio broadcasting in Thailand in Chapters 6, 7 and 8, market failure plays a significant role in producing the marginalised and niche content in the broadcasting media as a result of the government and military organisation ownership of the radio frequencies (explained in detail in Chapter 4). In the next section, therefore, PSB obligations are discussed to explain the responsibilities and programme content for its audiences.

2.2.3 Public service broadcasting obligations

This section focuses on PSB principles and guidelines for PSB. Public service broadcasting obligations are grounded in the analysis of radio broadcasting in Thailand as shown in Chapter 6, 7 and 8. Each PSB organisation has its own objectives, depending on various factors and many practical principles in each context.

Garnham (1990, cited in Collins, 1992) suggested that public service principles should be prioritised rather than market principles in terms of supplying a public good to all citizens, and that a large amount of quality entertainment, information and education should be made accessible to the public, mainly concentrating on the objective of audience satisfaction rather than profit. The justification for PSB has been rooted in normative values related to democratic conditions of society.

Both Thomass (2003) and Hendy (2013) have concentrated on media values as part of the public sphere, in terms of the principles of responsibility and independence. Thomass (2003) added that media are an important element of the public sphere because they have to implement these notions. He emphasised inclusion, transparency and access. Hendy (2013) argued for the value of a strong public dimension to the media, free from commercial influence or political interference, universally accessible, pluralist in spirit, and mindful of the value to be found in collective experiences while nurturing a collective potential.

Objectives of PSB principles are differently classified according to the different contexts involved. Bardoel and d'Haenens (2008), for instance, see PSB's key purposes as being concentrated on low cost and universal provision of accessible, credible information, education and culture, as well as offering programmes based on minority tastes and interests. Crisell (2022) mentioned the Annan Committee's statement of 1977 that it is challenging to expand and diversify broadcasting while at the same time sustaining public control and access. The PSB principles are therefore reviewed in this research as the root to hold on to.

Principles related to content, accessibility and diversity, and audiences of public broadcasting are discussed below. The principles of PSB as suggested by many theorists can be categorised in two different groups. The first group is related to reaching audiences widely without limitation to restricted groups of people in terms of accessibility. The second group is primarily concerned with the key principles of universality and pluralism, which appear in the programme content.

2.2.3.1 Public service broadcasting principles regarding audiences

One of PSB's responsibilities is making sure that people are treated equally, despite people's different needs. To some extent, PSB's insistence on stressing people's differences is a requirement of the society concerned. People come from various backgrounds, and display a variety of needs regarding programme content. A significant indication of a democratic society is that it tends to stress the importance of differences.

The principle of accessibility means that people in rural areas must be able to access information as easily as people in urban areas, taking into consideration different lifestyles, incomes, ethnicities, genders and backgrounds. Accessibility also means that the content provided must be easily available and understood. Universal access means that programmes covering a wide range of interests have to be offered to everyone and without charge (Raboy, 2006). Everyone must be able to access programmes, and people in both urban and rural areas must be able to access the same programmes.

The accessibility in terms of content that broadcasters need to be concerned with is not only the variety of content for different groups of people but also different types of broadcasting technology for users. Public service broadcasting has to consider the levels of technology available in each area to cover its target audiences.

To illustrate, equal access to educational programmes for people's quality of life should be a requirement for everyone. The universality and availability of PSB can guarantee the functions of a democratic society, allowing for the characteristics of impartiality, accuracy and non-market orientation in public media (Iosifidis, 2010). Michalis (2016) noted that citizen-centred media, which are different to commercial media, can support communication rights, which include access to information, equally distributed resources and the power of communication, which results in the increase in trust and understanding on the part of audiences.

Public service broadcasting can also support the communication rights of people. Iosifidis (2014) has said that public service media can work to increase civic engagement and public interest through providing information and cultural expression, together with the universal availability of low-cost receivers. Public service broadcasting therefore has to coordinate with other organisations affiliated to the service, including broadcasting receiver manufacturing companies and bandwidth transmissions to ensure people can access PSB channels.

Programmes have to include content targeting different groups of people. Market-based broadcasters tend not to care about small groups of people, because it does not seem worthwhile producing programmes for only a small number of people with production costs that are difficult to cover. Also, programmes for small audience numbers means that they cannot be sold or attract advertising. It is essential to understand the need for accessibility and universality which are PSB principles that cover audiences in their various locations.

2.2.3.2 Public service broadcasting principles regarding content

The amount of information available demonstrates content variety, with different inputs through different media outlets. Various data can target different audiences, especially minorities. Programme plurality can show different content for marginalised people, with the content in each instance being defined differently.

To start with, plurality of content means that PSB needs to be wary about any interference of programme content on the part of business and political organisations. For Blumler (1991, cited in Lunt, 2009) in Europe, common features of the public service legacy are a significant range of programmes funded by a licence fee obtained from all audiences. According to Barnett and Townend (2015), plurality refers to the desired outcomes of the plural market, while they propose two overarching principles, which are the diversity of open viewpoints consumed through media enterprises and avoidance of any media that might influence public opinion and the political agenda. Additionally, Steemers (2001, cited in Steemers, 2003) has maintained that diversity,

pluralism, a universal service and preservation of cultural identity can lead to the application of PSB.

Public service broadcasting's core values determine various types of programmes presented to mass audiences, minorities and other social groups that have previously not been served (Scannell, 1990). However, content diversity may become difficult for PSB to access because, as Steemers (2003) has stated, the PSB principles of plurality and cultural diversity are burdens for PSB institutions.

One of PSB's essential requirements, therefore, has to be that there is universality of content, where a variety of content is provided to satisfy people's interests. Public service broadcasting's function is to provide programmes to accord with the social values of a country's citizens and the public good, and provide the public with essential information. The service should maintain both specific and general public values to sustain the whole society and specific groups within the society. Tracey (1998) set out one of the principles of PSB, which is competition in good programming. He mentioned the notion of Habermas's public sphere to serve marginalised people and various interests without the perspective of institutional management. Public service broadcasting can be used to protect and serve the rights of marginalised people.

Public service broadcasting policies should be responsible for content catering for all interests and tastes; appealing to minorities; being involved in national identity and community; being detached from vested interest and government;

being funded directly and universally; competing to create quality programmes rather than quantity of programmes; and providing guidelines for liberal programme producers on education, information, entertainment, balance, and fairness (Humphreys, 1996; Raboy, 2006; Tracey, 1998). The content of PSB should contain material of interest for both local and national groups of citizens so that people in all areas can access information related to themselves and others, and also gain knowledge that might help them to understand themselves and others better. Local content of PSB may serve people in the particular local area where it broadcasts better than national content. Rural people can have their own space to share their thoughts for their own purposes. At the country level, however, national content is also required.

According to Smith (2012), PSB principles guarantee pluralism and programming diversity, to enable PSB to serve as a cornerstone of democracy. In democratic countries broadcasting holds different values, which are shown in the differing content of the media, which rely on their priorities of principles that are discussed in Chapter 3 on comparative media systems.

Curran and Seaton (2003, cited in Feintuck and Varney, 2006) wrote that three main elements of PSB comprise the independence and impartiality of news and current situations that are covered, the production of high standard programmes, and actions required to help the various groups of people in society come together. Programmes of quality and accessibility are still the main concerns of public broadcasters, and they are also now expected to get involved in niche content, which does not concern commercial media (Bardoel and d'Haenens,

2008). Many PSB programmes are evaluated by their target audiences, who need to be satisfied with the content of both internal and external insights from various groups of people.

The way audiences are approached, together with the programme content, are indexes for evaluating PSB stations' obligations. To better address PSB's structural problem, which arises when there is no regulatory scrutiny along PSB principles, regulations need to be well examined and properly implemented to protect the multiplicity of PSB's output. Scrutiny may be undertaken by other broadcasters and audiences, as well as other social groups.

In the case of this research into radio broadcasting in Thailand, policy implementation is investigated regarding the application of the PSB principles of accessibility and universality. The data analysis of radio broadcasting in Thailand (Chapters 6, 7 and 8) focuses in depth on PSB principles to demonstrate the practices of Thai radio broadcasting to enable the PSB principles of accessibility and universality to exist in terms of audiences and content.

2.2.4 The public service broadcasting governance mechanism

The governance of the structure of PSB determines the way its concepts of principles and origination are delivered. The concepts of PSB impact on the structural management, along with the problems of the power of commercialism. The PSB administration has to be carefully considered and formed to ensure that PSB is not poorly directed and managed.

If PSB is sometimes partly bound by advertising revenues, an ability to produce content for public interest with budget limitations is determined by a competitive media market (McQuail, 2003). Booth (2020) mentioned that the 1986 UK Peacock Report included a significant statement regarding the economic issue of PSB, which was later suggested to be very important. Despite the Peacock Report, media regulations in the UK have usually been seen as legalised action for the government to intervene, and deregulation tends to be obvious (Feintuck and Varney, 2006). In this section on PSB governance, the research attempts to review the ways in which PSB organisations are managed.

2.2.4.1 Funding of public service broadcasting organisations and their management

With regard to the financial management of PSB, there are both commercial and non-commercial PSB services in the world. Public broadcasters need to be aware of practices for-profit and to conserve public service principles. The funding of PSB usually comprises a licence fee, advertisements and subscription fees, direct state funding, and special tax funds (Nissen, 2006) or equivalent public subsidy (Armstrong, 2005). There are also other methods of funding, such as selling programmes, supplementary rights of application fees, and additional methods of taxation.

Many European PSBs carry advertising in addition to the licence fee to cover their expenses in achieving their aim. Sepstrup (1989) stated that commercial and non-commercial PSB do not receive their income from the same financial sources. State organisations in countries such as France oversee PSB, while the

UK's BBC and ARD and ZDF of Germany have independent public organisations to regulate PSB.

According to Humphreys (1996), PSB constructions can be categorised as pure public broadcasting monopoly, mixed revenue public monopoly, and dual systems. A pure public monopoly system earns revenue from the licence fee alone, such as the PSB system in Sweden. For the mixed revenue public monopoly, PSB income comes from both the licence fee and advertising, which exists for the Spanish PSB. In Finland and Italy, public broadcasters coexist with their private commercial partners within a dual system, whereby commercial and public broadcasters operate in parallel together.

The budget for advertising within a PSB system is restricted to a low level, so commercial broadcasters cannot gain control over PSB content and administration. Advertising in PSB is allowed in Europe and the European advertising rules legislated by the European Commission do not tend to protect this resource in the countries' interests (Burgelman, 1986).

In addition, an expanded media market limits production budgets and capability of the institutions concerned to act in the public interest (McQuail, 2003). Advertising as a type of funding seems to be a problem for some PSBs, while other broadcasters need to have access to public funding to generate diversity and provide the same advantages of competition as an open market (Freedman, 2009). Different models of funding in different countries are illustrated to compare media systems in which PSB organisations can exist.

A debatable option is a subscription fee. It has been contended that universalities might be lost if the licence fee were to be transformed into a subscription fee (Bardoel and d'Haenens, 2008). A subscription fee would tend to put PSB in the same market as cable or satellite broadcasting, where viewers have to pay for what they view, and PSB can hardly compete with this. A subscription fee funding would definitely result in commercial prioritisation rather than PSB objectives (Humphreys, 2008), and would not be available for everyone.

One type of funding received is household licence fees, which is recommended but apparently non-negotiable when a politically independent entity organises this (Humphreys, 2008). The PSB management of funding is controversial because of the problems of ownership, the low amount of revenue, and government intervention.

Other ideas regarding PSB funding internationally focus on increasing co-production funding, or raising revenue, which affect certain types of programmes (Steemers, 2003). This is similar to what the Peacock committee recommended: that the BBC and ITV should derive a proportion of their content from independent sources which would benefit both in terms of the variety of programmes and reduction of cost (Crisell, 2002).

Booth (2020) claimed that content such as educational programmes are not watched by many people, and that such content can therefore hardly be considered for subsidising to increase its content. Because the broadcasting

streaming systems carry very low marginal cost, to expand and segment the market scope would widen the profitable range of content production in which the producers have to invest.

Another problem is the amount of PSB funding, and the limited income available that has to cover all tasks. The correlation between the revenue of PSB, the licence fee, and other types of public funding do not connect proportionally (Nielsen and Linnebank, 2011, cited in Tambini, 2015). It is questionable whether or not PSB will survive in the future.

To look after and support PSB, there should be an organisational committee linked to the government administration. Although many PSB broadcasters try to solve the problem of government involvement, government still plays an indirect part in their PSB funding. In each budgetary year, many PSBs receive funds allocated by state entities. Public service broadcasting has been threatened by subsidy problems and political interference because of taxation and the policy-making process.

In a time of disruptive technology, where there have been tremendous changes in ways of communicating via online devices, PSB has had to compromise between state pressure with respect to funding and management and PSB core values. Ultimately, PSBs have to balance with difficultly between redefining the principles of PBS within the disruptive communication ecology and protecting appropriate funding sources that are not negotiable with PSB principles (Steemers, 2003).

Technological development is taken into account regarding radio broadcasting policies, which in this research are in relation to Thailand where government policies are considered to affect the operation of radio broadcasting. A discussion of the construction of PSB organisations is therefore needed for later analysis of the institutionalisation of radio broadcasting regulatory practices in Thailand.

2.2.4.2 Protection of public service broadcasting's independence and administration

Many PSBs are interfered with by states, either through administration or funding, which is unavoidable if they are working with governments. A PSB's funding may be reconsidered if the station in question criticises the government or government policy. In this connection, Scannell (1990) has asked whether the state is supposed to stop controlling and regulating broadcasting media, and leave it to the market dynamic to shape its prospective development.

Public service broadcasting needs to balance its professional performance and governance. It is very important to maintain the PSB performance of unbiased and professional action. Smith (2012, p10) argued that 'Many state broadcasters fail the crucial tests relating to independence from the government and fair election coverage.' This statement provides a reason why many state-owned broadcasters cannot work independently, which is a barrier for PSB since in many instances the funding system and administration are involved in government policy.

Curran and Seaton (2018) have emphasised that broadcasters are strongly susceptible to political interference in the programme content when there is no commitment to public service. Public service broadcasting has to create a special relationship with the state and a commitment to public service, which leads to a new description of public service in the context of increased competition.

Moreover, broadcasters have found they have to compromise with the market because of the way the market operates. When PSB contains commercial activities that are not within the remit of public services, it needs to abide by market rules, which then means PSB needs to be protected and avoid funding subsidies from commercial activities (Depypere and Tigchelaar, 2004). In the Peacock report of 1986, the issues regarding PSB were the ideological responsibility for consumer choice, efficiency in terms of making PSB leaner and more resourceful, and editorial concerns which broadcasters are required to cover (Crisell, 2002). This report also considered whether the BBC should have advertising or sponsorship in addition to the licence fee, and whether these should be applied to the entire broadcasting system (Crisell, 2002).

To ensure that PSB principles and obligations are upheld, a resolution in Europe, the Audiovisual Media Services Directive of 2010, was set up by the EU parliament to protect European countries (Smith, 2012), together with PSB, and to confirm PSB mandates. Internal pluralism within Germany is used to adhere to the plurality principle of PSB content for all groups of people, and Germany's commitment to decentralised public broadcasting concurs with regional diversity.

Accordingly, structures and mechanisms of PSBs in many countries, particularly in Europe, have appeared to guard PSB principles. Representatives of PSB and accountability are transparent in European countries. Ofcom, a UK independent regulator, now promotes and regulates communication policies, and the BBC's independence from political and economic factors is protected by regulations set up by Ofcom, which this research discusses in this chapter and in Chapter 3 about comparative media systems that support PSB survival.

The main duty of Ofcom is to expand and protect citizen and consumer interests. Habermas emphasised the institutional role in the public sphere, and Lunt and Livingstone (2012) see this as one of Ofcom's roles. Habermas proposed the creation of a state network of administrative institutions in which a public sphere is formed, although this was in contrast to his previous formulation of a sole national public sphere (Lunt and Livingstone, 2012).

Public service broadcasting institutions should maintain a diversity of engagement in connecting with society to promote public expression in legal, administrative and regulatory entities (Lunt and Livingstone, 2012). That is, the broadcasting regulatory body should input the terminology of the public sphere in its institutional administration and management. Broadcasting actors can then work in harmony to compete and supply consumers and / or citizens in the industry.

Although Booth (2020) stated that consumer preference is supposed to guide broadcasting policy and content, Hendy (2013) claimed that media principles with

regard to the public showed a commercial influence or political intervention, together with a pluralist spirit and values found in collective experiences that cultivated the shared potential. Also, McQuail (1999, cited in Coppens and Saeys, 2006) stressed that usually the public interest is determined by political institutions.

Bohman (1996, cited in Lunt and Livingstone, 2012) saw that public engagement in institutional bureaucracy and administration is relied on in PSB, which is expected to be deliberately standardised within and in between public institutional procedures. This confirms the ideological thinking that the public should be able to participate in the PSB.

Public service broadcasting institutions are usually careful to ensure independence of their management and governance. Solutions to problems need to be carefully considered alongside the various contexts of political and economic systems, and cultural and historical backgrounds. The independence and principles of PSB may be protected by the given country's citizens and regulatory institutions related to PSB organisations.

Public service broadcasting has been investigated in terms of definitions, principles, obligations and governance, which provides the groundwork of this research. Other participatory media are also reviewed in this chapter because of the Thai circumstances applying to community media. In the next section, the functions of community radio are discussed. Its position is shown to be very

strongly rooted in the landscape of radio broadcasting in Thailand within the public sphere and upholding PSB principles.

2.3 COMMUNITY RADIO

Community broadcasting, also known as community radio, has been in existence for a long time. Community communication is described as a method of public communication by creating a public space within the area of a particular community (Hollander and Stappers, 1996, cited in Klaikao, 2004). The method of community communication has also taken place by applying the concepts of the public sphere as well as market failure. Community radio broadcasting is seen in many areas of Thailand, although currently (2021) only experimental licences are permitted for broadcasting.

To sustain the public sphere, community radio stations focus on participatory activities within their communities (Gaynor and O'Brien, 2011; Meadows et al., 2005, both cited in Jirattikorn, 2016). Community radio stations justify being within the public sphere when PSB is not available in local places. Moreover, the notion of the public sphere is a resource for rights of the public, which are seen in community broadcasting through the rules and conventions that groups of people can develop and manage (Vuuren, 2006).

Community radio comprises a mixture of the meaning of PSB in terms of positive values and also various commercial values that may be negative, although the borderlines of these values are not clear because of different media forms connecting to communities and people's daily lives (Lunt and Livingstone, 2012).

Klaikao (2004) added that individual rights are guaranteed through citizens engaged in public communication by the creation of community media to discuss community concerns, which impartially present information and collective community values that are opposed to the culture of the people in power in the country (White, 2001, cited in Klaikao, 2004) as shown in Figure 2.2 below.
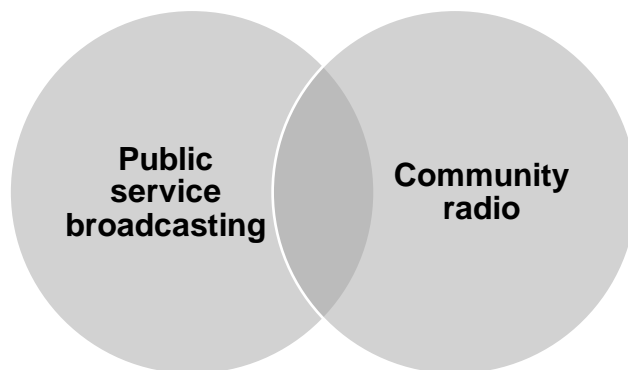
Figure 2.2 The collaboration of PSB and community radio.

Despite the imprecise meaning of community radio, it is very widespread in developing countries such as Thailand where problems occur with local radio broadcasting. To understand community radio, its definitions, principles and administration are set out in the following section.

2.3.1 Definitions of community radio used in Europe and Asia

Community media, which includes community radio, are defined in many ways, derived from many theories with various terms such as participatory media, alternative media and citizen media. To illustrate, the word that Atton (2015) has used regarding community media is 'participatory' (Gumucio Dagron, 2001; Servaes, 1999, both cited in Atton, 2015), Rodriguez has used the word 'citizens'

(Rodriguez, 2001, cited in Atton, 2015) and Downing has used the word 'radical' (Downing, 2001, cited in Atton, 2015); 'radical' because the particular community media he was addressing comprised an oppressed and marginalised politically struggling group. In this research, the term used is 'community radio', which is also used in Thailand's regulatory documents.

UNESCO Press has said that community media comprises the use of two-way communication media (Berrigan, 1981). In AMARC and Panos's definitions (AMARC and Panos Southern Africa, 1998, cited in Atton, 2015), community media are described as:

> not about doing something for the community, but about the community doing something for itself, i.e., owning and controlling its own means of communication (Atton, 2015, p179).

The World Association of Community Radio Broadcasters (AMARC), a non-governmental international organisation, is responsible for community radio in 150 countries, comprising 4,000 members. Community radio operates in a lot of areas and demonstrates the participation of communities and the way they live.

Berrigan (1977; 1979, cited in Howley, 2010), sponsored by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) claimed that access and participation are identified as vital concepts. Ideally, these definitions by UNESCO and AMARC have set out the community radio model and operating system (Seneviratne, 2011).

Moreover, the definition of community media can be related to geographical areas where communication takes place, and usually community interests in terms of language, ethnic origin, gender, sexual orientation, political thoughts, lifestyle, and musical taste (Atton, 2015). Helbardt (2015) claimed that community radio can help with the perception of ethnicity through the use of the languages of public minorities. This defines community media, which cover not only the areas located but also the scope of interests.

Another definition of community media is from Howley (2010) who has said that community media has embraced different activities on a community basis, aiming to supplement, challenge, or change the principles, structures, finance, and cultural patterns and performances related to mainstream media. Howley also mentioned what Tacchi, Slater, and Lewis (2003, cited in Howley, 2010) had said, which was that community media work is important for shaping and informing all the various points of view. This definition of community media stresses the role of community radio broadcasting in society, which helps society access the organised public sphere.

Community media are usually described as local media in Europe, whereas in developing countries they are called participatory media (Rennie, 2006). Also, referring to Rennie (2006), community media provided a different definition of public interest to address the monopoly structure of PSB in Europe, and the legalistic performance of free speech in North America is seen to be facilitated by commercial actors who obstruct civil society in constructing the policies delivered to the community. Lunt and Livingstone (2012) observed that while the

determination of civil society to form community media in the USA is obstructed by free speech in legal demonstrations, additional meanings of public interest are seen in European community media, which attempt to halt the public service monopoly (Carpentier, 2010; Stroller, 2010, both cited in Lunt and Livingstone, 2012).

Furthermore, community broadcasting, which is not well expressed in Western society, stems from particular groups who would like to serve their communities. In Europe, community broadcasting is founded on account of pressure from community groups rather than as a result of government directives, and community media are seen as a method of communication to sustain the survival of civil society (Rennie, 2006).

In places in which PSB is well preserved, such as in Western Europe, Canada and Australia, community media contests the concept of national unity through the expression of various interests of ethnic groups and cultural minorities that are not expressed by national broadcasters (Berrigan, 1977, cited in Howley, 2010). Lunt and Livingstone (2012) have stated that in places where PSB is deeply embedded at national and regional levels, PSB social benefits are not extended to be supported for community media, and community media are opposed by their commercial and public service counterparts as shown in Ofcom's consultation (Lunt and Livingstone, 2012). Community radio, however, fills a gap left by national broadcasters who cannot supply information about minority interests.

Community radio is defined by the Peacock Committee as:

> a fourth tier of radio … either in the form of a low power transmitter broadcasting to the immediate neighbourhood, with a close involvement of the community, or [as] a station broadcasting across a wider area to a 'community of interest' such as an ethnic minority (McQuail, 1992, p63).

This is clear evidence that written legislation has verified the community broadcasting service of the UK for the local participation and concern of marginalised groups accessing radio broadcasting.

Community radio in the UK has been regulated under the Communications Act 2003, through the Community Radio Order of 2004. The Order provides a definition of community radio in terms of social interests, to provide services to the under-served, motivate discussion and experiences, and provide skills-training and community interconnection as set out below:

> Community radio was defined as a not-for-profit social enterprise, which resulted in social gain, while social gain was in turn defined as provision for those under-served by existing services (addressing social exclusion), facilitating discussion and the expression of opinions (promoting the public sphere), providing training opportunities to members of the community (skill enhancement), and affording an opportunity for the relevant community to reflect on itself and get to know itself better (social cohesion) (Lunt and Livingstone, 2012, p167).

For developing countries, AMARC promotes community radio as a method of communication (Rennie, 2006). This confirms that community radio is widely available and applied in areas where PSB has already played a part in society.

Countries such as Thailand have well known community radio stations that broadcast information about local affairs.

Community radio uses its power to give voice to voiceless peoples in local areas (Dahal and Aram, 2013; Martín and Matos, 2013; Medrado, 2013; Patil, 2014; Rodriguez, 2001; Tsarwe, 2014; Watson, 2013, all cited in Magpanthong and McDaniel, 2015). Community radio, which represents minority groups, contributes to the public sphere, serves to create cohesion for local communities and connects local groups with national entities (Lunt and Livingstone, 2012).

Additionally, Rennie (2006, cited in Lunt and Livingstone, 2012) said that the objective of community radio was to create bottom-up voices that a network of people would expand through a public arena. Community radio is defined as radio broadcasting which operates to enable people to communicate with each other in nearby areas about issues in which they are involved. In Western countries, the participatory method adopted supports the political basis of active citizen engagement of public concerns, which is the basis of a democratic system of government (Kim, Wyatt and Katz, 1999, cited in Klaikao, 2004).

The definition of community radio is explained as bottom-up participatory radio broadcasting on a voluntary basis, and this research has been engaged in analysing radio broadcasting in Thailand where the PSB radio station, Thai PSB, does not appear in the definitions of PSB. The governance of community radio is reviewed in the following section, along with the civil society that forms the participation in radio broadcasting of Thailand.

2.3.2 Administrative structure of community radio and civil society

The administration of community media, including radio broadcasting, is very important. Howley (2010) mentioned community media in contemporary media systems to show interference in structural inequalities and power imbalances. A strong structural administration significantly assists the principles of community broadcasting.

Atton (2015) mentioned that community media comprises three features which are: not-for-profit with social benefit and gain, a community-owned and accountable service, and community participation in production and management. Rennie (2006) claimed that community media are on a not-for-profit basis and allow for community participation in radio production, but that each station varies in terms of its financing, structure and intended audience.

With the idea of media made by, and for, the general public, community radio appears in diverse forms, and is obliged to provide information about community local authority services, and cater for economic development, employment and workplace opportunities within the region, as well as allowing for cultural and language diversity and civic engagement on a voluntary basis (Lunt and Livingstone, 2012). These are the designated responsibilities of community radio.

Howley (2010) has said that the operational administration of community media is totally different from that of corporate media. For example, as far as finance is concerned, community media rely on donations, limited advertising, grant

funding, and other non-profit methods of support that are protected from advertisements. Also, the participatory decision-making structure and practices of community media are different from the structure and practices of corporate media.

According to Molnar (1997, cited in Couldry and Dreher, 2007), the community broadcasting sector affirms access to, and participation within, the airwaves as a public resource, since community radio depends upon volunteers and stations providing training and operational facilities to community members. In Australia the community broadcasting sector is the largest diverse broadcasting sector.

According to Lunt and Livingstone (2012), the UK Community Radio Order of 2004 sets out the specifications for community radio, according to what Ofcom deems appropriate in the UK. Criteria include appropriate characteristics of the station, relevant communities, potential social benefits, financial competence, a responsible method and perspective for people's participation and education, as well as a compatible quality with other local stations. The Order eliminates the media ownership issue by limiting existing stations to ownership of community radio licences, and restricting the ownership to one licence per one group to operate a community radio station. This Order allows the licensing process to include applicants who want to serve specified locations and communities (Lunt and Livingstone, 2012).

Lunt and Livingstone (2012) saw that funding, a regulatory burden, has been a concern for community radio stations resulting from limitations of financial

management and attempts to separate community radio from commercial and public broadcasters. In the financial year of 1 April 2020 to 31 March 2021 in the UK, the Community Radio Fund accounted for 606,810 GBP, which was granted by the Department for Digital, Culture, Media and Sport (DCMS) (Ofcom, 2021), which Ofcom is responsible for allocating. Lunt and Livingstone (2012) also stressed that this fund might not be accessible to applicants because of the lack of available public funding, and Hallett and Wilson (2009, cited in Lunt and Livingstone, 2012) stated that Ofcom could not fulfil its remit to grant licences to satisfy the specified conditions because of the lack of funding.

In a country like the UK where PSB comprises the main broadcasting outlet, community radio funding is strictly controlled and limited to specifications of station qualifications to reach the desired social gain. Community radio stations are perceived to be a secondary level of broadcasting, and they fear being bound to qualify for a licence to receive funding. Allowing community radio stations to carry advertisements is a controversial issue (Lunt and Livingstone, 2012), which is discussed later through the Thai landscape of radio broadcasting in Chapter 8 relating to regulatory practices.

Given that communities themselves have problems, community media are hard to administer since community spaces are natural contemporary democracies on account of the variety of diversity and values, which even the market and government cannot reach (Rennie, 2006). This is the case with community radio in Thailand, where there are very many issues within stations, which rely on an effective administration to sustain the spirit of the public sphere.

Once overlooked by mainstream media within the public sphere, community radio as a part of the societal ecology has now been promoted and employed within the scope of a regulatory framework determined by government, which has been studied by public service and commercial broadcasting services (Rennie, 2006). Community radio and civil society have been closely connected and integrated with one another and play a large part in people's lives.

Dean (1996, cited in Lunt, 2009, p220) considered that in the West there is a concentration on democracy and its presentation in societies, which forms a 'network of institutions, movements, associations, and discourses', while Habermas (1992, cited in Lunt, 2009) considered the public sphere to be reliant on civil society to refine and express the diversities and difference which inform the significance of social institutions. Habermas (1992) also claimed that a part of civil society was founded as the territory of commodity exchange and social workforces with its own rules.

Civil society is very important for public service media as well as for community radio regarding values and preferences because of public principles and individual freedom of expression that are expressed (Nissen, 2006). If civil society and democratic social discipline were to be lost, other stakeholders related to public service media would not be much more powerful and no difference between private and public service media would appear (Nissen, 2006).

In the community, networking individuals and social gatherings display a clear and noticeable alternative to mainstream civil society (Carpentier et al., 2001, cited in Lunt and Livingstone, 2012). In developing countries within specific local areas community radio is seen as a prime information and news source, and at the same time is responsible for links between the global and local worlds which have not been filled by other media (Howley, 2010). Howley (2010) has also pointed out that community radio provides spaces for civil society to respond to major events in their lives.

The International Association of Media and Communication Research (IAMCR) has expanded the notion of community radio, through the origination and circulation of community radio within civil society which is situated outside the state and market territories and with which it cooperates (Rennie, 2006). The widespread notion of community radio has emerged in Thailand through IAMCR and AMARC campaigns to deliver its practical application in local areas.

In Thailand, NGOs and media advocacy groups have been demanding permission from government officials to operate community radio broadcasting (Magpanthong and McDaniel, 2015). So far (2021) permission has not been officially granted; only 'experimental licences' have been granted up to now, and this research investigates ideas put forward regarding policy development to understand the reasons why radio broadcasting stations in Thailand have not yet been granted official licenses, with an elaborate analysis set out in Chapters 6, 7 and 8.

2.4 CONCLUSION

In this chapter, the literature review of PSB is discussed regarding the meaning of PSB, its principles targeting audiences and programme content, and its obligations and governance, including methods of funding and protection of PSB's independence. These issues are discussed in section 2.2 of this chapter, and are a guideline for radio broadcasting in Thailand to reach the foundation of PSB and enable PSB to operate.

Given the principles of PSB and the public sphere as well as market failure (shown in Figure 2.3 below), PSB functions in society as a collective space for everyone to access and to become involved in the information related to themselves, together with regard for diversity and national and local identities.
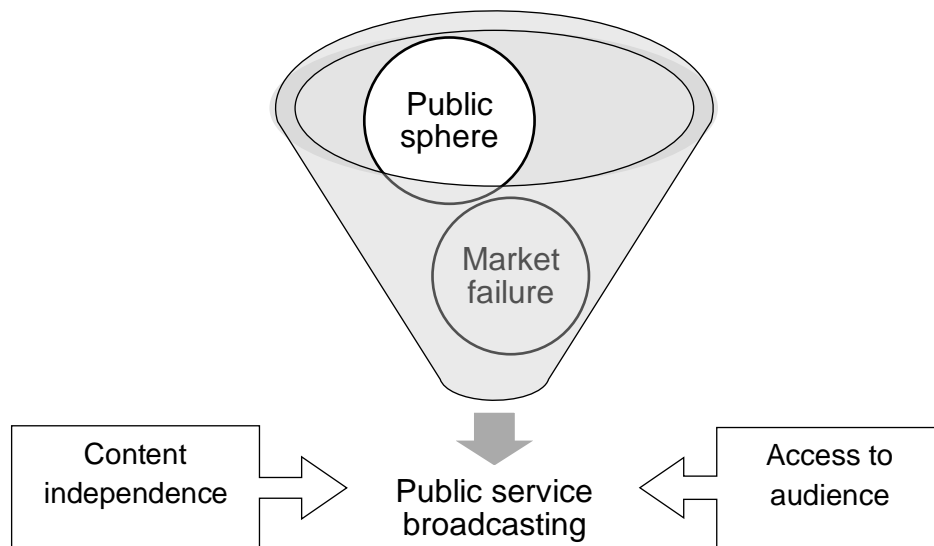
Figure 2.3 Causes and core principles of PSB.

Since community radio has played a significant role in developing countries, especially in Thailand, this research has discussed the definitions of community radio as shown in section 2.3 of this chapter, which overlap with the definitions and obligations of PSB. The administration of community radio in terms of its regulatory framework has been reviewed, with civil society taking part in its initiation and supporting the stations via voluntary operation and donations. Community radio is prominent in Thailand's radio broadcasting and currently features more than PSB.

Public service broadcasting and the principles of the public sphere reviewed in this chapter set the goals for governance of radio broadcasting. These goals will be used to evaluate the media policies and regulations that shape radio broadcasting in Thailand. Chapter 3 reviews the comparative analysis of media systems, and issues that shape media systems in different contexts are focused on to evaluate the feasibility of policies for achieving PSB and public sphere goals in the Thai context.

CHAPTER THREE

COMPARATIVE MEDIA SYSTEMS:

ECOSYTEMS SUPPORTING PSB PRINCIPLES

3.1 INTRODUCTION

The concepts of PSB discussed in Chapter 2 demonstrate the functions of PSB in democratic societies and their markets. Overlapping in part with PSB, community radio has also been shown to be a platform for public participation and empowerment in support of the concept of public sphere. As Thailand counts itself as a democratic country, these concepts should play a part in shaping the country's media systems.

This chapter examines the perspectives of comparative media systems in the West and East to help to analyse radio broadcasting in Thailand. The research analyses comparative media systems in various locations, with the main focus on European countries and in the UK in particular as it was where PSB originated. Comparative media systems have been divided into Eastern as Asian and Western as European approaches of understanding media systems and their characteristics.

The comparative analysis of media systems is laid out to bridge PSB principles and the media to show how the public sphere exists. It also shows how media landscapes in different countries cope with PSB principles through their frameworks. The PSB approaches in Chapter 2 therefore links the research with comparative media analysis (seen in Figure 3.1). Public service broadcasting

principles and the public sphere operate differently across various media systems. How well these principles thrive in each media system depends on the characteristics of these media systems. A comparative analysis of media systems provides insights into both enablers of, and barriers to, PSB's realisation of the public sphere.
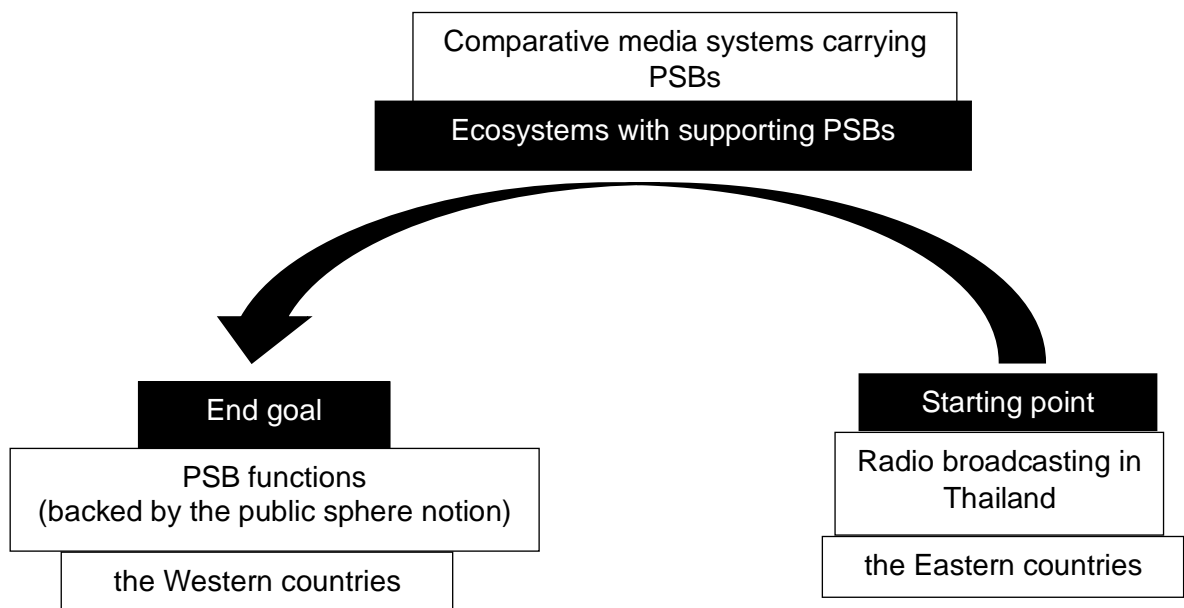
Figure 3.1 Linking PSB principles and comparative media analysis.

A comparative analysis of media systems allows the researcher to adopt an analytical framework to guide the policies of radio broadcasting in the country. An understanding of various media systems in a number of countries shows comparable issues which this research discovers in the ecology of radio broadcasting in Thailand. This chapter also touches on some challenges related to different media systems and an analytical framework that the research has created.

3.2 COMPARATIVE MEDIA SYSTEMS

Comparative analysis of media systems is a method for understanding media structures and their related features in different countries. This section examines different approaches to media systems and their characteristics in their given contexts and relevant issues. The discussion allows other media systems to be seen that are comparable to the Thai media ecosystem.

3.2.1 Approaches to understanding media systems

In undertaking a comparative analysis of media systems, the researcher aims to gain information about media systems which might be applied in different contexts. This section focuses on two geographical perspectives of comparative media systems: in the West and the East. Since there are different approaches of theorists to understanding media systems, this research selects theories of comparative media systems that are relevant to the context in Thailand. Relevant media systems in countries with social and political similarities are reviewed to possibly benefit radio broadcasting in Thailand.

Before discussing comparative media systems, it should be noted that there are different ways of defining a media system. For instance, Dobek-Ostrowska, et al. (2010) have claimed that a media system is a set of mass media within a specified nation, which includes a degree of politicisation, diverse profiles, funding sources, state control and regulation. Biggs and Burke (2002, cited in Lundell, 2010) have showed that media systems have been divided into communication modes in a place and time where old and new media have been able to access each other. For Hardy (2008), a media system refers to the organisation or operation of all

mass media within a given social and political system. More importantly, he specified that many factors explain the differences of media systems: economic levels, technological resources, the degree or urbanisation, broad social-cultural dispositions, and social and political structures.

Specifically, McQuail (2013, cited in Masduki, 2017) has defined a broadcasting system as a unity of action that aims to communicate with audiences through many forms observed in a comprehensive approach. A broadcasting system comprises a network of radio and television, which consists of complicated relationships between broadcasting organisations, the state or government interest, and, on some issues, the public.

Additionally, with global media now in operation, the political structure of a country affects the operation of media very significantly. Media systems can be recognised by the political systems that govern the countries concerned. Curran (2002), McCargo (2012) and McQuail (2013), all cited in Masduki (2017), have noted that both media and politics are interrelated and influence each other.

In each media system, according to Tunstall (2004), the media structure and audiences, ownership, new economic and technological development, major policy issues and initiatives may all be compared in different ways in different societies, cultures and geographical locations, as well as their national histories.

For some theorists, such as Vartanova et al. (2011), a comparative analysis of Europe was conducted by dividing countries into geographical areas. For

example, Eastern and Central European media were state-controlled and governed by communist ideology, while Northern and Western European media operated in mixed market economies within liberal democratic systems. However, this geographical classification is not quite as clear as it once was, since the ideology that once governed countries in specific locations no longer exists.

Humphreys (1996) shows that mass media systems aim to investigate the relationship between politics, economics and technology. He has also claimed that media theories are based on two aspects of mass media exercising power: the 'dominant' and the 'pluralist'. According to McQuail (1987, cited in Humphreys, 1996), the features of dominance in media power comprise control by the ruling class and centralised ownership / control of media organisations within a small amount of powerful interest groups who govern the given society. With regard to dominance, the media are produced in a routine manner to a set standard and are controlled. On the other hand, from a pluralist perspective, media power is limited to a social and institutional framework while competing political, social and cultural interests are opened up and take part in the media. Viewed from this perspective, the power in media systems is balanced, with the possibility of democratic control. As a result, creativity, freedom and originality are found in such media output.

Furthermore, McQuail (1987, cited in McQuail, 1992) stressed two different categories: 'development' and 'democratic–participant' in media models. He also laid out a developmental theory for developing countries, and a democratic–

participant theory, a stronger model, for democratic countries (McQuail 1994, cited in Hardy, 2008). These theories, however, are somewhat limited, since their scope is too broad to identify each system, and each theory covers many countries with different political backgrounds, in which some media systems in democratic countries are not specified in the same way as others.

Media system comparison has identified causal relationships whereby changes in one model can lead to changes in another in nearby or global regions. Kleinsteuber (2004, cited in Thomass and Kleinsteuber, 2011) identified four potential scenarios: diffusion (intended transference of models, such as the model of PSB); dependence (a model evolved in the context of dependence on another nation, as with the former USSR), temperance (a situation of comparable growth, such as European and US multi-channel television); and performance (in which related systems ring positive, with consistent results and with in-depth appraisal). This research focuses on a model related to PSB principles. That is, where diffusion has been evident in the pioneering media system and has disseminated from Britain to its dominions (Australia, Canada and New Zealand) during the early twentieth century.

Blumler and Gurevitch (1995, cited in Hallin and Mancini, 2004) created four dimensions for comparative analysis, which comprise the level of state control, the level of mass media partisanship, the level of the integration of media with political elites, and the characteristics of legitimising the doctrine of media institutions.

A well-known comparative analysis by Hallin and Mancini (2004) focuses on four dimensions to compare each media system. The first is the degree and shape of the development of the media market, where media in the countries examined varies from being free from censorship to being strictly controlled. The second dimension relates to political parallelism which is the degree of the relationship between political parties and media that appears in the political and media divisions. The third dimension is the degree and direction of the development of journalistic professionalism, including ethics and functions that create social consensus to inform, educate, persuade and entertain individuals. The final dimension relates to the degree and form of state intervention that plays a role with regard to policy and regulations. Different frameworks can be used with which to view the differences (shown in Table 3.1).

	Media market	Political parallelism	Journalistic professionalism	State intervention
Liberal	High	Low	High	Low
Democratic Corporatist	Moderate	Moderate	Moderate	Moderate
Polarised Pluralist	Low	High	Low	High

Table 3.1 Four dimensions of Hallin and Mancini's (2004) three models.

Below is a summary of some of the models based on a comparative analysis of media systems. According to Hallin and Mancini (2004), three models of media and political systems have been classified: the Liberal model in the North Atlantic, the Polarised Pluralist model in the Mediterranean area, and the Democratic

Corporatist model in northern and central Europe. The first, the Liberal model, exists mainly in the USA, Canada, the UK with some added factors, and Ireland, although the USA is strongly commercial while in the UK and Ireland PSB is still mainstream. This model developed a secure media market before the other two models and showed the strong development of a detached vision of objective journalism. The Polarised Pluralist model, which is seen in Greece, Spain, Portugal, Italy, France (at some levels) and other countries in the Mediterranean area of southern Europe, is described as a system mainly enforced by the state, even though it may have transitioned to more of a liberal model after some extended political conflicts in the twentieth century. In contrast to the Polarised Pluralist model, the Democratic Corporatist model shown in Germany, Austria, Switzerland, Scandinavia, Belgium, the Netherlands and Luxembourg, and generally in central and northern Europe, developed press freedom early, with high newspaper circulation, together with a strong journalistic professionalism.

Apart from these three models of Hallin and Mancini (2004), the initial theoretical ground of comparative media system analysis comprises the Four Theories of Communication (Siebert et al., 1984, cited in Hallin and Mancini, 2004). The Authoritarian model, which appeared in Europe, Asia, Africa and Latin America, is characterised by the full power of the state that administers and controls the social aspects of given countries, including media systems, while censorship is one of the main methods of government control. The second model is the Soviet Communist model which monopolises control over all methods of communication that reach the mass of the general public. The Libertarian model, found in North American countries such as the USA, is highly weighted on freedom for the

countries' citizens and is based on commercialism. After criticism of the Libertarian model, when issues such as market failure were raised, the Social Responsibility model seen in Western European countries was created to fill a lack of information required for particular groups of people.

The Four Theories concept was created on the basis of different ethnicities with regard to media freedom, performance and systems to describe people's differences (Thomass and Kleinsteuber, 2011). The concept shows the characteristics of the various types of media and their participatory roles. For example, in the Authoritarian model, the media is pretty much under state control, while the Libertarian model allows media the freedom to work with commercial entities.

Nevertheless, the economic impact on the media and the complicated interaction of the media with political and economic power are ignored in these four theories. Hardy (2008), for instance, discussed several issues that might have an impact on the media, such as the level of economic and technological resources in a given country, the degree of urbanisation, and broader social–cultural dispositions.

To conduct a comparative analysis of media systems, it is necessary to be aware of many instances where significant influences have been ignored, and that individual case studies might focus on such issues (Gellner, 1990, cited in Potschka, 2012). It is therefore important to select a sound theoretical approach to analyse and compare media systems. Accordingly, the comparative analysis

should explain the relationship of economic, technological and political factors with mass media systems.

This research uses the concepts of comparative analysis of media systems that are commonly applied. The theories are selectively taken from Hallin and Mancini (2004); Siebert, et al. (1984, cited in Hallin and Mancini, 2004); and McQuail (1994, cited in Hardy, 2008). There may be examples of media systems in Western countries potentially applicable to the structure of PBS polices for developing countries such as Thailand. The characteristics of media systems in the West and East are discussed below that are applied in the analysis of this research (Chapter 6, 7 and 8).

3.2.2 Characteristics of Western and Eastern media systems

This section aims to demonstrate the characteristics of media systems in the West and East, which vary in terms of their political, societal and economic systems. The media systems in most parts of the West tend to be characterised as liberal models, while those in most parts of the East are likely to be authoritarian.

In this section, the researcher has studied the characteristics of both areas to help with the analysis of radio broadcasting in Thailand. To start with, media systems in the West are reviewed, together with their features, to explain their supportive environments for the possibility of PSB in section 3.2.2.1. The features of media systems in the East are then set out to show the differences in the media structures in section 3.2.2.2.

3.2.2.1 Media systems in the West

Political and media agenda are regularly focused on in this research, particularly political agenda, which are shown quite often in their relationship with the media. The comparative analysis of media systems is intended to create patterns of standard communication values at three levels: philosophical, political and media (Dobek-Ostrowska et al., 2010). Here it is necessary to note that not every theorist has used these three levels in their analysis of their hypothetical backgrounds.

Hardy (2008) saw that the vertical linkage between national governments and the organisation and regulation of mainstream public media appears in all Western states. Also, conglomerates produce dominant national media in Western states. Additionally, origination and orientation of the main public media are within the nation–state frontiers.

Hallin and Mancini (2004, cited in Psychogiopoulou 2012) have mentioned that differences in the role of the state regarding media intervention in Western Europe and North American countries vary according to the historical direction the national political institutions have taken. This has made differences to the relations of the state with social interests and civil society, together with the type of democracy along with the nature of the particular government.

Potschka wrote that political systems paralleling media systems are important to classify because of Hallin and Mancini (2004, cited in Potschka, 2012), who

distinguished the variable constructs of government, political history, pluralism, state role, together with the concept of national legal authority, and distinguished the liberal democracy of the USA, called a weak state, from European welfare state democracies, called strong states. Humphreys (1996) mentioned that USA broadcasting is close to the free market model, while Western European broadcasting is delivered as a strictly regulated public service. Brown (1996) said that PSB in the USA was marginal. According to US corporate liberalism, public interest broadcasters are entitled to limited privileges of licensed federal broadcasting. Core characteristics of USA PSB include localism, whereby licences support metropolitan areas and communities (Hardy, 2008).

The commercial model has been applied to the USA media industry, while in other global areas, where dictatorship and less democratic systems operate in countries such as those in Asia and Africa, broadcasting systems are run as crude operations and tools of government (Hendy, 2013). This research of radio broadcasting in Thailand, which operates under a strict political system and government control, provides just such a picture.

In Western Europe, the press have worked within a free market context, and according to Siebert et al. (1984, cited in Hallin and Mancini, 2004) carry 'social responsibility' characteristics, which comprise a public service perspective related to Western European PSB (Humphreys, 1996). This is related to the notion of a 'democratic participant' background (McQuail, 1987, cited in Humphreys,1996) that Western European states have experienced. This

'democratic participant' theory calls for a democratic media and opportunities for minority and grassroots people to share channels of communication.

Humphreys (1996) thought that a pluralist media model was aspired to by liberal democracies in Western Europe. Vartanova et al. (2011) considered that the European media landscape was affected by technological convergence, a multiplicity of media outlets, changing distribution models, fragmentation of audiences, funding, and the globalised market. Specifically, in UK broadcasting systems, the element concerned of broadcasters, politicians and the general public are citizens (Blumler, 1994). Feintuck and Varney (2006) have said that broadcasting in the UK maintained a wholly non-profit institution up to the mid-1950s, along with the birth of commercial broadcasting from thenceforward.

The above literature about media systems in the West have been discussed through various perspectives as a result of a focus on important ideas applied to radio broadcasting in Thailand, where it is suggested that the media system has not been portrayed clearly by those who have undertaken research on the subject. A comparative analysis of media systems in the West may explain the ecosystems that contain PSB principles, and this research further discusses PSB functions in different parts of the world in section 3.3.

In the following section, comparative media systems in Asian countries are reviewed and major differences have been found in terms of variables, which have made the researcher cautious about this particular research. On account of societal, political and economic issues, the researcher is concerned about the

differences that Eastern states have displayed. In addition, a comparative analysis of media systems in Eastern states is more complex than that of Western states.

3.2.2.2 Eastern media systems

The East comprises Asian nations located within the Eastern side of the globe, if the European continent is seen to be in the West. Asia is the largest continent in the world, and has the largest population. It is divided into East Asia, South Asia, South-west Asia and South-east Asia, which covers countries such as Indonesia, Myanmar, the Philippines, Malaysia, Vietnam and Thailand, the latter being the country of the focus of this research.

Many states in the East are undergoing economic development in conjunction with their particular political situations. Recently Asian economic growth has risen sharply, although before the late 1960s Asia was the poorest continent in the world in terms of income (Nayyar, 2019). Together with Asian countries that have recently experienced economic growth, new democracies have come into being, which have by-passed the phase of a party system stemming from authoritarian governance (McCargo, 2012).

Asian countries have different political characteristics. The importance of diversity is recognised in Asian media systems, and this significantly influences how they operate. McQuail (2005, cited in Potschka, 2012) has also recognised that non-Western societies are very different to those of the West. Hallin and Mancini (2012) were convinced that media in Asia ambiguously contain the characteristics

of any given model, together with complicated and confusing descriptions of ownership, partisanship and censorship, while rules and media system players are not included in some classifications. Anti-models, that is, systems that cannot be categorised by any model, can cover developing global situations, and in that connection Hallin and Mancini, (2012, p292) have stated that: 'the structure of the media and the practice of journalism reflect and participate in the ideological and factional divisions of the political system'.

Media in the developing world may adopt an influential political role because it can promote state stability or moderate state actions. Martin and Chaudhary (1983) have said that state interference in the media has been typical in developing nations. Developing countries that lack institutionalised political and media systems may allow political and media participation on the part of the general public in which election of representative elites portray hybrid and commercial concepts through policy content.

According to McCargo (2012), most Asian media in developing countries are considered to contain the following characteristics. First, many media channels work on behalf of prominent people, or on behalf of major interests, and make money through advertising to support social causes or for political reasons. Second, in order to remain within unstable political nations, Asian media are associated with politics. Third, Western media professionalism is not to be found in Asian environments because of various types of partisanship. Fourth, restrictions of state interference and media action against interference are barely discerned, and censorship is the norm.

Partisanship creates tensions between authorities and ordinary people, and partisanship also characterises the media, which raises questions of exemplary professionalism. According to Hallin and Mancini (2004), political parallelism, which is defined as a close relationship between political parties and media, is highly complicated, owing to the diversity which newspapers display with regard to specific political parties and the way in which they depict various political viewpoints.

Referring to Hallin and Mancini's (2004) models, Asian countries are seemingly characterised within the Polarised Pluralist model, which is mostly seen in southern Europe. The problems in the Pacific part of Asia relate to highly pluralistic systems with polarised politics, and with stakeholders such as the military, the monarchy, scattered communities, and unstable and competitive democracies, excluding some structured and developed countries in the area. Problematic features of the media listed by Hallin and Mancini (2004) include 'clientelism', where the press predominantly serves elites and survives by being paid for publishing commercials, media playing a decisive state role, media acting as a tool for the creation of political difficulties, and the restricted development of mass media with its relatively low professionalism.

Political and cultural systems are essential for media organisations in Southeast Asia. They are hard to describe and have identical features (Korff et al., 2014). Masduki (2007, cited in McCargo, 2012) has stated that Thailand and Indonesia follow the Mediterranean model, which consists of parallel print media, whereby

newspapers work in alliance, supported by commercials, with a small metropolitan political elite opposed to the majority of the general public. Media play a political role related to state intervention, which restricts their freedom of expression, and this is also limited by both official and unofficial methods of censorship.

The non-European polarised model is pluralism. Even in Mediterranean countries there is a great deal of diversity, so making generalisations about Hallin and Mancini's (2004) models is very difficult to achieve in Pacific Asia. One of the typical worldwide characteristics of the Polarised Pluralist model is that radio and television stations tend to be seized by military coups. For instance, Thailand and Indonesia are countries where the military plays a significant political role that affects the media.

Three ownership and control models of media in Southeast Asia have been formulated by Dixit (1999, cited in McCargo, 2005). These are state control, used as a propaganda tool by the ruling party and which has existed in Myanmar, Vietnam and Laos; licensing and renewal of profitable private media, applicable in Singapore, Malaysia and, until 1998, Indonesia; and a free-for-all press as seen in Thailand, the Philippines and Indonesia after Suharto's presidency. Additionally, Indonesia and the Philippines have had privatised television since the late 1990s. At the same time, Thailand, with a robust military involvement with broadcasting, relies on the Pluralist Polarised media model (Thomson, 2013, cited in Masduki, 2017).

Since the media in Southeast Asia operate under a number of systems, academics have raised issues related to their structure, ownership and situations that obtain in some of these countries to verify differences. All Southeast Asian countries have suffered under Western colonialism, except for Thailand, as well as with internal experiences of conflict. It is interesting to see the media policies they now hold as well as potential media possibilities. In this research the radio broadcasting system in Thailand tends to be only briefly identified in a comparative analysis of media systems, because this research is primarily concerned with systems where PSB principles might exist and be practised. Public service broadcasting systems in many media settings, particularly in the Western European context, are studied below to be further explained in the context of Thailand's radio broadcasting system.

3.3 PSB'S FUNCTIONS IN DIFFERENT MEDIA SYSTEMS

To follow national interests and gain public support, PSB usually plays a major role in democracies, to benefit democratic societies in fulfilling their participatory functions. Breveni (2013) has said that PSB originated in Western Europe and led to a PSB policy framework founded on a socio-democratic notion. This was to realise a state function of providing a context for public participation, whereby a PSB institution can play a major part in a democratic policy-making process to follow national interests and gain government support so it can benefit a democratic society in fulfilling its participatory function.

The policies of PSBs in Europe have been affected by constant regulations: the use of PSB by governments for social reasons, the need to take into

consideration the political requirements of democracies in the national interest, and because of the geographical features of the given territory (Brevini, 2013). Public service broadcasting in Europe is used as a device to express basic European values (Reading, 2006, cited in Brevini, 2013).

The PSB system is well known to Europeans. It is contained in healthy democratic societies, and is cultivated in basic methods of communication. This research has first studied media environments in which European PSB principles can be based before focusing on media ecosystems in the Asian continent in the East. Later the research has concentrated on radio broadcasting in Thailand.

3.3.1 PSB functions in the European media systems

In many Western states, especially in Europe, PSB has retained a significant position in society. This has led the researcher to investigate PSB functions in Western European states where PSB principles are carried out in governments and in public participation. For research into radio broadcasting in Thailand to be undertaken it is necessary to focus on the framework and ecosystems of PSB systems in Western Europe to show how PSB principles might be analysed and adapted to Thailand's radio broadcasting system.

According to McQuail (1992), various PSB norms have been verified with regard to the independence of broadcasters: diversity of systems, protection of the national language and culture, and support of regional, local and community media across media systems in European states. For Brown (1996), two PSB models are in place in the West: the British model with a large main PSB

institution providing PSB content, and other PSB institutions providing both PSB and non-PSB programmes, and the American model on the basis of a lot of community-located stations providing PSB content, aside from market-led systems in the country.

In European states, the role of PSB is identified on the basis of agreement by member states and EU institutions with PSB functions with regard to society, culture and democracy to sustain democracy, pluralism, social unity and linguistic diversity (European Council, 1999b: para b; see also European Parliament, 1996a; 1996b; European Council, 1999a, all cited in Harrison and Woods, 2001). To ensure independence of the PSM in European states, Article 23 affirms that: 'structures [are] necessary to ensure independence of editorial action' and there is a guarantee of a national debating area and balance of power in the regulatory framework of the European Union (Blázques et al., 2022, p114).

Regulations with regard to PSB vary from nation to nation within the EU. Dijk, Nahuis and Waagmeester (2005) claim there are strict regulations in the Netherlands and France, with less strict regulations in Germany and Denmark. The regulation of programmes is seen in the Netherlands, regulation of production in France, internal mandate supervision in the UK and Germany, and external mandate supervision in Denmark and Norway (European Institute for the Media, 2002, cited in Dijk, Nahuis and Waagmeester, 2005).

There are various types of funding sources catering for PSB institutions. Advertising is a source of income, as is income derived from licensed products

and other merchandise. A licence fee contributed by the audience and a state budget are two other sources. The latter two are the two main revenue sources for PSB (Blázques et al., 2022). Dijk, Nahuis and Waagmeester (2005) have claimed that PSBs in some countries are funded by a licence fee determined by a committee, together with a limited amount of advertising and a sponsoring system.

In the huge European market, countries such as France, Germany, Italy and the UK, income is derived from a licence fee, the main resource for PSB in Europe (Blázques et al., 2022). Referring to the European Broadcasting Union's Public Version Licence Fee as stated by Hartmann (2020), the 2019 figures for public service media in the European Union areas showed that 60 per cent of funding was obtained from licence fees, accounting for 21.87 billion Euros.

The reason for excluding advertising from PSB governance and programming is so as not to allow for too much dependence on advertising revenue, which might possibly interfere with PSB content (Sieg and Stühmeier, 2015). Article 26 of the EU states that: 'funding should not be used to exert editorial influence or threaten institutional autonomy' (Blázques et al., 2022, p10). In Germany, approximately 5 per cent of the PSB budget is obtained from advertising and sponsoring sources (Sieg and Stühmeier, 2015). In the UK, where there is a solid structure of PSB, there is a demand for part of the licence fee revenue to fund community radio broadcasting, which provides a public service for community media (Milan, 2010).

The management of both the administration and funding of PSB is the foundation of the PSB value system, which has to inform society concerning the 'editorial independence and institutional autonomy of public service media' (Blázques et al., 2022, p11). There is a legal framework within which PSB organisations have to operate in terms of recruitment, employment, financial income and in dealing with their budgets. In European states independent management is imperative for independent and supervisory boards for PSB organisations (Blázques et al., 2022).

The public mission and quality guidelines for EU PSB organisations are defined by the countries' legislators and regulatory bodies, while editorial and managerial independence are governed by individual PSBs (Blázques et al., 2022). This is to protect the independence of these PSB organisations. In European member states PSB is recommended to be independent, and in response to PSB obligations is required to reflect and promote wide public debate to reach democratic goals by way of serving the public (Blázques et al., 2022). Also, PSM independence is the foundation of a strong democratic system, to provide citizens with reliable information and public forum-sharing experiences.

Based on Hallin and Mancini's (2004) comparative analysis, the UK and Germany have strong PSB systems, along with political institutions and cultures, as well as the existence of a party-press parallelism, while government and state roles are different (Potschka, 2012). In Germany, broadcasting principles rely on a high degree of autonomy, which public broadcasting structures refer to as a system of

representative democratic control (McQuail, 1992). This has been influenced by the post-war history of Germany and by national traditions of the past.

In the Netherlands, a hybrid public / private structure is identified as PSB, and is offered by many private broadcasting associations, with audiences holding a public licence (Dijk, Nahuis and Waagmeester, 2005). McQuail (1992) has said that in Sweden broadcasting policies have goals similar to those of other European states, which concentrate on criticising and monitoring the roles of government and business. Referring to McQuail (1992), in Belgium, the language communities are considered to be important, while in the Netherlands diversity is fundamental to broadcasting policies.

Having reviewed various PSB functions in European states, the researcher decided to examine the UK's BBC in depth for this research, because it has a strong foundation in PSB principles and practices as a result of its longevity and the sustainable framework that protects PSB values. The BBC is therefore employed to help with the analysis of radio broadcasting in Thailand in terms of the scope of PSB.

In the UK, the PSB system is employed within commercial channels as well as in the BBC, the latter being unique on account of its administration and originality within European countries. The BBC specialises in national radio broadcasting, currently sharing more than half of listeners nationwide (Tunstall, 2004). However, the BBC's position is somewhat in jeopardy as strict laws regarding competition are enforced to ensure the organisation does not exploit the power

of the market (Cave et al., 2004, cited in Feintuck and Varney, 2006). The BBC guidelines explain the way the organisation needs to deliver the public interest in terms of conveying significant information through professional analysis (BBC, 2010, cited in Hendy, 2013). The funding, content quotas and the quotas of content promised for commercial PSBs are addressed to failures of incentive, regulation and structure (Steemers, 2017). A major goal of the guidelines is to make the BBC more accountable and manageable, regardless of its political independence and quality.

While the BBC's cardinal responsibilities are to inform, educate and entertain, this was an independent organisation under state control but allowing for a great degree of autonomy in 1926. Back then, market censorship was utilised in the name of state control on account of new market conditions for competitive media attracting advertisers (Curran and Seaton, 2003, cited in Hardy, 2008). The BBC has been resourced by an annual licence fee from households. The government uses a complicated process of negotiations with the BBC every ten years to set the licence fee according to the Royal Charter renewal process.

Related to the BBC's public purposes, its Royal Charter by Secretary of State for Culture, Media and Sport as of December 2016 says it has:

> to provide impartial news and information to help people understand and engage with the world around them; to support learning for people of all ages; to show the most creative, highest quality and distinctive output and services; to reflect, represent and serve the diverse communities of all the United Kingdom's nations and regions and, in doing so, support the creative economy across the United Kingdom; and to reflect the United

Kingdom, its culture and values to the world (Secretary of State for Culture, Media and Sport, 2016, p5).

The BBC seeks to provide public value from new media platforms to provide access for disadvantaged groups, and from audiences to the general population. Even though Barnett (2006, cited in Dobek-Ostrowska et al., 2010) remarked that the BBC would fail to maintain its freedom and flexibility regarding new services in the emerging digital landscape, the BBC has attempted to provide current programming in new ways through different media platforms. The current challenge for the BBC in the twenty-first century is the reduction of funding to support PSB in the UK as a result of the current poor economic situation in the UK and global technology disruption.

The BBC's Royal Charter of 2016 was granted to explain public values and methods and to succeed with PSB. Apart from stated public values and duties of the BBC in the Royal Charter, the Unitary Board of the UK BBC is responsible for the principal functions in promoting public purposes, the consideration of proposals for material changes, and the security and effective and efficient management of the BBC. As mentioned in the BBC website (BBC, 2017a; 2017b; 2017c), executive committees serve for its day-to-day operation and a commercial board is responsible for the delivery of commercial ambitions of the BBC.

Overall, there are a number of ecosystems in which PSB institutions exist. A strong democratic system within a country is required to support the values of PSB, together with its origination and services. Each media system should ensure

ways and means to protect the editorial independence and autonomy of management of the PSB institution. These issues are discussed regarding radio broadcasting in Thailand in Chapters 7 and 8.

In the following section, PSB functions in Eastern media systems are illustrated to show media systems where PSB organisations function. The East's media ecosystem is discussed to show the reasons why PSB radio broadcasting institutions cannot currently be sustained in Thailand and why the lack of such institutions may be permanently embedded within the Thai media system.

3.3.2 PSB functions in the Eastern media systems

Usually PSB has a significant function to play in a parliamentary democracy. In the West, PSB includes broadcasting services, whereby states are given the power to supervise a neutral regulator of PSB. Public service broadcasting, however, has not been much emphasised in Asian environments. Initially, the Authoritarian model was recognised as the type of media system that existed in the East.

The notion of PSB came to Asia long after the concept had been accepted in Europe. Regarding funding, PSB in Asia has adopted many methods such as licence fees, advertising, voluntary contributions, government subsidies and small 'sin' taxes (Im, 2011). There are states with a strong economic base for media systems that are overtly organised into PSB organisations such as Japan's NHK channel, Hong Kong's RTKH broadcasting system, and South Korea's KBS

station, although the PSB concept is not widespread as a whole in Asia, especially in Southeast Asia.

Privatisation of the media is seen in some Southeastern Asian countries, and the economic result of the PSB system in the East is set out in McDaniel (2002, cited in Im, 2011), where six private broadcasters put pressure on the Indonesian public broadcaster, TVRI, and raised equal support from the government. Media systems in Asian states are difficult to characterise as the effects of privatisation and technological advancement have shown in either a single model or a mixed broadcast system (McCargo and Voltmer, 2012, cited in Masduki, 2017). While the structure of traditional media in Asian countries has not yet been formed appropriately, the general public have shown an interest in, and have accessed, technological advanced systems such as the Internet.

Additionally, the idea of a hybrid media system has been raised by the dynamics of technology and the structure of the media (Chadwick, 2017, cited in Masduki, 2017; Hallin and Mancini, 2012). The content of media policy is not enough to cover both traditional and new media. Hallin and Mancini, (2012, p290) have stated that: 'power holders exercise the tightest control over the most widely diffused media, and the Internet does not yet fall into this category.'

There are many differences between Western and Eastern states in terms of politics, culture and demography, as well as geographical location. Theories mentioned in this chapter have set out information regarding the comparative

analysis of media systems, and this is meant to help to understand and analyse the contrasts and similarities of media systems in both areas.

Media systems in Asian environments are very difficult to compare in detail, owing to many factors, including the very diverse political and economic systems, cultural and ethnic issues and demography, as well as geography. The analysis focuses on backgrounds and the overall media picture in the East. This study fills in the gap regarding the issue of media systems in the East, and constructs guideline policies for countries such as Thailand.

3.4 CONCLUSION

This chapter has discussed media systems and has focused on PSB obligations in European media systems. It has also reviewed them with Asian media systems. Media systems have been studied to achieve the goal of understanding ecosystems where PSB can exist and function in society (see Figure 3.2). Also, comparative media systems have been outlined by the researcher to focus on not only media systems which can be stabilised by PSB, but also a framework where media systems have an obligation to protect and nourish PSB principles.
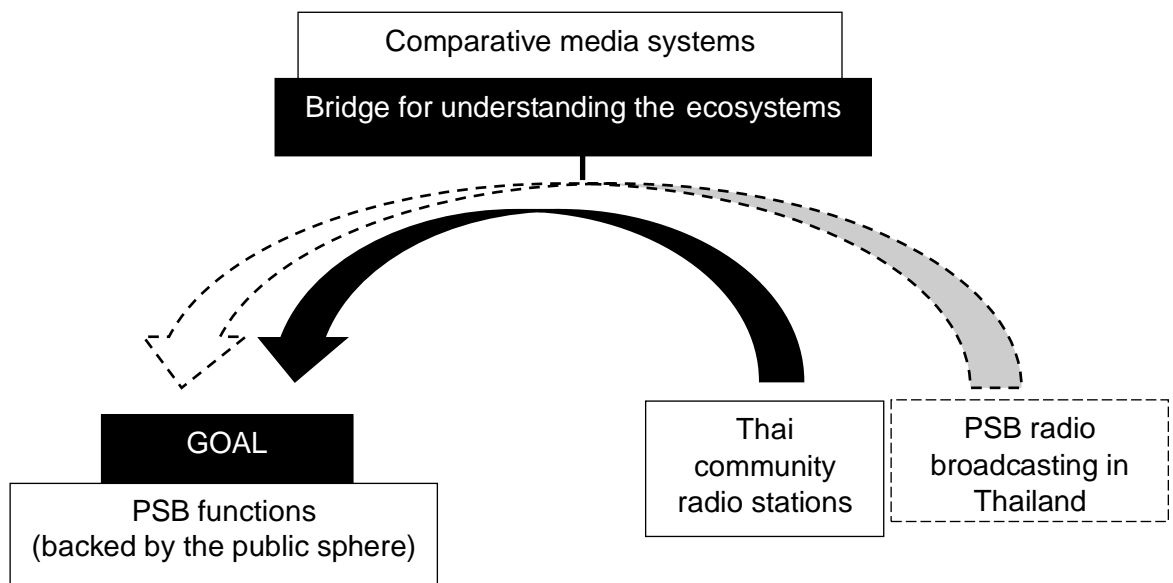
Figure 3.2 Possible public service radio broadcasting in Thailand and community radio stations connected to PSB principles through the bridge of comparative media analysis.

The researcher has attempted to answer the research questions of what, and how, issues have compromised the Thai media system's aspirations and objectives through substantial evidence about media systems in other nations. The comparative analysis of media systems includes theories of Siebert, et al. (1984, cited in Hallin and Mancini, 2004), Hallin, and Mancini, (2004), and McQuail (1987, cited in Humphreys, 1996).

McQuail's dominant type of media system is believed to represent Thailand's media system because of its characteristics discussed in the context of Thailand (McQuail, 1987, cited in Humphreys, 1996). McQuail's model is used to describe this research in later chapters. Also, the Polarised Pluralist model of Hallin and

Mancini (2004) is applied in the analytical framework shown in Chapters 6, 7 and 8. The discussion of these media models has illustrated the framework of the broadcasting structure in best-practice countries such as the UK with the BBC.

Together with the theories of comparative media systems, the factors that shape media systems that function with PSB and the public sphere comprise mainly issues of politics and economics. These issues are interrelated, but for some media systems one factor significantly affects the particular media ecosystem more than others. For Thailand, these issues significantly impact the media system and are further analysed in Chapter 6.

Subsequently, to adapt various concepts of media systems to Thailand, various aspects of Thai contexts related to influential factors of Thai broadcasting that are central to the research questions will be outlined in the following chapter.

CHAPTER FOUR

CONTEXT OF THE MEDIA IN THAILAND

4.1 INTRODUCTION

In previous chapters, approaches to a comparative analysis of media systems highlight the country-specific contexts play in determining how the concepts of PSB and the public sphere manifest in a media system. To illustrate, in the social responsibility model of Hallin and Mancini (2004) and the democratic model of McQuail (1987, cited in Humphreys, 1996), the contexts supporting PSB also distinguish characteristics of the media systems under scrutiny, particularly those between Western democratic countries and the different media models of democracies in the East, which differ in terms of ownership, partisanship and censorship (Hallin and Mancini, 2012).

This chapter outlines the social, cultural, political and economic elements influencing Thai policies directed towards radio broadcasting that show in the regulatory practices set up by the regulator (shown in Figure 4.1). These influences shape the operation of Thai radio broadcasting and its governance and provide country-specific contexts for assessing the effectiveness of radio broadcasting to realise the public sphere in Thailand. The researcher has analysed these elements, adopting an analytical approach of comparative media systems, resulting in the potential of radio broadcasting in the country to realise PSB (see Chapter 2), to justify public funding and defend its editorial and governance independence as set out in Chapters 6, 7 and 8.
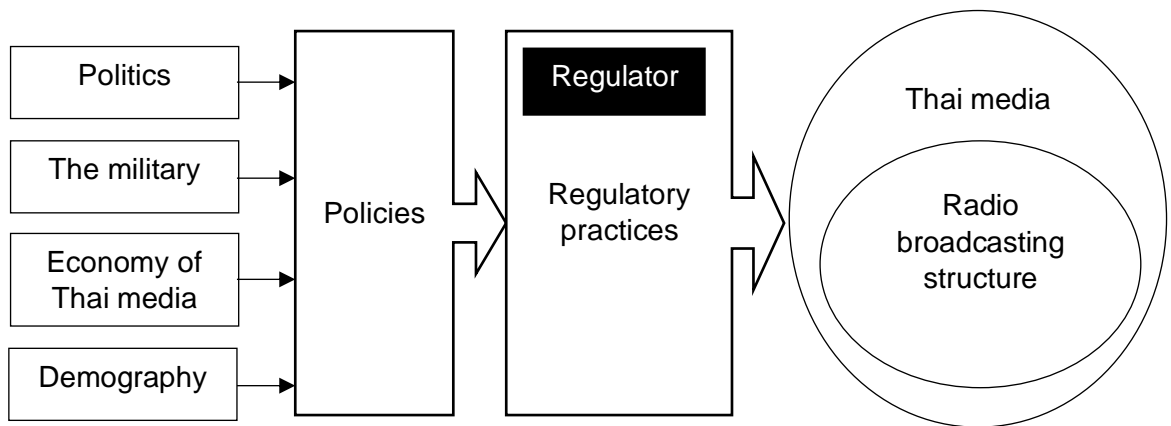
Figure 4.1 Thai media contexts influencing policies adopted towards radio broadcasting and other regulatory practices.

This chapter leads to understanding aspects in the Thai environment that have resulted in the current situation of radio broadcasting in the country. The media structure, including an overview of radio and public broadcasting, is explained. This supports the investigation of radio broadcasting policies and their outcomes in later chapters.

4.2 BACKGROUND

This section discusses the issues related to radio broadcasting policies and their implementation, which the researcher analyses and is aware of as the background to the media landscape in Thailand. The issues that are discussed in this section are politics, the military, the economic structure relevant to the media industry, and identity, culture and demography of radio listeners in the country that are rooted in Thai society, which still relies on radio broadcasting.

4.2.1 Politics

Politics is key to showing the context of media in the country, and shapes the Thai media system. Whenever the political situation in Thailand has changed from a democratic to an authoritarian regime, the direction of radio broadcasting policies and actions have followed, depending on the particular type of government. This section explores the evolving political background that has impacted on radio broadcasting.

Thai politics have fluctuated over the years since the 1932 revolution, which changed the political demography of absolute monarchy to parliamentary democracy. The 1932 Siamese coup d'état led to controlled deregulation of the media, which left decisions to be made by bureaucrats without an official social welfare structure in place (Uwanno and Burns, 1998, cited in Kogen, 2010). Following the revolution, Thai democracy, eighty-nine years old in 2021, has undergone thirteen coups and been under fourteen military governments. During this period, Thailand has had twenty constitutions, which indicate that Thai politics have been unstable, and its governing bodies and political organisations have not been strengthened.

The unstable political situation has affected Thai media, including radio broadcasting, because the ownership and structure of radio broadcasting play significant roles in the implementation of policy by those who have ruled the country, which have comprised many military governments. Thai politics may be categorised as being relatively liberal after Thailand's 1932 revolution. Its system is not that of a welfare state but rather of patronage.

In terms of world democracy, Thailand is considered to have a democratic political system as it appears to have a parliamentary structure under a constitutional voting system. In fact, since the 2014 coup d'etat, the Thai government has been accused of being a military dictatorship, and it needs to become more liberal and democratic to enable its trade with other countries to flourish.

Currently (2021) Thailand has a system of parliamentary democracy adapted from western democratic countries and is known as a constitutional monarchy, with a monarch as head of state. In 2021, the current parliament was formed according to the 2017 constitution (2557 B.E. – Buddhist Era), which was written by personnel in a number of committees who were appointed by the council of the 2014 coup d'état. According to Part 2 of the 2017 constitution, Section 83 stated that the composition of the House of Representatives should comprise 500 members, of which 350 members should be elected for a four-year period, and 150 members from lists of political parties represented by proportional representation. Elections occur once every four years.

Thailand has 750 parliamentary representatives, of which 500 are voted for by the general public, and 250 senators. Currently (2021), the government has been led for more than seven years by Prime Minister General Prayuth Chan-Ochah who was the 2014 coup leader and elected in 2019 by members of parliament. According to the election commissioners in Thailand, there are eighty-seven political parties in the country, and people representing more than twenty-six

political parties were elected to the 2019 parliament. The 2017 constitution allows the 250 senators to be appointed by the National Council for Peace and Order (NCPO), the coup d'état council, who can vote for the prime minister in parliament. It is therefore difficult to say that the present political system in Thailand is entirely democratic.

With so many political parties represented in parliament, the stability of the government has been weakened, with the number of parties constantly fluctuating. Previously, the former 2007 constitution ensured that only a few political parties existed in parliament, with the leading party holding much power in the administration of policies. However, the military and authoritarian bureaucrats were not happy with the popular few political parties. With members of just a few parties elected to parliament under the 2007 constitution, military groups blamed the majority votes of exploitation, corruption and tyranny, and this resulted in the 2014 coup d'état.

Currently (2021), the 2017 constitution attempts to decentralise the power of the political parties and allows for more than just a few large leading political parties. In the most recent election in 2019, two factions became apparent within the Thai general public, one of which was liberal and pro-democracy and the other conservative. The liberal faction mainly comprised the Pheu Thai Party, the party led by the former Prime Minister Yingluck Shinawatra, who was ousted by the most recent coup d'état in 2014, and the Future Forward Party, which was

dissolved by the Constitution Court,[1] with its members being moved to the Move Forward Party. The conservative faction comprises the Palang Pracharat Party, with its leader being one of the coup d'état members, and the Democrat Party, which is one of the main political parties that joined the protest in 2013, demanding that Prime Minister Yingluck withdraws the Amnesty Act trying to bring former Prime Minister Thaksin Shinawatra, the ousted former prime minister, back to Thailand and requesting the military to calm the troubled political situation in the country.

Hewison and Kitirianglarp (2010) have called Thai politics 'Thai-style democracy' (TSD), which includes the idea of monarchy and governance. This also stands for the lawful actions of Western-style democracy. Thai politics has also been called 'semi democratic', 'pseudo democratic', 'illiberal democracy', 'hybrid regime', 'competitive authoritarianism', and 'Asian-style' democracy'. These terms have been used variously by different scholars.

Connors (2003, cited in Hewison and Kitirianglarp, 2010) has noted that the Thai politics is dominated by continuous power struggles among politicians, the military and the monarchy to seize control, particularly, over the executive branch of government. According to Weber (1978), such control can be justified on three grounds: rational, traditional and charismatic, established through regulators, faith in the monarchy and contemporary populist political discourses. This nature

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[1] According to Section 210 of the 2017 constitution, the Constitutional Court has duties and powers to consider and adjudicate on the constitutionality of laws or bills; to consider and adjudicate on questions regarding duties and powers of the House of Representatives, the Senate, the National Assembly, the Council of Ministers or Independent Organisations; and other duties and powers prescribed in the constitution.

of Thai politics plays a significant role in shaping the Thai media landscape and practices as those with executive and legislative powers seek to exert control over the media, to use the media as a means for public opinion shaping in service of their practical agenda.

The political regime was democratic under the 1997 constitution as it originated from various sectors of the Thai population. Freedom of expression within the media grew, and the idea of reforming the media was conceived, which this research focuses on in detail regarding radio broadcasting in Chapter 6. Thai media subsequently suffered, however, when Thailand was in the throes of coup d'états. It was increasingly perceived that military governments in Thailand were opposed to press freedom within the country (McCargo, 2000).

After the coups d'états in 2006 and 2014, military governments censored the Internet and other integrated channels that controlled information launched on online platforms (Sinpeng and Hemtanon, 2019). An example of this is shown on the website of the iLaw Freedom organisation, a non-profit Thai organisation informing people about the law, which mentioned that in 2014 local radio stations were banned from broadcasting by order of the coup d'état council, and other local media were asked to cooperate in refraining from presenting news set against the regime (iLaw Freedom, 2015).

Political reporting in Thai media has been garbled and incoherent in support of a dysfunctional political system (McCargo, 2000). Journalists are afraid of politicians and governments and tend to concentrate on entertainment and gossip

rather than local and global news and documentaries. Inevitably Thai media have been stuck under the shadow of both external and internal censorship and policies, which obstruct their ability to operate within the designated democratic media structure.

This political instability strongly undermines policy continuity and results in regulatory uncertainty, which negatively affects the legislative direction and the operational practices of the media industry, including radio broadcasting. Many legislative processes have been deleted, and there are gaps in parliamentary procedures owing to military governments being in power following coups. This has meant that policymaking relevant to radio broadcasting has been abolished. Noticeably, there is a lack of freedom of the media in the country, examples of which are shown in the practices and content of radio broadcasting set out in Chapters 6 and 8.

Thailand has been governed by military organisations, the reason being given for national security. Military organisations heavily impact on radio broadcasting in Thailand and military personnel are the policy actors of broadcasting. The military, which has currently been in power in Thailand for some time, is reviewed below.

4.2.2 The military

Politics in Thailand has been very closely aligned with the military, since over time many coups have been formed by groups of military leaders. The military is seen to be in political positions in the government and in both houses. Significantly, in

the 2021 amendment to the Organisation to Assign Frequency Waves and to Regulate the Radio Broadcasting, Television and Telecommunications Services Act of 2010, known as the NBTC Act, one of the required qualifications for being an NBTC commissioner was to be in the military or police or senior position.

The military has taken part in many activities. For instance, in times of catastrophe in Thailand, when there has been flooding or tsunamis, the Thai military have helped because of the large number of human resources it can provide. On many occasions the aid provided has been seen to enhance the military image in the minds of ordinary people. Nevertheless, the reason for military involvement for the protection of national security is questioned as the duties of the military are not transparent.

In the past, the role of the military was not so prominent as it is today. In 1932 the military started to enter politics and joined the 1932 revolution. Later, army generals became involved with political parties and upset the status quo with coups d'états, when there were many political confrontations with leaders who claimed to manage conflicts and help the situation. From 2015 to 2019, during the time of a military government, the Thai military had a great deal of power in every part of Thai society.

The Thai military has figured prominently in Thailand. During the build-up of power, the military has been able to ally itself with other institutions, such as businesses and government bodies. Thai military generals have overseen political, economic and media government positions. When the military has ruled

the country it has dominated media policies and capitalism has held sway. The free press in Thailand has been trapped by military and capitalist authoritarianism. When state elites and the military are dominant, media freedom is repressed and partisanship within the media exacerbated (Coyer, 2006). Media policies have been impacted by Thai coup d'états (Zanuddin, 2007). Programmes of military events are broadcast every day in Thailand, and from the 2014 coup until the 2019 election, a prime ministerial appearance of the coup leader was broadcast on Fridays.

The military has influenced traditional media in various significant ways, and is an obstacle to its freedom and democratic nature (Sinpeng and Hemtanon, 2019). The military are in charge of many broadcasting frequency waves, claiming this is necessary for reasons of national security. Military organisations provide concessions to private companies to produce programmes, except for news programmes which military departments themselves produce. Most of these companies are large corporate concerns that hold yearly agreements with the military, which can be terminated at any time.

The military is recognised as the major radio frequency owner in the country, as well as the broadcaster, the policymaker when the coup council ruled Thai politics, and regulator. There is also a commissioner who has a military background. This military component has been applied to the research analysis and is a factor of the unstable political situation which destroys any approach to PSB in the radio broadcasting scene in Thailand.

To understand the development of policies with regard to radio broadcasting, it is necessary to explain the different views of Thailand in terms of the media market, which affects radio broadcasting. The Thai economy is discussed below so that the researcher can analyse radio broadcasting in Thailand within an economic context.

4.2.3 The Thai economy

Thailand has had a mixed economy from the time the political system changed from a dictatorship to a democracy (Eye on Asia, 2022; Global Edge, 2021). The capitalist economy of the country permits private companies to join the business market, except for organisations within the essential infrastructure such as water, electricity and the postal service that are majority owned by government, along with the centralised economic planning and government policies (Global Edge, 2021). Many companies are in the hands of major investors with huge assets, especially businesses that require a large investment.

The main occupation in Thailand is agriculture, which relies on feasible irrigation. The geography of the country, together with the soil and climate, allow people to cultivate the land for their living. Many Thais have a career in, or related to, the agricultural sector. Agriculture in Thailand comprises farming of land and livestock in various geographical locations. Agriculture is still one of the major sources of income obtained for the country, even though Thailand has turned from a rural to an industrial nation, with machinery and tourism as well as agriculture playing major roles in the economy. Currently (2021), more than 70 per cent of Thailand's revenue is derived from export, and one of its top five

exported products is rubber, which accounts for 6.3 per cent of the total gross domestic product (GDP) (Workman, 2020).

Agriculture is relevant to radio broadcasting in Thailand because Thais who live in farming communities far from urban areas rely on information through radio broadcasting. The analysis in Chapter 6 of radio broadcasting policy development and Chapter 8 of regulatory practices of community radio would apply the context of agriculture shown in data reports of radio broadcasters and listeners in the provinces.

The economic system that exists in Thailand has determined the way the media operate. Although Zanuddin (2007) has noted that the media have limited state interference and operate within market forces, to some extent broadcasting media in Thailand have specific features of frequency ownership and management. This discussion strongly provides a contextual relationship between the Thai economy and radio broadcasting to form a constructive analysis rooted in the public engagement of radio broadcasting.

4.2.4 Identity, culture and demography

The identity, culture and demography of Thailand play a part in this research as local radio broadcasters are attached to their listeners along with their group interests. This section therefore tries to paint a picture of the identity, culture and demography of Thais in local areas and reach the interest of the public.

In the past, Thailand was called Siam, and occupied parts of Myanmar, Laos, Cambodia and Malaysia. Ethnic Thais were believed to gather people from around south-east Asia to establish a country, and the 1932 revolution marked the start of the Thai nation. The country's population comprises mostly those of Thai ethnicity, together with a small number of other races; for instance, Chinese, Khmers, Soai, Kui, Karen, Indians and Parkistanis (Hays, 2014). For Mackerras (2003), ethnic minorities in Thailand include Chinese, hill tribes, Vietnamese immigrants, Thai Muslims, and others such as refugees from Burma and Indochina. Mackerras (2003) has said that the official language is Central Thai, although there are different cultures in various regions of Thailand with different languages, which therefore creates a false impression of the homogeneity of the language.

Understanding Thailand's identity, culture and demography provides the background of radio broadcasters and audiences related to the produced programme content. In terms of cultural proximity, the content and audience have to be in the same 'cultural linguistic' area (Straubhaar, 2003, cited in Ksiazek and Webster, 2008) rooted from culture and languages, to best reverberate with the culture of the audience (Ksiazek and Webster, 2008).

In the following section the scope of Thai media is reviewed and explored with regard to its structure and governance. This leads the researcher to further understand and utilise the information of Thai media for the analysis.

4.3 MEDIA AND THAI SOCIETY

In this section, the research briefly identifies general features of Thai media in which a dwindling press freedom is generally seen. According to Freedom House (2023), in the section on freedom of expression and belief, Thailand has gained one out of four points, which is the greatest degree of freedom given in terms of free and independent media as a result of censorship, intimidation and legal action under military rule.

Each media platform in Thailand has different methods of editorial and organisational management and ownership structure. The media are leading players in the political environment, and examining government work has played an important part of the work of the press (Hewison and Kitirianglarp, 2010). This, however, does not include times when military governments have been in power or when coup d'états have taken place, both of which have accounted for a large amount of time in Thai politics since the democratic revolution in 1932.

In the past, governments were strict with regard to content that appeared in the mass media, including both print and broadcasting. They were able to close down any printing house which they considered produced content set against the government. Now, however, Thai newspaper journalists can decide the way in which they want to inform their readers in their editorial comments and be counted as partisan political actors (McCargo, 2000). According to Reporters Without Borders (2021), the media landscape, especially mainstream media, in Thailand is very polarised. All newspapers in Thailand are owned by major private companies, most of which also own other businesses in the country.

The website of the Thai Journalists' Association (2022) states there are twenty-nine newspaper owners registered as members of the association. These own twenty-two national and seven local newspapers that are still produced in hard copy, and some also appear on online platforms. In 2020, the newspaper with the highest yearly circulation was *Thai Post*, a conservative publication with 950,000 copies sold every day, and *Khaosod* and *Matichon* newspapers, the so-called anti-government newspapers siding with democracy, also sold 950,000 copies per day (Infoquest, 2021b). These newspapers cost 0.25 GBP (15 THB), a reasonable price for most readers.

Apart from newspapers, Thais can currently access various informative and entertaining websites. Social media are seen to provide a participatory culture, where consumers can be both content producers and receivers. There are many types of social media operating in Thailand. Facebook is the most accessed of all social media, and Thai Facebook[2] is ranked eighth in the world of active users, followed by YouTube, Line, Facebook Messenger, Instagram, Twitter, Skype, LinkedIn, Pinterest and WeChat (We Are Social, 2020).

According to We Are Social (2021) in the Digital 2021 Global Overview Report, the number of Internet users in Thailand taking the overall population into account is 69.5 per cent, while the number of world Internet users is 59.5 per cent. In the data of the Digital Government Agency of Thailand (2021), the number of Internet users in 2016 was greatest with Generation Z (1997–2009), Generation Y (1980–

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[2] The age of Facebook users in Thailand is mainly in the 18–24 and 25–34 year-old brackets.

1996), followed by Generation X (1965–1979) and least with the Baby Boomers (1946–1964). However, there are many Thais who are unable to connect to the Internet because of lack of equipment and cost, so broadcasting media are still of vital importance for those to achieve the information they require.

According to the Nielson Company report on the media industry in 2020 and trends in 2021 (National Broadcasting and Telecommunications Commission, 2021), the average number of radio listeners in the twelve to thirty-four age group and thirty-five years and above in each month of the year 2021 had increased in comparison to the number in the same period in 2020. That was because the Covid-19 lockdown period in Thailand enabled people to spend more time listening to broadcasting media. Additionally, Infoquest (2021a) stated that in 2021 approximately 9.7 million of the Thai population aged twelve years and over listened to radio broadcasting, and that this figure increased to twelve million later in the year.

Mainstream broadcasting media are run by companies which are not set against the government and do not criticise it. Commercial broadcasting tends to avoid presenting issues of concern relating to the country and instead presents entertainment content to survive in their business. A tradition of state intervention applies to politically sensitive news coverage that is broadcast (McCargo, 2000). That interference is hidden within the ownership of radio and television frequencies. Thai broadcasting media are seen as the shadow of state power and as a servant of the state (McCargo, 2000). In the following section, radio

broadcasting in Thailand is discussed and a brief account of its structure and ownership is provided.

4.3.1 Radio broadcasting

This research considers radio broadcasting in Thailand to be a traditional media platform that is essentially ignored by regulatory practices. Actions to address the situation and for it to reach the public sphere through public service broadcasting is suggested throughout the text.

One of the primary platforms of news and entertainment in the world is radio broadcasting, with more than two billion radio receivers and over 20,000 radio stations (Coyer, 2006). Listening to the radio for information and entertainment is important for much of Thai society. In 2017, 52 per cent of the total number of Thai households listen to the radio and most listen on car receivers (36 per cent) and table-set receivers (31 per cent) (National Broadcasting and Telecommunications Commission, 2018). In Mahidol University research (Maco, 2017), it was stated that 48 per cent of rural people listened to the radio, listening for two hours daily on average, and advertisements broadcast through radio was thought to influence 75 per cent of listeners. Receivers of these radio broadcasts are in the north-east of the country (62.55 per cent), the north (62.49 per cent), the centre (56.08 per cent), Bangkok metropolitan area (23.03 per cent) and in the south (19.46 per cent) (National Broadcasting and Telecommunications Commission, 2018).

Compared to other mass media, broadcasting of radio and television is widespread in Thailand, because people can easily consume information through these channels. Thai broadcasting includes both radio and television at both national and local levels. Based on access to electronic media, radio and television stations in Thailand are national media (McCargo, 2000; Wissessang and Freeman, 2012).

Thai people first became used to radio through the AM[3] spectrum in rural areas and the FM[4] spectrum in metropolitan areas. This is illustrated in the research conducted by Mahidol University (Brandbuffet, 2017; Maco, 2017) which shows that radio broadcasting is ranked seventh of the most influential media for local people, behind online media, including Chat and Messenger, point-of-sales material, television, out-of-home media, brochures, and word of mouth.

Thai radio provides information and entertainment programmes. Radio broadcasting comprises 29.5 per cent of entertainment programmes, 24.3 per cent of news programmes, and 5.7 per cent of traffic news and other types of programmes (National Broadcasting and Telecommunications Commission, 2016, cited in National Broadcasting and Telecommunications Commission, 2018). The role of radio in Thailand is seen by listeners as providing both information and entertainment.

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[3] AM refers to amplitude modulation transmission of radio broadcasting, which can broadcast at very long-distances.
[4] FM refers to frequency modulation encoding the audio signal on the carrying frequency of radio broadcasting, which can air in close distance, compared to AM radio broadcasting.

Sap-in and Khaoroptham's (2017) research showed that radio broadcasting is more popular in the provinces with the elderly than in urban areas. People in rural areas can easily listen to the radio, as a radio receiver is much cheaper than a television set. In 2020 the National Broadcasting and Telecommunications Commission (2021) showed that elderly Thai people tended to listen to news programmes on the radio, while young people listened to entertainment programmes through online streaming media. Also, 68.9 per cent of listeners in five regions listened via radio broadcasting receivers in households, via portable devices or in automobiles; 19.3 per cent of listeners listened through their mobile phones and WiFi, while 0.3 per cent of listeners consumed information from their personal computers and laptops.

Since there are still inequalities in terms of financial status, ethnic differences, and age and education levels in Thailand (Sinpeng and Hemtanon, 2019), radio broadcasting is a very important medium required to cope with local and national information being conveyed for people in both rural and urban areas. Chan (2005, cited in Wisessang and Freeman, 2012) noted that in a democratic society radio is an essential tool for information and enlightenment. Radio is an influential medium for Thai people, and is also the most economical electronic medium without any geographical barriers or literacy problems (Fraser and Restrepo-Estra, 2002; Siriyuvasek, 1994). Elliott (2010) has said that:

> At its most basic level, community radio has played a crucial role in the evolution of Thailand's public discourse on media and society. Beyond this level, the emergence of tiny community radio stations in Thailand is part of a global phenomenon with lasting consequences for the manner in

which radio frequencies are claimed, monopolised and commercialised by states (Elliott, 2010, p18).

This research has realised that radio broadcasting is still vital to local people and also to government organisations, since in Thai society radio broadcasting functions on the basis of audience reception and behaviour and low press freedom as outlined in section 4.2 above. The low media freedom is clearly seen in the ownership and background of radio broadcasting in Thailand owing to radio frequencies nationwide being owned by government and military organisations, shown in section 4.3.2 below. Significantly, the public sphere in radio broadcasting is important for local listeners as a collective communication space for their interests, and this thesis claims this core value needs to be achieved.

4.3.2 The structure and ownership of radio broadcasting

An effective media structure is associated with a healthy democracy, and an efficient political structure can facilitate media reform pragmatically for radio broadcasting in Thailand. The obstacle to this is rooted in the current social and political structure. This section provides a general idea of the structure and ownership of radio broadcasts in the country.

The Thai structure of radio broadcasting media is significantly weak, and for years this government-owned media platform played a significant role in the structural and financial problems of Thai media, along with political instability (McCargo, 2000). Government and military organisations still own all radio frequencies and provide concessions of radio frequencies to private corporate companies while local radio stations applied the low transmission frequencies without official legal

approval. Practical regulations provided by the regulator, based on the National Master Plans of 2012 and 2020 and the Broadcasting and Television Businesses Act of 2008, and which are later analysed in Chapters 7 and 8, have not become fully functional.

In the broadcasting landscape of Thailand, there are many stakeholders involved in the creation, formulation, and implementation of radio broadcasting policies. Sinpeng and Hemtanon (2019) in their research have claimed that stakeholders can be categorised into three groups emanating from politics, business and the civil service. These three groups have to take part in each step of the policy-making and implementation of broadcasting to clarify and standardise policies for each group.

Siroros and Ungsuchaval (2012) have stated that the major policy-makers are government agencies and the army, while Wongrujira (2008) thinks that key policy-makers are the appointed technocratic ministers, think-tank institutes and advocacy groups related to media reform. The government plays a large part in both policy-making and control, and also as a broadcaster.

Siriyuvasek (1994) has said that broadcasting frequencies[5] have been in the hands of three government organisations: the Public Relations Department

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[5] The National Broadcast Telecommunication Commission (2018) has stated that in 2018, the number of radio stations in Thailand consisted of 313 FM stations and 193 AM stations, comprising security organisations (military) including the air force, navy, army and police officers which there are 126 FM stations and 119 AM stations. The Mass Communication Organisation of Thailand (MCOT) has 148 FM stations and 59 AM stations; educational organisations have 9 FM stations and 6 AM stations; and other ministry organisations have 30 FM stations and 9 AM stations.

(PRD), the Mass Communication Organisation of Thailand (MCOT), and the Ministry of Defence. All radio stations have to broadcast daily news programmes produced by their frequency owners, which are either military or government entities, in the morning, at noon and in the evening. Private companies are required to auction and pay for concessions of broadcasting-frequency waves owned by military and government entities. This is similar to what Hewison and Kitirianglarp (2010) have said about ownership and control. Electronic media are also tightly controlled by the Thai state (Brooten, 2013). Kogen (2010) has said that firm government control of the media in Thailand has occurred for a very long time, and remains the case, despite market liberalisation. Radio broadcasting is controlled by government and military usage because it is said to be in the national interest and for the security of the country.

Media business owners play an important role when media rely heavily on commercials or other funding methods such as subscribers. Korff et al. (2014) noted that media organisations both depend on economic resources and are themselves a means of generating income. The broadcasting media is accepted as a way of profit-earning device for those who want to invest and make money from it, excluding media operating with PSB principles.

Radio programme producers have to depend on the government for long-term permission to broadcast and contract grants, which are significantly based on personal connections to government personnel (McCargo, 1999). This may result in many highly positioned officials centralising management control, frequency allocation and broadcasting in Thailand (Supadhiloke, 2009).

A hierarchical class structure of society exists in Thailand, whereby seniority and upper-class people are Thai characteristics and are respected and accepted, (McCargo, 2000). Seniority and bureaucratic polity, plus patronage systems, have dominated in governmental organisations and the army, while ordinary people have been ignored and are voiceless. Radio broadcasting has been tightly controlled under the patronage of the army and government-owned signals. Both official and unofficial relations between political parties and media organisations show partisanship (McCargo, 2000). The formation of relationships between media owners and executives within political groups are questionable in terms of concession agreements and other benefits gained in exchange with broadcasting operations.

Currently (2021), the broadcasting structure of Thailand is still seen as in the study of Siriyuvasak (1996, cited in Korff et al., 2014). Siriyuvasak has said that Thai commercial broadcasting is divided into three models through the lens of the ownership structure and limited funding: allocation control, operational management, and revenues and franchise. Allocation control is characterised by income received from the state and advertising. The five-to-ten-year contracts gained by the highest bidders is a feature of operational management in the second model. The third model comprises the state organisation providing an initial financial instalment, with a monthly revenue shared with the private companies that co-produce the programme content. Siriyuvasak (1996, cited in Korff et al., 2014) also claimed that this causes a problem of airtime control and programme quality.

The broadcasting situation in Thailand is uncertain, and most of the time control is in the hands of the authoritarian state. Siriyuvasak (2001, cited in Wisessang and Freeman, 2012) has suggested that both radio and television have an authoritative relationship with viewers and listeners, since many governments have seen that broadcasting is a powerful method of manipulating audiences, particularly people in rural areas.

Aside from the government, military and business companies, the civil sector, which is seen to engage in community radio, is an important actor in the creation of Thai PSB. Many civil sector organisations were unable to call for an awareness of PSB until the 1997 constitution that resulted in the formation of the NBTC. Public participation in any regulatory issue has to be observed by participatory media including radio stations. To increase accountability, strict observance by the public on the creation of policy made by politicians may help the public to investigate the duties of the regulator (Sinpeng and Hemtanon, 2019).

Media reform are words heard lately in Thailand. Media reform may result in a change of media channel owners, operators, content creators and audiences because media stakeholders will have to change the way they work and accept structural and ownership changes to the media and new policies. Thai broadcasting reform should include the public interest and secure the engagement of broadcasting administration for the public (Siroros and Ungsuchaval, 2012). But in Heinrich Boell Stiftung (2013, cited in Sinpeng and Hemtanon, 2019), Supinya Klangnarong, a media activist, has stated that under

military regulation media reform would relate only to military affairs and not to empowering citizens or protecting the public interest. Media reform in Thailand should also allow people the right to choose their form of communication which includes freedom of expression in Thailand.

Media reform may be constructed to consider media development in different ways. Reform may successfully comprise three parts: structural reform, content control and quality media regulation (Soodsaw, 2009). Freedman (2014) also emphasised that structural media reform could help replace commercial programmes with public broadcasts. There are constructive policies regarding radio broadcasting in Thailand for all three measures, but government and military control appears to violate media freedom for people to produce programme independently. The structural reform of Thai media is badly needed so that all interested groups of people can own and use broadcasting frequencies for their own purpose within the public sphere. The broadcasting structure is key for unlocking further changes, including programme content.

To solve the ownership problem, Ramasoota (2013, cited in Sinpeng and Hemtanon, 2019) has said that media activists and scholars have recognised three main tools for media reform, which consist of designing radio spectrums for non-state actors, producing media for the public good, and comprehensively developing press freedom. These three tools could be applied in Thailand by allowing the public and community radio to participate in radio broadcasting. Broadcasters would aim to reach their targeted audiences with content related to

public values. The use of the tools would reveal the progress of media freedom in the country.

In terms of public participation in radio broadcasting, the first community radio station in Thailand was set up in Kanchanaburi province in 2001 (Green, 2013). Community radio stations have operated all over the country, but after the launch of 1997 constitution unfortunately their signals interfered with each other. In May 2005 over 2,000 local radio stations were forced to lower their power of transmission or be off the air (Brooten and Klangnarong, 2009). According to the 2014 coup d'état's council's fourth order, Reporters Without Borders (Ismail, 2015) has reported that almost 3,000 local radio stations suddenly ceased to broadcast because they had been unlicensed.

The public sphere does not seem to be evident within the Thai media ecology seen in this review of radio broadcasting. This section of the thesis has described the landscape of radio broadcasting regarding its structural ownership for public usage in terms of the public sphere to help conduct the analysis of policy documents and interview reports in Chapters 6, 7 and 8.

4.4 CONCLUSION

This chapter has shown various contextual and media elements that reflect components related to Thai radio broadcasting policies. These elements help to identify the influences and policy practices which paint the picture of the Thai media landscape (seen in Figure 4.2) related to radio broadcasting. This picture

of Thai media landscape also strongly relates to policy implementation and has resulted in regulations and practical public engagement of radio broadcasting.
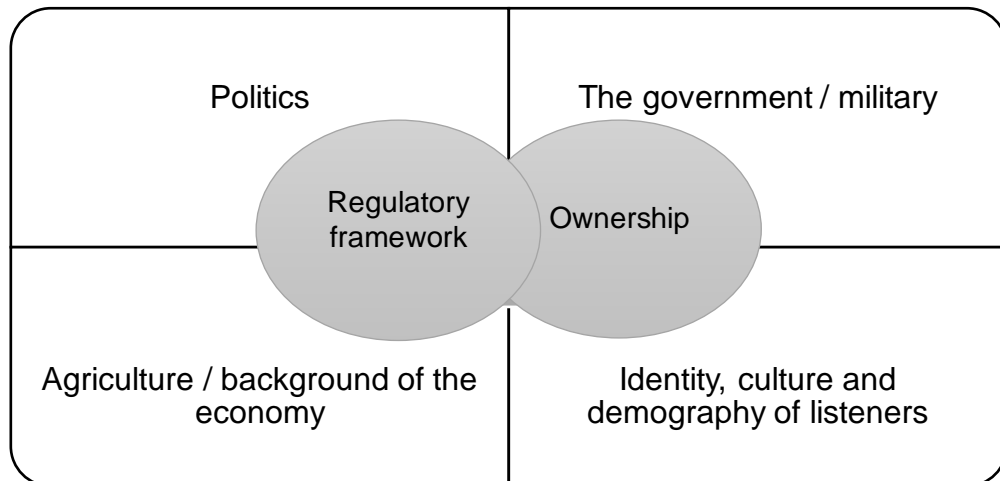
Figure 4.2 The Thai context of broadcasting media: Thai media background.

Section 4.2 of this chapter has set out the background of politics, the military, the economy and demography of Thailand. This allows this research to see the supporting elements of radio broadcasting in Thailand that might work under PSB principles. A discussion about the media landscape in the country brings about an understanding of local radio stations in terms of their operation, and the identity, culture and demography of their listeners.

In section 4.3, government control over various aspects of the media is discussed, covering ownership and political structures that frame radio broadcasting. Citizens engaged in radio broadcasting are recognised as empowering Thai people in terms of their engagement in the public sphere, and this appears in the form of community radio stations.

Based on the theoretical framework of PSB in Chapter 2 and comparative media systems in Chapter 3, the research aims to focus on what has been rooted in the broadcasting structure and policies of Thai radio broadcasting, as this platform is very sensitive to strict government control of ownership and regulations. This chapter has introduced elements and the ecosystem of Thai radio broadcasting that will provide the setting for later chapters on data analysis, which focus on policy development, and issues that influence policies and their implementation.

Taking into the account the approaches to PSB in Chapter 2 and comparative analysis of media systems in Chapter 3, this chapter has discussed the background of Thailand to envisage the possibility of reaching the public sphere in radio broadcasting. Thailand carries Hallin and Mancini's (2004) Polarised Pluralist model of a media system, which shapes the functions and operation of radio broadcasting that currently relies on authoritarian control through the hands of the government and the military. Within the Thai media system, radio broadcasting, particularly with regard to community radio, currently operates within PSB principles.

To reach the research objectives, the following chapter sets out the research tools used to examine the data collection and answer the research questions that have been posed. Chapter 5 on research methodologies includes approaches to formulate the research analysis. The research methodologies and research design enables this study to accomplish the research objectives and suggest feasible actions for establishing PSB in Thailand.

CHAPTER FIVE

RESEARCH METHODOLOGY

5.1 INTRODUCTION

Literature reviews discussing the justification for PSB, comparative media systems and the media context in Thailand in Chapters 2, 3 and 4 identified the factors that shape the Thai radio broadcasting policies and practices. This chapter details the methodologies used in this research to explain how issues in the country shape Thai radio broadcasting policies and the policies' implications for radio broadcasters and the public.

The steps of the research methodologies attempt to address research problems, to clarify the approaches to reaching the research objectives and to address the research questions. The applied qualitative approach, together with the fieldwork technique of virtual and face-to-face interviews and study of policy documents, are described. The research questions are set within the scope of the theoretical framework to reach the research objectives. Later in the chapter the data analysis is explained to show the process of analysis of both policy documents and semi-structured interviews.

5.2 RESEARCH OBJECTIVES

This research has two primary objectives that are set out below in order to understand the basis of radio broadcasting in Thailand after 1997. These objectives are based on the complicated policy directions and environment surrounding them within the time period of the research between 1997 and 2021.

The first research objective is to examine the development of radio broadcasting as a public sphere in Thailand, and the influences in the policy making process through the analysis of radio broadcasting policies and their implementation in Thailand between 1997 and 2021. This analysis applies the theories of the public sphere to appraise the extent to which community radio broadcasting in Thailand meets the PSB remit and contributes to the realisation of the public sphere. The development of radio broadcasting policies in Thailand are discussed and analysed to answer the research questions. Here, policies include social and political events that shape media policies and structure, and how radio broadcasting, in particular community radio, operates in the country.

The second research objective is to identify the implications of the Thai broadcasting radio policies post 1997 for community radio broadcasting practices. Later, in the Chapter 9 (the Conclusion), feasible practices are subsequently suggested from this analysis to improve existing policies and regulations to facilitate community radio broadcasters to fulfil their PSB obligations through policy stakeholders and issues stemming from radio broadcasting policies.

5.3 RESEARCH DESIGN

To reach the research objectives set out in the previous section, a research design has been formulated to guide and systematically conduct this research to effectively deliver this research analysis. The research design links the research objectives and research questions to data collection methods. Also, the research

design attempts to show the approaches adopted to answer the research questions for the researcher to have the overview of the ways in which the research is processing.

Creswell (2014) has said a research design is when a researcher attaches philosophical assumptions to the process of inquiry to the research. Sarantakos (2013) has stated that a research design comprises sample selection and data collection methods which help to produce convincing data. They can also help to address aspects to be studied for a certain result as well as avoid preventable problems. Yin (2003) saw that in collecting the data and drawing conclusions, a research design would link the empirical data to help form the research questions.

Yin (2003) has said that research questions, propositions, the unit of analysis, the logic that connects the data to the propositions and the interpretive criteria all comprise the research design. Based on the research questions, the research design is then classified into objectives, methods, conceptual framework and sampling strategies. These features have been shown in Figure 5.1 below.
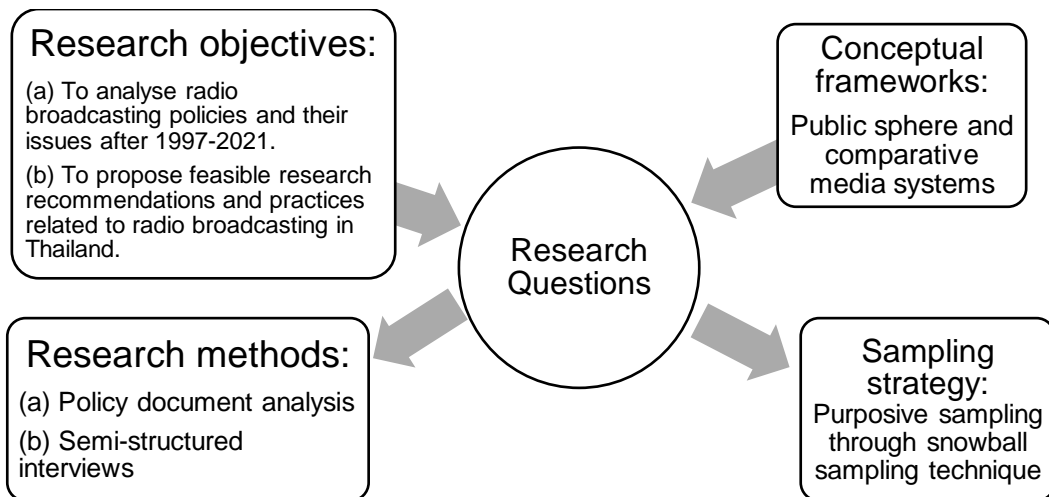
Figure 5.1 Thai radio broadcasting research design (modified from Robson and McCartan, 2016).

To enlarge on Figure 5.1, the central tenet of the research questions, which are written out and explained in a later section of this chapter, shows the purposes of the research, methods used in the research, and the conceptual frameworks based on the study and sampling strategy.

In the section on data collection, two research methods of examining policy documents and semi-structured interviews are described to tackle the research questions with a purposive sampling strategy, along with the snowball sampling technique in the interview process. In the section on data analysis, the data collected is analysed by using thematic analysis and discussed in relation to PSB, including the public sphere and comparative media systems.

The selected case study has enabled the researcher to frame the picture of radio broadcasting in Thailand by discussing the conceptual framework of this

research. Before the researcher considers the data collection and data analysis, each element in the research design is discussed in detail to understand the research. This includes the research ethics that cover the research process to be conducted with the required standard applied.

5.4 RESEARCH ETHICAL CONSIDERATIONS

Research ethics have long been recognised as imperative, and all researchers have to comply with the necessary regulations and conduct in their research. Every step of the research needs to comply with the ethical method stipulated by the organisation the researcher is attached to. The researcher has compiled with the ethical considerations demanded by the University of Westminster as set out by a board of the ethics committees and the ethics consideration procedure.

First, the research proposal is required to be approved by the supervisory team. Second, the researcher has to answer questions regarding the research methods to access the data which are considered by the ethics committees through the website in the Virtual Research Environment (VRE) system provided by the University of Westminster. Third, after the approval given by the supervisory team and the ethics committees of the university, the researcher can further conduct the research methods. This is a necessary process of the research ethics to comply with the University of Westminster's guidelines.

In social research, fundamental ethical standards are required for proper identification, clear information of sensitive and stressful questions, welfare concerns, free and informed consent, rights of privacy, rights of anonymity and

confidentiality rights (Sarantakos, 2013). Ethical practices are usually seen to be a fundamental part of research design, with securely kept records, clear evidence of authorship, publication from proper data, expected conflict of interest revealed, informants informed of research details, full justification of ethical standards, the research proposal approved by ethics committees and ethical communication with the ethics committees (Sarantakos, 2013).

In this research, the researcher has abided by the ethical standards required. The researcher has ethically quoted and referenced in the literature reviews, and was particularly aware of ethical considerations in the data collection phase. The researcher was mindful of issues that might touch on sensitive concerns of the informants. Another issue related to research ethics is data storage, since the method used to save the collected data needs to be both secure enough for analysis and kept confidential in terms of privacy of informants. The researcher has made sure that collected data cannot be viewed by other people except for educational purposes and permission of the respondents.

All computer data files have been encrypted and password protected. The researcher has kept all files in a secure place and has complied with the requirements of the University of Westminster. All hard copy documents such as consent forms and interview answers have been kept securely in a locked cupboard. Documents have been electronically scanned, safely stored and accessed only by the researcher.

5.5 RESEARCH PARADIGM

Case studies are used as research paradigms to facilitate the exploration of solutions developed in response to problems identified within specific contexts (David, 2006). Here, the specific context is Thailand, in which radio broadcasting policies and the resulting community radio practices have been selected as a case study (see Figure 5.2).
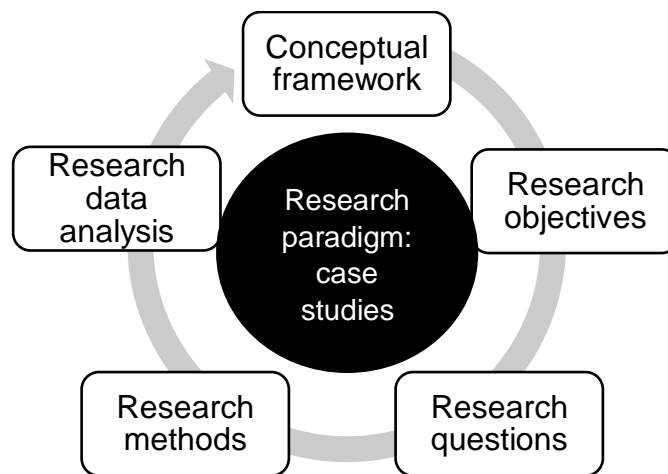
Figure 5.2 Research paradigm of the case study.

The radio broadcasting policies and radio broadcasting practices in Thailand have been chosen as a case study, according to Trochim, Donnelly, and Arora (2016), to observe the issues that shape Thai radio broadcasting policies and their implications for community radio broadcasting practices and the realisation of the public sphere.

Qualitative research has, however, been criticised because of the potential lack of validity of the research. As a result, due to its partial validity, small-scale, subjectivity and lack of accuracy, Trochim, Donnelly and Arora (2016) have said

that credible evidence is a requirement to support the propositions. It has also been said that research is not the only way to get to the truth, and that also helpful, thoughtful and important conclusions present other methods of qualitative research (Lincoln and Guba, 1985, cited in Trochim, Donnelly and Arora, 2016).

While generalising can be seen as a threat to an external validity, based on the study conclusions for other people, places, times and surroundings (Trochim, Donnelly and Arora, 2016), the accuracy of the research findings can be verified in the qualitative validity of the research (Creswell, 2014). However, the process and structure of the research do not guarantee its validity and reliability, as mentioned by Sarantakos (2013). He also raised efficacy, representativeness, generalisability and objectivity as threats to qualitative research. Nevertheless, the research design of the case study in this research has been created to maximise conditions of internal and external validity construction and reliability (Yin, 2003).

Qualitative case studies can be used either as a means to observe the situation and measure the research data, or an intervention (Trochim, Donnelly and Arora, 2016). Thai radio broadcasting policies have been selected to be qualitatively studied, and a research method has been adopted by the researcher to examine radio broadcasting in Thailand in order to suggest particular radio broadcasting policy practices. The case study is categorised as a key usage for description and hypothesis and theory-testing (Denzin and Lincoln, 2018).

Though case studies as a research paradigm are often criticised for their lack of accuracy (Yin, 2003), as well as for providing limited access to the fieldwork and individual information (Sarantakos, 2013), case studies also offer some advantages. These advantages include original data in ordinary environments, familiarity with interviewees, and information about the entire circumstances and not just a small part of the given issue (Sarantakos, 2013). Usually, case studies are used for both magnifying and simplifying theories (analytic generalisation), but not for statistical generalisation (Yin, 2003). The case study comprises radio broadcasting in Thailand, which has been chosen in order to understand its policy implementation and to suggest that Thailand's citizens might engage in reaching PSB through the public sphere.

George and Bennett (2004, cited in Denzin and Lincoln, 2018) claimed that case studies are not entirely fulfilled by theoretical notions, but that the concentration of designs are on propositional construction or theory improvement (Mahoney, 2007) or experimental application of case studies (Yin, 2014, cited in Denzin and Lincoln, 2018). For this research, the case study is used to test the theories approaching PSB which are related to the public sphere and market failure, along with their supporting media ecosystems.

The case study is widely used in different situations, and also in the historical context of the organisation researched (Trochim, Donnelly and Arora, 2016). The case study is applied to the research paradigm of this research to investigate the context of the research interests and other relevant issues, including the surrounding issues of the research. In this instance, with regard to policy analysis,

the case study can show the complete picture of Thailand's landscape and various media issues that have been researched.

Even though this specific study does not enable generalisations in every area, the study of Thai radio broadcasting policies may be potentially adapted for further studies of other countries' broadcasting policies with contextual similarities, particularly countries in Southeast Asia which have extensive comparable structural circumstances. In contrast to Western countries, such as the UK, which has an authentic and efficient PSB model ideal for other countries, public radio broadcasting in Thailand under the official legal framework is still regulated by the government and does not in fact function despite the foundation of public service radio broadcasting in the 1997 constitution. However, community radio in the country does function following PSB principles. Using radio broadcasting in Thailand as a case study has helped the researcher understand the reasons why a Western model appears to be inappropriate for non-western cultures because of distinctive Eastern ecologies and structures in these countries that have been created.

Yin (2003) has maintained that an entire study can work with just a single case study and later its conclusions may be used for other single case studies. Sarantakos (2013) has also said that a small sized case study usually allows for the issue under investigation to be understood with resulting generalisations being able to explain similar cases. In defining a theory about a social topic, a single, large sized case study can be used, but a number of case studies can also help to investigate an issue, phenomenon or conditions. It is suggested that

the use of the specific, single case study of radio broadcasting in Thailand has enabled the researcher to investigate media policies in Thailand as well as undertake an analysis of different samples such as policy documents and stakeholders as interviewees and relevant issues.

5.6 RESEARCH QUESTIONS

According to Creswell (2014), research questions usually start with statements showing a design in the exposing and occurring circumstances which the investigator would like to describe with cause and effect. The research questions are statements that have led the researcher to find answers to them, and address problems about the findings discovered. The research questions set out below attempt to set out issues arising from the main issue studied, which in this research is radio broadcasting in Thailand.

Two research questions are set out that aim to show the subject of the research and the way to focus on research into radio broadcasting policies in Thailand. Each question is elaborated in terms of policies and their provisions, which the researcher has tackled by using methods of data collection.

The first research question (RQ) started this research at the point at which radio broadcasting attempted to reach public participation and PSB. The question is geared to discover the policy development of radio broadcasting in Thailand.

RQ1:

How have radio broadcasting policies in Thailand developed after the recognised period of media reform (1997–2021)?

The period of media reform in Thailand started in 1997, and was based on the 1997 constitution which stated that broadcasting was a national resource and that its use was required for the benefit of the public. The date of 1997 is the start point of the research into the development of radio broadcasting policies, when radio broadcasting was widely and publicly recognised in Thailand's regulatory framework. The researcher set 2021 as the finishing date of the study, as it is the most recent date for when regulatory policies regarding radio broadcasting have been amended and enacted.

Policy documents related to radio broadcasting have been studied by the researcher to analyse circumstances and themes of radio broadcasting policies and their practices adopted in Thailand. This research has covered the initial public engagement in the operation of radio broadcasting, and also the current and expected frequency ownership to show the development (and lack) of radio broadcasting policies. After broadcasting ownership began to be allowed by the government for ordinary Thai citizens, Thailand's radio broadcasting policies regarding the operation of stations were determined by the NBTC and academics who included media experts and advocacy groups, as well as by personnel in radio broadcasting stations. The first research question has been answered by the analysis of policy development of radio broadcasting in Thailand from 1997 to 2021 and what has influenced the policies.

The researcher subsequently decided to investigate the regulatory practices in terms of their operation, enforcement and implications stemming from their enforcement. The second research question helped to discover the reasons behind the legal practices, together with the study of the regulatory documents and stakeholder interviews. The second research question is set out below.

RQ2:

How have the aspirations and objectives of the radio broadcasting policies in Thailand adopted between 1997 and 2021 been compromised by issues that have occurred in the country?

After considering the various radio broadcasting policies, issues regarding the regulatory practices are set out in the second research question. Radio broadcasting has been an active platform governed by Thai government personnel since its inception, so radio broadcasting policies help to portray the structural landscape of Thai media and the difficulties they have faced, which are related to government ownership and public engagement with this communication platform. The aspirations and objectives of radio broadcasting policies are determined and set out in the research along with their provisions, and the researcher has analysed radio broadcasting policies and their implementation. There are various issues involving radio broadcasting that affect the development, regulatory framework and practices of radio broadcasting.

Hence, the first question assumes there has been development of radio

broadcasting policies in Thailand. The main reasons for radio broadcasting policies transitioning to publicly owned radio broadcasters in Thailand have been studied and analysed through interviews and policy documents. The second research question attempts to show influences relating to radio broadcasting, and addresses issues of policy enforcement after studying the policy documents. It also focuses on issues that have affected radio broadcasting policies in Thailand between 1997 and 2021.

Both research questions address radio broadcasting policies that circulate in the media context of Thailand under various conditions and the researcher has set out feasible policy actions for policy direction and practices. The research methods selected, which have been used to address both research questions, are the study of policy documents and semi-structured interviews which have shown the influences on policy development that have been discovered in regulatory documents as well as issues that have resulted.

5.7 RESEARCH METHODS

Qualitative research has been conducted in this research on radio broadcasting in Thailand. Qualitative research involves field notes, interviews, conversations, photographs, recordings and memos (Denzin and Lincoln, 2005, cited in Sarantakos, 2013). Lüders and Reichertz (1986, cited in Denzin and Lincoln, 2018) have said that one target of qualitative research is to describe the social action and social milieux. In social science research, many qualitative methods have usually been regarded as reliable for achieving the research project and to reach the goal required. This is because there are features in such research that

are natural, dynamic, subject-centred, informative and detailed (Sarantakos, 2013).

The data collection has been devised with the collection and examination of policy documents and with semi-structured interviews because both methods reflect the regulatory framework. These two data sources are used in this research to explain the policy directions and details of radio broadcasting in Thailand, and in the practices adopted and their implementation by all stakeholders. Also, the collected data is used to analyse and answer the research questions, and to describe the public sphere and market failure in the landscape of radio broadcasting in the country.

Two methods of the examination of policy documents and semi-structured interviews are used to explain the policy directions of both the regulator and operators in radio broadcasting production. The details of policy documents and interviews, and the thematic analysis, which have been made to cover the process of coding these two sets of data, are set out in the section 5.7.1 on policy documents and 5.7.2 on semi-structured interviews below to explain the procedure of data collection in this research.

5.7.1 Policy documents

This research has examined policy documents related to Thai radio broadcasting policies in the period between 1997 and 2021 and has used them as a tool to examine the research questions. This method of data collection has brought about the dataset of regulatory objectives and frameworks applied in Thailand

radio broadcasting operation. All written policy documents cover broad and specific regulatory issues of radio broadcasting in Thailand.

According to Yin (2003), there are three principles of data collection, consisting of manifold evidence sources, creation of a research databank and sustainability of evidence. The policy documents are thought to aid the research investigation because they are published evidence that shows the progress of broadcasting and resulting issues.

The initial data source was policy documents as Patton (2002) mentioned that in studying passages or quotations from organisations and archives, publications and reports are included in document analysis. The researcher analysed and listed all the policies of radio broadcasting. She also focused on the policy documents to find relevant issues particularly related to public engagement of radio broadcasting and government authorities controlling radio broadcasting stations.

Policy documents related to radio broadcasting in Thailand are listed in the *Royal Thai Government Gazette*, in which all regulatory broadcasting documents are officially published by the cabinet and the Royal Gazette Publishing House on a website, excluding the Spectrum and Broadcasting National Master Plans of 2012 and 2021 which are published on a website by the NBTC. The policies enacted are drafted and launched by different sets of government and parliamentary representatives at various times. The policies investigated have

included policies that have been amended and policies replacing previous versions.

Official documents in Thailand are considered to be reliable research sources, which all relevant government organisations and the regulators utilise to impose on radio broadcasters at national and local levels. Owing to the policy documents issued and acted upon by government organisations, the researcher is aware of the benefit government organisations are able to obtain from the policy enforcement demanded by the regulatory bodies, which are formed by the government and work under the Thai top-down government structure.

Initially, the policy document selection process was carefully planned to examine and reflect on the ability of radio broadcasters to exist and compete in the business of broadcasting to the public. The regulatory documents have been selected from activities related to radio broadcasting, and policy actors and public engagement within radio broadcasting stations.

There are a number of policy documents that have been studied for this research (see Figure 5.3 below). The first is the 1997 constitution of Thailand, particularly Article 40, which was the starting point for structuring broadcasting ownership in Thailand. A regulatory body is required to allocate and administer radio broadcasting frequencies. The Organisation to Assign Frequency Waves and to Regulate the Radio Broadcasting, Television and Telecommunications Services Acts of 2000 and 2010 are also examined, and the National Master Plans of 2012

and 2021 of radio broadcasting, which were set up by the regulatory organisation, the NBTC, to produce broadcasting guidelines, were also scrutinised.

The provisions regarding radio broadcasting in the Broadcasting and Television Businesses Act of 2008 have also been inspected for this research. Another policy document enacted is the Thai Public Broadcasting Service Act of 2008, which has also been investigated. The relevant policy actors were interviewed about the policies and their implementation, as well as about the problems and support mechanisms available to radio broadcasting, and these are focused on in section 5.7.2.

National Master Plan 2012 and 2021

Broadcasting and Television Businesses Act of 2008, Thai PBS Act of 2008

Organisation to Assign Frequency Waves and to Regulate the Radio Broadcasting, Television and Telecommunications Services Acts of 2000 and 2010, with section amendments in 2017, 2019, 2021

Constitutions of Thailand 1997, 2007, 2017 (Sections related to radio broadcasting)

Figure 5.3 Policy documents investigated in this research.

The policy documents allow for concrete evidence of each development in approaching the research objectives of radio broadcasting to answer the research questions. They have set out the government's intentions related to the

business of radio broadcasting and its stakeholders. The directions and objectives are embedded in policy details in the regulatory sections.

This method of data collection has been set to show the intention and development of radio broadcasting policies from the years 1997 to 2021. The data from policy documents is applied to address the first research question of policy development regarding public engagement. Also, gathering policy documents has led this research to answer the second research question with the regulatory framework implemented in the policy practices.

5.7.2 Semi-structured interviews

The second method used for data collection is semi-structured interviews with stakeholders interacting with radio broadcasting policies and practices in Thailand. This method has been selected to reach policy actors who represent their organisations in the policy enforcement procedure. Semi-structured interviews have been used to answer the second research question, and this method of data collection is discussed to understand its importance and benefit.

The interviews are a first-hand data source of the information studied. Yin (2003) remarked that since case studies are related to human activities, an important data source of research is interviews with specialists. Also, Babbie (2010) said that a qualitative interview can be explained as an interaction between an interviewer who has a general inquiry outline and topics to be covered, and an interviewee. The interviews applied in this research have received points of view from many angles of policy-setting without a strictly organised format.

Sarantakos (2013) has said that semi-structured interviews employed in qualitative research are mid-way between structured and unstructured interviews, and relevant to the research topic and its purpose, resources, methodologies and preferences. The researcher has used semi-structured interviews with delineated questions to the interviewees. A subjective data collection, combined with analysis of relevant documents to understand the policy and issues, is valid to enable the research objectives to succeed.

Based on the stated research approach to interviews, a carefully considered approach to selecting samples from the research population is required. This is because the selected samples can influence and lead the research findings into the themes set and patterns resulting in the conclusions and recommended regulatory practices of radio broadcasting in Thailand.

5.7.2.1 Sampling selection

According to Trochim, Donnelly and Arora (2016), sampling is defined as a unit selection of people, clusters and organisations, including occasional texts from the population studied, which results in a unit generalisation. There are two extensively used types of sampling methods: probability and non-probability sampling. Trochim, Donnelly and Arora (2016) have also explained that whereas probability sampling relates randomly, non-probability does not involve the random selection.

In this research on radio broadcasting policies in Thailand, the method of non-probability sampling has been chosen on the basis of the researcher's accessible contacts to interviewees, and an external validity is accepted for this type of sampling. Purposive sampling is a subset of non-probability sampling to target samples quickly, and when proportional samples are not the main category (Trochim, Donnelly and Arora, 2016). Trochim, Donnelly and Arora (2016) also called expert sampling from known or specialised individuals to be samples from specific areas which are useful for insufficient data. Expert sampling is the best way to review the insights of specialists and offer evidence to address the validity of the research. Purposive sampling in this research has been applied for the selection of specific actors of regulatory bodies interviewed.

Purposive sampling was used in the selection criteria as the researcher could not randomly choose specific participants such as personnel from the regulator, representatives of government radio stations, or media specialists. It was unlikely that Thai government-owned organisations contacted by the researcher, such as government frequency owners and authoritative representatives, would permit the researcher, who was not known to the organisations concerned, to interview random personnel. Many interviewees requested official invitation letters from the researcher's affiliation (University of Westminster in the UK and Rajamangala University of Technology Thanyaburi in Thailand), and the researcher had to purposively send out the letters requested before contacting and interviewing people.

Additionally, the number of all types of radio stations registered by the NBTC process fluctuates each year; it comprises around 3,966 stations in 2021 (National Broadcasting and Telecommunication Commission, 2022, cited in Waewmanee, 2022). Many personnel in radio broadcasting stations were interviewed face-to-face, and were initially reached through the names of the stations which appeared on the website of the NBTC.

Some radio broadcasters were purposively contacted as not all the contact details of every radio broadcasting station in Thailand appeared in the regulator's website about interviewing stakeholders. Subsequently the snowball technique of interviewing was adopted after stakeholders from the original interviews provided additional contacts to interview. With this type of sampling a broad coverage of the given population was able to be reached for interviewing, particularly interviewees who were not in the public domain or listed anywhere. In approaching local radio stations the researcher found snowball sampling very useful in finding stations and people who were hard to access. Snowball sampling was therefore used as purposive sampling for populations who were to some extent inaccessible. In this connection it should be noted that there is no sampling structure that is 100 per cent reliable.

For radio broadcasters in local regions, the researcher generated various selection criteria. First, the stations had to qualify according to the specifications of the Broadcasting and Television Businesses Act of 2008. Secondly, these radio stations had to serve and be managed for the public and be engaged in the local community. The well-defined goals for the stations had to present the

stations' identity and mission through their programme content and presenters. Lastly, designated stations, according to the ideology of the 1997 constitution, had to have maintained their business for five to ten years continuously.

The sampling method of semi-structured interviews did not require the respondents to strictly follow the interviewer's questions. The interviewees were therefore fully able to express their opinions about the regulatory details and practices. The selection of questions for the interviewees focused on the themes of policy documents and their involvement in radio broadcasting policies.

5.7.2.2 Fieldwork data collection

This research's fieldwork centred on face-to-face interviews with stakeholders and field visits to local radio broadcasting stations in Thailand . (illustrated in Appendix B). However, because of the Covid pandemic, the target of reaching many radio stations in Thailand was limited owing to travel restrictions. Travel to interview people in radio stations around Thailand was not easy, and the Covid-19 constraints also affected permission for face-to-face interviews on account of health care issues. Due to the limitations set out above, the interviews of stakeholders were progressed via both face-to-face and virtually. To minimise health risks in-person contact, interviews with media experts and regulator representatives were conducted online. Nevertheless, to ensure the richness of the fieldwork, the researcher conducted face-to-face interviews with radio broadcasters in person during her visits to the local radio stations. The researcher observed Thailand's guidelines for social distancing and used face masks to ensure health safety of the research and research participants.

Many interviews aim to obtain descriptions of how respondents experience issues rather than collect reflections or theories of why they faced events (Denzin and Lincoln, 2018). To form a connection and talk about many management topics, the interviews were mainly dialogues delivered to check the validity and ethical considerations through telephone conversations or online contact (Shuy, 2002; James and Busher, 2012, all cited in Denzin and Lincoln, 2018). However, in just audio interviews, the drawback is that the interviewer cannot see the interviewee's body language or feel the atmosphere of the interview.

In contrast, face-to-face interviews let interviewers gain interviewees' insights more accurately than with phone or Internet interviews. The interview was defined by Maccoby and Maccoby (1954, cited in Denzin and Lincoln, 2018, p1000) as 'a face-to-face verbal exchange, in which one person, the interviewer, attempts to elicit information or expressions of opinion or belief from another person or persons'. Face-to-face interviews are likely to allow interviewees to provide details about questions in an unlimited time, so face-to-face interviews consume much time and cost a lot of money. The gestures and appearance of the interviewees may show non-verbal meanings of the interview-related content to the interviewer, who may then reflect on what has been said.

Fieldwork in this research was conducted to collect data from various types of stakeholders in radio stations nationwide. As fieldwork is the origin of qualitative data analysis (Patton, 2002), fieldwork areas are needed for the investigator. Patton (2002) specified that the principal action of qualitative examination is

fieldwork, which directly relates to people in their contexts. Researchers apply different methods of fieldwork, and the semi-structured interview is one of the most used (Eberhardt and Thomas, 1991, cited in Sarantakos, 2013).

Preparation and reflection are required by interviewers because there is a need to get interviewees involved with the subject in hand and politely making sure they stick to the point, while providing their opinions (Parker, 2005, cited in Denzin and Lincoln, 2018). The researcher needs to prepare sufficient resources before beginning the research. Time and place management are required in advance of going into the field. For field research, systematic research of general occasions is a given, without needing to experiment with the procedure (Lincoln and Guba, 1985, cited in Sarantakos, 2013).

The objective of field research is to explore existing situations, the behaviour of social collaborators and perspectives of people in the field (Sarantakos, 2013). The process of data collection in field research is to gather data from the area studied, take notes, keep a distance from the research setting, and then leave the field (Sarantakos, 2013). In this research fieldwork comprised data collection, which contained not only the substance of interviews but also the situational context of each radio station.

Patton (2002) wrote that along with observations, interviews and document reviews, fieldwork notes are gathered and then transcribed into descriptions with themes, groups and demonstrable case examples. Therefore, this research

includes both the interview transcripts and researcher's field notes in its units of analysis.

Since local people in radio broadcasting stations did not provide their insights and opinions about their operations as written evidence, the researcher needed to gather data from semi-structured interviews. Semi-structured interviews were also conducted with representatives of authorised organisations who were in the policy-making and regulatory system and who did provide written evidence. The interviews satisfied the data analysis as far as reaching feasible policy practices and the research objectives were concerned.

This has allowed the researcher to observe the operation of different radio stations. Radio stations' operational contexts enriched the interview data with contextual data. In this research some interviewees were not available to interview because of the lack of availability of time and place. For other online and face-to-face interviews, the time of the interviews had to be fixed with the interviewees. The data of this research has mainly come from the interviews of the informants, but because some interviewees could not be interviewed, the researcher had to arrange back-up plans to reach other data sources. However, some interviewees who had sufficient funding and were capable of accessing the Internet had virtual interviews if they agreed to this such as the NBTC, the regulator.

In order to have in-person interviews with local radio stations, data collecting locations were diverse in every region of Thailand. Many areas required travelling

long distances for data collection, despite the assistance of technology. Most interviewees of local radio stations were unable to effortlessly access Internet facilities because of the lack of technological equipment, financial resources and capability. So, the researcher needed to travel to collect data from research participants in radio stations in rural areas by personal car because community radio stations serve people in rural areas which public transport cannot reach. The locations of local radio stations are various distant around the country from the North to South and the East to West. For example, one of the face-to-face interviewees is a community radio station called Doikaew station in Chiangmai, one of the northern provinces of Thailand. The researcher had to drive for hours to reach the Doikaew station which is not near the town centre and facilities.

In terms of the look of community radio stations, some of them are attached to governmental organisations such as Southern Credit Union station in cooperative in Suratthani province, Glaeng station in Klaeng Sub District Administration Organisation in Rayong province while some are in Buddhist temples such as Lee people station in Lampoon province, Kuchinarai people station in Kalasin province. All of them are in small-sized rooms which use low-cost technical facilities including microphones, electronic mixers and egg-crate for soundproof panels in some stations such as in Kohn Muang Ket station in Roi-ed province. To elaborate, in Tai-so station in Sakhonnakhon province, the station is in the high-rise wooden house which still uses CDs to play the songs in between their talks or programmes.

When asking them questions regarding the programme content (as further analysed in Chapter 8, section 8.2.3), most community radio stations interviewed plan their programmes based on their human resources, facilities and audiences. With limited personnel, the community radio stations need to be concerned about their limits of radio hosts and broadcasters. For example, in Lee people station in Lampoon province, although the station would like to have a programme about fire safety because the nearby areas have forest fire problems, the station would have to ask other organisations relevant to fire safety to come to broadcast at the station. Therefore, the programme content is mainly related to the concerns of communities and people in the areas. The requirement of the regulator regarding content check and approval before broadcasting is hardly possible due to the limitation of personnel and facilities of community radio.

Moreover, each community radio station has had different values in terms of its purposes since its origination. Some community radio stations aim to sustain their identities and cultures such as the Tai-so station in Sakonnakhon province which is an ethnic group of Tai-so carrying their own language and culture. Map station in Chaingmai province also tries to help and share the experience of Shan people from Myanmar who came to work in Thailand. So, each community radio station carries various values to maintain and express their own identities in order to reach the accessibility and universality of public service broadcasting principles.

Similar to community radio stations serving different people groups, different communities in Thailand serve people in different ways since each community is various in terms of locations and specific issues. However, they are related to

some issues faced compatibly such as health care, agriculture and ageing society. These matters would bring communities including community radio stations to connect to each other as a group by topics which some may be shared. Consequently, community radio stations around Thailand serve different groups of people which depends on the areas and targeted group.

Thus, in the fieldwork data collection process, local radio stations can be grouped into three specifications. The first group is tied with social and community organisations such as temples, local government organisations, or local cooperatives. The second group is attached to community people based on similar identities and interests such as ethnic people, the blind people. The last one is not related to any attachment which these community radio stations are based on their local areas and far away from the town/city centre to serve their particular audiences.

Overall, the observation of community radio stations around Thailand gave the researcher a chance to absorb the feeling of community-based operation and the struggles faced by each station through all related policy practices. Hence, the fieldwork data collection through face-to-face interviews with local radio stations brought the researcher to a deep understanding of the situations of community radio and public participation in radio broadcasting. Also, the researcher can provide the proposed actions to sustain public engagement in the democratic environment of the country in order to reach the public sphere in the radio broadcasting of Thailand.

The researcher used the data and other perspectives of those involved with radio broadcasting to understand the views of the personnel in local radio broadcasting stations, which resulted in an in-depth analysis of radio broadcasting policies in Thailand. The data was collected from implementers of government policies, personnel involved with the regulator (the NBTC), as well as radio broadcasting practitioners who were affected by the goals of the policies. The overall sample collected comprised seventy interviews.

5.7.2.3 Radio broadcasting stakeholder selection and interview questions

The semi-structured interviews are discussed here to elaborate the representative grouping of stakeholders purposively selected in this research. The following explanation shows the research interview details, including question topics and their categorisation, which the researcher aimed to receive from each participant in the sector of radio broadcasting in Thailand.

As Brinkmann and Kvale (2015, cited in Denzin and Lincoln, 2018, p1002) have stated, 'A [semi-structured interview] is defined as an interview with the purpose of obtaining descriptions of the life world of the interviewee in order to interpret the meaning of the described phenomena.' The semi-structured interviews let the respondents provide different opinions on issues. The interviews may be biased if the collected dataset has not been balanced by all the stakeholders' perspectives regarding the research issues.

The in-depth data is collected through various processes throughout a continuous period (Stake, 1995, Yin, 2009; 2012, all cited in Creswell, 2014). Patton (2002)

has claimed that interviews of qualitative data offer deep subjective viewpoints, while Yin (2003) has said that the case study interview technique helps the interviewer to know the background story and contact other informers, while undertaking interviews from a number of sources can address bias and low recall.

In addition, all policy stakeholders (shown in Figure 5.4 below) were grouped in the policy-making and regulatory body (the NBTC), together with academics related to the public engaging with the radio broadcasting stations and other media. The interviewee list showed the variety of interviewees' insights on policies and their implementation. All perspectives were noted with care, to show that the interviewees represented their positions and were categorised within the correct type of organisations in the radio broadcasting industry. The qualifying indicators of policy stakeholders who responded to this research consisted of people in existing business operations, their engagement, their identification by other policy stakeholders, the significance of their operations, issues related to their scope of interest, and subjects related to public interests in policy documents.
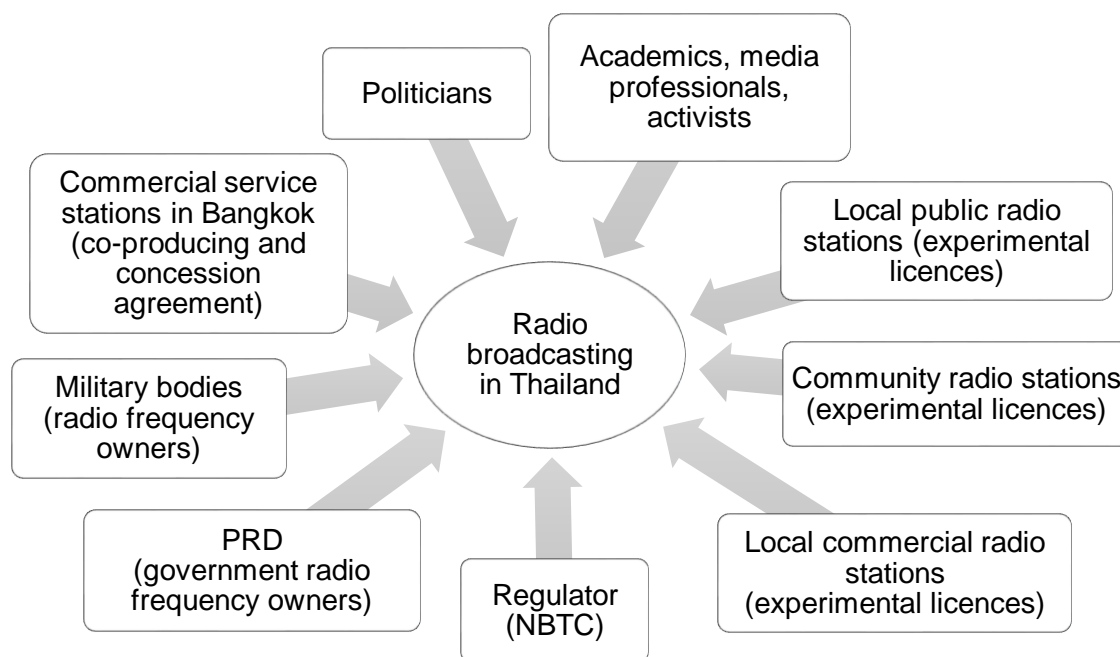
Figure 5.4 A map of stakeholders in radio broadcasting in Thailand.

The people interviewed consisted of stakeholders involved with radio broadcasting in terms of policy operation. Those involved included personnel from the regulator (NBTC) determined by the Organisation to Assign Frequency Waves and to Regulate the Radio Broadcasting, Television and Telecommunications Services Acts of 2000 and 2010 (with some sections of these acts being amended in 2017, 2019 and 2021), personnel from radio broadcasting stations (categorised as public, community and commercial in local areas and Bangkok, as verified by the Broadcasting and Television Businesses Act of 2008), politicians, academics involved in the media laws and communication, an activist, and relevant media experts.

In this study, stakeholders representing their affiliated organisations have been selected as samples. The policy stakeholders interviewed have been sorted into categories in Table 5.1 below to show each type of organisations interrogated.

Main groups	Position	Types of organisation	Name of organisation
Regulatory reps.	Regulator/ regulation-makers	Independent organisation	• NBTC
Policy-making bodies	Politicians/ MP	House of Representatives	• House of Representatives
Businesses	Public and community radio broadcasting stations	Foundations/ individual groups	• Foundations • Schools • Community groups • Temples
	Commercial local radio stations	Small & medium-sized companies	• Companies
	Government radio broadcasters, including the military	Government bodies/military bodies/state enterprises	• Public Relations Department (PRD) • Army radio • Mass Communication Organisation of Thailand (MCOT)
	Private commercial radio stations under concessions with government-owned frequencies	Media commercial companies	• RS Company Public Ltd • A-time media public company (umbrella of GMM Public company)

Advocacy groups	Academics and media experts	Lecturers/ former regulatory agents/media campaigners	• Thammasat University • Chulalongkorn University • Chiangmai University • Independent academics • CoFact
	Media content producers & non-government organisation	Reporters, media planners, activist	• *Isaan Recorder* • a newspaper • Article 19

Table 5.1 Policy stakeholders listed according to types of organisations.

To add to Table 5.1, after listing the interviewees in types of organisation, the researcher used specific sampling for interviews of specific categories of stakeholders, such as media academics, personnel within the regulator, government-owned radio broadcasters (including the military), and commercial radio broadcasting content providers who co-produce in government and military-owned radio stations. In this research, each policy actor in the semi-structured interviews had different goals and missions to attain in the radio broadcasting business, and had to hold to their affiliation and relationships within the organisations.

The researcher had to study the background and relationships of the stakeholders prior to the interviews. This helped the interviewer to ask for contacts in order to conduct the snowball technique of sampling and avoid reluctant interviewees and unpredictable feelings expressed towards the researcher.

The interviewees sampled were sorted into groups of regulatory organisations and policy-making bodies, business actors, and advocacy units. These were identified in terms of selection criteria, quantity and station categories. Table 5.2 below shows a summary list of interviewees and the interview structure. The interviewee names are in Appendix B.

Sector	Organisation	Quantity	Selection criteria & type of interview	Place
Reps. of the regulatory body	NBTC	4	Purposive sampling; virtual	Bangkok
Politicians	Deputy commissioner in parliament	2	Purposive sampling; face-to-face & virtual	Bangkok
Public & community radio stations	Director or founder	36	Purposive & snowball sampling; face-to-face	Provinces in Thailand
Public service broadcasting	Director	1	Purposive sampling; virtual	Bangkok
Commercial local radio stations	Director or founder	10	Purposive sampling; face-to-face	Provinces in Thailand
Government radio broadcasting stations, (including army & state enterprises)	Deputy president or director	4	Purposive sampling; face-to-face & virtual	Bangkok
Private commercial	Director	2	Purposive & snowball	Bangkok

radio stations under concession, with government-owned frequencies			sampling; face-to-face	
Academics, advocacy groups & media experts	Lecturers in universities, activists	9	Purposive sampling; face-to-face & virtual	Bangkok, Chiangmai
Media	A newspaper, *The Isaan Recorder*	2	Purposive sampling; face-to-face & virtual	Bangkok

Table 5.2 A list of interviewees and interview structure.

The questions for the semi-structured interviews were set out, with the issues outlined by the researcher and approved by the supervisory team of this research to guide the interview. Some interviewees, particularly the interviewees from the regulatory body, interviewees from government-owned organisations and academics, asked to see the question outlines to prepare for their answers.

Denzin and Lincoln (2018, p116) said that in Latour (1987)'s view, research participants should be allowed to be 'interested, active, disobedient, fully involved in what is said about themselves by others'. Also, Patton (2002) has said that realistic investigation and open-ended interviews reflect events that interviewee samples are determined to present and which test the qualitative data. In addition, Yin (2003) asserted that open-ended case study interviews regarding facts and insights that might occasionally have recommendations for future investigation

should be asked to lead the researcher to sum up suitable policy recommendations.

To apply the semi-structured interviews, the research had to begin with outlining interview questions and use those that were found to be practical and effective research approaches. All questions asked were open-ended, which left the respondents free to answer and react to them. The opened-ended questions were set in a friendly environment to let the respondents feel comfortable. The interviewer tended to allow the interviewees to speak without reservation and talk about the research issue without any limitations, so most of them spoke for a long time to express their feelings and situations regarding radio broadcasting in the country.

The open-ended questions were about pre-planned issues related to the research questions, and objectives and themes that resulted from the policy documents. The statements below were put to the interviewees for discussion:

- Their backgrounds, situations, problems, solutions of radio broadcasting policies and implementation.
- Their radio broadcasting development and circumstances.
- Their expectations and notions of ideal radio broadcasting policies.
- Their views on public engagement of radio broadcasting.
- Their support for the implementation of radio broadcasting policies.
- Trends of radio broadcasting in Thailand.

The first few interview questions attempted to relax interviewees with general questions about their workplace background and their positions. These questions helped the interviewer to know about the interviewee's organisational background and positional attachment to each organisation. Also, the questions about radio broadcasting development and circumstances brought the researcher to use the data set to analyse the issues influencing community radio stations and public service broadcasting in the country.

The background and development topic of questions could make the researcher deeply understand each radio station, particularly community radio stations in rural areas where the listeners have a strong relationship with the stations. This set of questions also makes the researcher see the history of some community radio stations which they have long stayed since opening of public usage to broadcasting frequency. To illustrate, Lee people station, Lampoon province, has a long story of its birth to be rooted in community heart and supports all the community works or events. These questions set the context of radio broadcasting in both the current and the past regarding different enacted policies that led to the first research question: How have radio broadcasting policies in Thailand developed after the recognised period of media reform (1997–2021)?

The questions regarding policy implementation, policy practices and public engagement that followed were asked in different ways to interviewees in terms of word use, explanation and context. For instance, the regulator representatives were asked with the use of official words and sentences, while it was thought that local broadcasters needed a more informal use of language and non-technical

terms in the questions. These questions related to policy practices and issues after implementation of the policies. So each respondent's answers about confronting situations were different. Such questions enabled the researcher to realise the reality of policy enforcement and practical control of radio broadcasting, and enabled her to reach the next set of questions about policy influences.

Later, questions to substantially address the second research question (How have the aspirations and objectives of the radio broadcasting policies adopted between 1997 and 2021 been compromised by issues that have occurred in the country?) were given to allow the interviewees to raise issues that they realised affected radio broadcasting policies and their operation. The questions also gave the interviewees a chance to talk about their ideas relating to the possibility of Thailand's radio broadcasting adhering to what they deemed to be ideal policies and business, including potential support from other relevant organisations such as local government.

After questioning the interviewees, the researcher marked the interesting viewpoints regarding the policy practices of radio broadcasting that the interviewees had raised in the safely recorded interview notes which were then analysed. The semi-structured interviews helped the researcher understand significant issues in radio broadcasting policies and their practices which were analysed for the research conclusion.

The semi-structured interviews that had been conducted were analysed, and data from the interviews answering the second research question aimed to gain data related to stakeholders' policy actions. This dataset was able to help the researcher understand the practices of radio broadcasting policies in terms of pragmatic enforcement, and this led to the analysis of the approach to PSB in the following section. Section 5.8 of this chapter focuses on the analysis of the data needed to conduct the systematic analysis that resulted in the findings.

5.8 DATA ANALYSIS

Analysis of data helps to test the theory proposed, for example, linking research questions or hypotheses, data encoding, code grouping of categories or themes and categories and theme comparisons (Denscombe, 2010). After data had been collected in the fieldwork, this research applied data analysis to link the research questions and grouping codes into themes of radio broadcasting policies and practices studied.

Sarantakos (2013) discussed the techniques of data analysis of a case study, which he maintained comprised a survey of the case study, pattern matching, explanation-building skills, time-series analysis and repetitive observations. This research has applied the pattern-matching techniques which capture the data flow and repetition of data analysis to apply empirical and hypothetical designs. The researcher has applied the pattern-matching technique identified by Sarantakos (2013) and has identified repeated policy decisions and operation decisions as themes, and has labelled these themes. Also, the researcher has interpreted the collected data.

Qualitative data is hard to analyse and investigate for several reasons. There is the need to protect the original data and to catalogue and index it (Denscombe, 2010). Before analysing the collected data, the researcher has to plan and organise each step to be taken. The researcher then analyses the data, works on coding and interprets the result through the pattern identified in the dataset. Preparation for data analysis is a required step for the researcher, and for the data to be safely and efficiently dealt with.

Using thematic analysis, this research attempts to answer the research question about the implementation of policies and subsequent events in the next phase of radio broadcasting in Thailand. Thematic analysis with theme definitions have been created, and their units are defined independently through the core research interests organised in the study (Braun, Clarke, and Rance, 2014, cited in Braun and Clarke, 2022). The themes examined in radio broadcasting policy documents are treated as issues to be analysed because they cover the values, goals and priorities inscribed in policies and the resulting practices.

The themes came up on the basis of theoretical framework applied in this research which is approaches to PSB through the public sphere, including the public interest and broadcaster independence. This has resulted in the codes which are identified from the public interest and broadcasting independence of management. The thematic summary is shown in the table below (Table 5.3).

Themes	Codes	Definition
Public interests		Issues that citizens are concerned with, their communication platforms and social participation.
	Public engagement	Participation of citizens in radio broadcasting operations, programme content and administration.
	Funding support	Financial help, particularly from government organisations and the regulatory body, for radio broadcasting stations which work in the public sector and the community.
	Content requirement	Programme content, which is both required by regulatory frameworks and self-produced voluntarily by radio broadcasting stations.
	Working operation of NBTC	Works and actions of NBTC related to radio broadcasting policies and / or practices
	Technology (struggle and support)	Issues related to communication / media devices and programmes which affect radio broadcasting.
	Human resources in radio broadcasting stations	Issues related to personnel in terms of qualifications and quantity in running radio broadcasting stations.
Independence of broadcasting		Independence of radio broadcasting broadcasters includes programme content, operational administration and legalised broadcasting.
	Frequency allocation	Allocation of radio broadcasting frequencies to be categorised and permitted to different licensees of radio stations

	Service-provider licencing categorisation	Methods of categorising broadcasting stations in Thailand in terms of content provision
	Public service broadcasting stations	Radio broadcasting stations categorised for public organisations and for public purposes
	Community service broadcasting stations	Radio broadcasting stations categorised for community individuals and for community purposes
	Politics	Issues related to the administrative media system and political situation in Thailand.
	Economy	Issues related to the financial and monetary system which affects the media system in the country.

Table 5.3 Themes, codes and their definitions in policy documents and interview reports.

The data analysis coding revealed repetitive patterns and characteristics of the collected data in matching descriptions explained in Table 5.3, and the main themes collected from the information regarding the research questions and issues of interest. The coding was used to work through the data and set out terms for turning the data into a coded list. Analysis allowed the investigator to consider possible meanings of the data and keep a record of the thought process. Here it is worth noting that Corbin and Strauss (2015) considered that analysis and coding work interchangeably.

The themes that emerge from the document analysis identify the values, goals and priorities set out in these policy documents. By comparing and contrasting these themes with the concepts of PSB and public sphere, the researcher can determine whether and how the Thai radio broadcasting policies support the practical application of these concepts. Therefore, this inductive thematic analysis explains the policy outcomes.

Issues verified from policy documents and interviews are considered in terms of political and social structures, policy-related concerns and regulatory practices. The methods of communication show the way in which policymakers and the NBTC exercise regulatory powers on radio broadcasting policies, and the way in which broadcasters are treated with the implementation of policies in relation to the concept of public engagement and interests.

5.8.1 Analysis of radio broadcasting policy documents

This section discusses the analysis of policy documents through qualitative data analysis. The radio broadcasting policy documents have been divided into themes and patterns of thematic analysis as a consequence of approaches to PSB in Thailand.

The policies have been considered based on themes, together with their policy environment, including policy patterns ranging from primary to subordinate legislation. Policy details are thematically analysed in each regulatory section related to radio broadcasting, together with their background. The analysis has also focused on policy aspirations and issues arising from the enactment of the

policies. The thematic analysis provides a way in which to explain policies that reach actions in relation to radio broadcasting actors and structures. To understand the orientation of the thematic analysis (Braun and Clarke, 2022), this document analysis of radio broadcasting policies in Thailand serves to access a comprehensive amount of issues that have occurred as a result of the direction of policy. The thematic analysis of policy documents was later enhanced by interview analysis.

The objective of the document analysis was to explain how radio broadcasting policies had developed through various time periods and in relevant contexts. Also, the objective was also to identify policy issues regarding radio broadcasting, and the operation of policies with regard to radio stations. Through analytical and practical understanding of policies, policy directions and enforcements are discussed regarding the development, aspirations and issues resulting from the policy adopted.

To reach the ultimate goal of obtaining a public sphere for public usage, the researcher considers that autonomy is necessary, and has separated the two themes of management autonomy and editorial autonomy. The measures analysed are frequency allocation, licensing procedures, content requirement and public funding. The stakeholders are the NBTC, government and military organisations and radio stations nationwide. This is shown in Figure 5.5 below.

Goal		Regulatory measures required to sustain the public sphere of radio broadcasting in Thailand (with reference to the 1997 constitution's Section 40)
Values	Management autonomy	Editorial autonomy
Measures	Frequency allocation	Licensing procedure	Content requirement	Public funding
Stakeholders	NBTC	Radio stations	Gov't & military	NBTC	Local nadio stations	NBTC	Radio stations	NBTC	Radio stations

Figure 5.5 Goal,[6] values, measures and stakeholders in policy documents.

In various time frames, policy directions and enforcement have been enacted and applied differently to particular institutions and people to whom they are applicable. Each enactment may affect actions that each actor expects to achieve and the way he or she might react to radio broadcasting policies, policy enforcement and radio content, as well as how policy stakeholders might think about implementing the policies and follow the regulations.

Significantly, the development of radio broadcasting has led to policy perspectives adopted towards radio broadcasting for its future in Thailand, in terms of policy and operational issues. The document analysis explains the circumstances and rationale of policy issues and also policy practices in each period, together with external situations obtaining at particular moments in time.

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[6] Transmission frequencies for radio or television broadcasting and radio telecommunication are national communication resources for the public interest according to Section 40 of the 1997 constitution.

Factors influence policy makers in the enforcement of radio broadcasting policies and stakeholders in response to all policy implementations.

Therefore, the analysis of policy documents aims to answer the first research question by carefully clarifying policy documents and their developments. This has revealed policies regarding radio broadcasting in Thailand, and policy environments and practices were explored to respond to the second research question. This documentary approach later led the researcher to conclude with feasible recommended practices and supporting actions to radio broadcasting stakeholders and other relevant parties within the Thai radio broadcasting platform with the goal of approaching PSB.

The following section moves to the analysis of the semi-structured interviews to approach the regulatory practices of radio broadcasting in Thailand, which is set out below and which has enabled the researcher to see and complete all perspectives of this research that is not covered by the analysis of the policy documents

5.8.2 Analysis of the semi-structured interviews

As data from interviews was used in the qualitative research, it was analysed to guide the research. Once the researcher had thoroughly investigated the policy documents of radio broadcasting in Thailand, she came up with themes based on radio broadcasting policies and their context, which were used for the coding in the interview transcripts. The interview analysis in this research was a path for

looking at radio broadcasting policies comprehensively once the data had been

gathered (see Figure 5.6 below).

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┌──────────────┐     ┌──────────────┐     ┌──────────────┐
│              │     │ Step 2. Theme│     │              │
│   Step 1.    │ ──> │generation    │ ──> │Step 3. Review│
│Transcription │     │policy based  │     │  ing themes  │
│              │     │on documents  │     │              │
└──────────────┘     └──────────────┘     └──────────────┘

┌──────────────┐     ┌──────────────┐     ┌──────────────┐
│Step 4.       │     │  Step 5. Code│     │Step 6.       │
│Defining and  │ ──> │generation    │ ──> │Thematic      │
│specifying    │     │based on      │     │analysis      │
│themes        │     │themes        │     │              │
└──────────────┘     └──────────────┘     └──────────────┘
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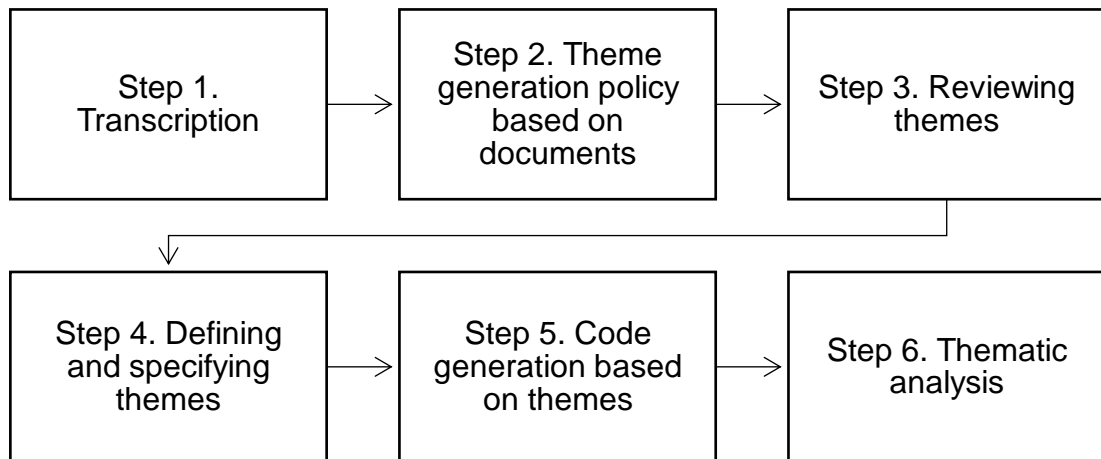
Figure 5.6 Steps of the thematic analysis of interviews.

To enlarge on Figure 5.6, after the research data had been collected, the

researcher had to transcribe it from voice recordings and fieldwork notes.

Additionally, the researcher had to transcribe the data as carefully as possible

into a form for easy analysis. The researcher then had to rearrange and condense

the transcribed data, because some of the data about the background of radio

stations and personal issues was not related to the research questions and was

not used for analysis. This stage required a lot of time.

The interview transcripts were recorded and uploaded to NVivo software. Coding

was applied to analyse the data by categories, grouping similar themes from

policy documents and categorising radio stations into different types of

broadcasting. Themes of policy directions and interviews were applied to the

computer assisted programme (NVivo) for the researcher to analyse all data applicable to the research questions, which appears in Chapter 6, 7 and 8.

A qualitative analysis software, NVivo, was selected to help with the data analysis to enable the researcher to quickly and systematically analyse the data from interview transcripts. The programme applied coding thematically and had the advantage of being user-friendly and easy to create themes. The NVivo programme helped the researcher to easily analyse and focus on, significant issues quickly. It should be noted that the programme was not used to analyse the data in the system; the researcher was still required to analyse the data herself in terms of data selection, categorisation, filtering and reviewing. The NVivo programme was only applied to facilitate the researcher processing the collected data in the forms required to analyse and easily manage the information, which was systematically linked and related to the contribution of literature reviews.

The codes were transferred to the NVivo computer program from the text documents on the basis of themes analysed in the policy documents. The researcher applied different topics to the NVivo, which were seen in the policy documents and interview reports to show repetition of specification of policy practices and patterns. There are instances of interviewees from radio broadcasting stations and academics who were aware of the problematic and unfulfilled policy enforcement. The NBTC and government-owned radio stations also responded to the generated codes of policy enactment and strategic issues.

The analysis of the interview data shows how policy decisions and details of written policy documents are practically implemented and followed through in a democratic society. The researcher has explained the regulatory framework, regulating bodies and other operational actors based on their experiences and actions regarding radio broadcasting policies and practices in Chapters 6, 7 and 8.

The objective of the interview data analysis was to identify how policy stakeholders understand and express policy implementation to reach the issues of the structure of radio broadcasting and public engagement. The interview data analysis was conducted to describe the policy directions and details seen in the policy documents for all policy stakeholders.

The analyses of the documents and semi-structured interviews were merged to portray the outcomes of radio broadcasting in Thailand, including the regulatory framework and broadcasting structure. Both the policy documents and semi-structured interviews were used to re-check the data, so some of the codes differ slightly from each other. The document analysis was based only on the text and circumstances of policy documents, while the interview data analysis reflected the implications and practices of policies examined through the policy documents.

To interpret the data of both the policy documents and interviews, the researcher applied the conceptual framework of PSB in terms of the public sphere approaching PSB and market failure (explained in Chapter 2), as well as the notion of comparative media systems (set out in Chapter 3). The data analysis

also answers the two research questions set out earlier in this chapter. The data findings will be set out in Chapters 6, 7 and 8.

5.9 CONCLUSION

This chapter has aimed to set out the research questions regarding radio broadcasting policies, including policy enforcement, obstacles, and relevant issues. The chapter has also aimed to clearly identify the qualitative research methods leading to an analysis and answers to the research questions, which are set out in later chapters.

Additionally, this chapter has illustrated the research objectives, which are to examine the development of radio broadcasting policies in Thailand between 1997 and 2021, their provisions and enforcement; and to identify the implications of the Thai radio broadcasting policies after 1997 to achieve a public sphere.

To address the research questions, the research approach which the researcher selected to employ was the examination of policy documents and semi-structured interviews. This approach was adopted to fill the gap in policy development between 1997 and 2021. Also, it was suggested that this research approach might lead to proposed actions of a feasible regulatory framework for all stakeholders in radio broadcasting in Thailand. During the period of data collection, the Covid-19 pandemic affected the ways in which the researcher was able to conduct interviews, as a result of social distancing restrictions.

After examining policy documents and carrying out semi-structured interviews, data analysis took place. To develop the operation of public service radio broadcasting in Thailand, focus was maintained on policy discussion led to the contribution of original theories related to the public sphere, market failure and comparative media systems, which are set out in later chapters.

In Chapter 6, policy development aiming to answer the first research question is set out with the analysis of policy documents, ranging from the start of radio broadcasting to the current (2021) situation. As a result of the investigation of policy development, issues influencing policies since 1997 are also analysed in this chapter.

CHAPTER SIX

RADIO BROADCASTING POLICIES IN THAILAND:

DEVELOPMENT AND INTENTIONS

6.1 INTRODUCTION

In the previous chapter, the research methodology was studied for collecting data from policy documents and semi-structured interviews relating to radio broadcasting policy development in terms of the public interest. The data analysis described in this chapter is to answer the first research question proposed in Chapter 5: **How have radio broadcasting policies in Thailand developed in the time after the recognised period of media reform (1997–2021)?**

This chapter provides an overview of radio broadcasting policies before and after 1997 and up to 2021 with an in-depth analysis of policies post-1997. Radical changes were made in 1997, resulting in the radio broadcasting landscape of the present time (2021). The changes initially resulted in public participation in radio broadcasting, but has changed over time to authoritarian control of this particular media.

Radio broadcasting policies in Thailand can be divided into two phases: before 1997 and post 1997. The 1997 constitution marks a turning point. Since then, Thailand has gone through many changes that has reshaped the policies set up in that year opening up spaces for civilians, especially people in local communities, to engage in radio broadcasting, while public participation has been obstructed by the authorities. Public interest in the 1997 policies and more recent

acts related to radio broadcasting has been shown. Many would like to join in radio broadcasting production and administration, despite the fact that ownership has been monopolised by government and military organisations for a long time.

Theories of the public sphere, market failure and media systems have contributed to frame the analysis of radio broadcasting in Thailand in this chapter. The public sphere and market failure have brought about PSB in many European countries, and the analysis of radio broadcasting in Thailand includes the theoretical basis of community radio functioning with PSB. This chapter discusses policy development and the issues resulting in radio broadcasting policies regarding PSB in Thailand.

6.2 RADIO BROADCASTING POLICY DEVELOPMENT IN THAILAND

In the early years of radio broadcasting in Thailand, policies regarding radio broadcasting were mainly set by government organisations, which controlled the operation and use of radio broadcasting for government and military purposes. The development of the radio broadcasting landscape and policies are analysed below, along with the analysis of interviews obtained from stakeholders through the lens of the public sphere, market failure and comparable media systems with the use of a thematic research approach.

6.2.1 Chronological development of radio broadcasting in Thailand before 1997

The development of radio broadcasting in Thailand before 1997 is discussed to paint the picture of its landscape at that time. When it first started in 1930, radio

broadcasting was mainly a tool for the government to use for government announcements and to promote its departments. Before 1997, radio was an essential tool for Thai leaders in terms of their political objectives. The government was the only regulator and its organisations acted as the sole content providers and broadcasters. Figure 6.1 below shows the timeline of radio broadcasting operations and practices, and the stakeholders related to radio broadcasting in the country before 1997.
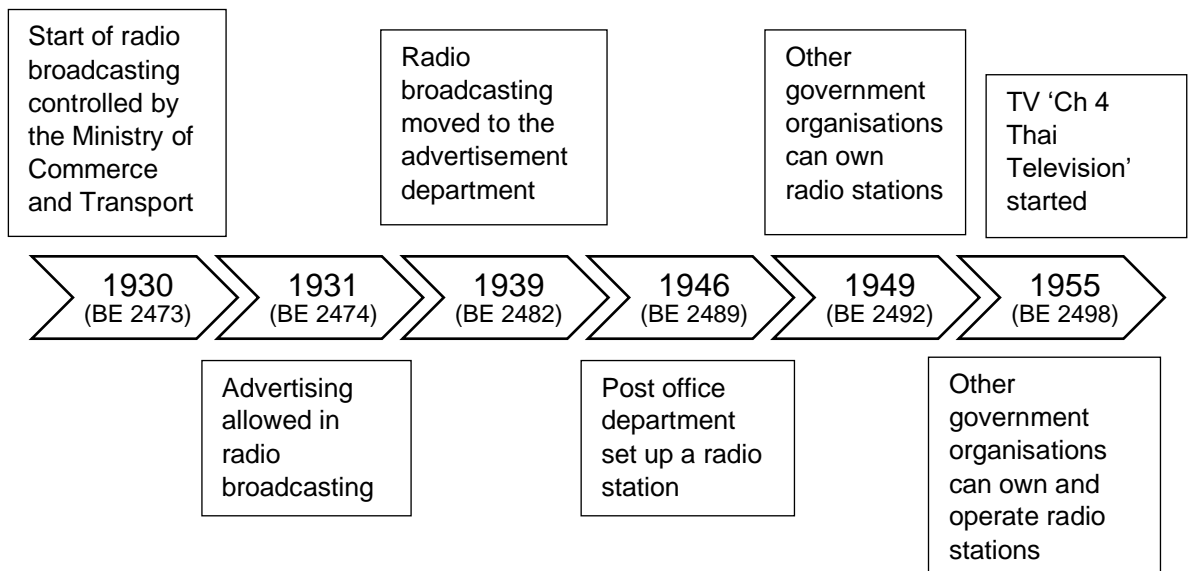
Figure 6.1 Timeline of the operation of radio broadcasting in Thailand before 1997.

To analyse the media system of Thailand prior to 1997, Hallin and Mancini's (2004) Polarised Pluralist model, discussed in Chapter 2, carries the characteristic of the broadcasting scenario of this time which had been controlled by Thai military coups. Siebert et al.'s Authoritarian model (1984, cited in Hallin and Mancini, 2004) is characterised by the full power of the state. These characteristics explain the media in Thailand during this period, which were

controlled by the government and military organisations for their own purposes and earning money through concession agreements with media conglomerates. In Thailand, the government and military bodies have been very powerful on account of the apparent need for security protection. This situation agrees with the media system model prevalent in Mediterranean countries, where state intervention occurs.

Policies implemented before 1997, such as the Broadcasting Act of 1955 and the Regulation of Radio and Television Broadcasting of 1975, are in the timeline shown in Figure 6.2 below. Also, the regulator of radio broadcasting policies before 1997, the Public Relations Department (PRD)[7] shows the monopoly of government within the media platform.
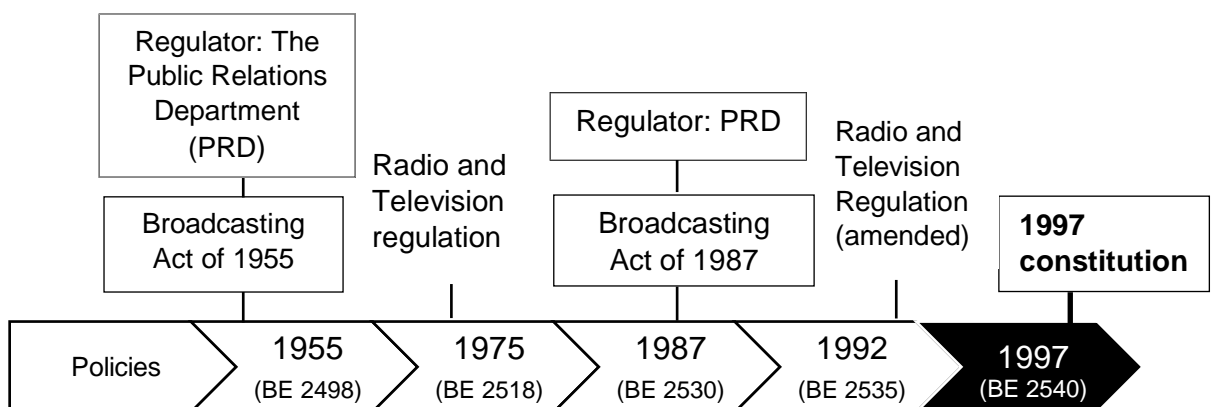

Figure 6.2 Radio broadcasting policies and the regulator before 1997.

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[7] The Public Relations Department (PRD) was controlled by the prime minister who gave full power to the organisation, which governed the operation of radio broadcasting stations. The PRD regulated all levels of radio broadcasting until there was a constitution that engaged the public.

Prior to 1997 there was just one stakeholder in the radio broadcasting market in Thailand: the government. The main policy implemented was through the Broadcasting Act of 1955 with some amended sections added later in 1987. The researcher discusses and analyses this act to complement the data analysis of policy development and practices, together with the interviews collected.

The Broadcasting Act of 1955 was endorsed with regard to station licensing and the manufacture of broadcasting receivers, together with the regulation of content. The stakeholders comprised the PRD as regulator, and the government as content creator, because the:

> *Public Relations Department was a means for the government to communicate with people and to build up a good image and attitude of the government. (Uajit Virojtrairat, Independent academic, 2021).*

The Broadcasting Act of 1955 also allowed the PRD to registrar broadcasting licences with other governmental organisations. This gave government organisations the freedom to operate radio stations. Government entities were prioritised in the operation of radio broadcasting, so radio content and management were regulated without any regulation related to public engagement. Noticeably, nearly every section in the Broadcasting Act of 1955 started with sentences about protecting national security of the country and the public peace.

> *After World War II, there were a lot of military security bodies operating radio broadcasting stations (Uajit Virojtrairat, Independent academic, 2021).*

> *Government bodies as national security organisations set up radio broadcasting stations to service anti-communist information in the past. […] while now national security measures are still mandatory because of fake news, royalty events, security works, public works, and local works (Military representative, 2021).*

Apart from increasing punishment for transgressions of the regulations, after section amendments in 1987 to the Broadcasting Act of 1955, regulations remained substantially the same to protect national security. The prime minister had the power to appoint a registrar to set up methods and conditions of licensing and operating stations, and was also given the authority to check the qualifications of licensees and radio announcers, and set up time schedules. This was totally opposed to the principles of PSB and governance as shown in the European media systems of PSB in Chapters 2 and 3.

It is worth noting that all stakeholders in radio broadcasting before 1997 were government-related bodies in Thailand, and there was no space for public engagement in the industry. When commercial or private sector organisations wanted to undertake radio broadcasting, the companies concerned had to accept concession agreements which were called: '*government supported domestic freedom [agreements] for public usage' (Maneerat Kamjornkit, NBTC representative, 2021).*

The limitation of radio broadcasting for commercial organisations was seen as: '*only for the privileged' (Thawatchai Jittrapanun, NBTC commissioner 2011–2022, 2021).* This meant that only conglomerates could access the radio

broadcasting industry and supportively cooperate with government bodies which owned the radio broadcasting frequencies.

> *If there was a coup d'état, the group leading the coup took over the radio broadcasting equipment to broadcast the autonomy of their government. […] because broadcasting at that time was the fastest communication channel (Thawatchai Jittrapanun, NBTC commissioner 2011–2022, 2021).*

Figure 6.3 below attempts to explain the broadcasting stakeholders and their roles which the Broadcasting Act of 1955 covered. Under this act, the organisations included the PRD with the roles of both regulator and content producer, and the military organisations and other government organisations as content producers.

| Policy	Broadcasting Act of 1955		
Organisations	The PRD	Military organisations	Other government organisations
Roles	Regulator / Content producer with media conglomerates	Content co-producers with media conglomerates	Content co-producers with media conglomerates

Figure 6.3 Stakeholders and their roles under the Broadcasting Act of 1955.

The definition of the government's public interests in radio broadcasting policies before 1997 were not the same as definitions of public interests in radio broadcasting policies by theorists (shown in Chapter 2). Before the 1997 constitution the government had total control over radio broadcasting, and it had not allowed the public to engage freely in a broadcasting space.

Public relations and national security are defined by the Thai government as the objectives of PSB in Thailand. These objectives are different from the objectives of PSB in western countries and the value of public interest that underpin these objectives (as shown in Chapters 2 and 3). Given these objectives, the Thai PSB served as the government's mouthpiece rather than as an independent, impartial source of information that might contribute to the functioning of Habermas's public sphere.

> *With the objective to provide information about the government's objectives (since the birth of the PRD and NBT [National Broadcasting Services of Thailand]}, NBT radio stations are correctly considered to be public broadcasters (Pichaya Muangnao, PRD deputy director, 2021).*

The government-owned radio broadcasting stations have had the power to transmit their programmes nationwide, maintain their stations, and fulfil government functions. Prior to 1997, government entities held mainstream national frequency waves of radio broadcasting, which meant they controlled the governance and content of radio broadcasting in the country. This has led to radio broadcasting being mainly operated by government organisations.

Government organisations have received income from the concessions provided by private companies. Government authorities that own radio frequencies have control over these companies because they can determine whether or not to continue the contracts. In terms of content regulations, which media companies need to follow:

> *in the contract agreement, news programmes from the military must be broadcast three hours daily (Apisit Poonnaniti, A-time media, commercial co-producer/concessioner, 2021).*

Additionally, before 1997, content provided by commercial broadcasting co-producers was considered to be mainly entertainment such as songs and was produced together with advertisements. This is:

> *because these major companies can compensate government and military entities with their concessions and other deals (Jiraporn Wittayasakpan, Independent academic, 2021).*

Apparently market failure (discussed in Chapter 2) had occurred in the landscape of radio broadcasting in Thailand. Market failure can be identified through social externalities where programme content is unable to be served, rather than by simply failing to deliver marginal information in a competitive market (Tambini, 2015). Radio broadcasting in Thailand is very redolent of market failure owing to the government monopoly and programmes marketed by commercial co-producers.

Moreover, market failure supports the idea that audiences deserve content they want (O'Neill, 2015), but in Thailand this is currently unavailable. It is clear that programmes that are broadcast on radio stations in the country have not met the interests of their audiences or diversity values of their lives, and societal groups cannot participate in the radio programme content provided. This is a result of a badly structured radio ownership and governance.

Figure 6.4 shows the timeline of political situations which affected all radio broadcasting policies earlier than 1997. Before the 1997 constitution was enacted, the political uncertainty of Thailand's authoritarian politics was in control of the country with centralised power. Along with the powerful command of the military, radio broadcasting was a major method of communication.
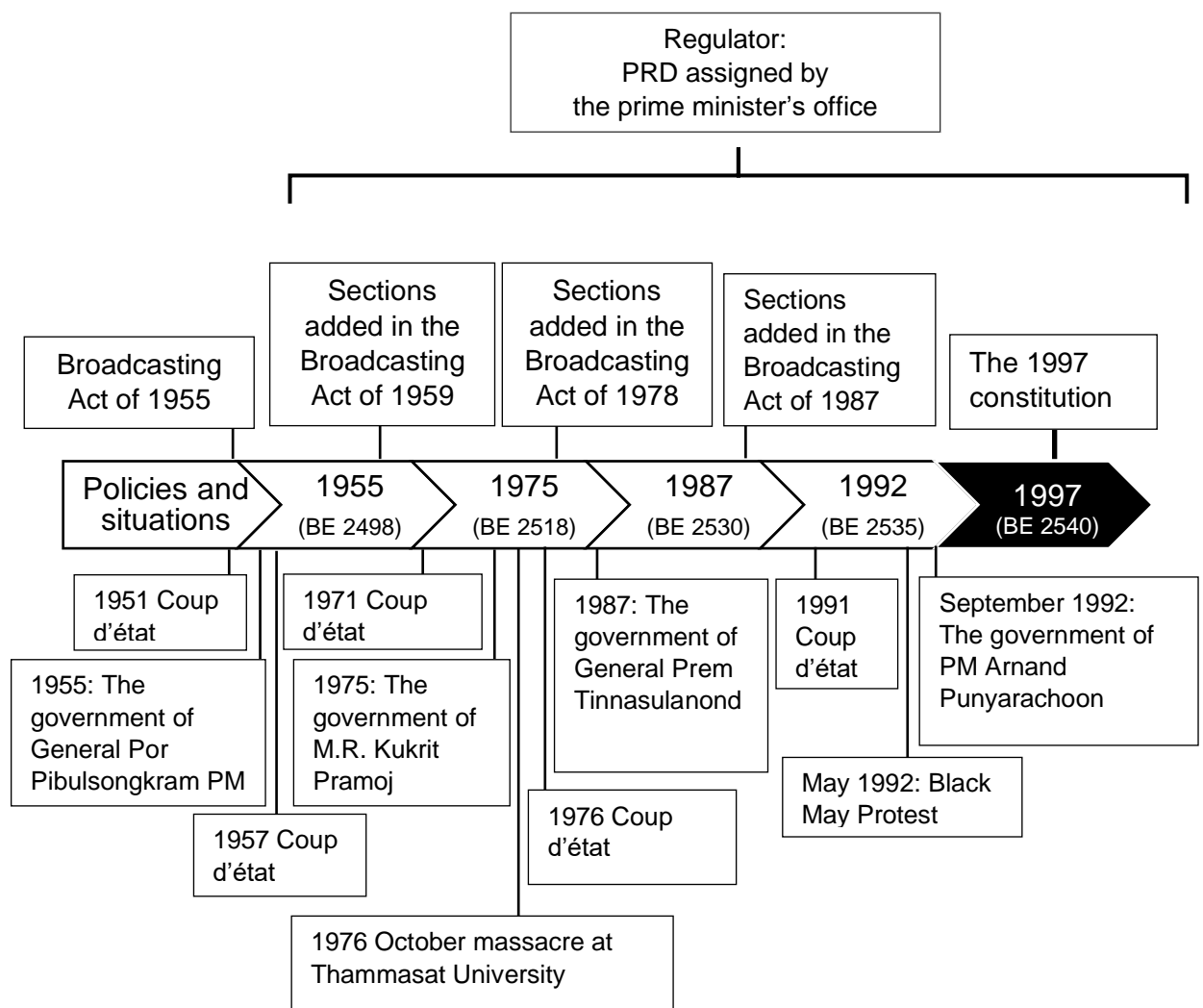

Figure 6.4 The political situation in Thailand before 1997.

Before 1997, the main law that applied to radio broadcasting was the Broadcasting Act of 1955, with sections added in 1987, and which covered all issues regarding radio broadcasting. This act remained in place for more than

forty years, with the main stakeholders being the PRD, together with the military who were the main radio frequency owners, and commercial content co-producers.

Before 1997, policy documents were formulated in the same vein as other policies of the authoritarian governments, with strict control and ownership of radio broadcasting by the government and military organisations.

> *Under authoritarian patronage and the prerogative of capitalism, a government-owned monopoly providing concessions without free or fair competition for private companies (Supinya Klangnarong, Cofact co-founder and former NBTC commissioner, 2021).*

Radical reform of the media took place in 1997 when a new constitution was adopted. However continued suppression of radio broadcasting ownership and programme content have meant that people in rural areas have been frustrated by having access only to input supplied by government and military organisations, and they receive only what they are allowed to hear. Public or community media could not be set up as there was no policy to enact PSB, although there was movement within the media which resulted in the concept of media reform later in the 1997 constitution.

6.2.2 Radio broadcasting policies in Thailand after 1997: rationales and consequences

After scrutinising radio broadcasting policies before 1997, the main considerations are the ownership and control of radio broadcasting by governments together with their policies, along with Thailand's turbulent political

situation. These policies are examined in this subsection, relating to the 1997 constitution, 2007 constitution and 2017 constitution. The year of 1997 is seen as the point at which the issue of public participation in radio broadcasting policy dawned. The policy details are analysed through the scope of the public sphere in PSB.

This research analyses the constitutions of Thailand in depth regarding policies for radio broadcasting and their use for the public interest. Here it should be noted that radio broadcasting policies have been revised and distorted over time by various authoritarian governments and regulating bodies on account of a number of different political situations. Figure 6.5 shows the political situations that this research focuses on, and have resulted in radio broadcasting policies between 1997 and 2021.
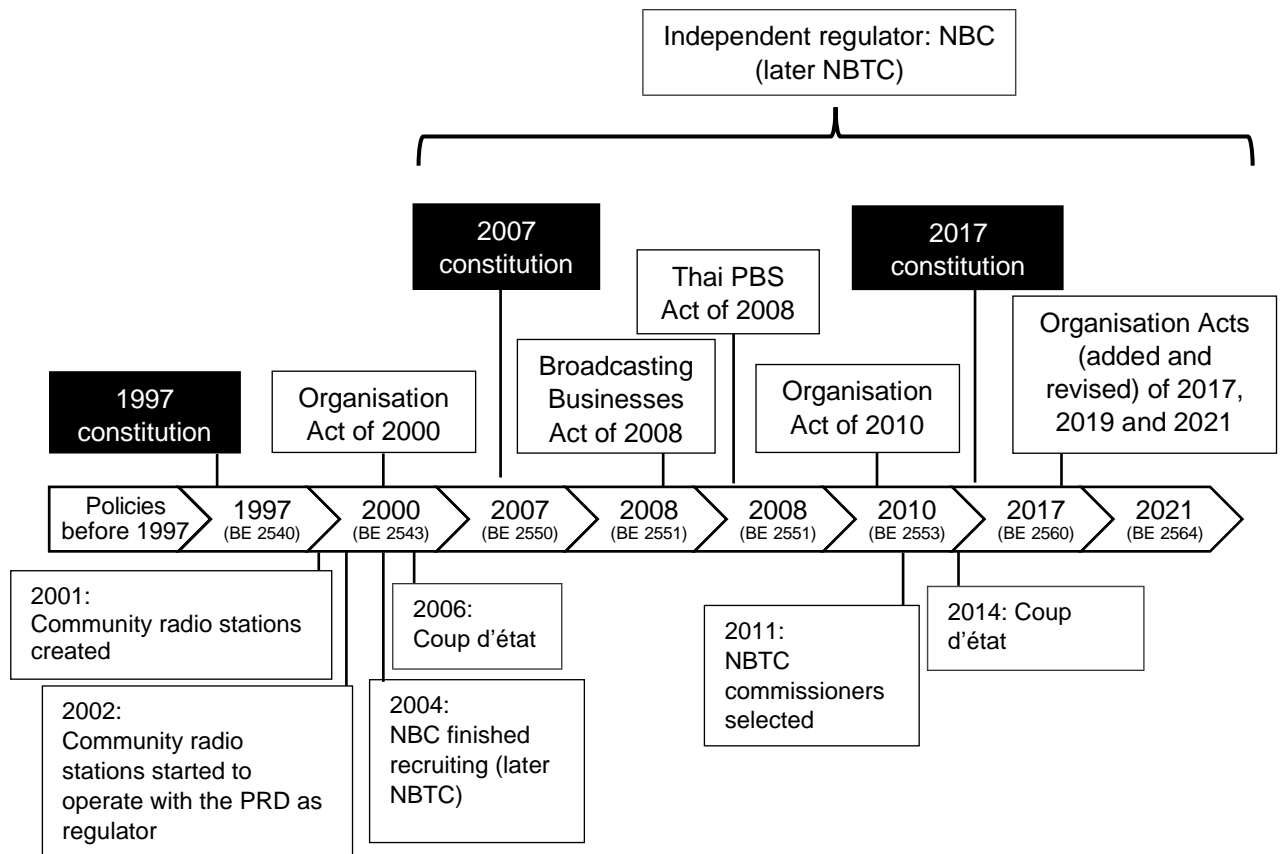
Figure 6.5 Timeline of radio broadcasting policies after 1997, their regulator and political situations.

6.2.2.1 The 1997 constitution of Thailand: The emergence of public participation

The 1997 constitution resulted from the people's movement of 1992 and the elected government of Prime Minister Banharn Sinlapa-acha, which had a referendum for a new people-centric constitution. The 1997 constitution aimed to decentralise governmental and military power by giving citizens a chance to engage in many activities, one of which was to operate community radio broadcasting stations. This was the first constitution of Thailand that contained issues related to radio broadcasting regarding the public participation.

To gain a public sphere in radio broadcasting in the 1997 constitution, initially there were various relevant stakeholders: politicians, bureaucrats, academics who worked closely with civil society, and advocacy groups that worked with media activists to initiate media reform (see Figure 6.6).
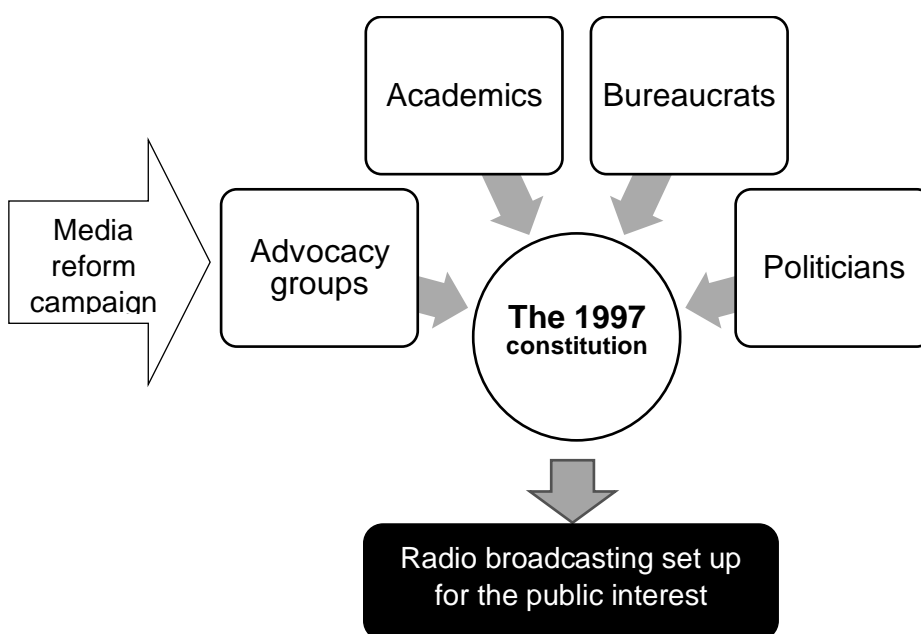

Figure 6.6 The 1997 constitution and supporting stakeholders.

A movement was started to form a campaign for media reform in Thailand with the drafting of the 1997 constitution, particularly sections regarding the radio broadcasting frequency allocation and public participation in radio usage.

> *[…] People could feel the unfairness [of the system] and realised that a restructure of radio broadcasting was needed. […] claiming that frequencies were national resources, and that everyone should benefit from them (Jiraporn Wittayasakpan, independent academic, 2021).*

After the 1997 constitution and an active movement resulting in broadcasting reform, many local people joined in the operation of radio broadcasting and enjoyed the open public space of radio broadcasting frequencies. Up until now (2021), several radio broadcasting policies have been enacted and delivered according to the 1997 constitution.

One of the primary intentions of the 1997 constitution was to build up public engagement in radio broadcasting by allowing people access to radio frequencies, rather than having their previous sole use for, and ownership by, government and military establishments. The 1997 constitution of Thailand has shed light on Habermas's notion of the public sphere. Also, the 1997 constitution has confirmed what had been said by Thomass (2003) who placed emphasis on the media as an element to utilise concepts of civic engagement, transparency and access through public participation in the frequency ownership and usage.

As a result, local people enjoyed an open space for radio broadcasting and many radio stations were operating after the 1997 constitution:

> *There were more than 5,000 to 10,000 FM and AM radio stations around the country on trial. […] In the government under the 1997 constitution, some radio stations promoted political party activities and a lot of unlicensed radio stations were called community radio which broadcasted illegally and supported political protests (Tawatchai Jittrapanun, NBTC commissioner 2011–2022, 2021).*

This clearly showed the demand from local people wishing to operate and apply radio broadcasting as their method of communication in the public sphere,

although there was no regulatory framework or policies to support and enable this to become a legal requirement.

Local people heavily invested resources to set up radio stations, and many local radio broadcasting stations were subsequently deemed to be operating illegally or be operating as unlicensed which depends on the particular point of view of the people who take them into consideration.

> *This caused people to exercise their rights and claiming that the stations were unlicensed rather than illegal. The discussion was about whether the stations were illegal or unlicensed. The government claimed they were illegal, although people claimed they were 'unlicensed' because they had rights, but the government did not accept this. The courts always maintained the stations were illegal (Supinya Klangnarong, Cofact co-founder and former NBTC commissioner, 2021).*

The 1997 constitution carried three sections regarding issues of radio broadcasting. First, in Section 39[8] it was stated that no one could be allowed to close radio broadcasting stations to deprive people's liberty of the freedom of expression through speech, writing, publication, or other means. This section also

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[8] Section 39 stated that a person shall enjoy the freedom to express his or her opinion, make speeches, write, print, publicise, and express him- / herself by other means.
The restriction on liberty under paragraph one shall not be imposed except by virtue of the provisions of the law specifically enacted for the purpose of maintaining the security of the state, safeguarding the rights, freedoms, dignity, reputation, family or privacy rights of other persons, maintaining public order or morality, or preventing the deterioration of the mind or health of the public.
The closure of a newspaper company or a radio or television station to deprive the liberty of people under this section shall not be made.
The censorship by a competent official of news or articles before their publication in a newspaper, other printed matter or radio or television broadcasting shall not be made except during the time when the country is in a state of war or armed conflict; and provided that it must be made by virtue of the law enacted under the provisions of paragraph two.
The owner of a newspaper or other mass media business shall be a Thai national as stated by law.
No grant of money or other properties shall be made by the state as subsidies to private newspapers or other mass media.

opposed the censorship of officials in radio broadcasting, and aimed to protect a conflict of interest by not allowing state subsidies for private companies which own mass media platforms.

Secondly, the constitution relating to the protection of communication was shown in Section 40[9] with regard to broadcasting frequencies, which corresponds to radio broadcasting frequencies used for the public interest and for those permitted to use radio frequencies widely. This section aimed for the creation of an independent regulatory organisation to enact and allocate the operation of radio broadcasting frequencies, rather than allowing the PRD to continue this responsibility.

In addition to supporting the public interest in radio broadcasting, an independent regulatory organisation for the operation of radio broadcasting was deemed to be required for duties providing:

> *free and fair competition in a better broadcasting structural system to solve the controlled broadcasting structure. […] the NBTC presented the concept of resource decentralisation to civil society and public participation in radio frequencies. (Supinya Klangnarong, Cofact co-founder and former NBTC commissioner, 2021).*

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[9] Section 40 stated that transmission frequencies for radio or television broadcasting and radio telecommunication were national communication resources for the public interest.
There shall be an independent regulatory body with the duty to distribute the frequencies under paragraph one and supervise radio or television broadcasting and telecommunication businesses as provided by law.
In carrying out the act under paragraph two, regard shall be had for the greatest public benefit at national and local levels in education, culture, state security, and other public interests, including fair and free competition.

This led to the Organisation to Assign Frequency Waves and to Regulate the Radio Broadcasting, Radio Television and Telecommunications Services Act of 2000 (B.E.2543) and 2010 (B.E.2553), called the 'Organisation Act' in this research, which is analysed in Chapter 7.

Lastly in Section 41,[10] it was stated that media producers should be at liberty to enjoy freedom of expression under the aegis of the constitution and professional ethics. This section ensured the independence of communication which had never previously been seen in previous constitutions.

These three sections in the 1997 constitution show an emphasis on radio broadcasting related to public participation in the field that had never before been realised in previous state policies. This has been recognised as the most progressive law related to the public in Thailand. Latter constitutions, related to centralising the government's authoritarian power, do not cover public concerns as did the 1997 constitution.

Following an analysis of the 1997 constitution, stakeholders in radio broadcasting have been shown to have increased in number, as shown in Figure 6.7. There are government and military radio stations (frequency owners) which were already the main actors; community radio stations and local commercial radio

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[10] Section 41 states that officials or employees in the private sector undertaking newspaper or radio or television broadcasting businesses shall enjoy the freedom to present news and express their opinions under constitutional restrictions without the mandate of any state agency, A state enterprise or the owners of such businesses, provided that their operations are not contrary to their professional ethics, government officials, officials or employees of a state agency or state enterprise engaging in the radio or television broadcasting business, should enjoy the same freedoms as those enjoyed by officials or employees under paragraph one.

stations, which were just beginning to appear, and the regulator at that time was the NBC (later NBTC) which was formed as one of the by-products of the 1997 policies analysed in Chapter 7.
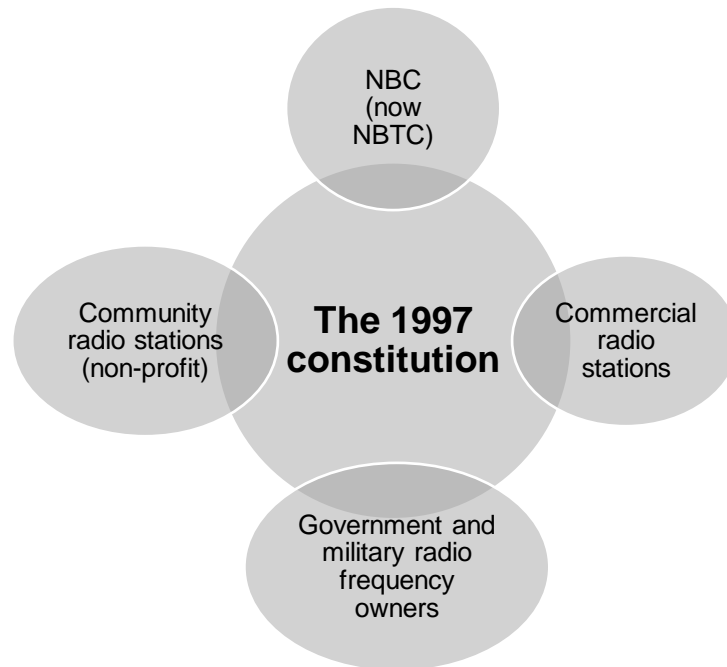

Figure 6.7 Radio broadcasting stakeholders existing after the 1997 constitution.

It is noticeable that the radio broadcasting landscape in Thailand at this time appears to carry Habermas's notion of an independent area (1962, cited in Reid 2014) and allowing public debate of social and political concerns in Thai community radio stations. A space for leaders and ordinary citizens to contact each other indirectly was also created, which Thomass (2003) has mentioned. Additionally, the collective space created by community radio in Thailand has contributed to Habermas's (1992) theory of an open space as a part of civil society formed with a territory of commodity exchange and a social workforce under their own management and in their own communities.

The 1997 constitution allowed rural people the power to manage their own communication platforms. Also, this constitution gave much power to a government elected by the people through a parliamentary system. When the government of Prime Minister Thaksin Shinawatra was elected in the first and second term of the 1997 constitution and gained a lot of popularity, it seemed to the military that their power had diminished. The latter then claimed that the government had abused its power in many ways, such as in allowing a conflict of interests and buying votes after the 2006 coup d'état, which resulted in the beginning of the 2007 constitution.

6.2.2.2 The 2007 constitution: lowering public participation?

In 2006 a military group took power in Thailand and disbanded the 1997 constitution. Public opinion divided into two movements: one that supported the former government leader who had been ousted, and was against the coup, and the other that supported the military coup and was a conservative element. There does not seem to have been a bid to take over the previous government as the coup council claimed.

The 2007 constitution took a year to be written, and its base stems from the 1997 constitution. Many sections regarding radio broadcasting are similar to those of the 1997 constitution. Permission for people to engage in the operation of radio broadcasting was still seen, but only in specific instances, with some government-controlled implementation.

Section 45[11] of the 2007 constitution was seen as relatively similar to Section 39 of the 1997 constitution regarding freedom of expression. The difference was that government interference with mass media platforms was stated as not being permitted. This is not because of any liberal issue relating to this section, but because of the pre-2007 situation that existed before the PM Thaksin government came to control mass media and publicised the government through the mass media. The 2007 constitution aimed to limit the power of the government democratically elected by people in the parliamentary system. At the same time, this section expressed the aspirations of local radio broadcasters to air their programmes as being endorsed by the constitution.

Like Section 40 of the 1997 constitution, Section 47[12] of the 2007 constitution was about broadcasting transmission frequencies. The section pointed out that

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[11] Section 45 states that a person shall enjoy the freedom to express his or her opinion, make a speech, write, print, publicise, and express him- / herself by other means.
The restriction on freedom under paragraph one shall not be imposed except by virtue of the law specifically enacted for the purpose of maintaining the security of the state, protecting the rights, liberties, dignity, reputation, family or privacy rights of other people, maintaining public order or morality, or preventing or halting the deterioration of the mind or health of the public.
The closure of a newspaper or other mass media business to deprive freedom of the people under this section shall not be made.
The prevention of a newspaper or other mass media from printing news or expressing their opinions, wholly or partly, or interference in any manner whatsoever in deprivation of freedom under this section shall not be made, except by the provisions of the law enacted in accordance with the provisions of paragraph two.
The censorship by a competent official of news or articles before their publication in a newspaper or other mass media shall not be made except during the time when the country is in a state of war; provided that it must be made by virtue of the law enacted under the provisions of paragraph two.
The owner of a newspaper or other mass media business shall be a Thai national.
No grant of money or other properties shall be made by the state as subsidies to private newspapers or other mass media.
[12] Section 47 states that transmission frequencies for radio or television broadcasting and telecommunications are national communication resources for the public interest.
There shall be an independent regulatory body with the duty to distribute the frequencies under paragraph one and supervise radio or television broadcasting and telecommunication businesses as provided by law.
In carrying out the act under paragraph two, utmost regard shall be had for the public benefit at national and local levels in education, culture, state security, other public interests, and for fair and free competition, including public participation, in providing public mass media.

broadcasting frequencies are required to be allocated and used for the public interest, which ensures that frequency transmission is applied to benefit the public. The last part of this section in particular, which clearly stressed public participation in mass media, resulted in the official recognition of PSB in Thailand through the Thai Public Service Broadcasting Act of 2008 (considered in Chapter 7).

Furthermore, in Section 47 of the 2007 constitution, the independent regulatory body was mentioned again in terms of regulating, implementing and supervising broadcasting operations. The supervision of this independent authority was considered necessary to prevent the merging of mass media channels. This enactment was to correct the previous situation when a huge entertainment conglomerate started to buy shares in a newsagent's company in 2005.

Section 46[13] is another section about radio broadcasting in the 2007 constitution. This section aimed to protect media freedom of all media ownership. The misuse

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The supervision of the businesses under paragraph two shall constitute measures for the prevention of mergers, acquisition or control within the mass media, or by other persons which may damage the freedom of information to the public, or may hinder the public from a variety of information.

[13] Section 46 states that officials or employees in the private sector undertaking newspaper, radio or television broadcasting businesses or other mass media businesses shall enjoy the freedom to present news and express their opinions under constitutional restrictions without the mandate of any government agency, state agency, state enterprise or the owner of such businesses; provided that it is not contrary to their professional ethics, and shall enjoy the right to form organisations with a balancing mechanism among professional organisations to protect their rights, freedom and fairness.

Government officials, officials or employees of a government agency, a state agency or state enterprise engaging in the radio or television broadcasting business or other mass media business should enjoy the same freedoms as those enjoyed by officials or employees under paragraph one.

Any act undertaken by a person holding a political position, state official or the owner of a business with a view to obstruct or interfere with the presentation of news or expression of opinions in public of the person under paragraph one or paragraph two, irrespective of whether such act has been done directly or indirectly, shall be deemed as wilfully misusing power, which should take no effect except where such an act has been enacted through the enforcement of law or professional ethics.

of power by the state, or any behaviour which was not professionally or legally ethical, could not be allowed to damage the media.

The final section of the 2007 constitution regarding radio broadcasting is Section 48.[14] This prohibited any person in a political position owning any form of a media business to participate in the communication business. This section was instated after the former PM Thaksin, and / or his family members, indirectly owned a television station. The 2007 constitution assumed that if any politically related stakeholders were responsible for a media outlet and had shares in the business, they would take advantage, and in some way promote biased opinions to the public.

In Figure 6.8, the researcher has shown all stakeholders in the landscape of radio broadcasting in Thailand after the 2007 constitution had been enacted. Active actors in the policy environment were the NBC, the independent regulating body set up after the 1997 constitution; government and military frequency stations owning radio frequencies; community and local commercial radio stations set up after the 1997 constitution; and Thai PBS which was formed after its regulatory framework was issued within the timeframe of the 2007 constitution.

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[14] Section 48 states that no person holding a political position shall be the owner of, or hold shares in, newspaper, radio or television broadcasting or the telecommunication business, irrespective of whether he or she so commits in his or her name, or through his or her proxy or nominee, or by other direct or indirect means which enable him or her to administer such business as if he or she is the owner of, or hold shares in, such business.
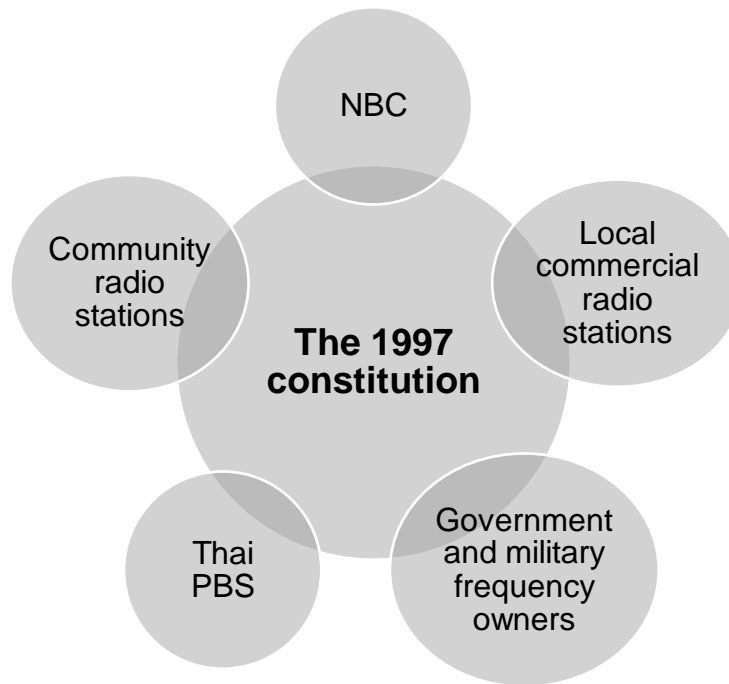
Figure 6.8 Radio broadcasting stakeholders after the 2007 constitution.

In general, the 2007 constitution did not have any innovative edicts compared to its predecessor. Most of the details about radio broadcasting in Thailand were similar to those of the 1997 constitution. The edicts regarding the decentralisation of radio broadcasting frequencies, licensing and support for non-profit radio stations had not been put into practice by the regulator. Although an independent regulator, the National Broadcasting Commission (NBC), had been created, it was not yet fully functional owing to the complicated procedure of the regulatory framework, and the launch after the media reform in 1997 of a new Broadcasting and Television Businesses Act 2008 which had not yet been set in full working order by the regulator.

The 2007 constitution operated for seven years. Although PM Yingluck, the younger sister of the ousted PM Thaksin, was very popular, her government led

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to a change in the constitution made by members of the 2014 coup d'état. Following this coup, it took more than three years to draft a new constitution, the constitution that existed in 2021 in Thailand. That happened after the coup council created drafting committees consisting of legal academics and military officials in 2015 to prepare a draft and referendum process for the 2017 constitution.

6.2.2.3 The 2017 constitution: strong centralisation of authoritarian power?

There have been a lot of criticisms of the current 2017 constitution regarding issues such as the election process of parliamentary members and the voting method to select the prime minister. For example, a political party candidate can be voted as prime minister by members of parliament, and senators who were appointed by the 2006 coup council, so the current (2021) prime minister was the 2006 coup leader.

In addition to the mistrust of government and the lack of people empowerment, the 2017 constitution contains four sections concerning radio broadcasting. Section 34[15] is about freedom of expression for the media. This specifies that people can access space to express their opinions and that the government cannot violate their freedom to do this. The section resembles the 1997 constitution's Section 39 and the 2007 constitution's Section 45.

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[15] Section 34 states that a person shall enjoy the freedom to express opinions, make speeches, write, print, publicise and express matters by other means. The restriction of such freedom shall not be imposed, except by virtue of the provisions of law specifically enacted for the purpose of maintaining the security of the state, protecting the rights or freedom of other persons, maintaining public order or morality, or protecting the health of the people. Academic freedom shall be protected. However, the exercise of such freedom shall not be contrary to the duties of the Thai people or morality, and shall respect and not obstruct the different views of other people.

Section 36[16] was added to stop the opportunity of media censorship by anybody except the regulatory authorities. Since the government is related to the regulatory body, thus enabling it to exercise censorship of media, this lack of clarity is intended to exempt some government-related organisations without authorisation. It is therefore difficult to know whether or not the government can use its power to restrict media organisations.

Section 35[17] is about government interference in media operations, which includes the elimination of closure of media by government. In Section 35 it is interesting to note that a state grant is not allowed to financially subsidise media organisations that are privately owned. Consequently, local commercial radio stations cannot access public funding through the NBTC. However, there appears to be an exception to this in that subsidies may be made available for public relations, and subsidised organisations are required to publish details of subsidies for the State Audit Commission and the public. So government-owned

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[16] Section 36 states that a person shall enjoy the freedom of communication by any means. Censorship, deletion, or disclosure of prohibited information communicated between persons, including any act carried out to know or obtain such information communicated between persons, shall not be permitted, except by an order or a warrant issued by the Court, or where there are other grounds for this as prescribed by law.

[17] Section 35 states that a media professional shall have the freedom to present news or express opinions in accordance with professional ethics. The closure of a newspaper or other mass media to deprive freedom of expression under paragraph one shall not be permitted. Censorship by a competent official of any news or statements made by a media professional before publication in a newspaper or any media shall not be permitted, except during the time when the country is in a state of war. The owner of a newspaper or other mass media shall be a Thai national. No grant of money or other properties shall be made by the state as subsidies to private newspapers or other private mass media. A state agency which pays money or gives properties to mass media, regardless of whether it is for the purpose of advertisement or public relations, or for any other similar purpose, shall disclose the details to the State Audit Commission within the prescribed period of time, and shall also announce them to the public. A state official who performs mass media duties shall enjoy the freedom under paragraph one, provided that the purposes and missions of the agency to which he or she is attached shall also be taken into consideration.

media such as the PRD and military organisations were allowed to be subsidised by the government.

The 2017 constitution is seen to have learnt from previous political situations and to have fixed issues that might be detrimental to the government by limiting the power of public engagement in radio broadcasting and the independent regulatory organisation, the NBTC. Also, the way in which the 2017 constitution allows public usage in radio broadcasting does not seem to be as widely available as in previous constitutions, as a result of a widespread public engagement in numerous community radio stations that has led to the formation of political movements against the power of an authoritarian government and in favour of elected politicians and prime minister.

The 2017 constitution has apparently deleted many details regarding people empowerment that allow the public to engage in mass media through an independent regulatory body. In the 1997 constitution (p11), the identification of 'there shall be an independent regulatory body having the duty to distribute the frequencies […] and to supervise radio or television broadcasting' was part of the rights and freedoms of citizens, but in the 2017 constitution, this was changed to be the duty of the state to allow a given organisation to regulate radio broadcasting stakeholders, seen in Section 60[18] of Chapter V in the 2017 constitution.

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[18] Section 60 states that the state shall establish a state organisation that is independent in performing the duties of being responsible and supervising the undertakings in relation to transmission frequencies under paragraph two. Such an organisation shall ensure that there are measures to prevent against unfair consumer exploitation, or imposition of an unnecessary burden on consumers, to prevent the interference of transmission frequencies, as well as to prevent an act which might result in obstructing the freedom of the people to know, or prevent

Moreover, Section 60 declares the state has to ensure protection against frequency interference and prevent any individuals from using frequencies without recognising the violation of others' rights. (Radio frequency interference occurred when there were thousands of community radio stations set up after the 1997 constitution.) Section 60 allows frequency usage for the public, but specifies the amount to be used.

The 2017 constitution clearly stems from the notion that the government does not trust public participatory power. An authoritarian government is afraid of losing control over radio broadcasting media as it is concerned that the general public would engage with it according to their own ideas and needs and not those of the government. The ruling class has attempted to centralise its power, resulting in the amendment of regulations, and it is apparent that many sections of the 2007 constitution have been changed in the 2017 constitution with regard to people empowerment and broadcasting issues. These changes are elaborated in the amendments of the regulatory framework in the Organisation Acts analysed in Chapter 7, and policy practices such as the delay of broadcasting licensing and frequency allocation examined in Chapter 8.

In analysing the media system, including radio broadcasting, it is clear it has been fluctuating as a result of the political insecurity of an undemocratic system in

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the people from knowing, true and accurate data or information, and to prevent any person or any group of people from utilising the transmission frequencies without taking into consideration the rights of the general public. This shall include the prescription of a minimum proportion of transmission frequencies to be used in the interests of the public, by a person utilising transmission frequencies as provided by law.

comparison to other developing countries. In an undemocratic country like Thailand, as the Development theory model (McQuail, 1994, cited in Hardy, 2008) has shown, the regulatory framework and regulating body is dependent on the political authorities and assigns control to them.

Moreover, this occurrence is framed in the context of Thailand relying on the power of an authoritarian government that has owned traditional media for a long period of time and does not appreciate its expected loss of ownership. This shows in Sieber et al.'s Authoritarian model (1984, cited in Hallin and Mancini, 2004), which shows the full power of the state that administers and controls its social activities.

Opposition to this control has sometimes been exercised in the form of resistance by advocacy groups and academics. To illustrate, the Campaign for Popular Media Reform (CPMR), a non-government organisation run by activists, was initiated to promote media freedom and campaigned for the restructuring of broadcasting ownership and usage until it was terminated during the time of the coup d'état of 2014 and the subsequent long delay of frequency allocation. Along with such movements, local radio stations have been formed as associations performing activities resulting from regulatory implications but recently (2021) have been inactive due to unfunctional regulatory practices.

After the 2017 constitution, Figure 6.9 shows there is a similar amount of stakeholders in radio broadcasting in Thailand as there were after the 2007 constitution, because there has been a lack of improvement in public

empowerment, and since 2017 the government has exercised greater control. The stakeholders are the government and military radio stations, the NBTC, community radio stations, local commercial radio stations and Thai PBS.
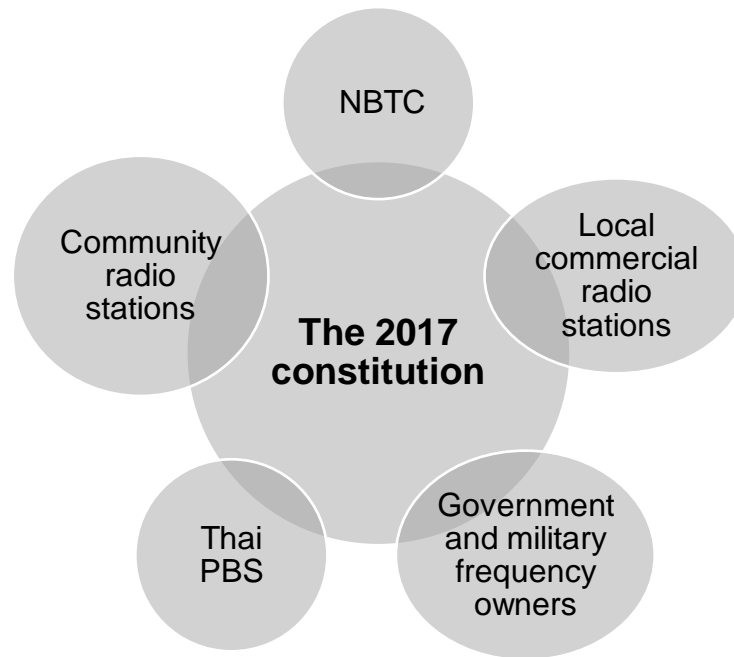

Figure 6.9 Stakeholders in radio broadcasting after the 2017 constitution.

As a result of three constitutions after 1997, broad public engagement has changed to one that is narrow and controlled by the government in the current 2017 constitution. The changes have resulted in radio broadcasting policies being revised and reorganised to follow the regulatory framework of the country. There has been a delay in the policy implementation and regulatory framework, and there are some academics and media professionals who have supported people empowerment and have sometimes criticised the policies and their practices, together with the regulatory measures (analysed in Chapter 8).

Furthermore, there have been various issues related to radio broadcasting resulting from past constitutions. To illustrate, the regulatory independent organisation is required to be formed through different Organisation Acts. Also, radio broadcasting stations are now operated by public practices under the Broadcasting and Television Businesses Act of 2008 and National Master Plans (NMPs). This is shown in Figure 6.10 below. All these issues are analysed in terms of the legacies of the 1997 policies regarding radio broadcasting in Thailand in Chapter 7.
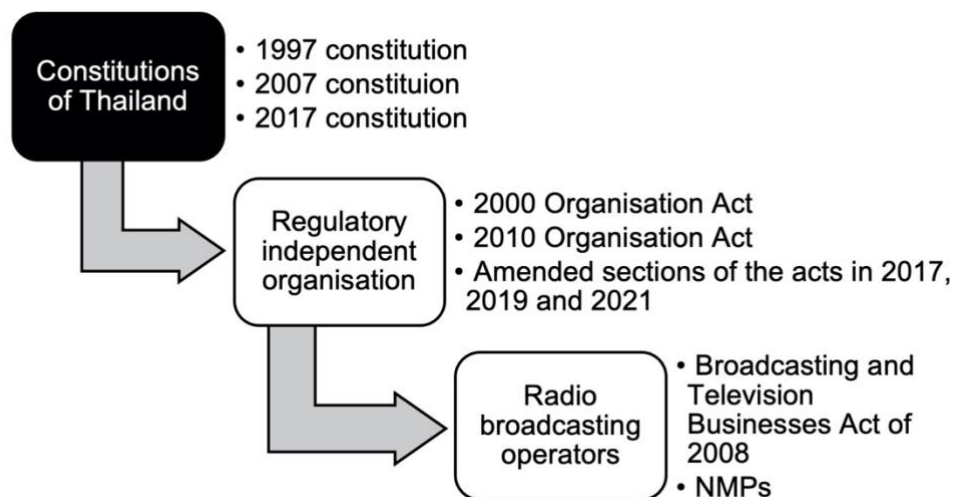

Figure 6.10 Regulatory policies for radio broadcasting and their relevant organisations.

The development of radio broadcasting policies in Thailand after 1997 has been examined in depth in terms of the public sphere, market failure and comparative media systems to answer the first research question: **How have radio broadcasting policies in Thailand developed in the time after the recognised period of media reform (1997–2021)?**

In terms of the operation of public engagement in radio broadcasting, this research has shown that during the period of 1997–2021 the development of radio broadcasting policies in Thailand has been closely related to political situations in Thailand. Radio broadcasting policies have developed on the basis of political situations and the authoritarian power of the military and government. The centralised ownership of radio broadcasting frequencies by the government and military organisations has derived from these political situations.

To answer the second research question: **How have the aspirations and objectives of the radio broadcasting policies in Thailand adopted between 1997 and 2021 been compromised by issues that have occurred in the country?**, the analysis of factors influencing radio broadcasting policies in Thailand after 1997 is delineated in section 6.3 with the development and intention of radio broadcasting policies further analysed in Chapter 7. Through a thematic analysis approach to radio broadcasting policies, the following section aims to find the core issues affecting radio broadcasting policies at the current time (2021).

6.3 ISSUES RELATING TO RADIO BROADCASTING POLICIES AFTER 1997

After investigating Thailand's radio broadcasting policies that resulted in the opening up of radio stations to the public, two main issues have been considered regarding policies enacted after 1997. The first was the public call for broadcasting reform, which dominated the Thai social scene after 1997 as a result of various government broadcasting policies and practices. Another main

issue was the government's effort to retain control of radio broadcasting as a result of uncertain political situations.

These two issues have impacted radio broadcasting policies in Thailand as shown in the 1997 constitution and in later periods when radio broadcasting was said to be used for public interests. Since then, the government and the public have been fighting each other to control the regulatory framework and radio broadcasting. When one side is in control over the political and social situation, the other is in opposition and trying to stabilise its position, as shown in Figure 6.11 below.

Government efforts to retain radio broadcasting control.

Radio broadcasting policies after 1997.

Public calls for broadcasting reform.
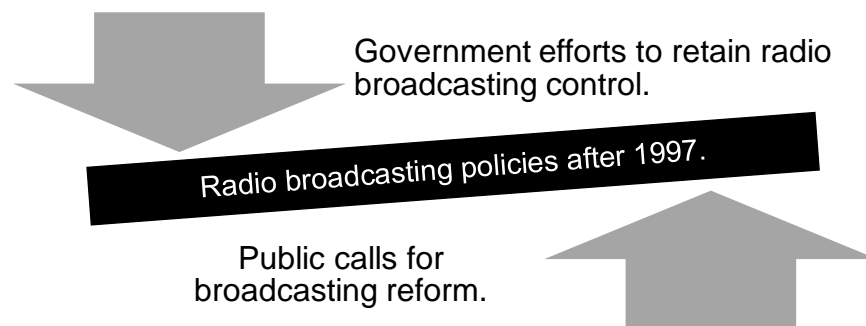
Figure 6.11 Issues relating to Thailand's radio broadcasting policies and operation after 1997.

The views of the government and the contrasting views of the general public are analysed in depth through stakeholder interviews, together with details of regulatory documents to show the arguments that have been put forward and to answer the research questions through a thematic approach in the subsections below.

6.3.1 Public calls for radio broadcasting reform

Public engagement in broadcasting with demand for media reform and restructure is seen in the campaign for transference of radio broadcasting frequency ownership from the government to public and community owners. The campaign has been undertaken by people who have wanted to produce their own broadcasting content related to their identity, without government restrictions that have allowed only news provided by the government and military organisations, and entertainment and commercial programmes produced by commercial co-producers to be broadcast through government- and military-owned radio frequencies.

After people became interested in the idea of participating in the public ownership of broadcasting, a statement[19] in section 40 of the 1997 constitution showed the consequences of this campaign which is seen as:

> *a time when the authoritarian government surrendered to academics and technocrats after the 1997 constitution (Jiraporn Wittayasakpan, Independent academic, 2021).*

This has confirmed that the existence of people power is a factor for changing the policies of radio broadcasting and for creating a new structure of the system in Thailand's constitution. An open space has emerged for public and community

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[19] Section 40 of the 1997 constitution stated that transmission frequencies for radio or television broadcasting and radio telecommunication were national communication resources for the public interest.

media in recent policies of radio broadcasting. The aim is to acquire radio broadcasting frequencies as a national resource for the public good.

Media reform was initiated to formulate policies relating to a regulated independent organisation, radio frequency allocation, and descriptions of radio broadcasting operations:

> *The media reform movement is set to initiate laws after the 1997 constitution. […] The constitution indicated that frequencies are a national resource and that public interests are required to spread to local interests (Supinya Klangnarong, Cofact co-founder and former NBTC commissioner, 2021).*

However, given that government control is so powerful over every sector of society, it is very difficult for media reform of radio broadcasting to begin. For example, following coups after 1997, radio broadcasting policies and practices in Thailand were running against the democratic and decentralised power of public engagement. Despite resilient attempts to keep afloat, but with a weakening number of local radio stations, the progression of radio broadcasting policies and practices have rarely been supported and helped by the NBTC.

Nevertheless, many local radio operators have realised the value of their stations' listeners through their participation in broadcasting management and programmes. This has clearly shown the media empowerment of community radio broadcasting, which allows for useful information and knowledgeable contributions to be communicated to their communities. Strong networks have been formed through the way in which radio stations relate to their audiences.

In terms of the collective value of the public sphere created by monopoly market failure, resistance against an authoritarian power is very important for the public to help to make positive changes to the way they participate in radio broadcasting. The strength of Thai communities after their suppression by government authorities has been seen over time. After public demands and campaigns to launch the Broadcasting and Television Businesses Act of 2008 to initiate procedures to liberalise local radio stations in terms of decentralising frequency ownership and introducing the Thai PBS Act of 2008 to initiate a PBS institution in Thailand, a public sphere in Thai radio broadcasting has emerged.

After the 2014 coup which closed a lot of local radio stations, a number were later allowed to operate with experimental broadcasting licenses, but there was not much impetus to form new community radio stations. Also the situation has made community radio stations weaker; it has become more difficult to re-open them and to stabilise the system because of the political situation. This has also resulted because:

> *the initial suggestions proposed by local stations were not considered [by the government] and put into practice. This has led many radio stations to ignore any movement for improvement. (Suthep Wilailert, NBTC officer and former Campaign for Popular Media Reform (CPMR) activist, 2021).*

The public sphere of Habermas (1992, cited in Lunt, 2009) is related to civil society for people to express their identities, and people empowerment in Thailand is ratified by the resistance of non-profit radio stations to the government. The action of local people and communities is clearly trying to reach

the public sphere in a democratic society within Thailand. Similar to Habermas's (1992) statement, the commodity exchange in rural areas is transparently a part of civil society, which is further elaborated in Chapters 7 and 8 through participatory operations of community radio stations.

Although non-profit radio stations in Thailand were initiated in terms of a public sphere but have been stopped by the authoritarian media system of the government, the strength of community radio stations gathering collectively to fight against the government decrees is very important for making further progress in the policies and practices of radio broadcasting. The communication spaces of collective individuals are not only threatened by policy directions to be unsustainable, but their collective value and participation are also under threat because of the political uncertainty and authoritarian centralisation.

6.3.2 The government's effort to retain media control and political uncertainty

After 1997 the government made an effort to maintain control over radio broadcasting in the country. This became apparent after investigation of ownership of the radio broadcasting frequencies, which has been monopolised by government and military organisations since the beginning of radio broadcasting in Thailand. In the in-depth analysis of radio broadcasting policy documents and semi-structured interviews, it has been found that one of the main influences on all policies and regulatory practices of radio broadcasting stems from the government and military organisations, which combined the regulator, broadcasters, and content providers.

Authoritarian control of radio broadcasting by government has been seen:

> *Thailand's governments that are seen as authoritarian operate a centralised governance and authoritarian management of leading individuals. Authoritarianism is not concerned with the rights of citizens, as shown in the parliamentary system and in the military (Jiraporn Wittayasakpan, Independent academic, 2021).*

Moreover, authoritarian methods of operation appear in politically related characteristics. Government officials use their authority, which is centralised, to regulate policies. Seen in the current (2021) political situation of authoritarian military government, this has weakened public and community radio stations, which has led to the suspension of radio broadcasting activities and regulatory development.

Alongside government control and authoritarian power, politics have always played a significant role in radio broadcasting policies in the country. Many radio broadcasters, academics and other advocacy groups agree that the political situations in Thailand have had a significant impact on radio broadcasting policies and their implementation. The political situations, including coups, military domination, an unhealthy democratic system and their outcomes, are reflected in the radio broadcasting industry with its ownership still under strong government and military organisations. Politics is the primary factor hindering development of radio broadcasting policies and actions.

Figure 6.12 below shows the cycle of situations affecting radio broadcasting in Thailand. They started when political conditions were unstable because of a centralised government with the military in control and the formation of military governments, resulting in many coups interrupting the democratic political system. This brought about radio broadcasting policies which could not practically and constructively continue from 1997 to the present (2021). The policies of radio broadcasting in Thailand are dysfunctional and cannot create ways of support for procedures to sustain a public sphere. The low survival rate of non-profit radio stations in Thailand can be shown as analysed in Chapter 7. This continuing cycle (Figure 6.12) has existed because the cause of a lack of democracy rooted in Thailand has not been of concern or addressed.
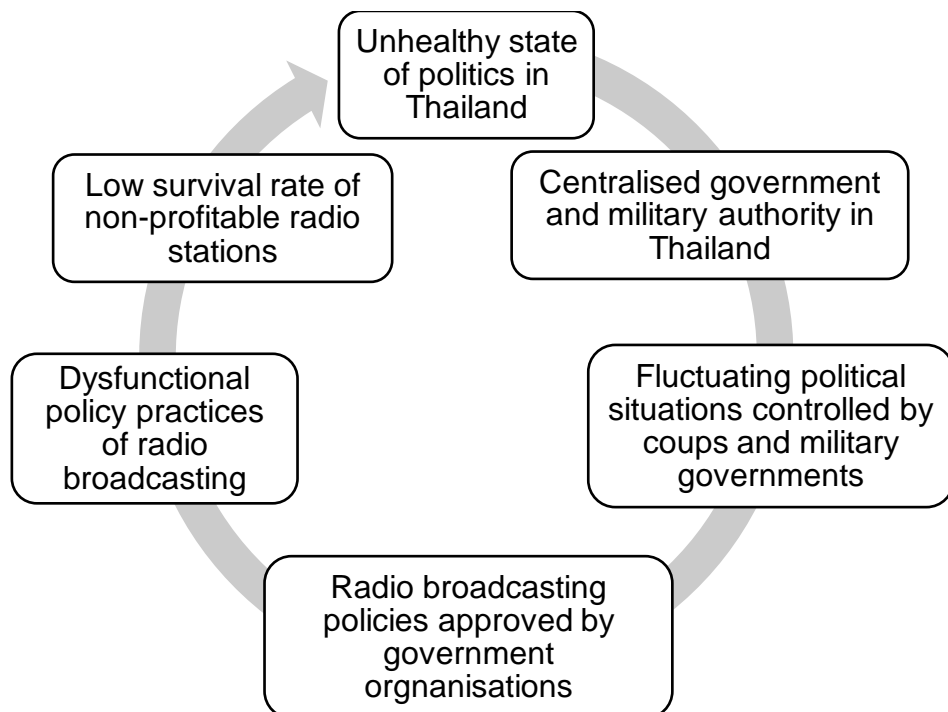

Figure 6.12 The cycle influencing radio broadcasting in Thailand.

Politics has interfered with radio broadcasting and ownership by the people has been held back for years, despite the democratic policies confirmed by the 1997 constitution. This is because:

> *The authoritarian state power sees that media are risky and irritate national security, so the government tries to regulate media ownership (Kengkij Kitirianglarp, Chiangmai University, 2021).*

The authoritarian political power has used radio broadcasting as its source of power and as an asset in terms of a communication tool and capital revenue. Governments with a strong dictatorship have created an official authoritarian structure in directing radio broadcasting policies and operations because authoritarian Thai governments think they can manage public opinion by conveying their dominance through communication platforms.

> *The government needs to change their mindset towards the media freedom and freedom of information are important to the society. […] The government cannot control any media [due to the technology breakthrough] (Thitirat Thipsamritkul, Thammasat University, 2021).*

Despite allowing public use of radio transmission in the 1997 constitution, the strict control by subsequent governments and their powerful authoritarian politics have brought about the decline in the operation of radio broadcasting. This very much negatively affects the possibility of building a strong public engagement in radio broadcasting stations and policies, particularly with regard to PSB principles.

Many community radio stations have seen that politics impacts on their programming and operation of radio services. The lack of growth in the number of stations is manipulated by politics. This also affects Thai citizens' awareness of democracy and Thais' acknowledgement of the public to be informed about their commitment to society.

When political conflict was very intensive in the country, this brought about a divergence of political ideas between groups of listeners and station broadcasters: '*Politics takes part in taking sides with media, which are divided into a number of political groups' (Kan-anek Sornmala, Saiyok People station, Kanjanaburi, 2021).* Broadcasting stations were required to be suspended or 'behave' themselves, because each announcer had his or her own political views which might lead their stations into trouble, so the station management team had to be cautious.

> *Radio broadcasting is used as a political tool to change people's attitudes, so the regulator does not want radio stations to talk too much (Decha Saiboontang, Dansai People station, Loey, 2021).*

As a result of uncertain political situations, community radio stations have been affected in terms of their support for active citizens in a democratic society, with regard to providing perspectives on the economy, politics, society and culture. Politics is heavily involved in the operation and content of radio broadcasting, and governments realise this, so a tough policy implementation is applied to non-profit radio stations.

> *National politics can influence the government network of authoritarian bodies which affect public interest groups, which means that development of radio broadcasting can hardly happen (Suthep Wilailert, NBTC officer and former CPMR activist, 2021).*

Apart from the difficulty in building up a democratic society with non-profit radio stations, unstable politics greatly affects commercial stations, including the sale of advertisements. This has resulted from situations in which governments control radio stations and require them to stop operating, which has meant that some commercial stations might broadcast political content set against the latest coup.

> *After the coup council closed all stations, I had to pay all costs and fired employees. This took six months and cost 23,255 GBP (1,000,000 THB). [...] Radio people are afraid to fight with the authorities due to costly fines and dominance of [government] power (Prasertsit Nititam, Tai-Kalasin station, Kalasin, 2021).*

Additionally, official broadcasting requirements set by the regulator have been interrupted by changes of governments. This has led to incomplete and impractical policy enforcements that have been delayed since 1997. To illustrate, a radio station complained that:

> *in the experimental broadcaster licences given by the NBTC and extension of frequency allocation [...] one government may support unrestricted regulations while another may not support these and exert control over stations (Anurak Boonmuang, Angtong radio association, 2021).*

This concurs with the notion that politics plays a significant role in Hallin and Mancini's (2004) model of media systems, and that Thailand's system of government has turned into Thailand's particular democratic style called an 'authoritative' type by Hewison and Kittirianglarp (2010). This makes radio

broadcasting in Thailand very sensitive to political conditions regarding the exercise of power through military governments and other government organisations.

It is clear that the NBTC is an independent broadcasting regulator, but the way it works is based on internal politics and the NBTC can represent the politics of Thailand's governments. Through the NBTC, commissioners act under strict supervision, and the NBTC is not related to the public, particularly rural people, at all. This impacts on radio broadcasting policies, and military and government bodies still control the frequencies, with a low number of frequencies allocated for purposes other than broadcasting.

The political crises in Thailand following the last few coups have allowed much power to accrue to conservative groups and government authorities, and have enabled them to retain significant authoritarian control over radio broadcasting. At the same time, radio stations are attempting to fight for a PSB platform.

> *There is much tension in groups that play a part in the media landscape of Thailand. All groups of power try to keep a secure base and expand their ideology and beliefs by citing 'state security', which results in a lack of confidence on the part of civic engagement in the media (Wilasinee Pipithkul, Thai PBS director, 2021).*

Radio broadcasting policies in Thailand relate to politics and the government's effort to retain broadcasting control, and the media system that exists in Thailand is a result of the actions of political authorities and political uncertainty. As McQuail (1987, cited in Humphreys, 1996) has mentioned, this is a feature of

centralised media ownership controlled by the ruling class with its dominance in media power.

The media system of the Popular Pluralist model was affirmed by Hallin and Mancini (2004). It is greatly affected by the level and way in which the state intervenes in its policies and regulations. As has been elaborated in the context of Thailand, governments have taken control of the media through various government bodies, which have dealt with the policies and practices of radio broadcasting. This will be further considered in Chapter 8.

In Hardy's (2008) study, the media system, which comprises economics, technological resources, urbanisation, social–cultural aspects and a social and political structure, is referred to as an operation providing a social and political system. This explains the Thai media ecosystem, which influences radio broadcasting in Thailand.

With regard to the scope of a communication platform for a public sphere, non-profit radio stations are still keen to gather collective ideas of informative, educative and entertainment issues to be aired and discussed by broadcasters and listeners, particularly those in rural areas. Non-profit radio stations in Thailand have always relied on the notion of Habermas's public sphere.

6.4 CONCLUSION

Radio broadcasting in Thailand has confronted many issues since its beginning, as a result of government ownership and control. Prior to 1997, radio

broadcasting was regulated by the PRD, a government organisation, while ownership was controlled by government and military organisations in the name of national security and public well-being.

The 1997 constitution opened up communication channels to empower people and to broadcast issues of public interest and provide them with community radio broadcasting operations, but subordinate laws and policies were not yet ready to be installed because of political coups and authoritarian governments in Thailand.

Since 1997, Thailand has had three constitutions resulting from previous constitutions being abolished by coups, shown in Figure 6.13. Regulatory authorities, including constitution drafters and parliamentary representatives, are appointed by coup councils and military governments. As a consequence, policy documents written after each subsequent constitution have led authoritarian organisations to be prioritised. The development of radio broadcasting policies and their implementation have followed the constitutions and regulators in each political period.
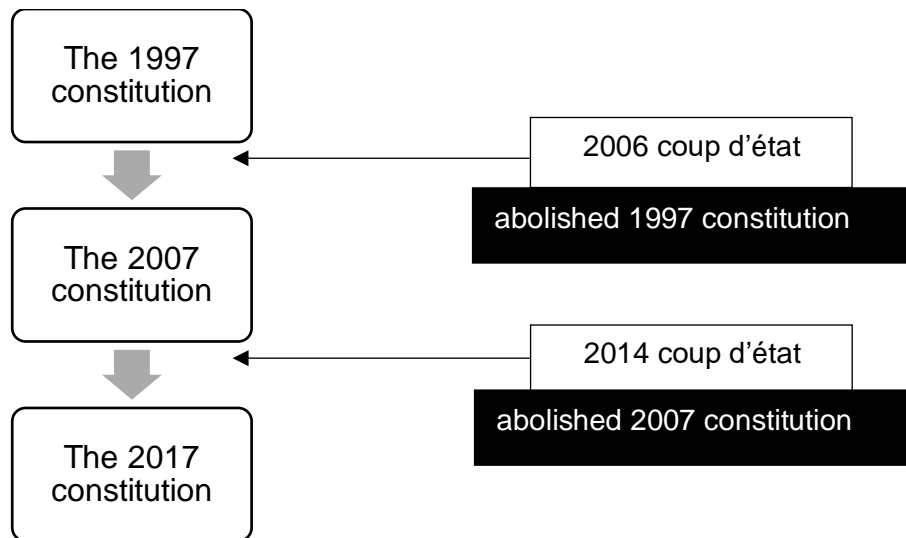
Figure 6.13 Development of Thai constitutions after 1997.

This chapter about policy development has shown broadcasting trends and the possibility of achieving PSB after 1997, the turning point of radio broadcasting in Thailand. However, unstable political situations brought about by the coups of 2006 and 2014 have not helped to make democratic policy practices feasible.

The research has found that there are two main issues impacting radio broadcasting policies and practices after 1997 that answer the second research question: public calls for, and movements to pressure, the authorities for public radio broadcasting spaces; and government efforts to retain control of radio broadcasting, as a result of political coups, resulting in a strict enforcement of regulations. These two issues are shown in Figure 6.14 below and are seen to be the main factors influencing radio broadcasting in Thailand after 1997.

Other factors that also play a significant role in radio broadcasting in Thailand, such as the economic situation and technology disruption, do not have a direct

impact on radio broadcasting policies and operations in Thailand. This research

discusses and analyses these influences in terms of threats to radio broadcasting

in Thailand in Chapter 8
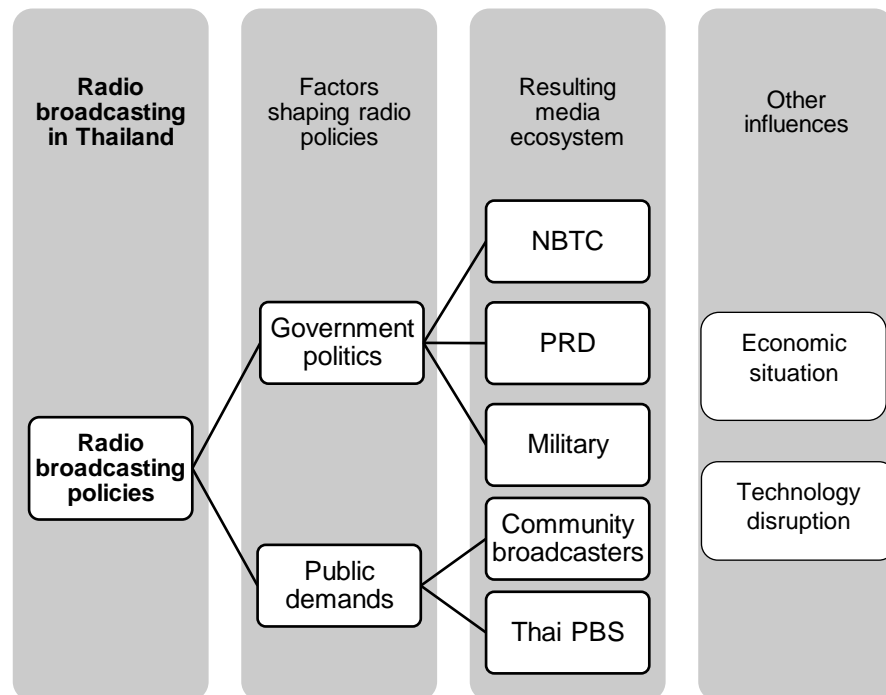
Figure 6.14 Radio broadcasting in Thailand: influences, issues and the resulting

media ecosystem.

The following chapter discusses the organisations created as a result of the

1997 constitution that structure the regulatory framework for radio broadcasting

in the country. These are the NBTC, community radio stations regulated by the

Organisation to Assign Frequency Waves and to Regulate the Radio

Broadcasting, Radio Television and Telecommunications Services Acts of 2000

and 2010 under the Broadcasting and Television Businesses Act of 2008, and

Thai PBS, the Thai Public Service Broadcasting Act of 2008.

CHAPTER SEVEN

LEGACIES OF RADIO BROADCASTING IN THAILAND

AFTER 1997

7.1 INTRODUCTION

Prior to 1997, the Thai broadcasting regulatory structure allowed the government to manage radio and television through the Broadcasting Act of 1955, but after the 1997 constitution, the National Broadcasting and Telecommunications Commission (NBTC), an independent regulator, was set up to look after all operations of broadcasting media and telecommunications with the status of both formulator and regulator. After the 1997 constitution was abolished by a coup in 2004, together with the following 2007 constitution by a coup in 2014, the policy development of radio broadcasting has been under very centralised control by the Thai government.

In this chapter, the research undertaken shows the outcomes of radio broadcasting policies after 1997 and organisations that were set up. As seen in Figure 7.1 below, policies stem from the 1997, 2007 and 2017 constitutions that have created an independent regulatory organisation, as well as the Broadcasting and Television Businesses Act of 2008 governing radio broadcasters in Thailand and the Thai Public Broadcasting Service Act of 2008 governing the Thai PBS institution. The data analysed stems from policy documents and interviews of stakeholders in radio broadcasting in the country.
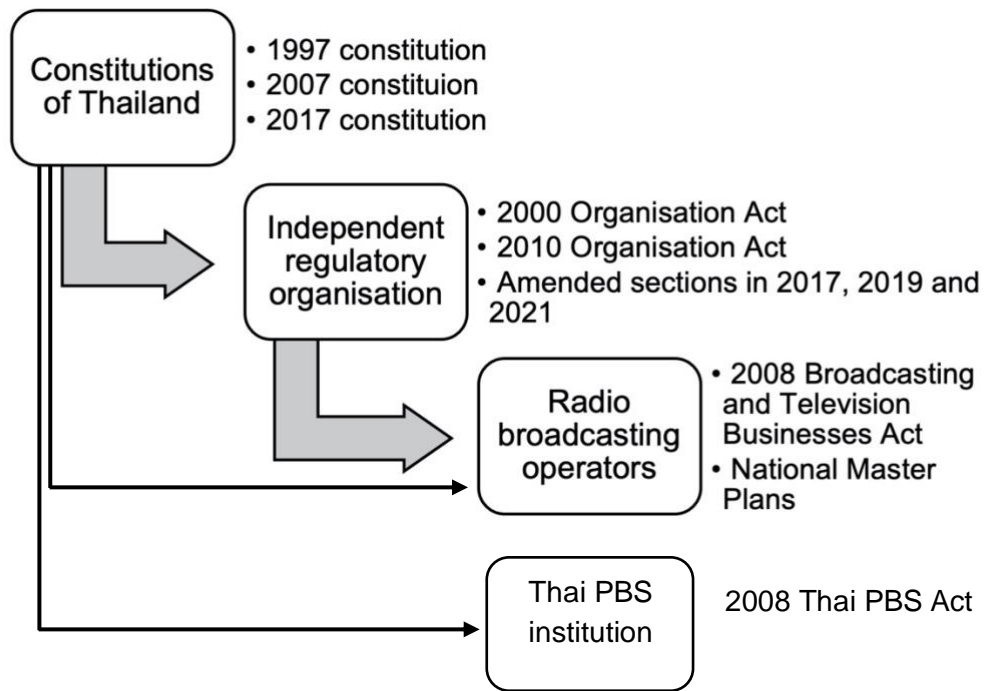
Figure 7.1 Regulatory policies of radio broadcasting after 1997 and their stakeholders.

The first legacy of the 1997 policies related to radio broadcasting in Thailand was the regulatory independent organisation known as the NBTC, which is responsible for frequency allocation to broadcasting platforms. It was created by the 2000 and 2010 Organisation Acts, and has been investigated in depth in terms of its commissioners and duties. The NBTC, working through unstable political circumstances, has also been considered through theoretical perspectives set out in Chapters 2 and 3.

The second legacy was the community radio stations. Although they had been unofficially formed prior to the formation of the NBTC, the Broadcasting and Television Businesses Act of 2008 stated that all radio broadcasters were to be officially registered through the NBTC and were to be licensed after its formation.

This stated sequence of events is seen as important for this research, as in Thai radio broadcasting the public sphere can only be officially and sustainably maintained through the operation of radio broadcasters implemented through the regulatory framework. The researcher has examined the Broadcasting and Television Businesses Act of 2008 and its details in depth with regard to facilitating radio broadcasting in Thailand to form a public sphere in the Thai media system.

The third legacy of the 1997 constitution was the creation of a PSB institution: Thai PBS. The Thai PBS Act of 2008, together with the institution's obligations and governance, including funding, has been examined in detail. The PSB organisation is considered in terms of PSB principles and its perspectives which carries the public sphere in Thailand, along with the media system which the institution has had to manage, including its lack of radio broadcasting frequencies, which have not been allocated to it.

The next section of this chapter outlines the regulatory framework that regulates all policies of radio broadcasting in Thailand, with the regulator and its responsibilities in terms of the public sphere in Thailand's media system. Later sections follow Thai community radio and Thai PBS as a public service broadcaster.

7.2 AN INDEPENDENT REGULATOR

After 1997, an independent organisation to serve the regulatory framework of telecommunications and broadcasting was set up in Thailand. This organisation

is similar to other independent regulatory organisations in the world, such as the Federal Communications Commission (FCC) of the USA or the Office of Communications (Ofcom) of the UK. The researcher has studied the Thai regulatory institution as it is accountable for the operation of radio broadcasting and policies.

Originally, the body that regulated broadcasting in Thailand was controlled by the Public Relations Department (PRD) of the government. With the 1997 constitution and its aspirations, however, an independent agency was created, with the aim of implementing media reform in the broadcasting sector, where most radio frequencies have been owned and utilised solely by agents of the government since the birth of broadcasting in the 1930s.

Figure 7.2 shows that from 1997 onwards, an independent regulatory organisation to allocate broadcasting frequencies was set up, and that the three constitutions of 1997, 2007 and 2017 show different characteristics of this organisation which is later analysed in this section (7.2). The NBTC is responsible for the operation of telecommunications and broadcasting in Thailand. To deliver its obligations it is required to have its own regulatory framework, as seen in the Organisation Acts of 2000 and 2010, some sections of which were amended in 2017, 2019 and 2021. After 1997, the regulator was able to put forward all radio broadcasting policies through the Broadcasting and Television Businesses Act of 2008.
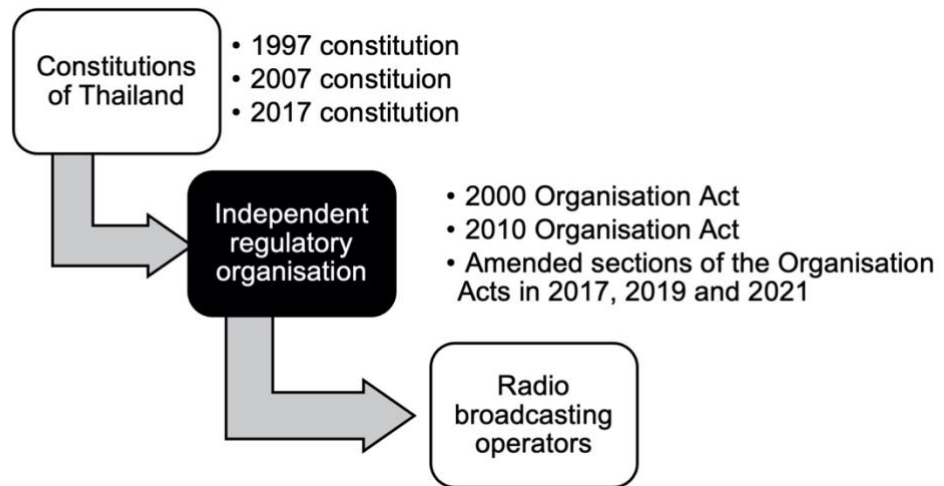
Figure 7.2 The constitutions, their secondary legislation and their stakeholders.

The NBTC regulates all radio broadcasting operators. The next subsection has been divided into the regulatory framework and the NBTC's obligations for radio broadcasting.

7.2.1 Regulatory Organisation Acts

The regulatory framework of the independent regulator follows the Organisation to Assign Frequency Waves and to Regulate the Radio Broadcasting, Radio Television and Telecommunications Services Acts of 2000 and 2010, with some of the stipulations being amended in 2017, 2019 and 2021.

In the timeline of Figure 7.3 below, the NBTC needed to set up the frequency management and broadcasting plan, which resulted in the creation of the Broadcasting and Television Businesses Act of 2008. The Organisation Acts of 2000 and 2010 enabled the NBTC to regulate and implement the Broadcasting and Television Businesses Act of 2008, which covers all radio broadcasting services.

The timeline in Figure 7.3 shows other regulatory frameworks created after the Organisation Act of 2000 and policies related to radio broadcasting, including policies related to PSB. Along with the aforementioned regulatory frameworks, political situations are shown in the timeline, such as coups that occurred in 2006 and 2014, and the figure also shows the beginning of community radio stations in 2001 and their acceptance by the regulator in 2002.
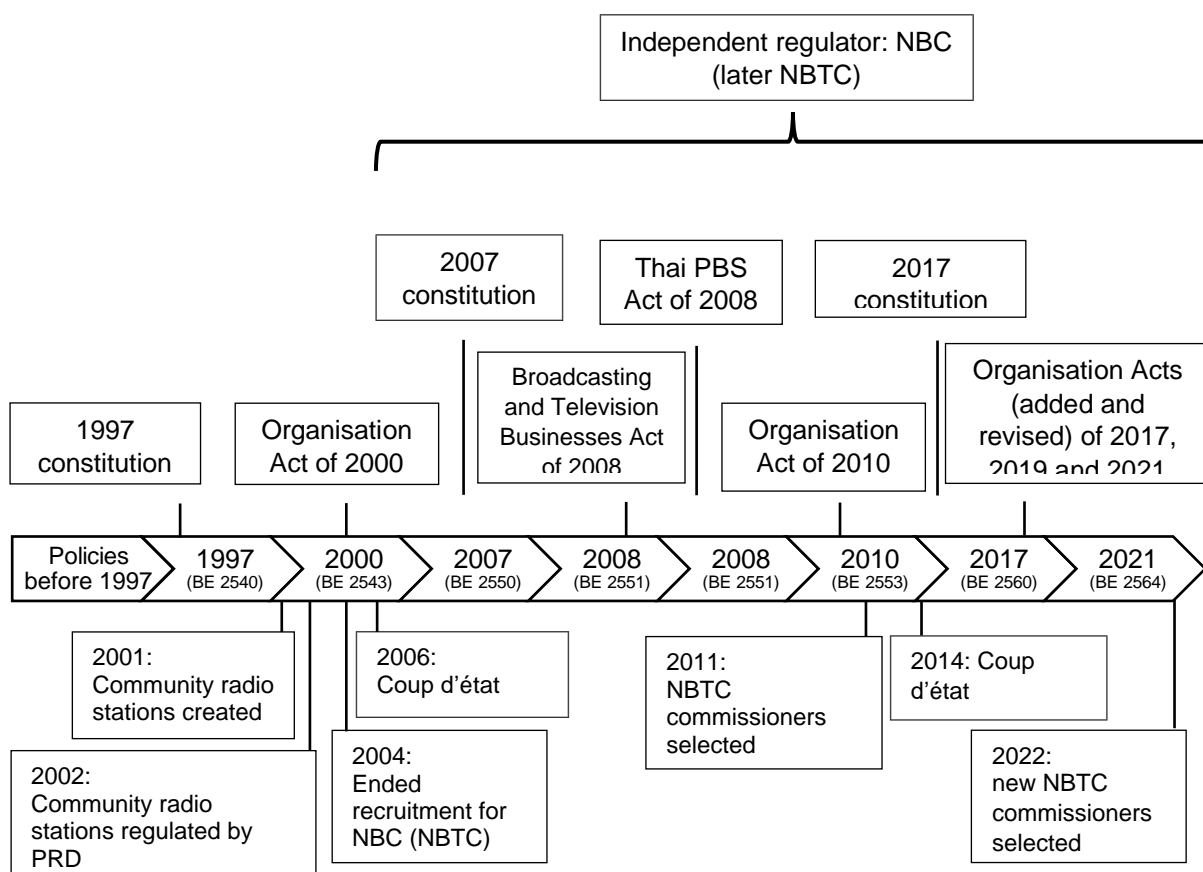

Figure 7.3 Timeline of policies, regulator and political events after 1997.

The main functions of the Organisation Acts of 2000 and 2010 were to select qualified commissioners for the NBTC and determine their duties. Many sections

of these acts have been amended to lower public engagement as shown below, but it is necessary for all radio broadcasting stations to rely on these laws when any enquiries are made or supervision is needed in terms of rights from, and protection by, the regulator.

7.2.1.1 Aspirations and goals of the NBTC

The Organisation Act of 2000 was designed to create an independent regulating organisation in place of the PRD, which was both the regulator and broadcasting operator before 1997. This act was targeted to follow sections of the 1997 constitution, which was designed to empower the public through frequency allocation. For instance, Section 39 of the 1997 constitution allows the media to freely express information, and this has resulted in the operation of local radio broadcasters and other practices such as movements and networking of local people and broadcasters to empower the public.

While the Organisation Act of 2000 regulated the broadcasting operation, the emphasis of the Organisation Act of 2010, which replaced it, was on allowing people the opportunity to broadcast through their radio stations. The Organisation Act of 2010 also tried to solve difficulties of frequency interference, cross-media ownership, and even suggested a self-regulating media association. It should be noted that some of the duties of the Broadcasting and Television Businesses Act of 2008 have not been completely implemented, which this research has pointed out in Section 7.3 of this chapter and in Chapter 8.

Regarding Lunt and Livingstone's (2012) study, which mentioned Ofcom's role with regard to the BBC as Habermas's public sphere (1984, cited in Hallin and Mancini, 2004), the NBTC has attempted to apply the public sphere in radio broadcasting in Thailand, as seen in the first Organisation Act of 2000. However, the NBTC has not created a state network of internal administrative institutions to form a national public sphere. This has not only been recognised in the later amendments in 2017, 2019 and 2021 of the Organisation Acts regarding commissioner qualifications and the selecting process, but also appears in the authoritarian power of the regulator in the structure of a centralised government.

According to the website of National Broadcast and Telecommunications Commission (2016), its aim is to be a leading organisation in the Association of Southeast Asian Nations (ASEAN) and to regulate and develop communication services to develop country-wide sustainably. It sees its mission as its duty to allocate frequency waves, provide licences, regulate radio and television broadcasting and telecommunication services efficiently and transparently, and to be acceptable as an independent state entity at an acceptable ASEAN level. It has a responsibility to show and balance all interests of every party in Thai society, and is seen as a powerful organisation of communication in the country.

The commissioner selection process is now analysed in terms of focusing on public engagement to cultivate the public sphere for radio broadcasting. An analysis of the selecting process of NBTC commissioners is central for showing the regulator's authoritarian power.

7.2.1.2 Commissioner selecting process

The Organisation Act of 2000 identifies the composition of various government positions regarding the regulator: academics, media professionals, civil sectors and senators who were engaged in selecting the commissioners. At the time of the Organisation Act of 2000 (which was withdrawn and replaced by the Organisation Act of 2010), there were two separate sets of commissioners, one for the telecommunications board and one for the radio and television broadcasting board. Later, the Organisation Act of 2010 amalgamated these two boards.

With the Organisation Act of 2000, the radio and television broadcasting board selected seventeen National Broadcasting Commission (NBC) commissioners. There were seven representatives from government positions, eight were specialised representatives from various areas of the media, one representative from a non-governmental organisation (NGO), and one from the National Federation of Community Radio, who could be voted for by all members of public-participatory radio stations.

The 2000 Organisation Act laid stress on public engagement, and it was a big step for non-profit organisations to participate in the official process of the NBC selection of commissioners. All applicants for the position of NBC commissioner could apply without being proposed by any organisation. Once open for application, recruiting committees selected qualified applicants.

The 2000 Organisation Act selection process[20] took a very long time and was not finished until 2004. This was a deliberate delay and applied to all policy implementation. At this time the PRD was still the regulator, responsible for the broadcasting operation and licensing as well as being the broadcaster. Many local radio stations had to wait for a licence, and were registered as temporary radio operating stations.

> *The regulator selection process demonstrates a political connection mirroring the image of Thai politics [representing the way the regulator operated with the power extent at that time] (Thawatchai Jittrapanun, NBTC commissioner 2011–2022, 2021).*

This system highlights the Thai political situation. When the Thai parliamentary system works democratically, the regulator selection process favours all political parties. But when the Thai democratic system is weak and the military authorities are in power, the regulator selection process favours the government and military organisations.

In the Organisation Act of 2010, committees in the NBTC selecting procedure comprised seventeen people from different areas: government organisations, academics, media professionals, and non-profit organisations. Apart from government bodies represented in the selecting process, the 2010 Organisation Act allowed public social sectors a chance to select NBTC commissioners to balance authoritarian power with public engagement.

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[20] The process was to pick double the number of commissioners required (fourteen candidates) and present their profiles to the Senate. A secret ballot was then undertaken by senators to select those with the highest number of votes, or those who had been voted by more than more than half of all the senators. If no one received any votes, the selection committees would restart the process.

The 2010 Organisation Act had two methods of selecting NBTC commissioners within the representative organisations. The first was that associations, institutes or organisations[21] registered with the Senate could select people who were deemed to be eligible. Each organisation could propose two candidates whose names were submitted to the Senate, which examined their qualifications and then voted either for or against their representation. The Senate would then arrange for the selected nominees to select representatives from amongst themselves.

This first method of commissioner selection allowed professional associations to participate. These organisations could nominate names involved in media and the communication professions, which opened the way for professional institutions to have commissioners to regulate and implement policies related to them. This therefore increased the engagement of NGOs in the selection process of a regulatory organisation.

The second method of selection specified in the 2010 Organisation Act was a recruitment method of representatives of organisations to select candidates who applied for the NBTC commissioner positions. Fifteen recruiting committees using this selection method comprised positions from state organisations[22] and

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[21] These associations, institutes and organisations comprised broadcasting institutions, telecommunication and educational institutions of mass communication, legal and economic institutions, NGOs of consumer rights, and non-profit educational or cultural organisations.
[22] These were the National Human Rights Commission; the National Economic and Social Advisory Council; the Office of the Prime Minister; the Ministry of Defence; the Ministry of Information and Communication Technology; the Thailand National Electronics and Computer Technology; and the Council of Engineers.

professional positions[23] appointed by the Senate and MPs, or the Office of the Prime Minister. This method partially allowed representation of people in parliament to vote for the regulator, although the Senate and Office of the Prime Minister were not directly related to members of the general voting public.

The researcher found that the first selection process method retained the public participation of radio broadcasters to select their professional candidates to regulatory positions. The second method of selection, however, had been influenced by the government. In 2010 changes to the 2000 Organisation Act showed that the government could influence the nomination of names by people in state positions such as the Senate or the Office of the PM to ensure the greater control of government through the appointment of people in government organisations, which this act delivered four years after the 2006 coup.

The way in which civil sectors could select their commissioner representatives in the selecting process was later deleted, and only the second selection method was employed via judicial organisations, which comprised seven recruitment officials.[24] It is notable that these officials are not specialised appointments in media and communications. In the 2017 amended sections of the 2010 Organisation Act, this method of recruitment was confirmed as the only method

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[23] These were the Council of Disabled People of Thailand; the Communication Arts Association of Thailand; the Confederation of Radio and Television Professional Associations; the Coordinating Committee of the Non-Governmental Organisations; the Thai Institute of Directors' Association; the Thai Broadcast Journalists' Association; the National Federation of Community Radio; and the Confederation of Consumer Protection Organisations.
[24] The seven people who act as recruitment officials hold the following offices: the Constitution Court judge, the Supreme Court judge, the Administrative Court judge, the anti-corruption commissioner, the state audit mission, the ombudsman, and the president of the Bank of Thailand.

to be employed, as a result of the Order of the Head of the National Council for Peace and Order (NCPO) or coup council in 2014. This order also limited the regulatory power of the regulator, stopping the ongoing selection process of the NBTC commissioners after 2014 and the extension of all commissioners in positions of power for a further five years. This has meant that all regulatory processes of radio broadcasting, including frequency allocation and official licensing of radio broadcasting, have ceased.

Accordingly, potential NBTC commissioners after 2017 are to be found within the legal profession and government organisations, and the NBTC selection process now has no connection with grassroots people. This has widened the gap between the general public and accessibility to NBTC positions. The NBTC commissioners are not from the professional media and have little understanding of radio broadcasting and public participation within the media.

Additionally, the Senate after 2014 until now (2021), members of which are appointed by the coup council and the military government, has the power to delete names nominated by the recruitment officials from the selection process. In the amended section of the 2010 Organisation Act in 2021, in order to receive approval from the Senate, the nominated names are required to be voted for by more than half the total amount of senators which are 125 votes. The names that are not approved by the Senate are deleted. Therefore, after the 2014 coup, people appointed by the government are much more likely to be regulating radio stations than those empowered by the general public, and there is far more likelyhood that radio broadcasting is under control of the government.

In 2021, the selection procedure clearly shows that certain institutions are allowed great power in selecting NBTC commissioners. Many government organisations have sent representatives to apply for NBTC positions:

> *The NBTC has the framework of an independent organisation, but interference in the commissioner-selecting process is solid and its independence is limited (Suthep Wilailert, NBTC officer and former activist of Campaign for Popular Media Reform (CPMR), 2021).*

As a result, a problem for the NBTC is seen in the way its recruiting committees select NBTC commissioners and in the process itself. The next section focuses on the quantity of commissioners.

7.2.1.3 The number of regulatory commissioners

The number of NBTC commissioners[25] increased from seven in the 2000 Organisation Act to eleven in the 2010 Organisation Act. In the amended sections of the Act in 2017[26] and 2021[27] the number of NBTC commissioners decreased to seven people. Each commissioner works in each department of the NBTC, including radio broadcasting, television broadcasting, telecommunications, consumer protection, the citizen's rights and freedom department and other NBTC departments.

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[25] The NBTC commissioners consisted of two media specialists, two telecommunication specialists, four legal or economic specialists, one person involved with consumer protection, one person who stood for people's rights and freedoms, and one person involved with education, culture, or social development.
[26] One each came from radio broadcasting, television broadcasting, telecommunications, engineering, legal, and economic departments, and one from the consumer protection and people's freedom department.
[27] In 2021 there were one in radio broadcasting, one in television broadcasting, one in telecommunications, one in consumer protection, one supporting people's rights and freedoms, and two from other NBTC specialisms.

Presumably, lowering the number of NBTC commissioners is the result of a budgetary issue and also a determination to limit the regulatory power of the NBTC. The military government has issued an order to limit the management and budgetary power to be handled by many organisations appointed by the government (see section 7.2.2). The number of commissioners is smaller than that specified in the 2000 Organisation Act and the authoritarian power of the NBTC covers the regulatory framework of radio broadcasting in Thailand.

Any issues related to public benefits have to be decided by the votes of the NBTC commissioners, and the results of their meetings have to be announced publicly. This shows that decisions made by NBTC commissioners can be investigated by the public. The term time of NBTC commissioners is considered below because this is important for radio broadcasting.

7.2.1.4 Commissioners' term time

In the Organisation Act of 2000, each commissioner served a six-year term in the NBC. After three years of the first term, three commissioners were chosen to resign from their positions and new commissioners were selected to fill the positions vacated. NBC commissioners were intentionally not able to stay in their positions for very long periods, so that a range of other qualified people with different affiliations could fill them.

Later, in the Organisation Act of 2010, the time each group of NBTC commissioners served[28] was six years per term. The six-year term is still in force at the present time (2021). Lately, five new NBTC commissioners have been selected as commissioners in April 2022 and one in October 2022, with one of missions to allocate radio broadcasting frequencies to radio stations that has been delayed since the original stipulation of the 1997 constitution. The qualifications of commissioners are therefore very important for verifying the actions of the NBTC board.

7.2.1.5 Qualifications of commissioner candidates

In the Organisation Act of 2000, qualifications for broadcasting commissioners required people who applied to be knowledgeable about radio and television broadcasting, technology, education, religion, culture, economics, security, the law, or local services that benefit radio and television broadcasting. In the Organisation Act of 2010, however, changes in commissioners' qualifications required widened the specialisms to broadcasting, telecommunication, consumer protection and citizens' rights and freedom. There are four representatives who specialise in the media, while the rest[29] deal with the administration and operation of the regulatory organisation.

The commissioner candidates in the Organisation Act of 2000 were required to be aged over thirty-five, which was the same age required in other parliamentary

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[28] If there are fewer than eleven commissioners, there have to be no fewer than six commissioners in position.
[29] Apart from specialising in the media, commissioners now specialised in legal matters, economics, consumer protection, people's rights and freedom, as well as education, culture and social development.

positions under the 1997 constitution, while the Organisation Act of 2010 required candidates to be aged forty and above, never previously having been in political positions, and not in other independent government organisations.[30] Noticeably, the 2010 Organisation Act attempted to ensure the commissioners had no relationship with other independent state organisations since conflicts of interest were thought to create a poor political atmosphere in Thailand with the 2006 Coup.

Significantly, in the 2017 amended sections of the Organisation Act of 2010, the ages of commissioners were limited to between forty and seventy years, which stopped young and competent candidates from applying. The person who drafted the amendments saw seniority as important to form an effective NBTC. The amendments added that commissioner candidates must not have been fired from boards of corporate companies. Also, asset and stock market laws were enacted to ensure the commissioner candidates did not own any companies.

Qualifications for commissioners in the 2017 amended sections of the Organisation Act of 2010 changed again, and candidates were now required to have a position in either government or military organisations,[31] or in private companies: *'Most representatives in the NBTC are from the military and the police' (Suthep Wilailert, NBTC officer and former CPMR activist, 2021).*

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[30] As elected commissioners, anti-corruption commissioners, national human rights commissioners, constitutional Court judges, or the ombudsman.

[31] Government positions included the deputy head of a department or above, military or police officers of the status of colonel or above, position of professor or above, three years of executive positions in public companies with a registered capital of 125,000 GBP (5 million THB), at least ten years' experience of consumer protection or support rights or people's freedom, or ten years' management experience of broadcasting or telecommunications.

This amendment discriminates against people from non-government organisations, or non-management positions, from applying to become NBTC commissioners. It is inherently exclusive, and it is very onerous and demanding for people to qualify for the positions. The researcher considers that the rationale for this change is to limit the regulatory power to only privileged upper-class candidates, to whom the government can assign control to regulate media practices.

The NBTC commissioners structurally represent Thai society, with mainly the military controlling the radio broadcasting frequencies through the mechanism of the NBTC commissioner structure:

> *Military generals in the NBTC want to preserve their interests, security and frequency ownership without decentralising their power to the public (Chairit Yonpiam, Senior reporter, 2021).*

Added in the section amendment of 2021, commissioner qualifications now (2021) are not related to the public or to the community at all: '*NBTC commissioners are not representatives to be relied on' (Buapan Chukham, Ban-doong station, Udonthani, 2021)*. Local radio stations have realised that the NBTC commissioners do not understand radio broadcasting, shown in their policies, regulations and practices, and are not concerned with local identities or practical implications, as this research shows in its investigation of policy practices in Chapter 8, section 8.2. *'NBTC commissioner qualifications must represent and be selected by community radio' (Lakkana Somchau, Southern Credit Union station, Suratthani, 2021).*

As a result of the uncertain political situations in Thailand, the NBTC commissioner qualifications of the Organisation Acts were modified in 2021 and have resulted in decreasing public participation in regulatory positions and performance, because local people cannot access the NBTC and represent themselves. The NBTC centralised authority has resulted in the deterioration of the public sphere in radio broadcasting in Thailand. For radio stations to have a check and balance system, the procedure for anti-corruption and the removal process of NBTC commissioners are studied in the following paragraphs.

7.2.1.6 Accountability measures applicable to the NBTC commissioners

With provisions determined by the Organisation Act of 2000, the Senate was able to remove NBTC commissioners from their positions through anti-corruption laws. After obtaining their positions, NBTC commissioners had to present their bank accounts and assets to the National Anti-Corruption Commission and to the public, because those who set up the 2000 Organisation Act believed that the candidates who qualified as NBTC commissioners would possibly gain additional assets from their regulatory position.

In the 2010 Organisation Act, there are various methods stated for removing commissioners from their positions by either the House Members of Representatives or by the Senate filing a request because of their misbehaviour or negligence in performing their duties. In an amended section of the act in 2021, however, filing a request for the removal of an NBTC commissioner has been removed.

Removing NBTC commissioners can help to provide checks and balances on the regulatory body. The removal method has to be strong enough to balance the representation of NBTC commissioners. However, as yet there has not been anyone removed from their position with the method outlined above. The authoritarian power which has affected the NBTC after the 2014 coup belongs to the military government and the people in the positions it has appointed. The result is that the operational system of checks and balances for the NBTC and local radio stations cannot deal with the weakened regulatory practices, despite applying for an injunction in the Court (see Chapter 8).

Aside from the anti-corruption and removal process for the NBTC commissioners, another method to detect the effectiveness of the NBTC is an assessment of its performance as shown below to reach the highest quality of performance in regulatory enforcement.

The NBTC is an independent regulator with strong regulatory power to implement broadcasting policies in Thailand. However, there exists accountability measures to ensure the NBTC's appropriate use of its regulatory power. These include:

- In the 2010 Organisation Act (NBTC Act), the Senate was able to withdraw NBTC commissioners from their positions through anti-corruption laws.

- In the 2010 Organisation Act (NBTC Act), the House Members of Representatives or the Senate could file a request because of

misconduct or negligence in performing the regulator's duties. But, in an amended section of the Act in 2021, this method has been removed.

Some NBTC commissioners have been disqualified due to the age limits. No other NBTC commissioners has been disqualified for other reason which suggests that these accountability measures are not fully implemented. Besides the disqualification of NBTC commissioners, the regulator can be controlled by their performance assessment of the parliament as below.

7.2.1.7 Assessment of performance

In the 2000 Organisation Act, the regulator had to provide information about cooperating with government policies. The regulatory work outcome, including frequency administration, radio broadcasting services and the working plan for the future, was required yearly, to be reported and presented to the cabinet and parliament within three months after each calendar year ended. Before that, the regulatory administration was to have been evaluated and examined by four assessment committees.[32]

In the 2010 Organisation Act, a Commission of NBTC Monitoring and Evaluation was formed to assess the NBTC performance, report facts and observations, including opinions and recommendations, and comments on the NBTC annual report and other issues related to the NBTC National Assembly or the public. This evaluation of NBTC practices was meant to assess the NBTC performance and

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[32] The members of these assessment committees were not regulator commissioners or related to them. After a two-year period they had to be reselected, for investigating and evaluating operation results and administrative works, reporting the results and works every six months, assessing results and undertaking a yearly report for the NBTC.

make necessary adjustments to the work in progress. However, this was a mandatory procedure without any change required to the NBTC performance, since there was no requirement indicated to make any changes or threat of any punishment for the organisation.

After scrutinising the regulatory duties of the NBTC in terms of commissioners and performance assessment, it is clear that under the 2010 Organisation Act the very large budget allocated for the NBTC reflects its great regulatory power in performing its functions very adequately. This is discussed in the following section.

7.2.1.8 the NBTC budget

In the 2000 Organisation Act, the budget of the NBC came from income, profits from its operations, its assets, donations and other money assigned by the state, which was allocated as proposed. After deducting operational expenses, the money allocated had to go to the Fund to Develop Radio and Television Broadcasting for Public Benefit, and the Development Fund for Education. The details of this fund are set out in section 7.2.2 of this chapter regarding the regulator's duties, and section 8.2 in Chapter 8 about the policy practices to financially support the public sphere in radio broadcasting in Thailand. The leftover money was transferred to the state.

The 2019 amended section of the 2010 Organisation Act states that the NBTC has to revise its budget plan following a statement from the State Audit Office regarding the effectiveness of NBTC overspending through suggestions and

adjustments in a given time-frame, and the ombudsman has to investigate the NBTC's expenses. Additionally, in the 2021 amendment, the regulatory office has to draft an annual capital budget presented to the National Digital Economy and Society Development Plan and the Policy Commission under the Ministry of Digital Economy and Society (DES) and make revisions before approval can be obtained by parliament.

The researcher sees a significant issue as a result of the budgetary restriction for the NBTC, resulting from the centralised authoritarian power of the government, as the government is afraid that the NBTC would use its regulatory power to enhance its stakeholders, including the government frequency owners. After the 2014 coup, the Thai government withheld the NBTC's budget from the NBTC office. This acted as a mechanism to retain the government's power of control and limit the power of the media regulator.

Funding for the NBTC comes from the annual state budget, the same as for other government organisations, and is required to be approved by members of parliament and senators. The NBTC manages its own budget. Based on the regulatory annual report, in 2021 the NBTC received a budget of around 162,735,837.50 GBP (6,509,433,500 THB), mainly divided into office spending of 134,985,837.50 GBP (5,399,433,500 THB) and funding for research and technology for education of 27,750,000 GBP (1,110,000,000 THB).

Having analysed the regulatory policy documents and interviews in terms of commissioners and their qualifications, this research now moves to issues related

to the NBTC structure and its duties. These topics (set out in section 7.2.2 below) cover the responsibilities of the NBTC, which has to apply a regulatory framework and control all stakeholders with regard to radio stations. This research examines delivery of the public sphere, with the NBTC acting as the regulator.

7.2.2 NBTC structure and duties

The NBTC regulatory framework has been investigated through the Organisation Acts of 2000 and 2010, which have shown that authoritarian power has been intensively centralised in the amendments of the Organisation Acts in 2017, 2019 and 2021, as the research has set out in section 7.2.1. In this section the researcher analyses the NBTC's goals and duties and the scope of the regulator's intentions and responsibilities for achieving a public sphere of radio broadcasting in the media system of Thailand after 1997.

7.2.2.1 The structure of the NBTC

The NBTC office (shown in Figure 7.4) comprises a secretary general, who is an executive officer responsible for office administration and reporting of all work directly to the NBTC chairman, who are chosen from the NBTC commissioners and who work along with other NBTC commissioners. Each commissioner has his or her own team working for them in their departments.
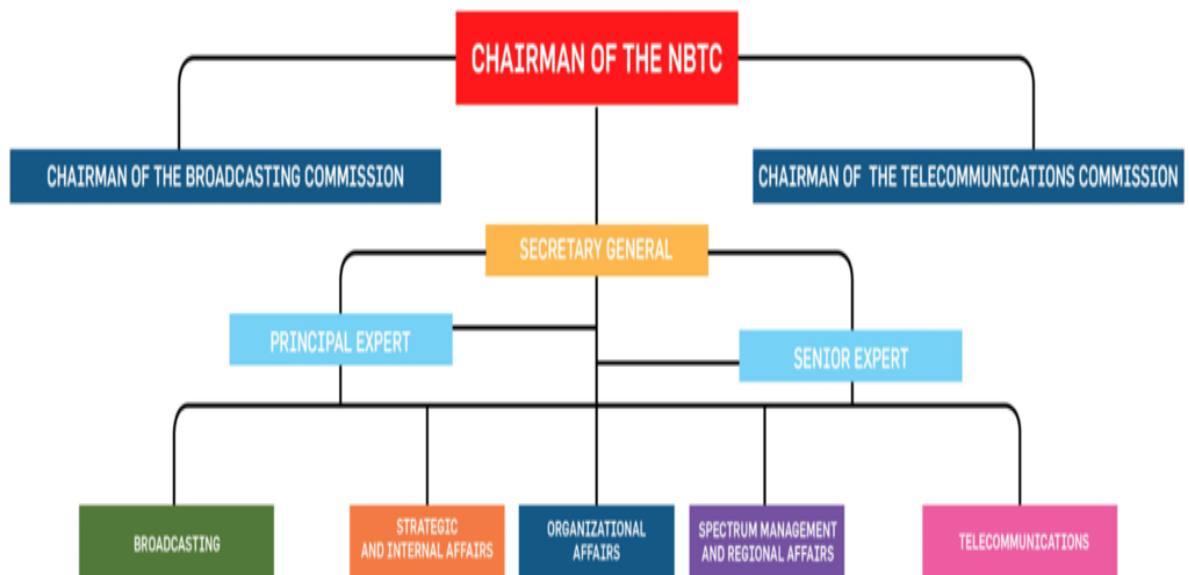
Figure 7.4 Structure of the NBTC.

Source: National Broadcasting and Telecommunication Commission (2016a)

All commissioners are required to meet to discuss issues related to the NBTC's decisions regarding both content and platforms of broadcasting and telecommunications. Whenever the commissioners are required to make decisions regarding regulations or practices, a vote is taken, and a majority vote determines all important compulsory issues. Each commissioner has his or her own attitudes, self beliefs and values regarding the subject matter being dealt with, which makes the organisation biased towards an authoritarian government:

> *Each NBTC commissioner has their own agenda. But if the law provides the discretion to criticise, the commissioner has to consider the best way in which to explain the decision making (Thawatchai Jittrapanun, NBTC commissioner 2011–2022, 2021).*

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The decisions of commissioners, who come from the government, military, or private companies, would likely be based on their backgrounds and they would vote accordingly. Significantly, the backgrounds of commissioners required by the Organisation Act of 2010 tends to provide bias related to each commissioner's previous affiliations.

The NBTC offices comprises a central office in Bangkok, working alongside three other regional offices.[33] Under these three regional offices, there are NBTC district offices in several provinces. The main NBTC office in Bangkok is responsible for the administration and decisions related to the national broadcasting and telecommunication services. The organisational management has been divided into a number of offices[34] covering all NBTC services and powers.

The regional and district NBTC offices are responsible only for operational works and not for any decisions regarding regulations and practices. They are required to control operations under guidelines of issuing licences, law enforcement and inspection, detection and arrests, as well as receiving suggestions and complaints. The working process of the NBTC is progressed through a top-down Thai governmental structure and working style.

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[33] The four offices comprise the Central office of Bangkok, the Northeast office of Ubonratchathani, the Northern office of Chiangmai, and the Songkla office of the South.
[34] These offices are: the office for Commissioners and Meetings, the office for Commissioners and General Secretary, the office for Central Administration, the office for Organisational Communication, the office for Internal Audit Support, the office for Evaluation and Anti-Corruption, the office for Research and Development, the office for Frequency Waves Administration, the office for Communication Satellite Service, and the office for Administration of Central Information and Information Technology.

The independent regulatory body is dominated by the Thai government, which operates through hierarchical structures and methods with all stakeholders. The negative influence of political uncertainty and movement of civil society affects the NBTC's responsibility for achieving the public sphere in the operational media system of Thailand, and the NBTC's duties required for radio broadcasting that appear in the regulatory framework are not followed to reach the public interest.

7.2.2.2 The NBTC's duty to serve the public interest

The NBTC has a duty to include issues of public interest in radio broadcasting, as was made clear in the 1997 constitution, although later constitutions have not focused so much on this issue because of the political situations in Thailand, shown in, for example, the order of the 2014 coup council.

In terms of regulatory duties required by the NBC, sections in the 2000 Organisation Act aimed to set regulations and allow frequency usage and its operation to benefit the public. This act acknowledged that the general public might set up community broadcasting stations as non-profit broadcasters were allowed to exist. A fund to support research and development of community broadcasting stations was stipulated, and the regulator was required to develop broadcasting operations and human resource training.

In addition to financial support, the act set up the NBC's duties and ensured the rights and freedom of the general public. Protecting the producers of programmes was part of the NBC's duties, which enabled this law to empower people in local areas to set up broadcasting stations. Two of the NBC's duties was to ensure

broadcasters put out quality programmes and make sure their services were efficient. The 2000 Organisation Act specified that the NBC had to listen to consumers' complaints, but this duty was removed in later Organisation Acts. The 2000 Organisation Act focused on both supporting broadcasters and consumers. '*The regulator already had a complaints system, but a clear follow-up path was now stipulated' (Pakornwut Udompipatkul, MP from the Move Forward Party, 2021).* This law, however, did not provide sustainable methods to enable broadcasters to survive to serve their audiences in a two-way communication and response system.

According to Lunt and Livingstone (2012), the prime duty of Ofcom in the UK is to expand citizens' and consumers' interests, and this has been observed both positively and negatively in the Ofcom institutional operation regarding the regulatory practices in the media industry in the UK. In the Organisation Act of 2000, Thailand's NBC's main duty was to look after the public interests of community broadcasters through the funding device and consumer complaints system, but this duty was neglected in later Organisation Acts.

At the present time (2021), the NBTC as Thailand's regulatory body of radio broadcasting is regarded as damaged by Thailand's political situations, stemming from the 2014 coup and the authoritarian centralised power of the government that neglects the issues of public empowerment and the public sphere in radio broadcasting. This leads to a discussion about the duty of the regulator to allocate frequencies to local radio stations to allow non-profit broadcasters to expand their engagement in the community.

7.2.2.3 The NBTC's duty to allocate frequencies

The 2000 Organisation Act obliges the subsequent 2008 Broadcasting and Television Businesses Act to distribute frequency usage through the National Master Plans. The NBTC has the duty to confirm the existence and capability of radio stations of all categories to manage their stations, particularly in local areas. This duty has been studied in greater detail in Chapter 8, section 8.2.

The NBTC duty of implementing the frequency allocation for radio broadcasting in Thailand has not been accomplished, and this has resulted in a lack of a licensing procedure for radio broadcasters participating in PSB. The licensing difficulty obstructs the operations of radio stations. In addition, after the Organisation Act of 2000, there was a problem of frequency interference between local radio broadcasters that resulted in a new NBTC duty that was promulgated in the Organisation Act of 2010 to prescribe criteria for the effective use of frequencies without causing interference. Criteria for both frequency non-interference and licensing procedures are said to be the NBTC responsibilities for radio broadcasting in Organisation Acts after 1997, when many local radio stations were set up.

Having examined the regulatory framework of the NBTC, it is clear that its power is less than that of other government organisations, such as the Ministry of the Digital Economy and Society (DES) governed by the prime minister, which is mainly responsible for digital media and online platforms. This restricted authority of the NBTC brought about by the Organisation Acts' amendments, which have

stated that the NBTC is now under the direction of the DES, has been delivered by the military government after the 2014 coup.

The NBTC does not clearly identify itself as an independent organisation: *'The NBTC is no different from other government organisations, and has to identify itself as a government organisation'* (Prasertsit Nititam, Tai-Kalasin station, Kalasin, 2021). As the regulatory power of the NBTC is not independent and its appointed positions are controlled by the government, radio broadcasting is regulated far less independently than previously. Governance of the public sphere of non-profit radio stations by the NBTC has been weakened.

For the UK, Lunt and Livingstone (2012) have claimed that Ofcom defines its representation of citizens and consumers, but the NBTC has been in a very different position, although its responsibilities regarding the public interest in radio broadcasting are written in policy documents. In Thailand, the NBTC as a regulatory organisation of media and communication is supposed to represent Thai citizens and consumers of radio broadcasting.

Since the formation of the regulator, it was hoped there would be a democratic potential of public and community radio broadcasting operation in Thailand. The 2021 amended sections of the Organisation Act of 2010, however, removed many official authoritarian powers from the NBTC to government-appointed positions not related to the public in the selection process, as well as commissioner qualifications, office structure and regulatory practices, as shown in Chapter 8.

The NBTC regulatory radio broadcasting system has been criticised for many issues, such as its lack of independence from the government, selection of commissioners, commissioners' qualifications, its official government-related structure and its centralisation of power, which is now not very different from that of the PRD, the previous broadcasting regulator. The NBTC's lack of independence regarding the regulations of community radio stations has caused the number of community broadcasting stations to decrease, while the NBTC receives much funding that requires government-approval. The regulator of Thai radio broadcasting is therefore not seen as a reliable organisation to facilitate public interests, or to ensure that PSB principles survive.

7.3 COMMUNITY RADIO OPERATION AND ITS LEGAL GOVERNING FRAMEWORK

Article 40 of Thailand's 1997 constitution stated that broadcasting frequencies were owned by the public. At that time people interpreted the constitution in their own way, and many people set up radio stations to exercise what they thought were their constitutional rights. Once other laws relevant to radio broadcasting were subsequently launched and the regulator was set up, people who owned radio stations were required to follow strict technical regulations relating to transmitting equipment such as those in the Broadcasting and Television Businesses Act of 2008 which tied them down and affected the way they practised. Stakeholders other than government agencies in radio broadcasting were quick to exercise their rights and applied new broadcasting technology to their stations.

A heritage from the 1997 constitution was the start of community radio and PSB, which was set up according to the provisions of Section 40 of this constitution. Community radio stations were seen as open spaces for public participation in radio broadcasting in the country, and as important venues for initiating PSB principles, which have actually never been officially supported. This section therefore focuses on the policies and regulations regarding community radio broadcasting which are supposed to support public engagement.

In Thailand, community radio was campaigned for and promoted by various advocacy groups for people in local areas, such as the Campaign for Popular media Reform (CPMR) and the World Association of Community Broadcasters (AMARC) for developing countries:

> *adapted from international countries like Australia and the USA, and expanded in Thailand, with many organisations liking the idea and supporting civil society to operate trial community radio (Supinya Klangnarong, Cofact co-founder and former NBTC commissioner, 2021).*

A consequence of the 1997 constitution was that community radio systems became fully functional and engaged in their local communities, adopting PSB principles. Community radio was defined by Howley (2010) as providing space for civil society to respond to major issues in their lives. Thai community radio stations have opened public spaces for groups of people and community participation in broadcasting.

Figure 7.5 shows how radio broadcasters in three categories were first delivered by the 1997 constitution. Later, an independent regulatory body was formed by a

number of Organisation Acts. These led to the Broadcasting and Television Businesses Act of 2008 which set out the details of radio broadcasting operations, and later two National Master Plans that outlined the radio frequency allocation. The community radio stations, which formed not long after the 1997 constitution, and before the beginning of the NBTC, were regulated by all the laws mentioned above.
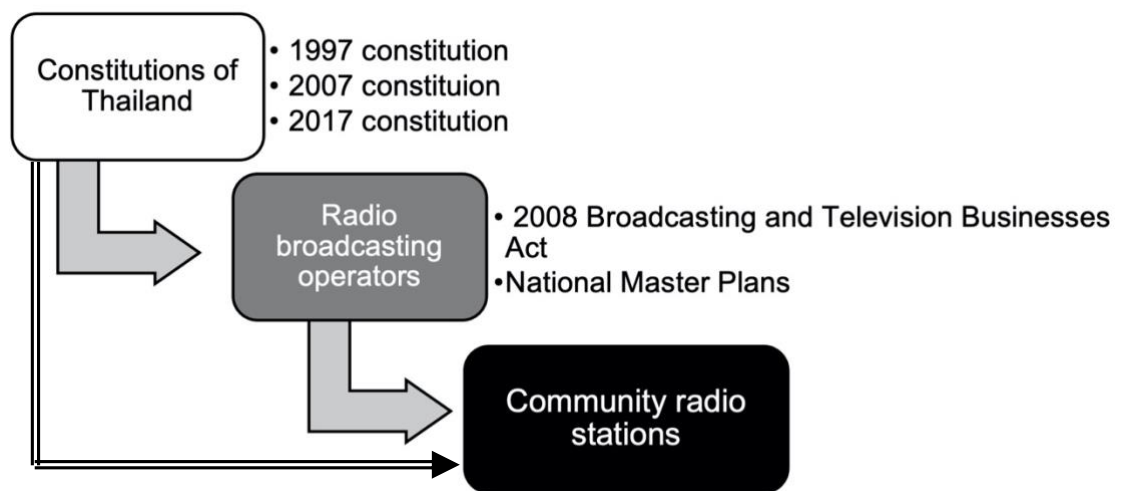
Figure 7.5 Regulatory broadcasting frameworks for community radio stations.

Community radio in Thailand resulted from its suppression by the government and military organisations owning radio frequencies in the country, and community radio stations were categorised as community broadcasters in the Broadcasting and Television Businesses Act of 2008. This is different to what Rennie (2006) suggested when he said that community media related to the public interest when addressing the monopoly structure of PSB in Europe and the legalistic performance of free speech for commercial actors in North America. In

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Thailand, community radio attempts to address the ownership and monopoly of government and military radio stations.

Before 1997, Thailand only had government and military-owned radio stations. Since the 1997 constitution, community radio stations with a functioning PSB spirit have actively participated in programme content and production. Based on theories of community radio in section 2.3 of Chapter 2, community radio in Thailand has confirmed the original ideology resulting from the information gap sustained by local people who have wanted to have radio broadcasting services to benefit themselves. The values and programme content served by community radio stations are different in terms of areas, targeted local audiences and limited human and facility resources of each station. The operation of community radio in Thailand has been constructed through embracing various community activities, which Howley (2010) has said aim to supplement, challenge, or change the acting principles, structures, financing and cultural patterns and performances related to mainstream media.

Moreover, community radio in Thailand agrees with Atten's (2015) description of community radio, in that it does not only support its location but also supports the interests of gender, sexual orientation, political thoughts, lifestyle, musical genre, ethnicities and languages, while Helbardt (2015) claimed that it helps the perception of ethnicity among listeners. For example, the Map station in Chiang Mai, and Tai-so station in Sakhonnakhon, reach their ethnic audiences in their areas by communicating in the ethnic languages and programme content targeted to their audiences.

Before drafting the Broadcasting and Television Businesses Act of 2008 to legalise community radio stations, the NBC, the regulator at that time, was formed and the Radio and Television Broadcasting Act of 1955 was abolished. The Broadcasting and Television Businesses Act of 2008 has been issued during the government appointed by the 2006 military coup council, and the act was passed by the state authorities, who attempted to keep control over public broadcasters.

The Broadcasting and Television Businesses Act of 2008 aims to devise laws for all broadcasters regarding technical, operational, transmitting and content issues. This act aims to restructure broadcasting services and reframe the broadcasting operation on account of government frequency ownership. Also, radio frequencies are stated to be allocated to public and non-profit sectors other than the government and military, and allow public interests to be voiced in radio broadcasting settings. Importantly, the legal framework technically allows the unlicensed rural radio stations, formed after the non-regulatory vacuum of the 1997 constitution, to exist.

The following two sections examine the categories of broadcasters and the licensing framework. Each section has been analysed in terms of usage of the public sphere, along with the concerns of the Thai media system that influence radio broadcasting.

7.3.1 Categories of radio broadcasters

The Broadcasting and Television Businesses Act of 2008 classifies broadcasting operations in Thailand in three types: public, community, and commercial (see Figure 7.6 below). For public broadcasters, three sub-types are identified. The first comprises education, religions, art and culture, technological sciences, the environment, agriculture and other occupations, as well as health care, sports and the quality of life. The second comprises national security and public safety. The third public sub-type supports good understanding between the government and the people of Thailand, and between parliament and the people, as well as educating people about the: 'Democratic form of Government with the King as Head of State' in the 2017 constitution (p1), called by the Office of the Juridical Council, serving public information to disabled and unprivileged groups of people, and serving other information that benefits the public.

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                    │    Categories of     │
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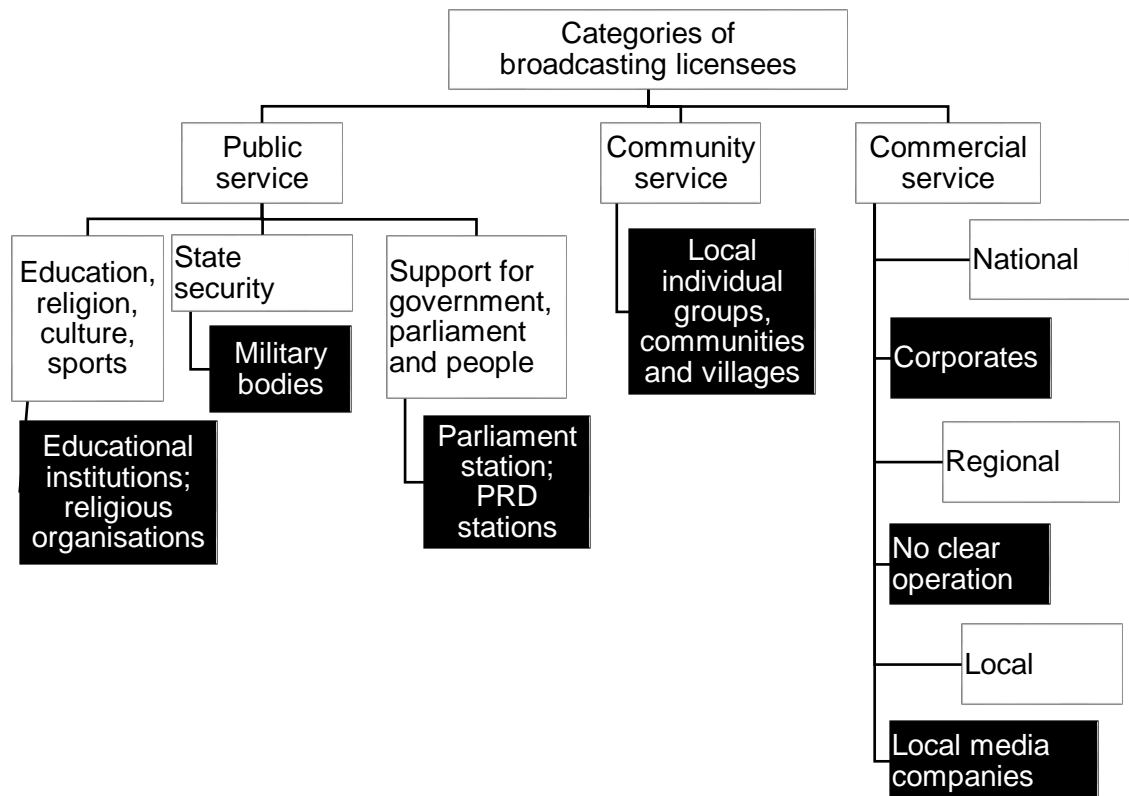
Figure 7.6 Categories of broadcasting licensees and operators.

The defined characteristics of public broadcasters are limited to government organisations or institutions for specific purposes. The first public category is limited to government-owned organisations such as educational institutions and healthcare entities. In the second category, military and government organisations are categorised as comprising national security. In the third public category, only legally authorised organisations, such as registered foundations, are eligible to apply for licenses. So most of these public stations are government or military organisations. Even the educational institutions are owned only by government and religious groups in the form of foundations. Thai PBS is not regulated by the Broadcasting and Television Businesses Act of 2008 because of the Thai PBS Act of 2008 discussed in this chapter in section 7.4 below.

Public organisations can hardly be categorised in this specification of public broadcasters. From the perspective of the regulator, it is assumed that no non-profit organisation can deliver national security or public health care services. Some non-profit organisations are restricted and are not qualified to register officially as organisations[35] because of complicated procedures and the need to register as foundations.

Moreover, the Broadcasting and Television Businesses Act of 2008 validates the PRD directly governed by the Office of Prime Minister in the third category of public broadcasting, which allows the PRD to earn an income through the fiscal state budget from broadcasting news and government operations without commercial profit. After the 2006 coup, the military government allowed the PRD income for promoting public relations of government organisations for a maximum of eight minutes every hour. Also, organisations within the second category of public broadcasting, such as military organisations, were allowed to broadcast commercials to operate sustainably without having to rely on profit from advertising of long-term operations, because the military essentially relies on its main budget allocated each state budgetary year.

Allowing public relations and commercials in the public broadcasting category is very controversial within communities and local commercial radio stations, as well

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[35] With reference to government ministries or departments under the present constitution, or other organisations, public broadcasters are not considered to be state enterprises or foundations, associations or legal corporates with the purpose of providing non-profitable information to the public.

as for media specialists, because other types of broadcaster who do not receive public or government funding have to struggle to find advertising and financial support. This description of public broadcasters in the Broadcasting and Television Businesses Act of 2008 is targeted to government organisations by regulatory drafters and the coup council. In effect, the designated public categories are meant to be the PRD, military organisations and organisations relevant to the government.

The second broadcasting category is community broadcasting. The objectives are similar to those in the public category, except for benefiting community demands. This type of broadcaster allows individual groups[36] to apply for their own public purposes. Here, community broadcasters are not only limited to peripheral stations, but some are also specialised in particular issues. Community broadcasting should therefore be licensed on both an area and issue basis.

During the time between 1997 and 2008, when the Broadcasting and Television Businesses Act of 2008 was being issued, community radio in Thailand was thought to consist of both community and commercial categories, which, according to Lunt and Livingstone (2012), is a mixture of the meaning of positive PSB and different terms of commercial service values. Despite the active public sphere of community radio broadcasters in Thailand, the regulatory framework has not been fully functional in terms of validating the existence of community radio stations to survive legally.

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[36] 'Groups of individuals' comprise individuals assembled as associations, foundations, or other types of organisations embracing local groups of people gathered to build up the strength of the community.

The third category is commercial broadcasting, the main objective of which is to gain profit at national, regional and local levels. Not long after 1997, many local radio stations started up, initially as non-profit community broadcasters, but transferred to being commercial broadcasters because of the need to survive in business, or because of misconceptions about community radio. In defining community radio based on the 2008 Act of Broadcasting and Television Businesses, the regulator prohibited community stations to advertise and only allowed donations to be given to support them, along with the grant of a small amount of public funding.

In addition to the policy intentions and directions stated in the Broadcasting and Television Businesses Act of 2008, it is worth noting that in all categories of radio stations only former radio broadcasters, essentially comprising government and military organisations, were eligible to receive an official licence to operate. Radio stations set up after 1997 have not yet been allowed to have official, long-term broadcasting licences.

In the next section the researcher investigates the licensing of radio broadcasters in the regulatory framework to understand and analyse legitimate practices.

7.3.2 Licensing of radio broadcasters results in the decreasing of number of community broadcasting stations

To be granted radio broadcasting licences, all applicants are required to specify their station's technical systems and methods, and put forward an operating

service plan based on the Frequency Management National Master Plans and Broadcasting National Master Plans, which are rarely seen to be involved in regulatory actions after the 2006 and 2014 coups. This provides all stations with a chance to have the use of radio frequencies, although the transmitting power for local radio stations was limited from fifty watts at the beginning of 1997 to thirty watts in 2021.

Before being licensed both experimentally and officially, in terms of content and frequency transmission, the law requires radio stations to set up programme schedules, and programme transmission has to cover a designated area:

> *The government encouraged people to operate radio stations under conditions that conform to the non-commercial concept, and only accepted a one-kilometre transmitting distance. After 1997, the political situation created discussions about former frequency owners and new frequency users (Supinya Klangnarong, Cofact co-founder and former NBTC commissioner, 2021).*

After 1997, the PRD, the temporary regulator, decided that a lot of local radio stations were operating illegally as they were officially unlicensed, and that radio stations were to be treated as violating the laws of frequency usage and causing frequency interference to aeroplanes. Not long after the 1997 constitution, many local radio stations, including community service radio stations, were shut down and the personnel attached to them were arrested, because there had been no policies enacted to allow these stations to exist.

After 1997, there were 7,000 to 8,000 local stations registered with the regulator, but later this number decreased. Owing to various internal considerations, many

community stations could not meet the assessment criteria of the regulator, and the number of stations allowed to exist was limited. Yet for the government and military radio owners' registration application for radio stations was not required. Mainstream radio frequencies that are legally used today (2021) are still in the hands of government entities that co-produce programmes under concession agreements with media companies, and only a small number of government and military organisations' radio frequencies have been returned for allocation by 2021 to other categories of broadcasters.

In the registration process, community radio stations that are registered are known as 'experimental radio broadcasters'. This allows these community radio stations to be legal, but until now (2021), as 'experimental broadcasters' they have to be licensed yearly. Supinya Klangnarong (from *Cofact co-founder* and a former NBTC commissioner, 2021) called this '*the holding-back action of the NBTC*'. The NBTC can acknowledge the total number of radio stations set up nationwide through the registration process.

Apart from registration, the Broadcasting and Television Businesses Act of 2008 sets out the way public participatory radio broadcasters should approach to obtain, and expect to receive, official licences. The licensing procedures have been set out several times through different NBTC regulations, but policy enforcement of official licences has not yet functioned owing to uncertainties dependent upon the commissioning board and political upheavals.

While the licence of a television broadcaster lasts for fifteen years, radio broadcasting licences already issued to government and military stations and categorised as public service stations are valid for seven years. The Broadcasting and Television Businesses Act of 2008 states that licences are to be renewed at least ninety days before expiry. All commercial licensees are required to partially deliver their annual licence fee to the public fund, which supports and develops public and community broadcasting stations granted by the NBTC.

To enable Thai radio broadcasters to maintain PSB principles and support the public sphere, radio broadcasters allow non-profit radio stations to have collective support for each other in the media ecosystem. But there is no one professional organisation that controls Thai broadcasters, and professional media associations in Thailand do not have any power to control or veto any media channel as:

> *Media ecology in Thailand is not so healthy in terms of professional associations. […] Consumers do not trust the media, and the government controls the media. Media grouping together as an association will benefit in negotiating for better economic conditions (Thitirat Thipsamritkul, Thammasat University, 2021).*

Apart from a weak media ecosystem in Thailand, changes in policies regarding radio broadcasting have varied according to different governments and political views of the authorities. After scrutinising the Broadcasting and Television Businesses Act of 2008, it is clear that radio broadcasting in Thailand has gone through various policy directives, with each categorisation and measures

regarding licences being very specific. Specificities in the act have defined public broadcasting differently from theories that have been outlined in Chapter 2.

Crisell (2002) has said that PSB is a service which viewers and listeners (taxpayers and voters) are keen to support and that the market cannot undertake this service. Smith (2012), mentions PSB's editorial and financial independence that are shown in the diversity and quality of the content produced. These virtues, however, have hardly been seen in public radio broadcasting in the second and third type of public broadcasters as set out in the Broadcasting and Television Businesses Act of 2008.

Table 7.1 shows the decreasing numbers of radio stations of all types in 2014, 2016 and 2022, and their proportion in relation to the total number of stations. Radio broadcasting stations in the community category are the lowest number to have survived (30.14 per cent) as a result of changes in the regulatory framework relating to category identification in section 7.3.1 and licensing difficulties set out in section 7.3.2 of this chapter, along with other regulatory practices analysed in Chapter 8.

Categories	2014	2016	2022	Survival percentages
Community service	554 stations	246 stations	167 stations	30.14%
Public service	1,077 stations	765 stations	625 stations	58.03%
Commercial service	4,015 stations	3,373 stations	3,174 stations	79.05%
Total	**5,646 stations**	**4,384 stations**	**3,966 stations**	**70.24%**

Table 7.1 The number of nationwide radio stations (including government and military stations) registered with the regulator.

Source: NBTC (2022, cited in Waewmanee, 2022).

To expand on Table 7.1, the number of public stations that have survived since 2014 is nearly 60 per cent, which is little more than half the public radio stations, compared with the number in existence eight years ago. Government and military frequency owners still hold their frequencies and tightly control their radio stations, which is an effective means of communicating with people, and they do not want to allow community radio stations to broadcast material that might be construed as being against their actions and domination of the country. However, many commercial radio stations are still in operation, with nearly 80 per cent of the number that were in operation in 2014 currently surviving in the business.

The number of radio stations in Table 7.1 shows significant evidence of the decline of community radio stations functioning with PSB values, which can hardly be sustained within Thailand's current broadcasting ecosystem. Without a

regulatory framework to support their PSB obligations, community radio cannot sustain a public sphere in local areas where Thai PBS radio stations do not exist.

In the media ecosystem of Thailand, public engagement in radio broadcasting has been limited in its growth and development in terms of the public sphere, which McQuail (1994, cited in Hardy, 2008) called a 'development theory for developing countries', and said by Hendy (2013) to be a tough operational and broken device of government in less democratic countries. This is the state of the Thai radio broadcasting landscape, where democratic politics is not rooted or sustainable. In terms of Humphrey's (1996) theory, Thailand's media system is congruent with his 'dominant' or 'pluralist' model, since the Thai media system currently has a strong relationship with the authorities.

Owing to the lack of PSB radio broadcasting stations as identified in Chapter 2, Figure 7.7 shows community radio in Thailand operating PSB functions and providing a communication platform for the public sphere as a collective space of individuals. Contributing to Habermas's definition described in Livingstone and Lunt (1994), here the media generates the creation of public opinions set against the conventional power of private entities, and provides a way for citizens to participate in, and form a relationship of, established power and a collective citizenry. This is clearly what community radio in Thailand has done when encountering government and military ownership of radio broadcasting frequencies.
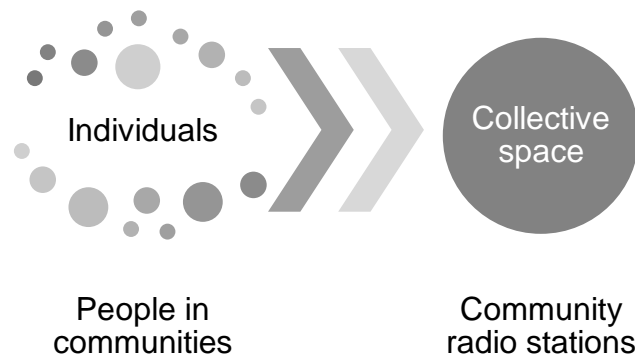
Figure 7.7 Community radio as a communication platform of the public sphere.

After 1997, community radio stations in Thailand have worked continuously with functioning PSB principles, regardless of the structure of the institution, official practices of the operation, and management under the unstable policies of the regulator and government authorities.

Although the legal process of licensing community radio stations is not yet officially in place, the formation of community radio stations after the 1997 constitution has been accepted by both the regulator and the public. Thai community radio stations nationwide have renewed their experimental licences on a yearly basis, but are not sure whether they can gain official licences to guarantee their existence and the public sphere of Thai communities. Public service broadcasting for the country is nevertheless introduced in the next section of this chapter, based on policy documents to initiate PSB, together with broadcasting practices to reach the public sphere and PSB principles in Thailand.

7.4 PSB ORGANISATION IN THAILAND: Thai PBS

Another heritage of the 1997 constitution is public service broadcaster in Thailand. A PSB organisation was set up under a law named the Thai Public Service Broadcasting Act of 2008, called the Thai PBS Act of 2008 in this research. This law was an effort made to create national platforms of public radio and television broadcasting.

The regulatory framework of PSB in Thailand is analysed in depth within the legal scope regarding PSB principles that apply so far as editorial independence and autonomy of governance are concerned. The analysis of policy documents and interviews is employed, together with theoretical notions of PSB governance of media systems as reviewed in Chapters 2 and 3. The practices of Thai PBS have also been examined in terms of the principles of public service broadcasters.

7.4.1 Origination

Thai PBS came being as an outcome of the 1997 constitution following the new media regulator, NBTC, (see Figure 7.8 below), which regulates Thai PBS as one of the content providers and technical broadcasters, although it is directly governed by members of parliament. Despite there being no policy actions made regarding radio frequency allocation, Thai PBS has nevertheless currently (2021) broadcast television programmes applying authentic PSB principles.

Figure 7.8 Regulatory broadcasting policies and Thai PBS.

After the 2006 coup, the Thai PBS Act of 2008 was rapidly passed by National Council members in the parliament appointed by the 2006 coup council when there were as yet no members of parliament elected. (This occurred in late 2007.) The law was drafted and supported by academics, advocacy groups and other selected groups such as disabled people, parents and ethnic minorities.

An organisation was founded during a political conflict within Thai society. This was called the Thai Public Broadcasting Service Institute, responsible for radio and television broadcasting and other activities to engage citizens and provide knowledge to enlighten society:

> *Thai PBS's intention is clearly to build knowledge and wisdom in Thai society, to create informed citizens through their participation in a democratic society in which all people respect each other (Wilasinee Pipitkul, Thai PBS director, 2021).*

The Thai PBS Act of 2008 aimed to create a media organisation with ethical codes of conduct and abiding by PSB principles. This law was justified with regulations to produce a broadcasting platform ideally like those of Western nations, where PSB values grow productively, such as in the UK's BBC, reviewed

in Chapters 2 and 3. The Thai PBS Act of 2008 carries many notions of a public service provider.

Thai PBS agrees with the definition of PSB as set out by Ofcom (2017, cited in Booth, 2020) that PSB supports the UK identities of culture via original programming at national and regional levels of the public service broadcaster, and brings about the gathering of audiences with shared opinions and with new and original ideas. Thai PBS imitates the terminology of the definition of PSB used by Ofcom and applies the principles set out therein to the Thai context, even though there are different dynamics regarding government dominance (McQuail, 1987, cited in Humphreys, 1996) in the Thai media ecosystem.

Thai PBS is the national public broadcasting service in Thailand that has its own institutional regulatory framework. This has been created by people with democratic values to create a communicative platform during political conflict. The research now examines the regulatory framework of Thai PBS to reflect the public sphere in its practices, using policy documents and interviews.

7.4.2 Regulatory framework and commissions

In terms of the Thai PBS's regulatory scope, the policy directives are very strong and cover many issues related to the independence of media content and governance. Drafters of the Thai PBS Act of 2008 aimed to bring Thai PBS to the PSB standards seen in international landscapes, which this research has described in Chapters 2 and 3.

The regulations governing the organisation and the ethical performance of Thai PBS have been strictly adhered to since the organisation was established in Thailand in 2008. Government intervention can possibly be found through examination of Thai PBS's budget, the public fund of which shows that its main financial source derives from alcohol and cigarettes, and the fact that Thai PBS's management plan has to be approved by the government and parliament members including senators.

According to Blázques et al. (2022), there are various types of funding for public service broadcasters, derived from advertising, licensing products, merchandise, a licence fee and a state budget, the latter two of which comprise major income from many institutions. The Thai PBS regulatory framework uses a public fund of 'sin' tax of no more than 1.5 per cent of the total government 'sin' tax. Thai PBS attempts to avoid any influence on its editorial content and governance, which is fundamental to PSB values.

Thai PBS excludes advertising, which Sieg and Stühmeier (2015) mention might potentially interfere with the PSB content. Thai PBS is independent of government control and administration, and the institution can manage its budget to present news and information. However, with the 'sin' tax revenue of no more than 50 million GBP (2,000 million THB) that can be changed every three years, Thai PBS is not entirely related to its audience since its revenue has not truly come from the public. Here it is notable that up until now (2021) the BBC has been funded by a household licence fee to ensure its independence and public engagement.

Thai PBS was conceived as an independent state organisation, which applied PSB principles and worked through commissions. In the institutional structure and committees of Thai PBS (Figure 7.9), there are two commissions: the Board of Governors and Board of Management, which are not allowed to consist of the same people. These two sets of commissioners are designed to work independently.
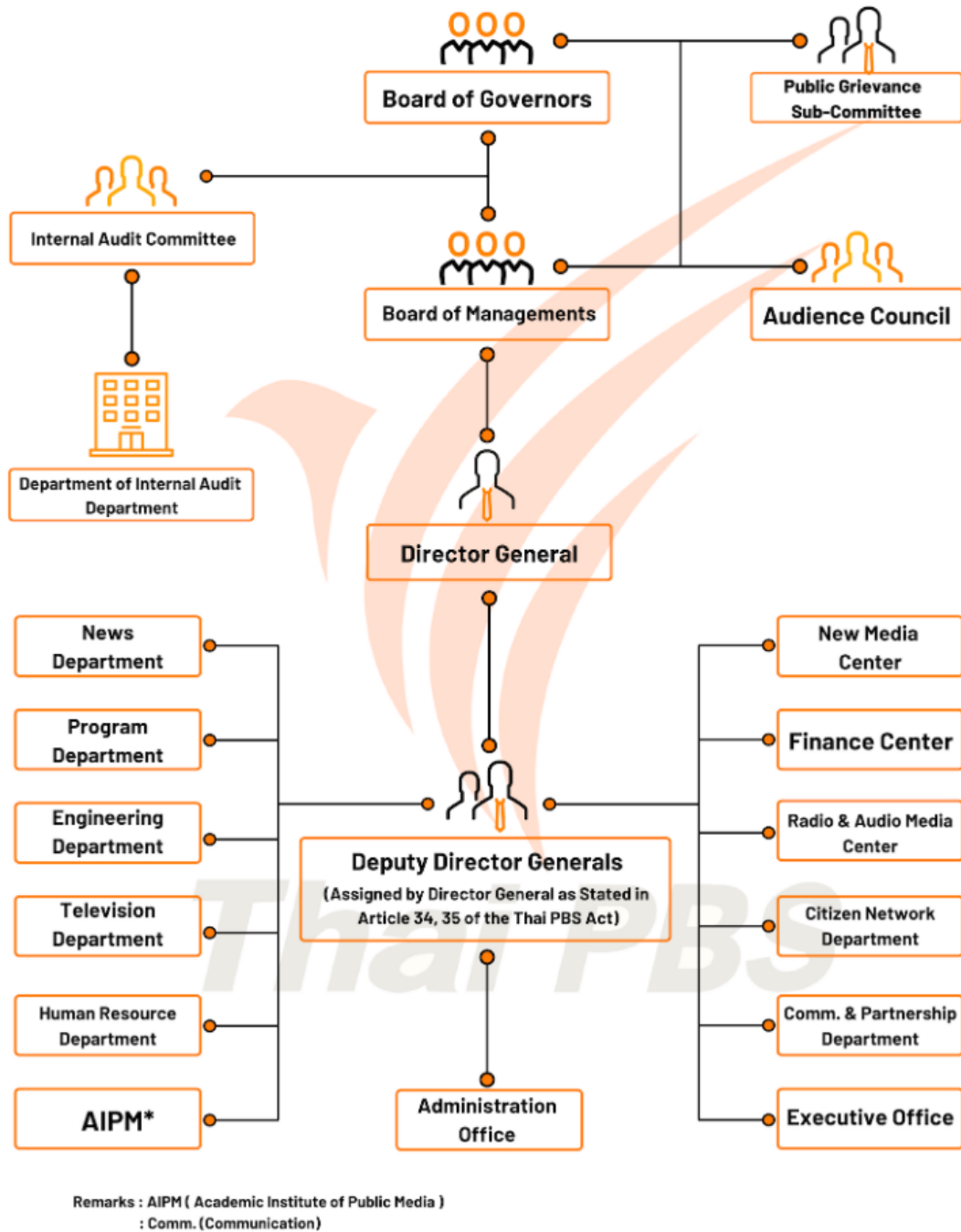
Figure 7.9 Organisational structure of Thai PBS.

Source: Thai PBS Organisation structure (2022).

In the Thai PBS Policy Commission, called the Board of Governors,[37] there are nine commissioners with two mass-media specialists, three management specialists, and four professionals supporting democracy, community or local development, learning and education, development and protection of children, youth or family, as well as supporting socially underprivileged people. The duties of policy commissioners focus on the construction of Thai PBS policies and approving the budget and management plans. The commissioners are also responsible for setting ethics regulations and dealing with comments, suggestions and complaints made by the management commissioners. The commissioners are required to produce a public annual report, which is presented to ministers, parliament and the Senate. It is worth noting that policy commissioners can appoint and dismiss the Thai PBS director, as well as management commissioners.

Because of the value of PSB independence, the qualifications of Thai PBS policy commissioners need to include independence from other organisations and to have no relationship with any government organisations, which means it is hard to qualify as a board member. Most board members of Thai PBS are retired personnel and not related to any other organisation. To reach its code of conduct and values, the committee selection process is also very rigorous and complicated.

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[37] One of the nine commissioners is assigned to be the president of the policy commission. The policy commissioners are selected by fifteen selection committees, from eleven professional associations of the mass media, consumers, non-profit organisations, disabled people, legal councils, the environment, and health support funding, as well as four government positions, assigned as the Prime Minister's Office, the Finance Ministry, Culture Ministry and the Education Ministry.

In comparison with Thai PBS, independent management of PBS organisations in European states is operated with independent boards and supervisory boards for PSB organisations (Blázques et al., 2022). Agreeing with Blázques et al. (2022) regarding editorial and management independence of public service broadcasters, Thai PBS has worked hard with its aims and quality guidelines to protect its independence.

The number of management commissioners, known as the Board of Management, comprises one president, six management commissioners and four commissioners. They are all experts who have worked in public mass media, management, society, culture or legal departments. Their duties are to supervise the production and creativity of programmes, regulate operations of the organisation, make development plans for the organisation, as well as personnel development plans and financial plans, and evaluate the quality of programmes. The management commissioners put the policy work plan from the policy commissioners into practice ethically and efficiently, while the policy commissioners evaluate the management commissioners and their works.

Like the BBC Boards in the Royal Charter, Thai PBS has adopted a policy formed by policy commissioners and management commissioners who direct both strategic plans and operational works of the public service broadcaster in Thailand. This regulatory framework allows for a balance of power of Thai PBS policies and operational management. Blázques et al. (2022) has shown that PSB institutions in European states are run by independent management of independent boards and supervisory boards, and Thai PBS has included these

types of commissions in its institutional structure. The Thai PBS commissioning pattern is similar to that of the BBC in following PSB independence of management, although there are certain elements of other varieties of programming production.

One position of Thai PBS management commissioners is that of the Thai PBS director,[38] who has to sign a working contract with all policy commissioners. The director has a four-year term, and can be re-selected if voted to be as such by at least two-thirds of all policy commissioners. The Thai PBS director has to mainly manage the organisation under the guidance of the policy commissioners. The director can direct approaches to fulfil social concerns regarding PBS, and so exerts considerable influence on appointments to management positions.

Concerning market failure discussed in Chapter 2, Thai PBS has been aware of the service required for the social needs of Thai society under a democratic political system that are in existence beyond market forces as mentioned by McQuail (2003). Thai PBS delivers media content that the market fails to support, with programmes that are needed for specialised audiences (O'Neill, 2015). Referring to Tambini (2015) in Chapter 2 regarding market failure, Thai PBS services reach valuable and beneficial social outcomes and are not concerned about competition in the broadcasting market. Thai PBS fulfils its obligation to serve market failure that its commercial counterparts do not recognise and do not want to deal with, and is not tempted to adhere to the market value system.

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[38] Qualifications for the position of Thai PBS director include being aged less than sixty-five and not involved in any government body, state enterprise or political position.

Apart from serving market failure, Thai PBS is verified by a statement from the perspective of its audience that public broadcasters are likely to broadcast information programmes serving citizen's interests (Bardoel and d'Haenens, 2008). Wilasinee Pipitkul, the Thai PBS director, (2021) confirmed that: *'The actual works of Thai PBS are 65 per cent in creating public engagement and 35 per cent in producing public media and non-media content."*

After investigating the regulatory framework of Thai PBS, the next section looks at the quality of the engagement of Thai PBS, which is analysed through the Thai PBS Act of 2008 and data from the interviews to assess whether the PSB institution achieves PSB values and acts in the interest of the public.

7.4.3 Perceptions of the public and government of Thai PBS

To reach local people, Thai PBS has to work hard, together with other broadcasters who include PSB principles in their programmes. Thai PBS would like to help and partner with community radio in content production to reach audiences and service various minority groups. The goal of Thai PBS is not limited to production of content, and it is thought Thai PBS could work with localities in its public engagement. This would enable Thai PBS as an institution to provide a collective area and support for people in an anticipated democratic society, although up to now (2021) such participation has not been seen much in local radio stations.

> *In training to build up the proficiency of community radio stations, Thai PBS plans to decentralise in local areas and grant funds to support community radio, which could be a way of commissioning local production (Wilasinee Pipitkul, Thai PBS director, 2021).*

Some community radio stations agree with this idea, while others do not feel a need for partnership. For instance, Nakhon Khonkaen station in Khonkhaen, and Dansai People station in Loey, said that Thai PBS does not know very much about, or work in, partnership, and the stations know the areas and local content better than Thai PBS, which is responsible for general content and production.

Other community radio stations say community stations are maybe fine working with Thai PBS, but are not directly involved with each other.

> *A community station can request Thai PBS content to broadcast in its station, while Thai PBS can broadcast content from the community radio station in exchange. In that way, both do not interfere with each other (Chalet Tamrongtitikul, Nhongyasai station, Supanburi, 2021)*

A community radio station can exchange local content with Thai PBS general content, but rather not work for Thai PBS as a local content provider. The partnership does not work well when cooperation occurs between Thai PBS, which is structured as a government organisation, and a community radio station with a community-based structure.

Moreover, without any financial or human resource support, Thai PBS has demanded community radio be their local civil reporters. Apart from the training, which community stations have already provided for themselves, many community radio stations do not see any benefit from cooperation with Thai PBS in investing in news production. For example:

in 2011, Thai PBS invited to join a networking group to report local news, but Thai PBS did not have a budget and only provided academic training, while the community station already had support from the local area (Saneh Jinajan, Lee People station, Lampoon, 2021).

The above shows that not all community radio stations are willing to work with Thai PBS as partners to reach the public interests of local people.

In addition to non-cooperation with community radio, Thai PBS also does not work well with government organisations. Although it has functioned for thirteen years, today (2021) PSB principles are not cultivated in Thai society and Thai PBS has been opposed by government organisations:

which do not understand PSB principles, because government organisations think that Thai PBS is a government-funded organisation, and so criticisms of the government should not take place (Wilasinee Pipitkul, Thai PBS director, 2021).

The Thai government thinks that any method of communication is not to be trusted if it is not managed by government authorities, and do not see an active society free of government interference to be installed as a priority. It is therefore very hard to have a PSB institution operating in Thailand:

A model such as the BBC or NHK can hardly occur in Thailand if the government still oppresses media with the restriction of free speech (Thitirat Thipsamritkul, Thammasat University, 2021).

Besides that, Thais' understanding of Thai PBS is still problematic, and PSB is not rooted as a basic method of communication for public engagement. Thais generally misunderstand the concepts of Thai PBS and PSB principles, although

Thai PBS tries to inculcate PSB values to the public to reach the public sphere and develop a democratic atmosphere within the country.

> *Thai people still do not understand the principles of PSB despite it being fourteen years old. Thai PBS realises it is not only one channel or platform, but is an institution generating methods of communication and academic content (Wilasinee Pipitkul, Thai PBS director, 2021).*

Unfortunately, Thai PBS only has a public television station nationwide, but not a national public radio station, because no radio frequency allocation is provided by the regulator. So people of Thailand can only access PSB audio content through online streaming. This is a setback for planning programmes and preparing operations on the radio broadcasting platform of Thai PBS. Ways of possibly improving Thai PBS are set out below to consider for Thai PBS's future in terms of its public participation in PSB principles.

7.4.4 Possible improvement of Thai PBS

To fully operate PSB principles, Thai PBS requires development of a successful communication platform for the public sphere in Thailand, despite not having a radio broadcasting station. Thai PBS understands that it is responsible for sharing public opinions and its institution as a public service broadcaster for all Thai citizens.

According to the Thai PBS Act of 2008, in receiving complaints, Thai PBS contacts members of the Audience Council,[39] appointed by Thai PBS policy

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[39] The Audience Council consists of fifty people from various groups in regions of Thailand. A council meeting is convened at least once a year.

commissioners. This is said to be public participation and two-way communication. The Audience Council presents comments and makes suggestions for policy commissioners to develop the service and programme production. Thai PBS is not, however, required to respond in terms of making the suggested adjustments. Although the programmes Thai PBS provide possibly reach its targeted audiences to intentionally develop a democratic society based on PSB principles, complaints and reports from the Audience Council are not guaranteed to be taken into account by Thai PBS.

> *Thai PBS does not have to think about the market value of what it produces on account of its mission to serve limited groups of people previously inaccessible to public media. […] Understanding Thai people is a major issue for the public broadcaster trying to communicate with the public all the time, which is not easy (Wilasinee Pipitkul, Thai PBS director, 2021).*

In addition to feedback, Thai PBS is also evaluated by a working report of operational results to ministers, parliament and the Senate within six months from the end of each budgetary year. This report provides an account of the work, projects and plans, the programme schedule, budget, supporting programmes to independent producers, and audience comments and complaints. However, the Thai PBS Act of 2008 does not specify any requirement for adjustment if the institution does not pass the assessment.

Moreover, the report to parliament and the Senate of Thai PBS aims to assess the institution's budgetary and management plan, but does not demand the institution to reach its popularity and market share. Based on Nielson (2022, cited in TV Digital Watch, 2022), in 2021 the popularity rating of Thai PBS is ranked at

number fourteen (0.075) out of a total of eighteen television channels, although this popularity is not accepted as recognition of Thai PBS or PSB values.

Thai PBS does not see that its market share makes any difference to the institution, as its works not only cover media production but also create public engagement in Thailand. In its marketing, Thai PBS needs to improve technologically, particularly to support the content provided. The future of Thai PBS is unclear as to whether it will be publicly accessible in its determination to provide platforms for radio broadcasting to gain recognition and popularity.

After analysing Thai PBS, the researcher has framed issues related to Thai PBS and compared them with similar issues related to the British's BBC in Table 7.2 below. The issues are in terms of the regulatory framework, PSB obligations, governance, the main funding, and the regulator. The structure of Thai PBS is considered to be similar to the BBC's structure. However, the action taken and content are very different on account of Thailand's political uncertainty, the reputation of Thai PBS, its recognition of its audiences and, most importantly, no radio frequencies allocated to the institution.

	BBC (the UK) established 1922	Thai PBS (Thailand) established 2008
Regulatory framework	BBC Royal Charter (2017–2027)	Thai PBS Act of 2008
PSB obligations	Public purposes: to provide impartiality; support learning for all people; show creativity, quality; distinctive output and services; reflect and represent diverse communities; and reflect the UK and its values to the world.	Organisational objectives: to encourage public participation in a democratic society; educate, inform and entertain society with the promotion of quality; inspire creativity; contribute to identity and diversity; reflect diversity of minorities; and help understanding at local and global levels.
	The public purposes of the BBC and Thai PBS organisational objectives illustrate all PSB principles in their regulatory frameworks, guiding them to work on organisational policies and management.	
Governance	The Unitary Board, serving the BBC's overall strategies; the executive committees running day-to-day operational management; the Commercial Board oversees the Corporation's commercial ambition.	Boards of governors, serving the Supervisory Board of Management, serving operational management.
	Boards of both institutions are designated in similar ways for strategic policies and operational management for PSB organisations.	

Regulated by	Ofcom and the Secretary of State undertaking mid-term reviews.	Parliament and Senate evaluating performance and approving the budget; NBTC enforcing the 2008 Thai PBS Act.
	Ofcom as regulator is responsible for the BBC performance and obligations regarding PSB principles, particularly in the Royal Charter, along with the review by the Secretary of State. For Thai PBS, the NBTC is the regulator for enforcing its programming content and technical requirements, while the institution's performance and budget are assessed and approved by parliament and the Senate.	
Core funding	Licence fee received from households nationwide.	1.5% of 'sin' tax: 50 million GBP (2,000 million THB).

Table 7.2 Comparable Issues of the BBC and Thai PBS that have been analysed.

The research has shown that Thai PBS has functioned in following PSB principles (as set out in Chapters 2 and 3) through its governance by the Board of Governors and Board of Management, and through its budget as a proportion of the sin tax. However, it is not directly involved in audience engagement or has support from every household in the country. Although the PSB audience is somewhat concerning, given that it is ranked fourteenth out of eighteen television channels nationwide in terms of popularity, Thai PBS nevertheless works diligently with its PSB obligations. Thai PBS carries PSB values in its media operation through the Audience Council, despite the question of its ability to reach a wide public

participation in the grassroots society of Thailand, particularly with regard to community radio stations communicating with local people.

7.5 CONCLUSION

The 1997 constitution and the legacies of its policies provide a picture of radio broadcasting policies to project the concern of public interests, cited in Section 40 of the 1997 constitution. As shown in Figure 7.10 below, results of the 1997 constitution appear in the formation of the NBTC, an independent regulatory organisation; community radio, and Thai PBS.
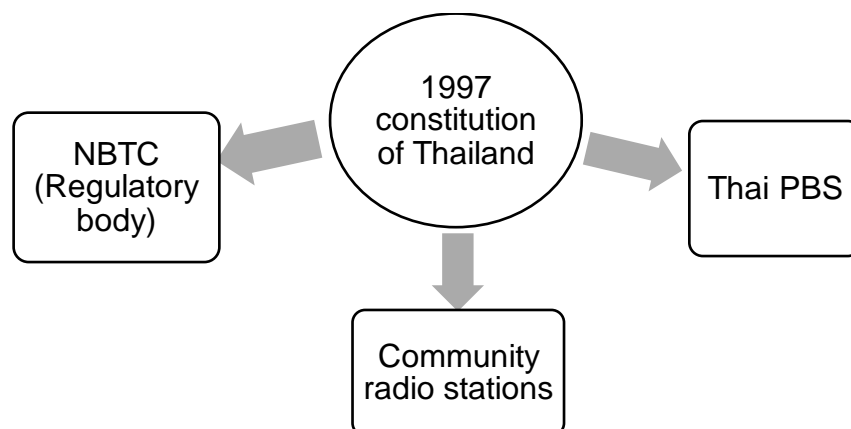
Figure 7.10 Legacies of the 1997 constitution up to 2021.

Policies after 1997 about radio broadcasting, including those contained within the Organisation Act of 2000 and 2010, and Broadcasting and Television Businesses Act of 2008, were deemed to create open communication areas by an independent regulator, policies to regulate radio stations and a public service broadcaster (seen in Figure 7.11 below). In addition to realising public engagement, community radio stations have created positive aspirations in terms

of feasible regulations and supporting the public. However, despite the possibility of the public sphere appearing in the 1997 constitution, no radio frequency allocation has been granted to Thai PBS and few radio frequencies have been returned by government and military organisations to serve the general public. As a consequence, the PSB organisation cannot communicate with radio listeners and community radio stations are not officially allowed to have broadcasting licences.
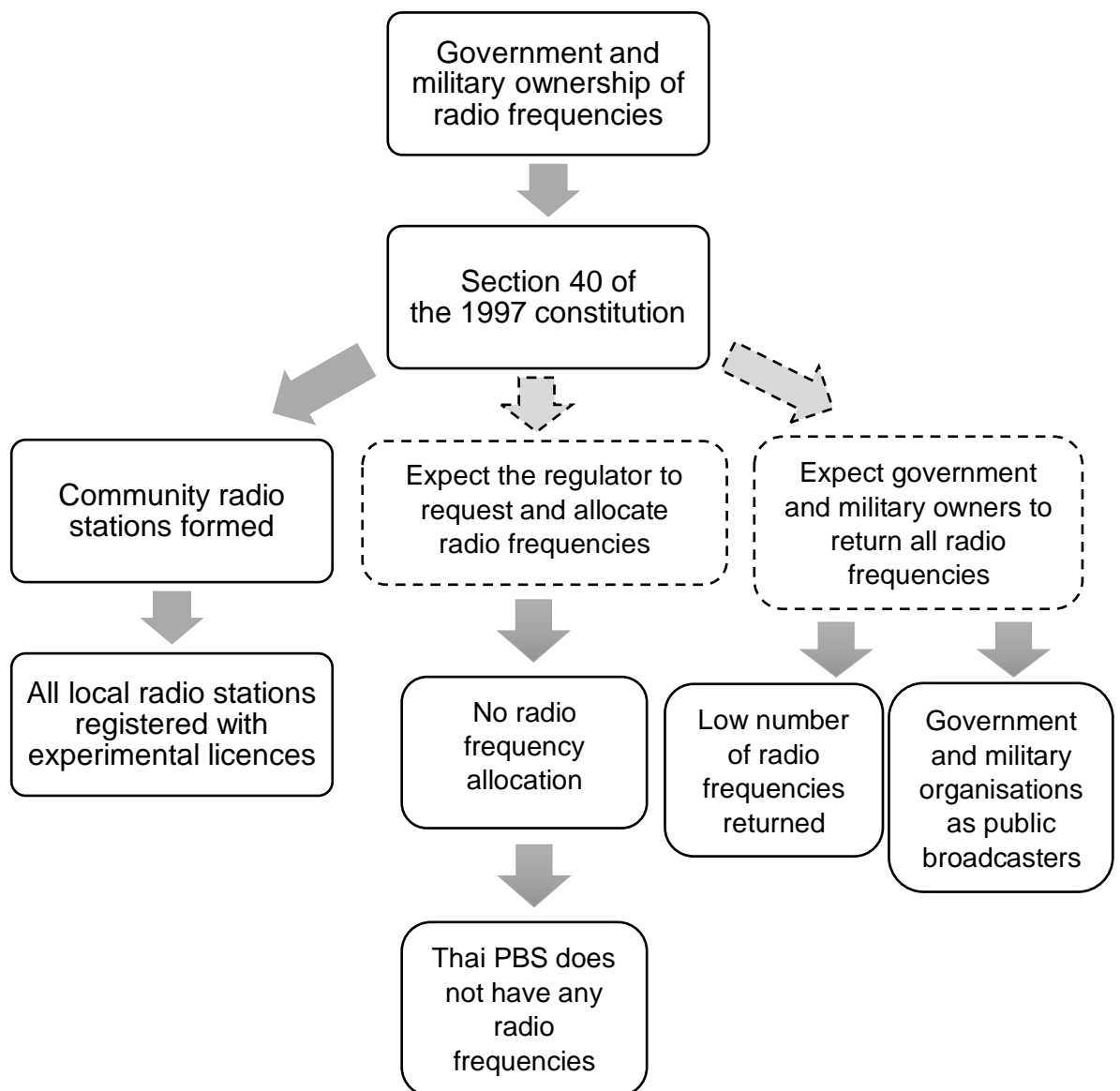
Figure 7.11 Issues stemming from Section 40 of the 1997 constitution.

Spaces for public interests to empower people and equip them through radio broadcasting operations have been opened up as a result of the 1997 constitution. Radio broadcasting in Thailand after 1997 has nevertheless confronted many problems as a result of the continuing government ownership of radio broadcasting frequencies and the political uncertainty of coups and an authoritarian governmental system.

To answer the research questions set out in Chapter 5, this chapter has shown that radio broadcasting policies after the 1997 constitution resulted in the creation of a public sphere in Thailand, with community radio stations functioning with PSB principles in Thailand and Thai PBS, the only national public service broadcaster without any allocated radio frequencies. In terms of active recognition by the public, radio broadcasting policies in Thailand have evolved, but there has been a decrease from high to low public engagement since 1997 until now (2021).

The 1997 constitution has brought about many legacies to radio broadcasting in Thailand in terms of a communication platform for a public sphere and market failure, community radio and Thai PBS. The media system in Thailand is governed by the military governments, and is considered to be congruent with Hallin and Mancini's (2004) Polarised Pluralist model, and McQuail's dominance model (McQuail, 1987, cited in Humphreys, 1996) where media power is controlled by the ruling class and is not supportive of PSB principles.

In the following chapter, the research explores the goal to reach public interests of radio broadcasting in Thailand and the practices that operate. This leads to the policy values of independence of radio broadcasting operation and editorial independence through interview analysis of stakeholders in the media ecosystem of Thailand. The characteristics of non-profit radio broadcasters are also analysed in terms of their strengths, weaknesses, opportunities and threats to their existence.

CHAPTER EIGHT

RADIO BROADCASTING IN THAILAND AFTER 1997:

CHARACTERISTICS AND CHALLENGES

8.1 INTRODUCTION

Having investigated the development, issues and legacies of radio broadcasting policies in Thailand after 1997 in Chapters 6 and 7 through regulatory documents and interviews with people, this chapter focuses on public interests with a thematic approach by analysing the regulatory practices of all stakeholders. To reach the public sphere with PSB principles, various measures are suggested to decentralise radio frequency ownership for the public that has been currently monopolised by the government and military organisations.

Figure 8.1 below shows measures to reach the values and goals of public interests, particularly regarding the public sphere, which have been seen in policy documents and practices that are currently implemented differently to the policy intention as a result of political uncertainty and people's resistance to public engagement in radio broadcasting. Details of stakeholders' practices, including that of the regulator's personnel, personnel in radio broadcasting stations and politicians, are shown on the basis of the public sphere as set out in Chapters 2 and 3.

Goal	Regulatory implications to sustain the public sphere of radio broadcasting in Thailand (Apropos the 1997 constitution, Section 40)							
Values	Independence of station operation				Editorial independence			
Measures	Frequency allocation		Licensing procedure		Content requirement		Public funding	
Stakeholders	NBTC / Radio stations / Gov't & military		NBTC / Local nadio stations		NBTC / Radio stations		NBTC / Radio stations	

Figure 8.1 Goal,[40] values, measures and stakeholders in policy documents.

The next section (8.2) of this chapter has divided the regulatory implications of radio broadcasting policies into operational independence and editorial independence of radio broadcasting stations in terms of reaching the public sphere through comparative media systems. The administration of radio broadcasting in Thailand has been analysed through the regulatory enforcement of frequency allocation and licensing procedures for radio stations, particularly the categories that work in practice with PSB principles. In terms of editorial independence, as a core principle of PSB, the editorial practices of radio broadcasting are analysed through the regulations regarding content requirement and funding support. The analysis is also considered throughout the lens of

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[40] 'Transmission frequencies for radio or television broadcasting and radio telecommunication are national communication resources for the public interest.' (First paragraph, Section 40 of the 1997 constitution).

Habermas's public sphere as a result of an achievable existence of collective individuals of the public sphere in the Thai landscape of radio broadcasting.

In the later part of this chapter (section 8.3), the researcher has analysed radio broadcasting in Thailand in terms of strengths, weaknesses, opportunities and threats to reach the feasible outcomes of regulatory practices set out in Chapter 9. All the issues are analysed in response to the analysis of policy documents and practices of stakeholders, taking into account all variants that can effectively result in radio broadcasting in Thailand.

To answer the second research question: **How have the aspirations and objectives of the radio broadcasting policies in Thailand adopted between 1997 and 2021 been compromised by issues that have occurred in the country?**, the regulatory implications are explored to arrive at the public sphere through PSB principles in radio broadcasting by focusing on the media system in Thailand, along with the issues of political uncertainty as a result of government and military authorities and people encountering public engagement on radio platforms. The regulatory implications are very important for this research to understand the conditions of radio broadcasting in the country, which do not yet serve the public either sustainably or lawfully.

8.2 REGULATORY IMPLICATIONS

To reach the goal of the public sphere in radio broadcasting in Thailand, public interests are examined regarding non-profit radio broadcasting, since this is considered to be the best outcome if people are to gain information and

participate in radio broadcasting activities. Policy documents, such as Section 40 of the 1997 constitution related to radio broadcasting, attempt to carry public interests through the regulatory actions by setting up other regulatory policies later on. For instance, radio frequencies are to be allocated for public usage and a regulator responsible for this is to be set up.

Measures for independent management of radio broadcasting stations in Thailand comprise radio frequency allocation and procedures from the authorities to issue legal licences guaranteed to non-governmental radio stations. These measures are discussed to explain the need for autonomy and self-governance of the stations, without governmental control over their broadcasting operation, to safeguard their PSB principles and functions sustainably.

For editorial independence, measures to reach the public interests are funding support and freedom for broadcasters to produce their own content that the NBTC currently has to deliver in its regulatory practices regarding radio broadcasting in Thailand. Funding and independent content production are analysed in this research for sustaining communities and public radio broadcasters in local areas which are small and self-maintained. Policy stakeholders with regard to financial support and content regulation are local radio stations and other supporting actors in Thailand, seen in the policy approaches to public interests.

To answer the second research question, the researcher analyses the issues of allocating radio frequencies, the official procedure for licensing, content requirements and public funding.

8.2.1 Frequency allocation

This research sees the allocation of radio frequencies as the first step for official public participation in radio broadcasting in Thailand to take place. On account of various causes and effects of policy practices resulting from the policy documents (seen in Chapter 7), this section analyses the methods of radio frequency allocation in terms of allowing PSB principles to grow in the Thai media system.

In Figure 8.2 below, the goal of public interests, and effects of the lack of radio frequency allocation are shown. The 1997 constitution set out policies to allocate radio frequencies. As the policies set out in the 1997 constitution have changed with the later constitutions of 2007 and 2017, subordinate laws of the Organisation Acts of 2000 and 2010 and the Broadcasting and Television Businesses Act of 2008 were launched to support the public interests through the regulatory framework. The intention to allocate radio frequencies constitutionally also appears in the National Master Plans.
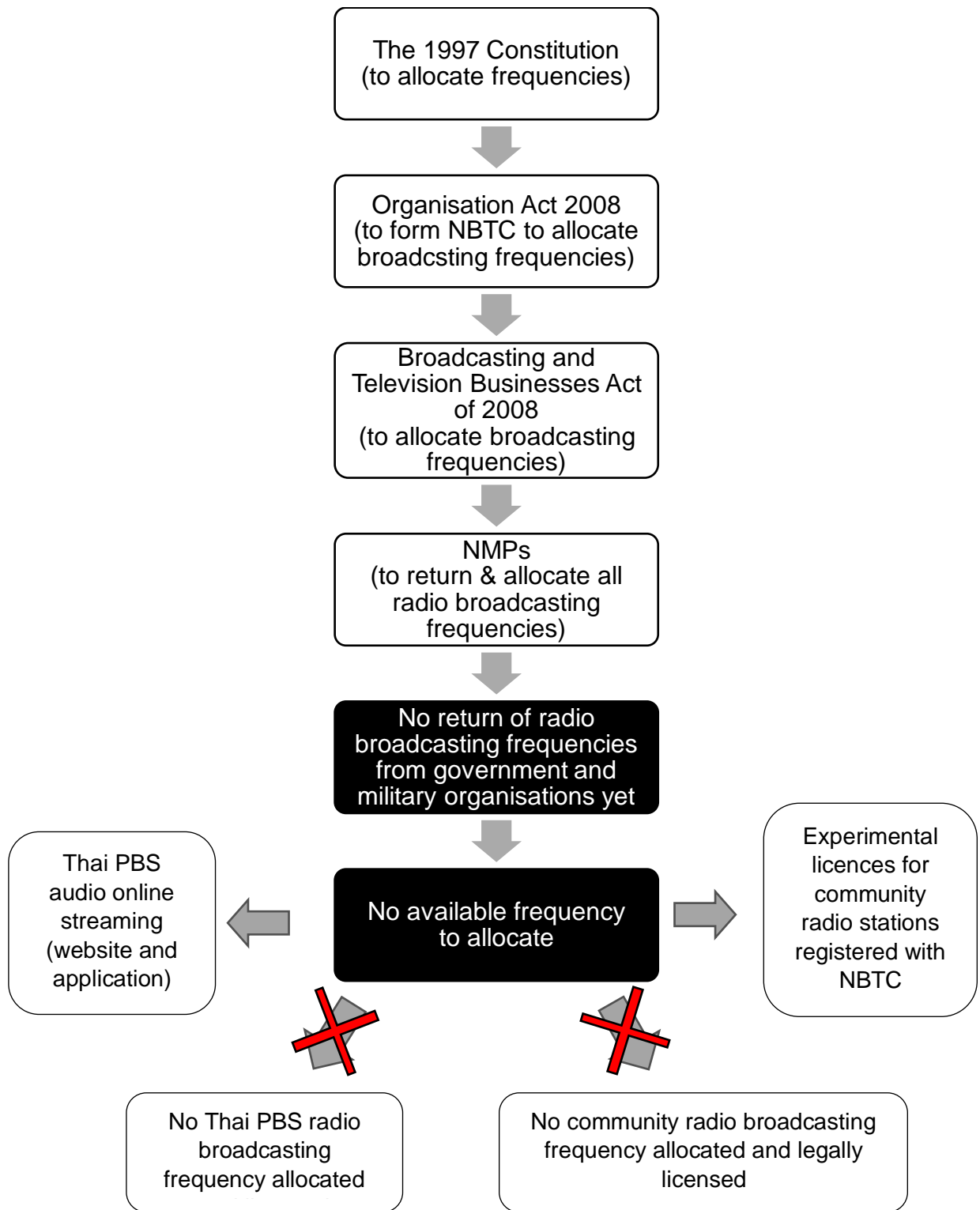
Figure 8.2 Situations and effects of the lack of frequency allocation.

After the intention of the 1997 constitution to allocate broadcasting frequencies, the 2010 Organisation Act assigned the NBTC to identify the time given to radio frequency owners (government and military organisations) to return all the radio frequencies they possessed and to reallocate them following the National Master Plans and the Broadcasting and Television Businesses Act of 2008 in consideration of the public interest.

In the 2017 section revision of the 2010 Organisation Act, the NBTC's responsibility is set out to request and allocate radio frequencies under conditions and using methods which specify either reimbursement or compensation to the former radio frequency owners in terms of their affected rights.

> *This is a method to add value to something that should not belong to anyone. Now the government and military get money back from the returned frequencies and people have to accept that government sectors own frequencies while others cannot (Uajit Virojtrairat, Independent academic, 2021).*

By using the NBTC fund, called the Support and Development Fund of Radio and Television Broadcasting for the Public (discussed in detail in section 8.2.4 below) the NBTC can compensate all government bodies possessing radio frequencies in the event of their return to the NBTC.

Since the start of the regulatory framework, requesting radio frequencies from government and military ownership by the NBTC has not occurred because radio frequencies are sources of income and power for the government and military forces, and are still under their control. Few frequencies have been returned by

governments and military organisations. It has therefore been impossible to allocate radio frequencies for the public and local communities, which has led to the decreasing empowerment in the official management of local radio stations.

> *On account of the limit of resources, the regulator has to consider whether it is brave enough to request back the frequencies. If it did so, the government would see the importance of a public service (Jiraporn Wittayasakpan, Independent academic, 2021).*

In the 2010 Organisation Act a limit of 120 days was provided for the NBTC to issue licences of frequency utilisation. However, the issue of licences was interrupted by the 2006 coup. Officially, as yet (2021) there has been no frequency allocation to any non-profit radio station. In terms of the PSB core, the autonomy of the governance of community radio in Thailand has not taken place, which confirms the diminishing structural framework of regulation by the regulator and political insecurity.

Added to the uncertain political situations and strong authoritarian power of the government and military organisations in Thailand, as analysed in Chapter 6 in section 6.4, local radio stations have been weakened by an indefinite timeline given by the NBTC to allocate frequencies. This unclear direction of regulatory practices by the NBTC has resulted in many radio stations being unable to strategise or operate, although regulatory frameworks have been provided to all radio stations through various meetings, seminars and forums by the NBTC. For instance, *Pathomsakorn station* in *Samutsakorn* and *Chiangdao station* in *Chiangmai* agree that they do not know the direction their stations will take. *Map*

station in *Chiangmai* would like to know the proportion of frequencies that non-profit broadcasters will be allowed to access.

Community radio stations are worried about their existence and frequencies used as a result of the NBTC allowing all commercial companies to auction for broadcasting. Because of the low licence fee and characteristics of community broadcasting, many are aware that big corporate companies that pay more than they do will have more chance of being allocated radio frequencies. Also, although confident about the frequency allocation to community broadcasters, worry about the existence of frequencies was felt by *Nuekeon People station* in *Chiangmai*, *Map station* in *Chiangmai*, *Lanna station* in *Chiangmai*, *Raslaksi Temple station* in *Samutsakorn* and *Nakhon Khonkaen station* in *Khonkaen*.

One option for radio frequency allocation is raised here: 'to *make the frequency zoning divided into community, commercial, or government types' (Siripol Sajjaket, Takham station, Songkla, 2021).* In terms of frequency division, the frequency allocation for each broadcaster category would be separated in terms of technical frequency gaps, but in practice the NBTC needs to consider this.

Aside from the worries of non-profit radio operators, commercial radio broadcasting stations, such as *Parin Muensuksaeng* from *Coolism Radio (2021)*, co-producing radio programmes in Bangkok and suburbs with a military frequency owner, and the *Radio and Television association* in *Chonburi*, are not clear about the frequency allocation in the regulatory guidelines. '*Otherwise, the station has to find other options for audio programmes' (Apisit Poonnaniti, A-Time*

Media, 2021). The commercial stations have to prepare for the auctioning process and investment plans as the frequency allocation for commercial stations is conducted by auction at all levels.

Moreover, radio stations wonder about the transparency of radio broadcasting frequency allocation, given that all frequencies have not yet been returned by the government and military owners: '*radio frequencies are allocated to specific military departments without equal policy enforcement' (Anurak Boonmuang, Angtong radio association, Angtong, 2021).*

The Broadcasting and Television Businesses Act of 2008 shows that public broadcasting licences are defined by government and military organisations, with the broadcaster categories of public, commercial and community (as shown in Chapter 7, section 7.3): '*Some said that radio broadcasting provides a main income for the military, so the military would not return all the frequencies it owned.' (Parin Muensuksaeng, Coolism radio, 2021).* The Broadcasting and Television Businesses Act of 2008 allows the government and military organisations delivering their services to continue broadcasting with long-term official licences for their radio frequencies, as it is claimed that national security is a vital necessity: '*For example, navy radio stations provide information to all ships at sea' (Pansa Rod-ard, Thammasat University, 2021).*

Despite the important obligations of military and government organisations, some radio broadcasting frequencies have been returned to reduce operational cost and inefficiency, and also because of small listenership in remote areas that were

previously covered. The return of these frequencies, however, has not been requested by the NBTC as a result of requisite compensation written in the 2010 Organisation Act and a lack of independence of the NBTC from the government, with its hierarchical system of operation. Based on interviews with the PRD and military representatives, the returned radio frequencies are not very many, given that they comprise just three from the PRD and forty-one from military organisations, a proportion of 2.36 and 28.28 per cent, respectively, out of a total of 145 and 124 frequencies owned by each.

Once the government and military had given their frequencies back to the NBTC, the regulator was required to allocate them to all non-profit radio broadcasters through the legal guidelines. With the low amount of radio frequencies returned by military and government entities, however, high-power frequency allocation of the NBTC cannot be nationally given to non-profit radio stations relying on PSB principles. Local radio stations can only transmit through a 30-Watt-power wave in practice. The NBTC needs to put the regulatory framework into practical legal actions to reach the available space for public interests mentioned in the constitution. Nevertheless this is not easy for the NBTC to achieve because of the top-down Thai governmental structure that the NBTC has to deal with, together with people in community stations who are suspicious of the intentions of the NBTC: '*this must be confrontation in terms of legislation or communication rights' (Sangmuang Mangkorn, Map station, Chiangmai, 2021).*

Apart from the lack of frequencies returned, NBTC laws and revisions to the constitutions allow the government and military organisations to delay the

procedure of frequency requests which would result in an approach to the public sphere and PSB principles of radio broadcasting in the country. As a consequence, the three types of radio broadcasters – public, commercial and community – serve classification of these to justify the government and military organisations as public broadcasters. These regulations also privilege these organisations over the others, especially community radio broadcasting, through frequency allocation. Frequency allocation has not been in place for community radio stations working with PSB principles.

Added in 2019 to the 2010 Organisation Act, if there is an auction for commercial broadcasters, the cost of the auction process will be deducted before the revenue from the auction goes to the National Digital Economy and Society Development Plan and Policy Commission, with the rest of the income going to the state revenue. Moreover, in the 2019 amended section of the 2010 Organisation Act, the National Digital Economy and Society Development Plan and Policy Commission needs to be informed of any frequency allocation. This change in the Organisation Act of 2010 means the Ministry of Digital Economy and Society (DES) can control the frequency allocation and earn profit from this procedure.

Although the original intention was for the NBTC to be structurally independent, the NBTC now has to inform and obtain approval from the National Digital Economy and Society Development Plan and Policy Commission supervised by the DES before any legal action can be implemented. So: *'Whenever the DES issues any regulations, those would overrule the constitutional intention of the NBTC' (Pijitra Suppasawaskul, Chulalongkorn University, 2021).*

This shows the increasing power of the DES:

> *Clearly, the DES ministry pulls back the NBTC power, resulting in the lack of ability of the latter organisation to allocate frequency waves for people and public interests (Jiraporn Wittayasakpan, Independent academic, 2021).*

The regulatory power of the NBTC therefore does not depend on just the NBTC commissioners but also on the government authority of the DES ministry, which is not involved with public participation.

The Organisation Act of 2000 set out the Spectrum Frequency National Master Plans and Broadcasting National Master Plans to outline the entire procedure of frequency usage and allocation for the independent regulatory organisation to follow. '*The first master plan recommended the NBC to request all radio frequencies to be allocated within five years' (Suthep Wilailert, NBTC officer and former Campaign for Popular Media Reform activist (CPMR), 2021).*

Yet no National Master Plans have ever been accomplished as:

> *radio broadcasting plans did not meet their five-year term to allocate frequencies in 2012; this was extended to 2017, and postponed for another five years after the 2014 coup order stating a five-year extension of the radio frequency allocation to 2022 (Suthep Wilailert, NBTC officer and former CPMR, 2021).*

Thus the regulator had no obligation to commit to all the proposed guidelines for frequency allocation. None of the National Master Plans regarding radio

broadcasting in Thailand have been continued effectively because the time frame for their implementation has not been stipulated by the regulator or the government or military authorities under the poor democratic system of the country.

Moreover, the proportion of frequency allocation has been designated by the Organisation Act 2000 and the Broadcasting and Television Businesses Act of 2008 that determine the regulatory guidelines of broadcasting practices. Initially, the 2000 Organisation Act gave permission for community broadcasters to use 20 per cent of the national resource of radio frequencies in each area assigned for radio frequencies, which was a guarantee for public engagement. This implied that an appropriate proportion of frequencies was to be applied for the whole country. However, if some communities were not yet ready for the operation, the regulator needed to support the stations taking the opportunity to use frequencies in the proportion mentioned for public use and not for profit.

In the 2019 amended section of the 2010 Organisation Act, permission for frequency usage is directed differently for each geographical region, which allows for different proportions of frequencies, while other frequencies may be assigned to any public representatives selected by the NBTC. Also, the proportion of public engagement in radio broadcasting has been revised to 20 per cent in total for community and public services for the total number of radio frequencies in Thailand: *'not more than 20 per cent for public and community can be guaranteed'* *(Suthep Wilailert, NBTC officer and former CPMR, 2021).*

Alternatively, technology, such as Internet usage rather than broadcasting through frequency waves to help the situation with non-profit radio stations, has been recognised and has been seen as a way to structurally liberalise public participation in radio broadcasting and eliminate the obstacle of frequency usage. Small radio stations struggle to compete with other media platforms while learning to apply the new media for themselves. *'There are a lot of stations going online, but online does not replace radio broadcasting as online streaming adds costs for broadcasters' (Uajit Virojtrairat, Independent academic, 2021).* However, the NBTC is not keen to take legal action on this issue to assist radio stations using online platforms.

Radio broadcasting in Thailand has been seen to be self-supporting with limited resources, while the NBTC struggles to enact its regulatory authority on account of opposition encountered from government and military organisations which have great power in Thai society. As some early research has shown (McQuail, 2013, cited in Masduki, 2017), the broadcasting system consists of broadcasting organisations, government interests, and, to some extent, the public.

> *Every organisation needs to use radio broadcasting to significantly present itself in public. The main goal of NBTC is, therefore, to equalise all powers and balance all benefits, which has been challenging for more than ten years (Maneerat Kamjornkit, NBTC representative, 2021).*

Overall, radio frequency allocation in Thailand has not yet been organised and implemented in terms of local resources, especially utilisation for public interests. Local radio stations have to register with the NBTC, apply for experimental

licences annually, and wait until the NBTC regulates and offers them allocated frequencies, which may or may not happen.

> *Demand to use radio frequencies is more than the supply. The standard of the International Telecommunication Union study is 1,500 frequencies, which the NBTC can allocate through auction in one year, but it will be very tough for small stations. The NBTC gradually enforces the desired policies (Maneerat Kamjornkit, NBTC representative, 2021).*

According to Habermas' public sphere (1952, cited in Reid, 2014), radio broadcasting contributes to the existence of the public sphere, which in Thailand emerges as debatable independent spaces of people in local areas where PSB is not currently in existence in the platform of radio broadcasting. Despite no official radio frequency allocation in Thailand, however, local radio stations are still available for public participation in radio broadcasting to inform society.

This confirms the notion of Martin and Chaudhary (1983) that state interference with the media in developing nations, of which Thailand is one, is normal because of the lack of institutionalised political and media systems, while commercial concepts play a part in representative elections. This reflects the context in Thailand which relies on poor democratic political and media systems as set out in Chapters 3 and 4.

In conclusion, for the fundamentals of PSB to function without the official allocated radio frequencies, the longevity of local radio stations in Thailand has had to depend upon the so called 'independent' regulatory body, the NBTC. In terms of the independence of radio broadcasting stations in the country, the

limitation of frequency ownership is still inconsistent owing to the non-enforcement of the NBTC legal guidelines for radio frequency allocation. It cannot be certain that radio stations in Thailand can deliver PSB core principles as set out in Chapter 2 of this research without any guaranteed radio frequencies.

8.2.2 Licensing process

As radio broadcasting frequencies are not allocated in practice, another sensible realistic approach to the foundation of PSB and public interests would be the licensing of non-profit radio stations to legally broadcast their programmes to the public. There are, however, issues concerning the process to allow the official assessment criteria and licence to all local radio stations in Thailand in terms of public spaces provided for non-profit radio stations.

Figure 8.3 below shows the experimental licensing process of local radio broadcasters at each step of the legal application and renewal for every category of radio broadcasters, excluding government and military frequency owners. The first step starts from registering local radio stations and their application to the NBTC for an experimental broadcaster licence. With this step, the stations have to prepare all required documents and submit them to the NBTC, using the official governmental protocols. Before this, the stations are required to have their transmitting equipment officially certified. Later, the NBTC announces the approval or rejection of the application, and stations can add other documents required and apply again to the NBTC for an experimental licence.
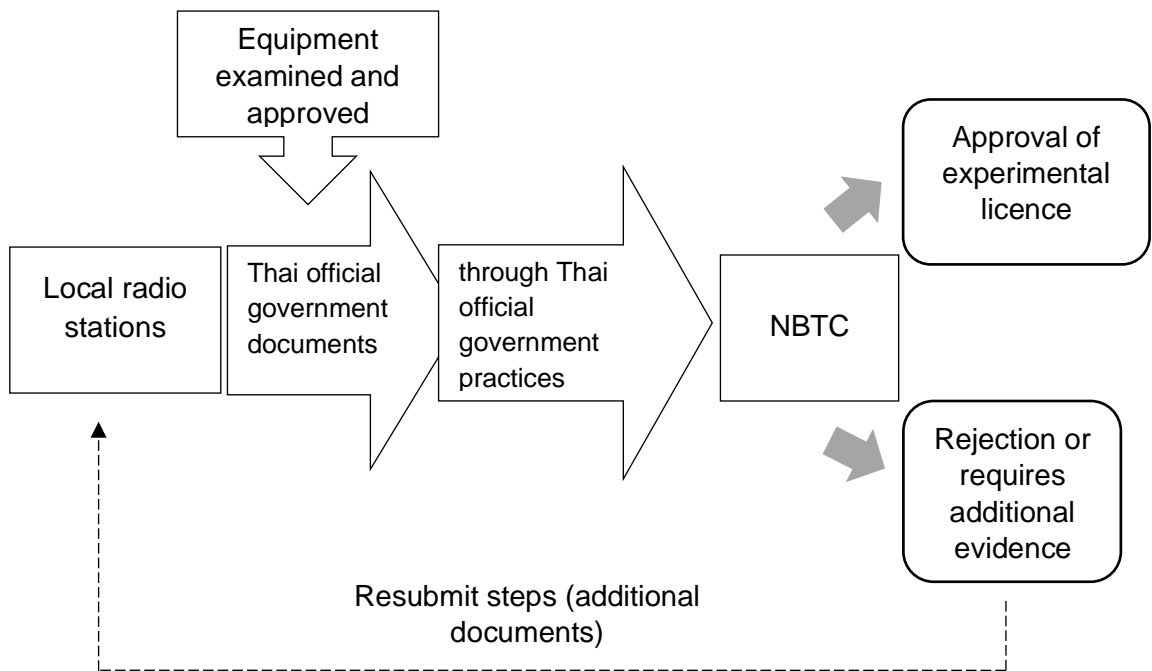
Figure 8.3 Process of legal licensing application and / or renewal.

The licensing process in this section shows that all local radio broadcasting stations have to apply for their experimental annual licences without a specified time line for the start of their official long-term licences: *'[R]adio stations have been in trial licensing for ten years which is a very long time' (Punnaporn Paibulwattakij, Independent academic, 2021).*

All radio stations that would like to get licensed are required to come to Bangkok to process documents which are very detailed, as experienced by *Pathomsakorn station* in *Samutsakorn, Kasetporpieng station* in *Nakhonsawan,* and *Angtong radio association* in *Angtong.* The documents required are related to the management team, programme content, station location and financial support for the stations.

Moreover, this licensing process costs time and travel expenses. The cost of travel to Bangkok is possibly a lot and it may take days to travel there and back and to undertake all the official work required, as stated by *People Love Trang station* in *Trang, Khon-nue-koeun station* in *Chiangmai, Klaeng station* in *Rayong, Ban-doong station* in *Udonthani,* and the *Local radio club* in *Nakhonpanom*. Radio stations have sometimes spent weeks to get the entire process done and have to stop operating their stations in the meantime. This problem has been seen for many years since the registration process began*: 'This is not convenient for local people; instead the NBTC authoritative power must be decentralised' (Supinya Klangnarong, Cofact co-founder and former member of the NBTC, 2021).*

After the Covid pandemic, the NBTC has tended to be moderately negotiable and says that their regional offices can now accept some of the documents: '*Now applicants do not need to come to the central NBTC office, and they can use the electronic website' (Maneerat Kamjornkit, NBTC representative, 2021).* However, the process is not completely smooth and there are still problems occurring with it.

> *After documents have been submitted through the website, the NBTC does not inform the station if any documents need to be revised. When submitting all documents in the Bangkok office, we need to go to many departments before the application is finished in one time period (Wiboon Namchaisrti, Ratlaksi Samosorn Temple station, Samutsakorn, 2021).*

All decision-making is still undertaken by the central NBTC office in Bangkok, which some community radio stations understand that: '*now with online and post is better than previously' (Khempon Chuatameun, Tatpanom People station, Nakhonpanom, 2021);* and *'all databases are at the central office, but if some of the databases can move to regional NBTC offices, that will be great' (Wilaiwan Ponbandit, Nakhon Khonkaen station, Khonkaen, 2021).*

Having taken into account the licensing process, its complexity is worrying for local radio stations. It shows the centralised authoritarian power of the NBTC because: '*the commissioner board has to consider the licence applications as mentioned in the NMPs' (Maneerat Kamjornkit, NBTC representative, 2021)*, while the: '*regional NBTC office only takes care of transmitting frequencies and examining the equipment' (Pansa Rod-ard, Thammasat University, 2021).*

Apparently this is related to the issue (analysed in Chapter 6, section 6.3) that the Thai government is still wanting to centralise the power of the NBTC office in Bangkok and its commissioners. The centralised authoritarian use of power within the NBTC is a similar approach to the one the Thai government has itself long applied, as set out in Chapter 4, section 4.2 in the context of governing Thailand.

Provincial radio broadcasters therefore face a centralised authority, which is strictly implemented by the NBTC because the organisation does not understand public engagement in radio stations. All regulated policies have been considered and delivered by people in positions at the top level of government organisations

that: '*have not solved any radio broadcasting problems that have occurred*'

(Tanachart Duangwana, Lanna station, Chiangmai, 2021).

Regulatory actions from the NBTC reaching public interests in local radio broadcasting stations in Thailand are not seen as most of its regulations tend to act for the government and military purposes and overlook public interests.

> *The NBTC already has a goal to protect the benefits and rights of government but ignores benefits to the public. The public are not the centre of its focus as laws have been launched to protect the government interest and only partially support the public (Jiraporn Wittayasakpan, Independnet academic, 2021).*

However, the regulator has recognised the need to compromise with all stakeholders, along with charges raised to the court by radio broadcasters and audiences about the regulator. The NBTC is aware of the use of its authoritarian regulatory power.

> *The NBTC is a government organisation for protecting consumers, including children and the elderly. The NBTC is challenged by the power of the Administrative Court[41] to frame the regulated policies that can be withdrawn if they are incorrectly enforced (Maneerat Kamjornkit, NBTC representative, 2021).*

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[41] The Administrative Court has the authority and duty to perform a judicial review of the legality of administrative acts. It is able to try and adjudicate cases involving disputes between an administrative agency or state official and a private individual, or between an administrative agency and a state official. Disputes may be in connection with the issue of a by-law, order or any other act; with the neglect of official duties required by law, or the performance of such duties with unreasonable delay; or with an administrative contract.

Owing to the NBTC's limitation of power and being centralised by government and the DES ministry (as discussed in Chapter 7 and Chapter 8, section 8.2.1), the NBTC's management power is found to favour the government and military organisations. Given that the independent regulatory body, as defined in the 2000 and 2010 Organisation Acts, is also recognised and interpreted as an official government organisation working under official government protocol, it has to stay within the bounds of its official remit in order to remain neutral and unopposed by all its stakeholders.

In accordance with the services provided by the NBTC, the process before an experimental licence is granted that all radio stations have to go through is set out in Figure 8.4 below. The first step for members of radio stations is to bring their equipment to be examined by technicians authorised by the NBTC. After receiving approval from the technicians, all required documents to apply for the experimental radio broadcasting licence in the categories specified by the regulatory framework have to be prepared. Subsequently, a member of the station may go either to a regional NBTC office or to the central office in Bangkok to submit all the documents. The final step is whether stations are granted or denied an experimental licence.
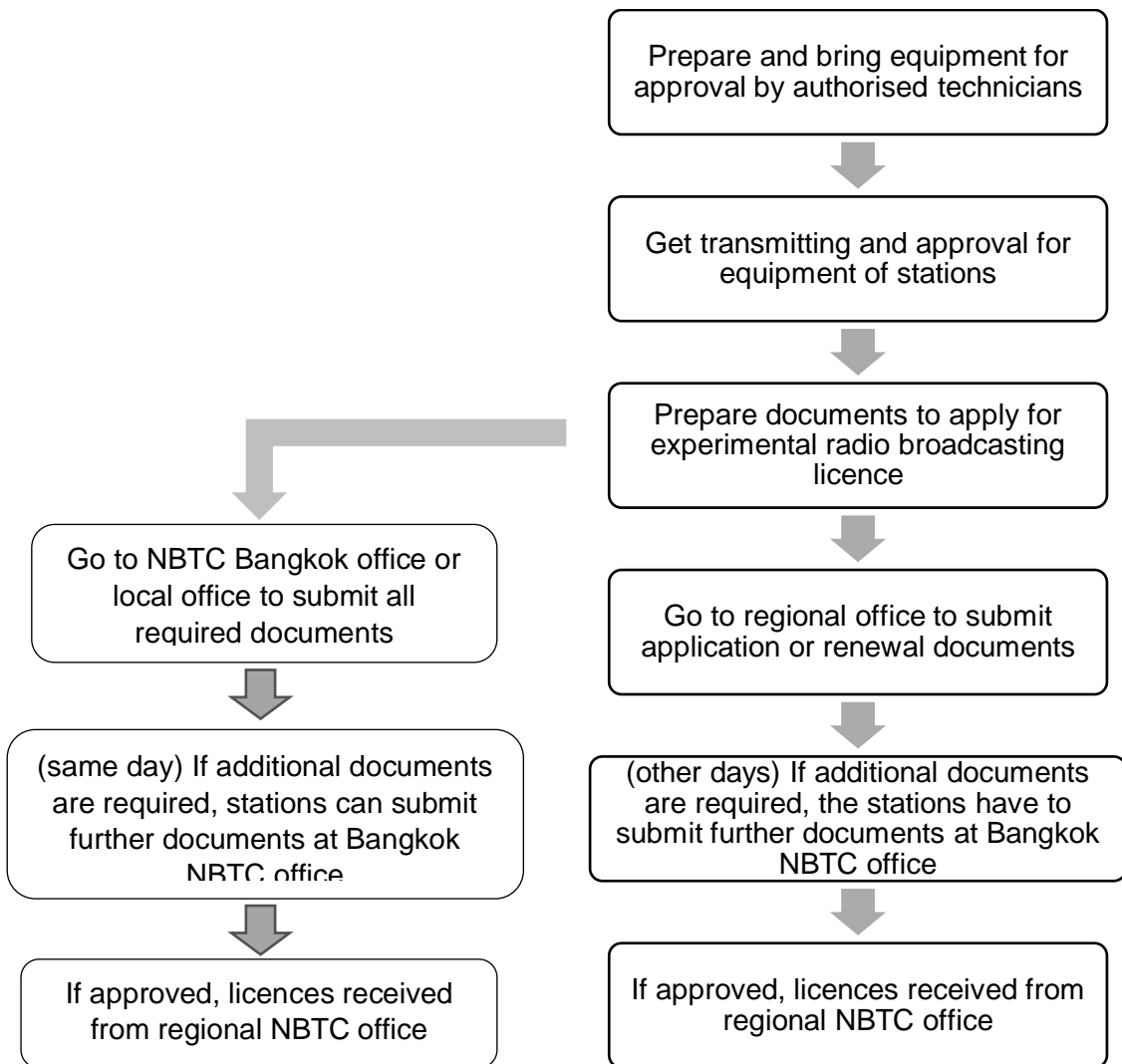
Figure 8.4 Yearly process of equipment examination and documentation required before experimental licences are approved or denied for local radio stations.

To elaborate from Figure 8.4, local radio stations such as *Pathomsakorn station* in *Samutsakorn, Suanpahuaypood station* in *Pattaloong, Ban-doong station* in *Udonthani* and *Kasetporpieng station* in *Nakhonsawan* thought that this process takes too much time and money for small-scale radio stations in rural areas. '*All*

costs are rather more than 250 GBP each time (10,000 THB)' (Kiattisak Siriket, Kuchinarai people station, Kalasin, 2021).

Some of the local radio stations suggest extending the equipment examination or trial licence to be effective from three to five years at a time, suggested by *Raslaksi Temple station* in *Samutsakorn, Pulaung People station* in *Loey and Kasetporpieng station* in *Nakhonsawan.* However, the equipment examination is on a yearly basis because: *'the NBTC said due to safety and national security the efficiency of all equipment transmitting signals must be without interference' (Pansa Rod-ard, Thammasat University, 2021).*

Another issue is regarding the transmitting power of 30 Watts for local radio stations. The intention is that local radio stations should not be very powerful in terms of connecting with their targeted audiences and should be limited to their coverage areas. Some stations which work with interest groups are concerned about this.

> *In the borders of mountain landscapes and distant areas, the station needs to communicate with its targeted audiences in construction camps (Sangmuang Mangkorn, Map station, Chiangmai, 2021).*

To support non-profit radio stations to deal with the licensing process smoothly, governmental institutions involved in the process, including local governments and NBTC regional offices, can help to sustain community radio stations to support local communities and help the public sphere of radio broadcasting to survive. Also, the regional offices can help to provide government officials with the necessary documentation skills and provide technicians to advise local radio

stations. Some local radio stations would very much like advice, such as *People Love Trang station* in *Trang, Dansai People station* in *Loey, Lee People station* in *Lampoon, Nhongyasai station* in *Supanburi and Tai-Kalasin station* in *Kalasin.*

> *Most local people are ordinary and not keen on detailed paperwork, so a clinic for support on this issue is required (Supinya Klangnarong, Cofact and former NBTC, 2021).*

In addition to training support, another way to help local radio stations would be to lower the fee to be paid. '*The NBTC can limit the fee since [the station] is a primary right for people and can help all stakeholders – government, companies, the public' (Pakornwut Udompipatkul, MP from the Move Forward Party, 2021).*

Given the difficult process of the equipment examination and providing documents, some local radio stations do not want to waste time dealing with the process, so they hire people to work on either examining the equipment or procuring the necessary documents. This means the stations have to pay much money for the experimental licensing process every year, although the NBTC want people working in the stations to do this work by themselves. For instance, *Ban-doong station* in *Udonthani, and Tai-so station* in *Sakonnakhon have* hired people many times to do the work required, which *Decha Saiboontang (Dansai People station, Loey, 2021)* has stated cost *'70 GBP (3,000 THB) for everything, and the process takes two to three days.'*

As addressed in McQuail (1987, cited in Humphreys, 1996) and discussed in Chapter 3 of this thesis, the media systems in Thailand are controlled by the ruling class – the government and military organisations – which centralise radio

broadcasting ownership to retain control over the communications systems and direct the operations in the way they prefer. Their ownership is in the name of the public and they consolidate the financial revenues for their own organisations.

In terms of the public sphere and PSB principles, this lowers public participation in radio broadcasting on account of a complex licensing process in the name of the official government etiquette. Rennie (2006) has shown that community media are difficult to manage because of their diversity and value systems, which are hard to reach by both the market and government. However, community media is seen as a democratic way of operation on account of the low influence of government, although this is not completely relevant to Thailand since the legal actions of the regulator in the top-down government bureaucracy still play an important part.

To conclude, the experimental licensing process is determined to verify and frame radio stations of each type in the licensing agreement, although there have been many complaints and suggestions for change from radio stations countrywide. The experimental licences given to non-governmental radio stations have been criticised as an excuse for the NBTC not to officially legalise licences of radio broadcasting and provide a long extension of the broadcasting licences for local radio stations. For some local radio stations, the experimental radio licences are not seen as protection against them broadcasting anti-government material.

In the next section of this chapter the researcher analyses the regulatory practice of content independence of radio stations in Thailand, which is framed in the lens

of the public sphere, resulting in programmes provided by radio stations that function with PSB values.

8.2.3 Independent content of radio stations

In terms of the editorial independence of radio stations working with PSB principles, many community radio stations in Thailand have attempted to broadcast their own programmes without being strictly controlled by the government. Editorial independence is one of the core indicators for PSB principles applied to radio broadcasting in Thailand.

In the Broadcasting and Television Businesses Act of 2008, public and community broadcasting licensees included the provision of needing to deliver informative content such as news and documentaries in the ratio of not less than 70 per cent, while commercial broadcasting providers had to broadcast not less than 25 per cent of informative programmes. Commercial broadcasters can broadcast advertisements for 12.50 minutes hourly or ten minutes per hour daily in total, which the *Radio association* in *Rayong* thought was very strict.

Some stations believe that the NBTC does not understand the nature of radio broadcasting programmes and its proportional content. For instance, the regulator does not know how to calculate the content in terms of information, entertainment, or education which is not carried on other media platforms.

> *The NBTC calculated the provision as though it was television content, but radio programmes cannot be calculated like that. NBTC people do not understand the nature of radio broadcasting because their jobs are focused on engineering and laws (Titirat Poonchaikij, MCOT, 2021).*

Broadcasting licensees in local regions are required to produce programmes in a designated ratio for their areas. But, the licence fee can be decreased by the NBTC, depending on the amount of public information that the stations provide more than the basic specification. For support with the documents required for the licensing process, community stations have to broadcast content as set out by the NBTC in each broadcasting category.

Pathomsakorn station in *Samutsakorn,* the *Local radio association* in *Nakhonsrithammarat, and Lee People station* in *Lampoon* all say the content required by NBTC is not relevant to their personnel or target audiences. All programme schedules have to be suitable for the objectives of broadcasting stations categorised and presented to the NBTC. Also, it is compulsory to keep all programmes recorded for at least thirty days for them to be examined and assessed in detail, which is very tough for those stations that struggle with recording equipment and technical supplies.

> *One-size-fits-all is hard to bear due to different locations, audiences, contexts, and content. Programmes of each location cannot be presented in the same way, with one type of schedule (Supinya Noinart, Pathomsakorn station, Samutsakorn, 2021).*

The regulatory framework sets out the proportion of programme content for each type of broadcaster. In some areas, such as *Lee People station* in *Lampoon*, where the majority of residents are elderly people, the community radio station needs to provide content for children in their programme schedule to follow the

regulations, but the station cannot find content providers to provide the relevant content.

Without understanding the context of each station area, the NBTC follows the written policy documents with impractical practices for community radio stations around the country. The regulations are not relevant for the realistic specifications of community radio stations in Thailand. This leads to the reduction of community radio stations as they cannot provide the designated content.

> *Every station must send a fixed schedule every day [to the NBTC] in their categories, but [people in] each station should actually design programmes themselves for their own circumstances (Pansa Rod-ard, Thammasat University, 2021).*

Apart from the main central Thai language in Thailand, other languages presented on radio stations are treated cautiously by government national security organisations. For instance, local stations approach ethnicity groups carefully, such as *Tai-so station* in *Sakornnakorn*, where they express their culture and identity, and *Map station* in *Chiangmai* broadcasts issues relating to health, work permits and immigration to minority ethnic groups. When such stations were first set up, they were inspected by the government.

Apart from impractical policies relating to the programme content, some radio stations avoid political content and exclude local politics. Rather than politics, the radio stations concentrate on community issues, because the NBTC would have to approve the programme content in the licensing process before issuing annual experimental licences to radio stations.

All local radio stations would like the NBTC to visit their locations and consider their circumstances before conducting the policy enactment. '*The NBTC does not understand the [concept of] community and the focus is on commercial and conglomerate media' (Wiwat Numarg, Suanpahuaypood station, Pattaloong, 2021).* If the NBTC were to visit local community radio stations, this would open up two-way communication between them, and the regulation procedure would run much more smoothly, based on empirical evidence of practices.

> *All policies do not suit every station, and policy-makers do not have enough understanding of context, despite supportive research. The NBTC should understand voices reflected by broadcasters (Pansa Rod-ard, Thammasat University, 2021).*

Local radio stations have to comply with the regulations and their enforcement, while the NBTC has to have sufficient information and support to regulate and supervise radio broadcasting stations. '*The NBTC needs to work proactively more than now, especially with local people, but the NBTC still works in a routine way' (Chairit Yonpiam, Senior reporter, 2021).*

According to O'Neill (2015), market failure allows audiences to consume its desired content, which has previously been unavailable. The occurrence of market failure in radio broadcasting in Thailand has been set out in this research. However, market failure in radio broadcasting in Thailand has predominantly resulted from the dominance of the government and the constant coups and military governments analysed in Chapter 6, section 6.4. As McQuail (2003) explained, PSB principles are grounded in radio broadcasting in Thailand in the

community category, because of providing information about social needs in a democratic political system beyond the performance of market motivation.

The content of community radio mainly comes from their potential to broadcast with the concern of their station's resources along with their targeted audience request. Hence, the content of community radio stations in Thailand is based on each region where different communities serve different programmes which may be related to each other in some ways. To illustrate, the content related to the elderly in some areas of community radio can be overlapped with some of the programme content in other community stations. However, there are still some details which are not the same as others.

Since the government and military monopoly of radio frequency ownership plays a huge role in providing only a limited choice of programme content, community radio stations, along with non-governmental public equivalents, have served their audiences through participation in both content and management. The regulatory framework of content regarding broadcasting categories is not relevant to locations, audiences or station objectives to reach PSB principles in radio broadcasting in Thailand. This impractical situation has been regulated by the NBTC which does not take into account the concerns of community radio stations.

The research now moves on to public funding support, another major issue which helps to support radio stations to function PSB values independently. Public funding also provides for the practices of the regulator and other relevant stakeholders of radio broadcasting in Thailand.

8.2.4 Public funding support

There are several methods for funding radio stations, particularly community service radio stations, which in Thailand are not allowed to be sponsored by advertisements. Different ways of financially supporting radio stations are shown in Figure 8.5, with the predominant method of funding being through the NBTC fund. Other methods are shown to be via NGOs and non-profit organisations, national and local government organisations, and also the communities themselves.
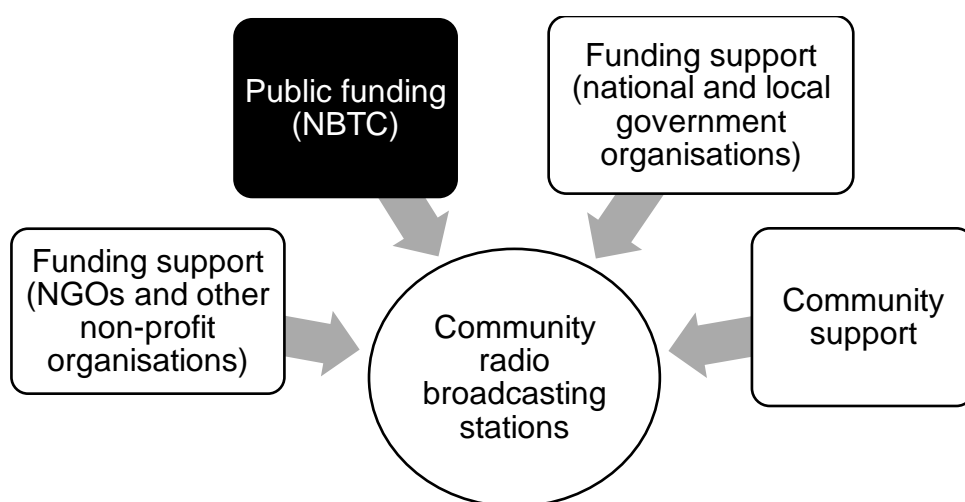
Figure 8.5 Different sources of funding for non-profit local community radio stations.

Despite a large amount of funding coming from the NBTC, the main financial support is provided by listeners in local communities. For other types of subsidy, radio stations have to request funding from government-related organisations, which require documents obtained through official governmental sources.

In terms of funding support from the NBTC, specified in the 2000 Organisation Act, money is obtained from the Support and Development Fund of Radio and Television Broadcasting for the Public set by the government, broadcasting licensing fees, assets defined in the regulatory framework, interest from bank accounts, and other assets defined by the NBTC. In the 2010 Organisation Act, the fund's name was changed to the 'Broadcasting and Telecommunications Research and Development Fund for the Public Interest' that had various objectives,[42] one of which was related to community and public support, and to promote and support community operators and development of human resources. In the 2010 Organisation Act, the NBTC outlined the criteria and procedure for funding community radio stations to promote potential communities. One criterion is that their earnings have to be from donations or contributions without any advertising.

However, after the 2014 coup, the money left over from this fund was borrowed by the Ministry of Finance. '*The NBTC fund is huge enough as the Ministry of Finance has borrowed [from it]*' (*Saneh Jinajan, Lee People station, Lampoon, 2021).* Initially, the intention of this fund was to support the public sphere of radio broadcasting in Thailand, but the amendment of the Organisation Act of 2010 led to it being borrowed by the Ministry of Finance.

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[42] The 'various objectives' comprise: enabling people to receive broadcasting services, promoting and supporting community operators; supporting communication resource development, research and development for any unprivileged people; promoting and supporting human resource development and delivering to set ethical standards of the media professions; supporting the policies for media safety and development and allocating funds to the Safe and Creative Media Development Fund, and supporting budgets for the Ministry of Finance to borrow money in the state operation for the public interest.

Because the 2014 coup order changed the regulations and allowed government authorities to access the fund, criticism of the NBTC was ignored and access to the public sphere through community radio was devastated. In an NBTC seminar in 2022, Waewmanee (2022) mentioned that in the last four years of 2018 to 2021 there have been only twelve, eight, fourteen and thirteen stations, respectively applying for this fund, which is calculated to be fewer than 10 per cent of the total number of community radio stations. This has clearly shown the community radio stations' limited access to the fund.

The process for requesting funding support from the NBTC is shown in Figure 8.6. Before receiving public funding from the NBTC, mentioned in the Organisation Act of 2010 and the Broadcasting and Television Businesses Act of 2008, community radio stations have to record all the programme content for inspection by the NBTC and specify all the donors with the amount they have donated in detail for six months prior to requesting funding, which they are required to submit to the NBTC.
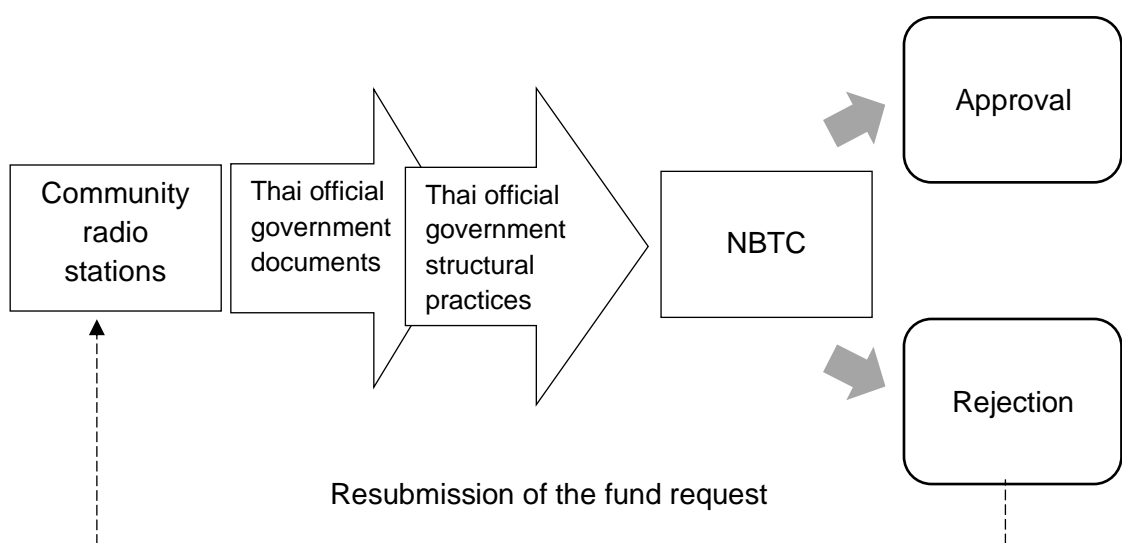
Figure 8.6 Process of funding requests to the NBTC by community radio stations.

Radio stations in local communities are less likely to record all the programme content on account of the inefficiency of their equipment and lack of ability of the radio operators. Also, their programmes rely on the capability of their resources, such as personnel and financial management. In this connection, Howley (2010) has mentioned that the management of community radio stations is totally different from that of corporate media in terms of financing and donations.

For instance, community radio stations, such as *Kuchinarai station* in *Kalasin* with its lack of technological equipment, can hardly record programmes to send to the NBTC as part of the funding process. Also, the programme schedule and arrangement rely on the management team and on a voluntary basis, and stations such as *Dansai People station* in *Loey* and *Tai-so station* in *Sakonnakhon* also cannot cope with the process of recoding content.

Realistically, requesting funding support from government organisations in Thailand is not easy due to the complicated official government procedures and documents required. The funding process is recognised as problematic for stakeholders of small-scale radio stations.

> *Stations have to prove quality in terms of content, and each station should have at least twenty programmes available for examination by the NBTC. A clear path of income should also be verified (Maneerat Kamjornkit, NBTC representative, 2021).*

Moreover, it is necessary to submit details of the donors as the NBTC needs to verify the existence of the donors to the stations. The stations have to collect all

the names and contact details of the donors, regardless of the amount of money donated: *'Each year the station receives money from so many people, and each donates 1 to 2 GBP (40 to 80 THB)' (Kiattisak Siriket, Kuchinarai People station, Kalasin, 2021).* All these details need to be handed in to the NBTC to apply for funding.

Under the condition of donating money to community radio, the NBTC fund can support stations in amounts of not more than half the donated earnings from elsewhere yearly, provided the programme quality and efficacy of the stations is approved. '*The funding support granted to one community radio station is no more than 2,500 GBP (100,000 THB) yearly' (Suthep Wilailert, NBTC officer and former CPMR, 2021).*

It is a burden for local community radio stations to prove their non profitability and it requires a very high degree of documentation skills. Many radio stations do not want to undertake the complicated process. Rooted in community traditions, community radio stations have been sustained with donations from people in their areas and self-support, seen, for example, in *Saiyok People station* in *Kanchanaburi*. Also, if granted a lot of money, community radio stations such as *Nhongyasai station* in *Supanburi and Dansai People station* in *Loey* have found this causes conflict in their communities and station management.

In addition to financial support from the NBTC, other funding support has to be listed by radio stations functioning with PSB principles, but these requirements do not seem to be known and publicised nationwide. Also, the proposal for

funding is required to be written and stations do not want to waste their time in writing out the required information if they think they are not going to be granted funding. '*If the proposal does not reach the fund's objectives, it would waste time*' *(Kan-anek Sornmala, Saiyok People station, Kanchanaburi, 2021).*

Another concern regarding financial support for non-profit radio stations is the lack of clarity of NBTC regulations regarding announcements of donors and financial supporters. Some stations, such as *Nhongyasai station* in *Supanburi and Kasetporpieng* in *Nakhonsawan,* say thank you and name all donors when broadcasting their programmes, without promoting products. Some radio stations interpret the requirements differently and are afraid to violate the NBTC regulations. *Ban-doong station* in *Udonthani, Klaeng station* in *Rayong* and *Lanna station* in *Chinagmai* do not receive any financial support from the commercial sector to protect themselves if they are investigated.

Furthermore, radio stations occasionally organise religious or festive events to gather people in the community together to gain support. Also, stations want to broadcast programme content related to local tourist places and events, but are concerned about whether this is advertising. For example, *Suanpahuaypood station* in *Pattaloong, and People Love Trang station* in *Trang*, that have presented programmes related to regional community products or agricultural tourist places from supporters of the radio programmes, are worried about the NBTC's interpretation of advertising.

When villagers give rubber or palm to support their community station, the NBTC needs to understand this kind of help (Wiwat Numarg, Suanpahuaypood station, Pattaloong, 2021).

Fundraising is seen to support community stations financially. When a problem suddenly occurs to stations, such as thunderstorms or flooding, which means the stations cannot broadcast as a result of broken equipment, fundraising can support the stations, such as *Nhongyasai station* in *Supanburi and Pulaung People station* in *Loey.*

Additionally, community radio stations may interact with communities in very specific areas or local institutes, such as schools, temples and cooperative associations. For example, *Southern Credit Union station* in *Suratthani* relies on Credit Union Cooperative to support it both financially and administratively. *Takham station* in *Songkla* survives with the support of a local administrative organisation. Many community stations based in local communities receive help from local institutions to survive.

Moreover, other sources of funding are from various governmental organisations at local and national levels. Such funding support from government organisations varies in each area. But funding support for radio broadcasting stations in local areas is usually limited. Community radio stations are also able to gain support from international grants or financial supporters outside their local areas, despite the language problems and documentary skills required.

Radio broadcasting in Thailand is neither fully financially supported nor legally prioritised by the NBTC in terms of the feasibility of regulatory procedures and

funding support. In addition to the limitation of funding support and many documentary requirements, the NBTC has to recognise the core principles of public interests as mentioned in the constitutions, that radio broadcasting is not only to benefit the government but also for all values of public services.

> *For the NBTC, there is no reinforcement process supporting community radio stations. The money from the funding support is not distinct, which leads to radio broadcasting to stop and never move forward (Supinya Klangnarong, Cofact co-founder and former NBTC, 2021).*

Many community radio stations operate as miniscule organisations on a not-for-profit base. Therefore, funding limitation and the process required for registering are practical obstacles noted by several radio stations (analysed in the characteristics of radio broadcasting stations in Thailand in section 8.3). The highest goal of local community stations is to sustain radio broadcasting stations to maintain and self-manage themselves. A policy framework and more support to sustain radio broadcasting stations, particularly those in the public interests, should be put into practice by the NBTC as regulator.

According to Lunt and Livingstone (2012), the UK Communication Act 2003 allowed licences to be issued and financial support given to community radio stations without any need for them to prove their efficiency or capability of earning income. These ideas have been proposed for Thai radio broadcasting by Waewmanee (2022) to the NBTC, who claims that the licensing and funding process should be conducted jointly, and to allow community radio stations to submit all documents and other evidence required at the same time. However, this has not happened as the NBTC's requirements have divided into two

separate process paths, so all community radio stations in Thailand have to apply for the licensing process prior to requesting funding from the NBTC.

As a scheme for distributing public value in radio broadcasting in Thailand, funding from the NBTC is very difficult to give to community radio stations nationwide. The NBTC funding has already been tentatively prepared for non-profit radio stations within the legal framework, but the process of granting licences is not practical for community radio stations as a result of the way in which the government has treated the stations with the strict assessment of their work and the difficulty for them of obtaining the relevant documents.

Financial support granted to community radio stations within the scope of government regulatory body is not supportive for the existence of the public sphere in the radio broadcasting landscape in Thailand. In addition to the need for members of local broadcasting stations to familiarise themselves with the official written documents of the NBTC's regulations, the high standards of the organisation is strictly applied to all local radio stations.

Overall, in terms of regulatory implications which are challenging for radio broadcasting in Thailand, non-profit community and public radio stations in Thailand rely on supporting themselves together with networking support, resulting from procedures and other services of the regulator. Government-related efforts to deliver PSB values or target the public interest do not function, so many local radio stations in communities that work for the public struggle to survive.

Measures for funding support are unable to function properly through official Thai governmental procedures and because of the requirement for complicated documents to be completed. The NBTC policy implementation is not well enforced for all types of radio broadcasting stations because of its structure and the need to centralise its authoritarian power.

Lunt and Livingstone's (2012) assessment regarding the UK regulator Ofcom of broadcasting is very different to that of the Thai regulator, the NBTC, in terms of representing citizens and consumer interests, and engaging stakeholders to balance economic regulations, consumer protection and expanding citizen interests. These features do not appear within the NBTC which focuses on the government and military organisations rather than on public and community radio stations or public engagement.

In terms of the operation of radio broadcasting in Thailand, local radio stations are not appreciated by the government because of their wish to advance empowerment to radio broadcasting platforms. It is clear local radio stations struggle with the enforced regulations that deny them frequency usage and public participation for their stations' operations, along with the instability of the political system in Thailand, which is slowly destroying the public sphere in the country.

> *Initially, the NBTC aimed to freeze all local stations. In the view of the government, society needs 'proper content', so the NBTC filtering process is required for well-prepared stations. If radio stations adapt and survive in the required conditions, they have already proved they have enough*

strength to survive with limited resources (Maneerat Kamjornkit, NBTC representative, 2021).

According to Tracey (1998), the public sphere in Thailand responsible for supporting democratic activities exists to serve democracy and link people together. Nonetheless, this public sphere has not been reinforced by the regulatory framework and regulator. Referring to Smith (2012), who has stated that PSB is a device for developing countries to enrich their cultures and support democratic systems, radio broadcasting in Thailand is unlikely to be sustainable in the society because it is controlled by a politically authoritarian power. The existence of the public sphere in practice in radio broadcasting in Thailand currently relies on community and public engagement.

Measures to form public interests by communication devices for the public are threatened for radio broadcasting stations in Thailand as seen in the decreasing number of community radio stations in the country. This is destroying the democratic root of active citizenship of rural Thailand and affects the democratic health of the country.

The following section of Chapter 8 focuses on the characteristics of not-for-profit radio stations in Thailand to show other legal practices which might result in advancing the public sphere in the form of PSB principles The researcher has applied a theoretical framework of PSB principles and media systems which might lead to the public sphere.

8.3 CHARACTERISTICS OF RADIO STATIONS WITH FUNCTIONING PSB PRINCIPLES

In this section, an analysis of characteristics of radio stations that work with PSB principles has been made to gain a possible perspective of the public sphere in the Thai media ecosystem. The characteristics of radio stations are discussed here to consider whether any potential outcomes might occur to sustain the public sphere in Thai radio broadcasting.

To succeed in the public sphere in radio broadcasting in Thailand, an analysis of possible progression includes strengths, weaknesses, opportunities and threats of an attack on PSB functioning. Figure 8.7 below analyses the strengths, opportunities and weaknesses of non-profit radio broadcasting in the country and threats to the system.

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┌──────────────────────────────────┬──────────────────────────────────┐
│ Strengths                        │                                  │
│ - Long-term relationships        │ Opportunities                    │
│ between stations and teams       │ - Strong local support           │
│ - Local content related to local │ - A loyal audience               │
│ listeners                        │                                  │
│                 ┌────────────────────────────────┐                  │
│                 │      Non-profit radio          │                  │
│                 │      broadcasting in           │                  │
│                 │         Thailand               │                  │
│                 └────────────────────────────────┘                  │
│                                  │ Threats (apart from direct       │
│                                  │ influence of political instability,│
│ Weaknesses                       │ authoritarian regimes and lack of │
│ - Limited budget                 │ NBTC support)                    │
│ - Lack of human resources        │ - Economic situation             │
│                                  │ - Technology disruption          │
└──────────────────────────────────┴──────────────────────────────────┘
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Figure 8.7 Analysis of the situation of non-profit radio broadcasting stations in Thailand.

To elaborate on Figure 8.7, with regard to the strengths, non-profit radio stations are rooted and very well known among local people. The weaknesses are shown in the budget limitation and shortage of human resources to deliver station operations. Regarding opportunities, there are strong local support and a loyal audience. Apart from a weak regulator which does not understand the needs of community stations, threats include a downturn in the economy and technological disruption caused by new media platforms competing with radio broadcasting, as well as political instability with repeated coups and new constitutions which have already been discussed in Chapter 6, section 6.3. As a result, this analysis of characteristics shows that it would benefit community radio broadcasting stations in Thailand to strategise their functions to reach public engagement.

8.3.1 Strengths

Based on the policy documents and interviews with various stakeholders regarding radio broadcasting in Thailand, the research has discovered there are two significant strengths that non-profit radio broadcasting have in the country. They are the long-term relationships between the stations and their teams and the local content related to local listeners, which help the radio stations to stand up for the operation of the public sphere.

8.3.1.1 Relationship between the stations' beginnings and their teams

A strength that radio broadcasters have been working with PSB principles is loyalty. Many operators and management teams have been with the stations since their inception. The relationship between founders and stations tends to last for many years, with all interviewed radio stations saying their personnel have stayed for more than five years. If the stations were to be discontinued, this would mean the personnel who function within them would be devastated.

Despite various problems of policy enforcement discussed in section 8.2 above, many personnel in non-profit radio stations have agreed the stations can survive today because of their relationships with the stations and good will towards their communities: '*If I were not passionate about the radio operation, the station would not broadcast*' *(Anurak Chai-apai, Doikaew People station, Chiangmai, 2021).* The funding model within the NBTC policies for radio stations is not economically viable, which restricts public funding in support of community radio stations as analysed in section 8.2.4, and the policy directions are not liable to sustain the communication spaces of collective individuals or the public sphere. However,

the survival of stations remains because of the broadcasters who believe in what they are doing and are passionate about their work.

After long suppression by government authorities, as recognised in written policies and enforcement, the strength of Thai communities and public empowerment has nevertheless been formulated. Many stations are self-reliant without any provision provided by the state.

> *We cannot blame or expect radio stations which rely on their communities for their existence, but the state must work on structural and policy practices that have never been made available. The strongest and toughest stations are survivors using their own resources (Supinya Klangnarong, Cofact and former NBTC, 2021).*

Many non-profit radio stations in Thailand have been completely committed to the public sphere but have been destroyed by the government centralised authoritarian structure. In addition to the relationship of the radio stations and their teams, local area content reaching listeners for them to participate in is also important for survival of the stations.

8.3.1.2 Local content related to listeners

The existence of non-profit radio stations is helpful for the democratic well-being of Thailand, and acknowledges that people maintain their own identities, culture and rights. Contributing to the theories of the public sphere outlined in Chapter 2, community radio in Thailand expresses local views with their own operational methods to targeted audiences who are satisfied with their programme content.

The content is thus another significant strength of non-profit radio broadcasting in the country.

To illustrate, *Map station* in *Chiangmai* said that immigrant labour in workplaces in the north of Thailand needs information and issues related to social welfare and that public health issues are misunderstood. The station is a place where people can ask for basic help and it supports the workforce in the area. The station is also a space where audiences can share opinions.

> *The fascination for the community radio station is local news, which provides information. Local people can be citizen journalists and report any incidents in which they are involved (Decha Saiboontang, Dansai People station, Loey, 2021).*

In the Covid pandemic, local stations, including commercial local stations, were very helpful for listeners in their areas by providing health care information and publicising relevant news provided by the government to raise awareness of Covid issues.

> *Not everybody can access digital platforms*, *so community radio in the analogue system is a way for the government to communicate to campaign about healthcare (Siam Hattasongkro, MP from the Pheu-Thai Party, 2021).*

To create a collective society through the grassroots, community radio has strong local information on hand as an insider. '*Community radio is a mechanism to develop society because people who help local works know the relevant information.*' *(Siripol Sajjaket, Takham station, Songkla, 2021)*. Community radio

is therefore essential for a democratic society to inform local people about their areas.

Because of the strong relationship of the stations with the people who work in them and the local content, and in order not to infringe any policies or incur legal charges, this has led many radio stations to abide by the NBCT regulations. At the same time, the radio stations work to obtain the necessary provisional licences to support their beloved communities.

> *Although the stations are not happy with the regulator and policy enforcements, they are nevertheless ready to follow the stipulated regulations because they want to maintain their operational status (Pansa Rod-ard, Thammasat University, 2021).*

This strength of community radio stations in Thailand is central for a democratic society serving PSB principles. The public sphere in community radio in Thailand allows citizens to take part in communication and have an ability to communicate with established power and other citizens, which in this case might be the government at national and local levels and people in local communities.

In Tracey (1998), the public sphere in the media presents and fosters democratic activities in organisations, which link people together, and community radio in Thailand has long served the public sphere in local Thai society when mainstream radio PSB has not operated. The relationship of stations and their content underlie the operation of PSB principles. Nevertheless non-profit radio stations have to be concerned about their weaknesses, as set out below.

8.3.2 Weaknesses

Weaknesses of non-profit radio broadcasting in Thailand include a limited budget, lack of human resources and little technology input. These weaknesses are analysed in detail to understand radio broadcasting struggling to carry PSB obligations, and are possibly solved with feasible practices suggested in Chapter 9.

8.3.2.1 Budget

The budgetary issue mainly affects the broadcasting content, the use of technology, management, and other labour requirements necessary for the survival of radio stations. Because of the lack of finance, non-profit broadcasters are very overloaded with work in running the stations and have not enough time and are too tired to fulfil regulatory requirements, which is very important for operating within the industry in Thailand.

Non-profit radio stations gain income only from their donors, who in return are able to listen to the programmes without any specific demand for content. Aside from working on a voluntary basis, money received from organisations is very welcome for non-profit radio stations responsible for both programme quality and PSB principles provided for their audiences. '*If temples or foundations [provide] support, the station can survive' (Watcharapong Pintana, Chiangdao station, Chiangmai, 2021).*

On account of the lack of donations received, some community radio stations have to consider whether or not to stop broadcasting. It is noticeable that the

rating of stations and programme content varies according to the supply of donations. '*An easy indicator is if listeners still listen to any radio stations, donations are still provided*' (Decha Saiboontang, Dansai People station, Loey, 2021).

For their commercial counterparts, policy directions in policy documents consider profitability, but in reality commercial stations also have public obligations to their local listeners and communities in terms of presenting informative content. All local radio stations work closely with communities and local citizens, so financial support should be easily accessible from local governments. The *Thai Local radio association* in *Chacheongsao* and the *Local radio association* in *Roi-Ed* agree that local governments sometimes support their commercial stations.

However, in terms of gaining public financial support, commercial stations are isolated, and have to find their sponsors with limited advertising time. They have to pay a higher licence fee than public and community broadcasters, and cannot access funds from the NBTC: '*The regulator thinks that advertisements may control and influence radio stations, but all stations already have their own opinions without advertisement control*' (Arnond Meesri, Local radio club, Nakhonsithammarat, 2021). The time allowed for advertisements for all radio stations is suggested to be sufficient for all stations.

8.3.2.2 Human resources and equipment

The operation of radio stations needs human resources, which is very worrying for small community stations. The voluntary basis of labour within local radio

stations confirms a basic need for professional skills of personnel to operate the stations. The lack leads to their disappearance.

Some community radio stations would like to gain support, including training in professional skills or useful information for the personnel to understand technology advancement and other issues: '*In 1997, several trainers and the NBTC educated radio stations which was very effective' (Wiwat Numarg, Suanpahualypood station, Pattaloong, 2021*). However, despite the demand for training, the NBTC does not accept that supportive coaching of non-profit radio stations is required, and does not understand the importance of supporting this communication platform of the public sphere.

The operation of local radio broadcasting in Thailand risks a personnel problem. Moreover, personnel working in community radio stations have to find financial support and recruit well-trained people to work. Many community stations interviewed understood the shortage of young people who are willing to work on a voluntary basis and have technical expertise in broadcasting systems. Without the labour and technical equipment, voluntary-based radio stations cannot create platforms where the public sphere operates.

As a result of the voluntary basis and principles governing radio broadcasting set up by the regulator for communities, human resources have not been subsidised by the regulatory body for small-sized radio stations, and a similar problem occurs with regard to equipment in local radio stations in the country.

Since radio broadcasting in Thailand still broadcasts through the analogue operating system, care of equipment is essential. This is particularly the case in rural areas where there is fluctuating weather, and where assistance is needed for these stations. As a result of the lack of funding to cover equipment maintenance, '*in thunderstorms, transmitting equipment is broken' (Saneh Jinajan, Lee People station, Lampoon, 2021).* This problem affects radio stations in faraway locations that attract thunderstorms frequently.

These weaknesses mean that community radio in Thailand faces problems, cited in Howley (2010), that the operation of stations have to rely on donations and other non-profitable support. Community radio in Thailand therefore has to struggle with not only the lack of funding and a labour shortage but also with pressure from the NBTC regarding the regulatory practices.

In the next section, the optimistic aspects of non-profit radio stations in Thailand are explored to determine whether public engagement in Thai radio broadcasting is possible. The possible opportunities also allow this research to optimistically project strategic public engagement of sustaining PSB principles.

8.3.3 Opportunities

The two main prospects of strong local support and listenership for the sustainability of not-for-profit radio stations in Thailand, which help the stations operate for their sponsorship and acceptance of the public sphere in the Thai media landscape, are discussed below.

8.3.3.1 Strong local support

Strong local support is very significant, owing to methods of donation and other support provided by communities. This strong community support is the main reason why non-profit radio broadcasting stations operate for their own communities, and is also the case with local commercial radio stations which gain sponsorship from local businesses.

> *Strong support of communities for stations is a community strength or a real indicator of the supporting locality. Community radio have social assets including capital, physical health, and brain power. This collectively enables stations to exist. Community support is beautifully the key (Supinya Klangnarong, Cofact and former NBTC, 2021).*

Social assets in communities help radio stations to be part of an informed society. Community radio gains societal support in the form of donations, local products, and labour to help the stations when needed. Audience participation with the stations is very important in the local community, despite the unstable political situation in the country.

8.3.3.2 Committed audience

The audience of local people is an index for local radio stations: whether to operate or to get out of the business. Many local stations have clear ideas about their popularity shown by donations, local phone-ins, and remembering radio announcers when meeting outside the stations.

Based on interview data, targeted audiences are mostly local senior citizens who stay at home, or workers in agricultural fields who can sometimes phone in about programmes. '*Many phone-ins are about* Lanna *(cultural) programmes and*

Dhamma *(religious) programmes at 5.00 am to 7.00 am every day' (Lee People station, Lampoon).* Despite lack of financial resources, community radio stations still want to continue the operation: '*to make people happy by listening and solving local problems' (Buapan Chukham, Ban-doong station, Udonthani, 2021).*

A solid audience is very important for sustaining local radio stations and contributing to the public sphere in communities. Lunt and Livingstone (2012) stated that this is embedded in local areas and connects with the global landscape. Moreover, according to Lunt and Livingstone (2012), the obligations of community radio to the community authority services, economic development, employment and workplace, culture and languages, diversities, civic engagement and volunteers appear in Thai community radio stations, which reflect the public sphere of non-governmental relations as a democratic society should.

The opportunities for local support and a solid audience allow community radio stations to obtain financial support, personnel, and a relationship with the local areas. However, there are threats to radio stations in Thailand to be aware of, which this research now points out.

8.3.4 Threats

There are threats to the operation and management of radio broadcasting in Thailand that work with PSB principles. Aside from the issues analysed in Chapter 6, section 6.3 of political instability, centralised and authoritarian government power regarding radio broadcasting, and weak performance of the regulator, two considerations discussed here are the economic situation of the

country and technological disruption (shown in Figure 8.8 below). These two risks
affect radio broadcasting in Thailand in all categories and at all levels.
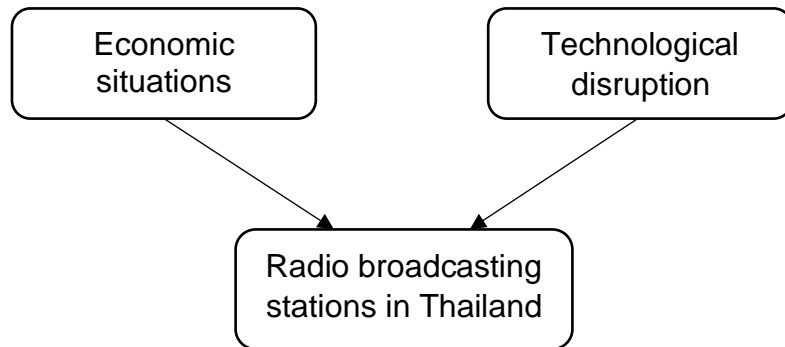
Figure 8.8 Threats to radio broadcasting in Thailand.

8.3.4.1 Economic threats

Thailand's radio stations were badly affected by the Covid-19 pandemic and
found it difficult to operate. In the radio broadcasting landscape of Thailand, the
government and military organisations, which own the radio broadcasting
frequencies, have their content co-producers.

> *Radio frequencies are managed as merchandise to be bought and priced*
> *regardless of their true benefits: for people to be educated […], respected,*
> *gain self-identify in ethnicities, cultures and genders (Jiraporn*
> *Wittayasakpan, Independent academic, 2021).*

In the official governmental structure of Thai society, '*capitalists are counted as*
huge stakeholders, used to the top-down structure in the auctioning pattern'
(Pijitra Suppasawaskul, Chulalongkorn University, 2021). Huge commercial radio
stations as well as small radio stations have also struggled with economic

conditions and the pandemic, and small radio stations have also dealt with government and military organisations: '*Sometimes the station asked to pay in instalments to frequency owners who co-produced programmes with them*' *(Apisit Poonnaniti, A-time media representative, 2021).*

For public and community services, some stations have been worried about their supporters who can no longer donate, which means the management team themselves have to supply the money to run the stations. *'Radio people need to have other main occupations before helping radio stations'* (*Ruangsak Choomwijan, Kasetporpieng station, Nakhonsawan, 2021)*, because working in local radio stations makes it hard for them to pay their living costs.

Although the economic situation does not directly affect radio broadcasting in Thailand with regard to both policies and policy practices, it is still a concern for running the stations, and the compulsory 'experimental' licence fees and transmitting examination fees still have to be paid off. Also, new technology poses a major threat to radio broadcasting in Thailand, as shown in the following subsection.

8.3.4.2 Technology advancement

Technology advancement has affected not only radio broadcasting but also other traditional media platforms. Radio stations in Thailand have been disrupted with regard to editing programmes and communicating with audiences, and the number of listeners has lowered because they have moved to other communication platforms to serve their interests.

For local small radio stations, technological advancement has meant they have been faced with a shortage of technological facilities as they have not been able to afford new devices. '*In Bangkok, [the change in] technology is very fast but it has been stagnant in rural communities, so community radio is significant for audiences who cannot move to smart devices*' (*Chankham Pooped, Nuekeon People station, Chiangmai, 2021).* To serve public needs and be a communication tool for Habermas's public sphere, radio broadcasting serves audiences with out-of-date technology and targets *'audiences [who] cannot use smartphones' (Wilaiwan Ponbandit, Nakhon Khonkaen station, Khonkaen, 2021).*

Target audiences of radio stations are users of simple technological devices, so it is pointless to employ online streaming for some local stations. '*Government support for prices and tax must go to the elderly' (Keesin Kussalanupap, Klaeng station, Rayong, 2021). A*ccessibility to local stations for people who are incapable of using modern technology needs to be supported: '*[F]ree internet access can be delivered in a practical way and supported for senior citizens' (Suthep Wilailert, NBTC officer and former CPMR, 2021). 'When the station broadcasts online, people cannot listen for a long time because they cannot afford the Internet' (Decha Saiboontang, Dansai People station, Loey, 2021).* Local community radio stations do not need to be equipped with up-to-date technological devices if listeners cannot access them.

Broadcasting policies have not improved as much as technological advancement. The regulator is unlikely to diagnose the need to cooperate with online policy

directives: *'NBTC has to work with the DES ministry because some stations now broadcast through both analogue and online systems to motivate active listeners'* (*Pansa Rod-ard, Thammasat University, 2021).*

Technological advancement and the economy are issues which have affected radio broadcasting in Thailand. Although a technological breakthrough would address the problem of monopoly ownership of radio broadcasting in Thailand, and the Internet might be widely used as a result of the non-allocation of radio broadcasting frequencies, technological advancement still contains threats to Thai radio practitioners, the regulator and users of analogue devices in the local provinces of Thailand. Accordingly, to tackle the threat to radio broadcasting in Thailand, careful consideration needs to be given to support stations with technological facilities and professional expertise. Otherwise, technological disruption will be likely to demolish the PSB radio broadcasting industry.

8.3.5 Characteristics of radio broadcasting stations functioning PSB principles

To conclude the discussion about the characteristics of radio broadcasting with functioning PSB principles in Thailand: there are pros and cons attached to sustaining PSB principles in the Thai media system. The strengths consist of the long relationship between radio and the management team, and local content provided by insiders. The weaknesses of non-profit radio broadcasters are the budgetary limitations and human resources related to maintaining the public sphere of community radio stations. Radio stations in Thailand still have opportunities for local based support and a solid audience, but there are threats

to radio broadcasting in the current declining economic situation and technological disruption, neither of which are exclusive to community radio.

The four dimensions of Hallin and Mancini (2004) are applied to analyse the regulatory practices and operation of radio broadcasting in the country. First, a high degree of strictly controlled content restriction is seen in both the policy papers and practices of Thai radio broadcasting. Secondly, a transparent degree of the relationship of political parties and media is seen when media companies have co-produced radio programmes with government and military-owned radio stations through concession agreements. Thirdly, a journalistic professionalism has not been formally developed between radio broadcasters and stations because of radio broadcasters' concerns to follow the strict policy enforcement, although the public sphere in community radio occurs in sharing information at gatherings. Fourthly, state intervention has been set out at a high level in the policy paper in the 2021 section amendments of the Organisation Act of 2010, together with a strong authoritarian role of the NBTC as regulator.

Following other Asian countries modelled by Hallin and Mancini (2004), the media ecosystem of radio broadcasting in Thailand is categorised as within the Polarised Pluralist model. This is confirmed by the military and unstable democracy in Thailand as categorised within the Polarised Pluralist model. Radio broadcasters operating in Thai community radio, which functions with PSB principles to sustain the public sphere, resist the media system of Thailand, as shown in Hallin and Mancini (2004)'s Polarised Pluralist model, to survive and

operate their stations, although the regulatory framework and practices are causing the sustainability of community stations to deteriorate.

8.4 CONCLUSION

In this chapter, the analysis of Thai radio broadcasting through policy documents and practices has been studied to determine whether the PSB goals of editorial independence and autonomy of governance can be achieved. The considerations of this chapter have been divided into two main sections: regulatory implications and characteristics of radio broadcasting in Thailand serving PSB.

In the paradigms of programme content and administration, section 8.2 about the regulatory implications comprises frequency allocations, licensing procedures, editorial independence and funding support. The independence of content and management of radio broadcasting in Thailand has been depicted, taking into account PSB principles.

Before 1997, radio frequency ownership had been monopolised by the government and the military. Because the regulatory framework allocating radio frequencies has been mentioned since the 1997 constitution and seen in Chapters 6 and 7, frequency allocation as a national resource for public use and interests has been analysed as a scheme for gaining independence. Licensing is a constructive indication of the long-term existence of radio stations with functioning PSB principles in a democratic society. The licensing process has exposed the complicated procedure for local radio stations to receive a temporary

'official' broadcasting licence. The regulatory practices of the frequency allocation and licensing routes have not been measured to help radio stations to manage themselves.

Additionally, the regulatory practice of substantial editorial independence is analysed through the regulatory framework provided and enforced for radio stations nationwide. In the case of community and public stations, the NBTC's obligatory content specifications are impractical for many areas. Also, the analysis of funding support has shown that there are various concerns about the practical government official procedures for funding which are seen as obstacles.

With regard to regulatory practices, all four analysed actions are problematical concerns that may demolish the public sphere of PSB principles of radio broadcasting operations in Thailand, shown in Figure 8.9. Despite the intention of the constitutions, frequency allocation has not been delivered by the NBTC. With low funding support and strict content requirement, radio stations are permitted to have only an annual experimental broadcasting licence, and the public sphere of radio broadcasting in Thailand has worsened by an increasingly centralised authoritarian power of government and military organisations, together with the NBTC.

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          ┌─────────────────────────────┐
          │  Few radio frequencies returned │
          │  by governmnet and military    │
          │       organisations            │
          └─────────────────────────────┘
                        │
                        ▼
          ┌─────────────────────────────┐
          │   No radio frequency allocation │
          │          by the NBTC           │
          └─────────────────────────────┘
                        │
                        ▼
┌────────────┐   ┌─────────────────────────────┐   ┌────────────┐
│ Low funding │═▶│ Experimental broadcasting licences │◀═│   Strict   │
│   support   │   │  given to local radio stations    │   │  content   │
└────────────┘   └─────────────────────────────┘   │ requirement │
                        │                            └────────────┘
                        ▼
          ┌─────────────────────────────┐
          │  Lowering transmitting power for local │
          │        radio stations         │
          └─────────────────────────────┘
                        │
                        ▼
          ┌─────────────────────────────┐
          │  Thai radio broadcasting service: a │
          │   blunt tool for the public sphere  │
          └─────────────────────────────┘
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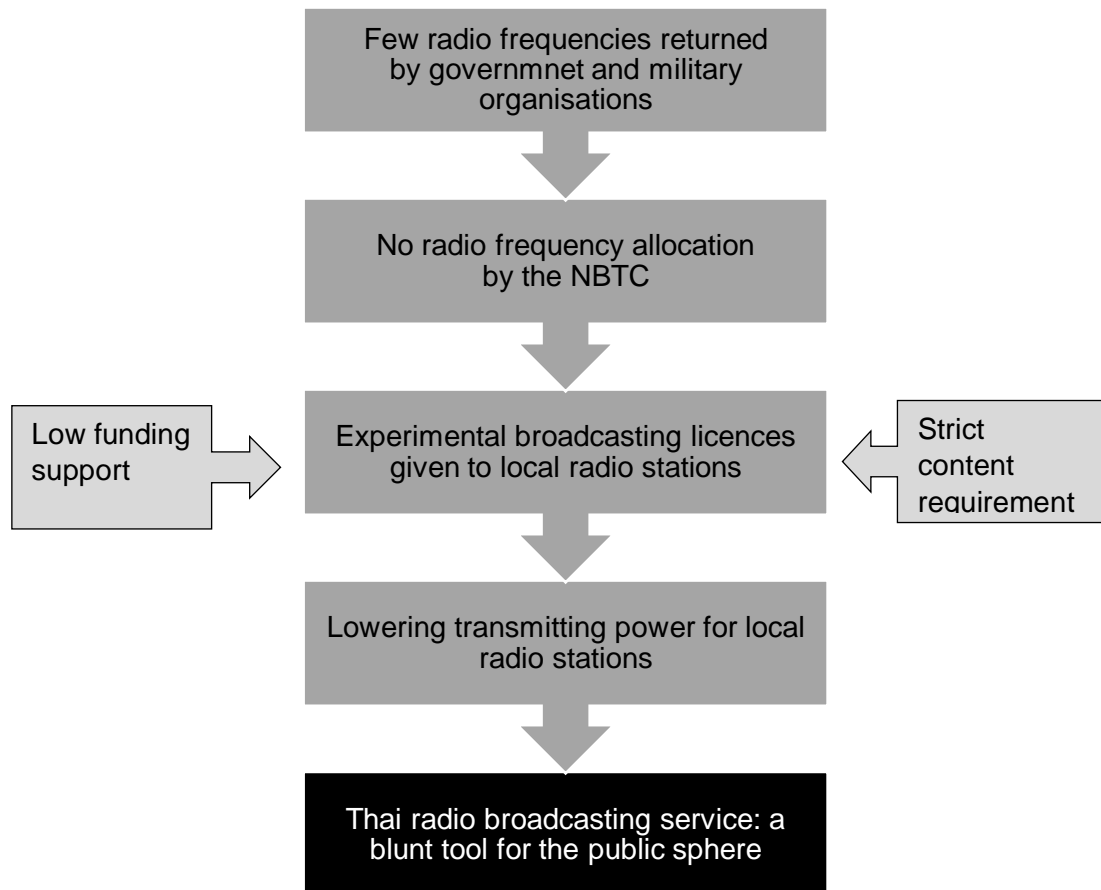
Figure 8.9 Results stemming from regulatory practices.

To specify and understand the characteristics of radio broadcasting in Thailand,
its strengths, weaknesses, opportunities and threats to the system have been
studied in section 8.3 through the framework of the radio broadcasters' public
sphere. The strengths are long relationships between stations and teams,
together with local content and a solid audience, while the weaknesses are limited
budgets and a lack of qualified and dedicated personnel. Local support and a
solid audience have been analysed to provide opportunities to sustain PSB
principles. The economic situation and technology interruption currently threaten
all categories of radio broadcasters.

To address the second research question: **How have the aspirations and objectives of the radio broadcasting policies in Thailand adopted between 1997 and 2021 been compromised by issues that have occurred in the country?**, analysis in this chapter confirms that the NBTC does not appear to value public interests in the media settings of radio broadcasting in local areas of Thailand. Despite the appetite for community radio stations in Thailand and clear contribution to the public sphere, the regulator does not appear to be willing to facilitate better funding and more stability than the current (2021) practices.

Nevertheless, community and public radio stations in Thailand have carried PSB principles in their operation as a collective space of the public sphere. Public interests are exercised cooperatively, especially through community radio stations which struggle to survive with self-supporting measures within their communities.

In Chapter 9 the conclusion of this research is set out, along with suggested feasible changes to the legal framework and actions related to supporting PSB principles in the public sphere. Radio stations providing PSB in Thailand would then be able to achieve public engagement and citizen empowerment as a collective space in a democratic society.

CHAPTER NINE

CONCLUSION

9.1 INTRODUCTION

Today, at a time of technological advancement, radio broadcasting is seen as an out-of-date, traditional media platform, but for marginalised people radio is still widely relied upon to inform and be informed. Radio, especially through the analogue broadcasting system, remains the main broadcasting channel in rural areas of Thailand. In fact, radio broadcasting remains one of the main media platforms in Thailand as a whole: 9.7 million of the Thai population aged twelve years and over listened to radio broadcasting in 2021 (Infoquest, 2021a).

In Thailand, before 1997, when the market was not allowed to function, radio stations were unable to serve the public need for local information because the programme content targeted to its audience was served by the governments and military organisations who were the radio frequency owners. All mainstream radio broadcasting frequencies are still owned by government and military organisations today (2021), and media companies participate in programme production through concession agreements with the government and military-owned radio stations.

Based on the 1997 constitution, some media reforms have resulted in allowing radio broadcasting for the public interest, and community radio stations have complied with the notion of Habermas's public sphere to be collective spaces of, and for, individuals. It is worth noting that at the launch of the 1997 constitution

there was no identification of broadcaster categories, and broadcasting from local radio stations then featured both commercial and non-profitable types. The 1997 constitution that unlocked the radio broadcasting ownership structure, brought about the beginning of community radio stations that served the public interest and were known as unlicensed broadcasters during a non-regulatory period.

Through consequent substantial changes that took place in radio broadcasting, which are from political situations that government control over radio broadcasting business and public resistance (in Chapters 6 and 7), radio broadcasting policy-makers have issued policies for commercial, community and public types of broadcasting. The PSB concept has been legally accepted and progressed, although the allowance of frequency allocation and access to broadcasting licences have not been followed through in official procedures.

Following the widespread application of PSB principles in the world before Thailand became aware of what these were, theories of comparative media systems (set out in Chapter 3) enable the researchers of radio and television broadcasting to understand the basic elements of PSB and the framework within which PSB can exist. Although theories of comparative media systems mostly appear within Western countries, and are perhaps hard to define within Asian countries, some of these characteristics are adaptable in certain contexts, and are potentially projected to characterise PSB in the Thai context.

Surrounded by countries where media systems are identical on account of their social and political contexts, Thailand's media system contains unique

characteristics where the military are still in power in government-related contexts. The country's radio broadcasting policies and practices are unique, with unique regulatory frameworks. Governance through policy documents and practices do not support the public sphere of radio broadcasting with PSB principles.

This research has set out routes to answer the research questions contained within and achieve the research objectives undertaking data collection, with analysis of policy documents and interviews as set out in detail in Chapter 5. The data collection has been guided through thematic analysis to provide a theoretical framework of the public sphere and PSB assisted by qualitative computer assistance.

The data analysis in Chapters 6, 7 and 8 shows the development, outcomes and operation of radio broadcasting in Thailand through community radio, people engagement and self-management. As a result, radio broadcasting in communities is a communication method to approach Thai people in local communities and fulfil its role in the public sphere as a public service broadcaster, while Thai PBS cannot function as a service in radio broadcasting as a result of a lack of regulatory actions. Community radio stations in Thailand therefore broadcast information, education and entertainment for the public in local areas where both operators and listeners are actively involved in station programmes and management.

To substantiate the regulatory framework and its implications for radio broadcasting in Thailand, this research has presented a theoretical framework in terms of Habermas's public sphere for PSB in media systems to enable an analytical understanding of policies and their enforcement. In this concluding chapter, the key findings of the study to answer the research questions are recapped for proposing feasible practices.

9.2 KEY FINDINGS OF THE STUDY

This section of key finding aims to address the research questions, which have been set to investigate radio broadcasting in Thailand, together with aspects of the regulatory framework and policy practices to understand the direction of policy and its enforcement. The two main research questions are as follows:

Research questions (RQ)

RQ1:

How have radio broadcasting policies in Thailand developed after the period of media reform (1997–2021)?

RQ2:

How have the aspirations and objectives of the radio broadcasting policies in Thailand adopted between 1997 and 2021 been compromised by issues that have occurred in the country?

To address the research questions, the data analysis in Chapters 6, 7 and 8 of this research is based on both radio broadcasting policy documents and virtual

and face-to-face interviews. To answer the first research question, the background prior to 1997 of Thailand's radio broadcasting has been discussed and analysed in Chapter 6 to familiarise the reader with radio broadcasting in Thailand. The policy background after 1997 and policy directions set out in Chapter 6 are also devoted to the first research question. The first research question and answers have led the researcher to understand the policy intentions to bring about other later policies and outcomes (in Chapter 7) and the regulatory practices of stakeholders (in Chapter 8), which are explained to address the second research question.

Linked to the second research question, after reviewing the policy developments in radio broadcasting in Thailand between 1997 and 2021, this research attempts to understand the issues affecting the legal framework and practices of radio broadcasting. The issues and their implications are analysed on the basis of policy changes, and help this research to answer the second research question about the intention and practices of post-1997 policies of radio broadcasting in the country, and the feasibility and regulatory structure of PSB principles in Thailand's radio stations. To respond to the second research question, the policy practices of stakeholders in the interviews have been examined, together with the issues and aspirations, as well as the challenges, that radio broadcasting policies have set in Thailand (discussed in Chapters 6, 7 and 8).

Both research questions are linked in terms of causes of policy developments (shown in the first research question) and consequences as factors influencing Thai radio broadcasting policies (shown in the first research question) and policy

practices to achieve the policy intentions (shown in the second research question).

In the current (2021) condition of radio broadcasting in Thailand, the policy development and practice consequences of radio frequency allocation, legal issuing of official licences, control of programmes and approval of public funding for small-scale stations. These analysis in Chapter 6, 7 and 8 aims to improve public sphere of radio broadcasting in Thailand. The key finding of situations and development of radio broadcasting in Thailand with the concentration on the public service is written below.

9.2.1 Situations of public-serviced radio stations in Thailand

To achieve the aims of public sphere, public service broadcasting principles regarding content and accessibility for audiences have been practically applied in local radio stations, including community and public categories owned by non-profit individuals and organisations through their stations' operation. The programme operation of non-profit radio stations in Thailand satisfies their audiences in many distant areas of the country and completes the PSB mission of accessibility for all and provision of programmes for a diverse population. The limits of radio broadcasting in Thailand are written below to verify the regulatory practices of PSB principles in Thai radio stations, and show that the NBTC regulatory structure has not in practice proved strong in the enforcement of NBTC laws.

The legal enforcement of the regulatory framework, which has given power to the NBTC, has not been put into effect to support the public sphere in Thailand to reach a democratic system of radio broadcasting. Meanwhile, policy amendments to broadcasting have continued to lower the NBTC's regulating power and at the same time increase the government's control and centralisation of radio broadcasting policies. Local radio stations have had to deal with problems of interference by the official Thai government structure, and legal constraints of the regulator's actions have resulted in the intrusive authoritarian power of military governments.

Thai radio broadcasting for local communities has served local people with aspects of PSB values, rather than the official public Thai PBS station, for more than twenty years after the birth of community radio following the 1997 constitution. Despite interference in Thai radio broadcasting from government and military interests, community radio with its functioning PSB principles has existed with donated financial support and solid audiences through self-management of the stations' operation, while the regulatory practices of the NBTC are not supportive of PSB.

Aside from regulations and policy directions of radio broadcasting in Thailand that are reducing the independent level of the regulator's control and increasing government authority, there are complex regulatory practices of radio frequency allocation, legal issuing of official licences, control of programmes and approval of funding for small-scale stations, which negatively affect them in sustaining PSB

principles. These have been examined in the operation of radio broadcasting and actual practices in policy documents and virtual and in-person interviews.

The radio broadcasting frequency ownership is supposed to be in the hands of public broadcasters. However, the decentralisation of radio frequencies and their return to the NBTC from the government and military organisations has not yet occurred. Also, Thai PBS has not yet been provided with a radio frequency allocation to function its obligation as a PSB radio service. The official licensing to allow local non-profit radio stations to broadcast long term has been delayed until now (2021), and this process has been analysed in this research through the lens of the public sphere and framed with media systems in other countries where regulation is more effective.

Central to PSB core concepts is the editorial independence of radio stations in Thailand. The programme schedule is strictly regulated and has to be approved by the NBTC annually defined by the Broadcasting and Television Businesses Act of 2008. Another issue is the funding process, which causes problems to community radio stations where financial support is unstable and dependent on donations. The rural non-profit stations have to be involved in many complicated official steps and consent to a number of official government documents. This constrains local radio broadcasting stations from operating securely and eliminates their ability to access the public sphere for their information needs.

In the current (2021) situation of radio broadcasting in Thailand, especially community radio, the analysis proves that the policy implementations result in the

unstable status of community radio in Thailand. Community radio has to find a way to survive under the complicated documentation process of licensing and public funding applications. On top of that, the community radio stations have faced strong government control over the regulator and other radio stations owned by government and military entities. This situation of community radio stations in Thailand can hardly reach the aims of public sphere sustainability in Thailand, which is presenting themselves as a democratic country.

9.2.2 Policy developments and their legacies after 1997

In the legislative procedure, policy-makers, media academics and advocacy groups have been involved in initiating and proceeding with the regulatory framework. Later, the independent regulator, the NBTC, and other government bodies have been involved with the implementation and enforcement steps relevant to radio programmes. With regard to legal practices, radio broadcasting stations, content providers and the regulator are the main stakeholders. Figure 9.1 shows three main regulatory actions.

Legislative procedure	Implementation and enforcement	Legal practices
Policy-makers	Independent regulator	Radio broadcasting stations
Media academics and advocacy groups	Government bodies regulating content	Broadcasting content providers
		Independent regulator
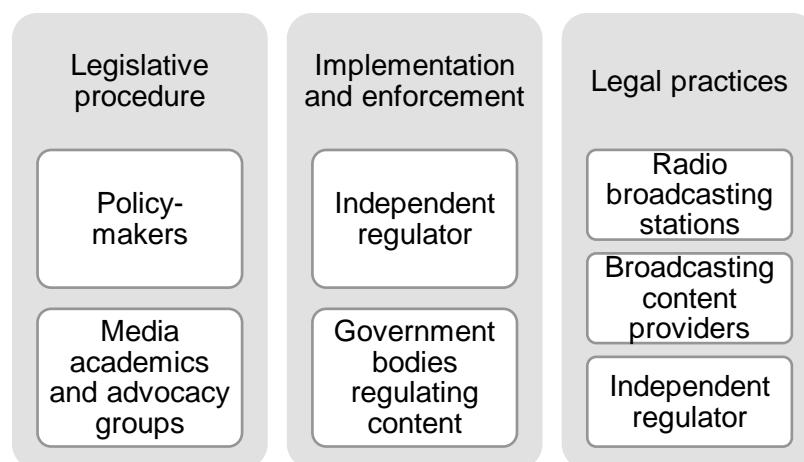
Figure 9.1 Radio broadcasting policy sequences in Thailand.

In terms of legislation, radio broadcasting policy documents and interviews have been undertaken in Thailand through the lens of the public sphere and PSB. The policy documents analysed comprise constitutional laws after 1997, which have allowed public use of radio broadcasting, and, in turn, have resulted in subsequent laws. The analysis of the policy evolution prior to 1997 has determined 1997 to be the point at which radio broadcasting had first been legally recognised by law-makers.

In Table 9.1 below, the researcher summarises the policy development regarding PSB principles in radio broadcasting, with the intention of showing the decreasing independence of, and increasing control by the regulatory framework over, radio broadcasting in Thailand. This is shown to be impacted by the last two coups and military governments, which took over with strict regulatory procedures that govern the country.

PSB principles	Constitutions before 1997	1997 constitution	2007 constitution			2017 constitution
	Broadcasting Act of 1955	Organisation Act of 2000	Organisation Act of 2010	Broadcasting and TV Businesses Act of 2008	Thai PBS Act of 2008	Sections amended in 2017, 2019, 2021 of the 2010 Organisation Act
Funding support	No	Yes	Yes	Yes	Yes	No
Governance autonomy	No	Yes	No	Yes	Yes	No
Editorial independence	No	Yes	No	No	Yes	No
Content accessibility	No	Yes	No	No	Partial	No
Geographical universality	No	Yes	No	No	No	No

Table 9.1 PSB principles and regulatory frameworks pre- and post-1997.

In Table 9.1, the pre-1997 constitutions were seen not to be reachable for the public sphere in radio broadcasting since there were no PSB principles regarding funding support, governance autonomy, editorial independence, content accessibility and geographical universality. After 1997, the radio broadcasting policies are understood to be more aligned with PSB principles. However, not all PSB principles are successfully translated into practices. So, the 1997 constitution aims to reach all PSB principles by allowing public usage of radio broadcasting.

Initially, policies after 1997 were aimed to reach the independence of the NBTC, while the NBTC as a regulator attempted to balance all stakeholders, including

the government and military authorities that owned the radio broadcasting frequencies. Central to the public sphere of radio broadcasting in Thailand, the researcher has noted that subsequent written policies and law enforcement of the NBTC are not conducive to achieving PSB (as set out in Chapters 2 and 3).

Apart from the 1997 constitution and relevant policies that were initiated, which opened up broadcasting spaces for the public, the two coups of 2006 and 2014 that followed, and which are linked to the second research question, have affected other policy directions and are seen to be detrimental for the public given the enforcement of later policies by the NBTC, the so-called 'state independent' institution.

However, after the two coups and the administration of military governments, the constitutions of 2007 and 2017 were re-written to downplay PSB principles (in Table 9.1). For instance, under the 2007 constitution, the Organisation Act of 2010 allows community radio to apply for public funding in legal terms while other issues of governance autonomy, editorial independence, content accessibility and geographical universality have not been recognised. In the Broadcasting and TV Businesses Act of 2008, public funding and government autonomy were mentioned. Nevertheless, the policy practices have not been in place at ease for community radio to access. For the Thai PBS Act of 2008, almost every PSB issue is covered in the legal documents, except geographical universality that the Thai PBS Act of 2008 does not show the importance.

Later, the military government after the 2014 coup brought about the section amendments of the 2010 Organisation Act in 2017, 2019 and 2021. This truly shows that all PSB principles are ignored in the documentary policies, so the regulator and other regulatory officials strictly follow them in practice. Therefore, in the present (2021), the community radio in Thailand is still struggling to survive economically by themselves through tough regulatory documents and practices while maintaining editorial independence and upholding PSB principles.

Observed in the online interviews obtained from NBTC representatives, the regulatory power the NBTC holds is perceived to function to adhere to the demands of government entities, which has alarmed personnel in radio stations in local areas. Despite public awareness of the 1997 constitution (which was withdrawn by the 2006 coup), the regulator has not seemingly been involved in the enactment of independence of stakeholders and the public sphere in community radio.

Consequently, the data analysis of interviews and policy statements regarding radio broadcasting (in Chapters 7 and 8) has shown that the policies and regulatory practices are not going to reach, and will worsen, Habermas's public sphere in the Thai media ecosystem. The media system of Thailand is relevant to other Asian countries in terms of the social and political contexts (reviewed in Chapter 3) with the analysis of comparative media systems, along with Hallin and Mancini's (2004) Polarised Pluralist model.

9.3 CONTRIBUTION OF THE STUDY

The following section highlights the contribution of the study of radio broadcasting in Thailand towards the attempt to reach PSB principles in the scope of the public sphere, despite no Thai radio broadcaster currently categorised as a public service broadcaster as seen in the West. This section has many concerns regarding the regulatory framework and practices of radio broadcasting in Thailand.

9.3.1 Theoretical contribution of the study

This section summarises the theoretical contribution of this research on radio broadcasting in Thailand in relation to the literature reviewed in Chapters 2 and 3 regarding the public sphere, PSB and comparative media systems, which allow PSB to function and be sustained in society. Figure 9.2 below has briefly portrayed each theoretical contribution of this study.

- Community radio stations as the practical structural platform for the public sphere.
- Community radio stations as the collective space of individuals.
- Non-profit local radio stations with informative, entertainment and educational content.

- Emergence of local community radio stations caused by market failure of the monopolistic radio broadcasting industry.
- Before 1997, the radio broadcasting market in Thailand did not fulfil consumers' needs.

Public sphere

Market failure

Thailand context

Radio broadcasting in Thailand

Comparative media systems
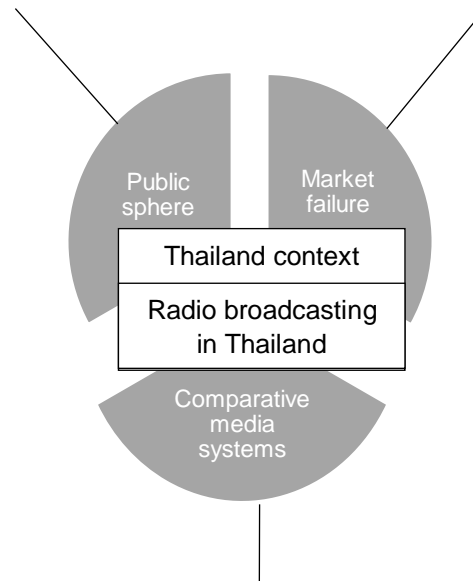
- Seen as Polarised Pluralist model (Hallin and Mancini, 2004).
- Seen as low democratic model (McQuail, 1992)

Figure 9.2 Theoretical framework of radio broadcasting in Thailand.

Thailand's community radio stations in local areas adopt Habermas's lens of the public sphere in broadcasting practices through their informative, entertainment and educational commitments to their intended audiences. Non-profit radio broadcasting stations have expressed an authentic space for individuals to share their views regarding public interests.

Public service broadcasting principles of Accessibility and Universality have been seen in community radio broadcasting stations in Thailand without any official public service radio broadcasting being set up by state institutions through the public sphere created. Community radio broadcasting stations in local areas in the country intuitively realise PSB values in their station operation and programme content.

One of the main causes of radio broadcasting stations functioning with public service values is market failure. Thailand's current public radio broadcasting output cannot fulfil listeners' needs of informative, entertainment and educational content. Because government and military organisations own the radio frequencies in the country, local people have established their right to communicate through a platform of radio broadcasting operated and managed by individuals in community radio.

When compared to other Asian neighbouring countries, Thailand has a similar background and shared values in terms of its media system. The instability of the country's politics and societal regard of media systems causes fluctuation of policy implementation and continuation of a poor quality radio broadcasting operation. Radio broadcasting in Thailand currently lives with an unknown future and strict control over its operation by the NBTC, which backs the authoritarian government.

From the NBTC perspective, policies regarding PSB principles in Thailand are interpreted and treated differently from Western countries where people rely on

their PSB institutions. As shown in Chapters 6, 7 and 8, all mainstream radio broadcasting stations categorised as public broadcaster in the country are used by the government and military organisations for the purposes of their public relations, which is interpreted as a national benefit. This is not only to blame the NBTC as regulator but also policy documents written to direct broadcasting industries to compromise with government and military entities.

This research of radio broadcasting in Thailand has contributed to the theories reviewed by presenting a structural form of the public sphere, market failure that has occurred in the radio broadcasting industry, and Hallin and Mancini's (2004) Polarised Pluralist model, which portrays radio and television stations as being likely to be seized by military coups, and McQuail's (1987, cited in Humphreys, 1996) low democratic model of comparative media systems as a result of the influence of military and government organisations. In the following section, the empirical contribution of this study is clarified to underline the research's contribution to radio broadcasting in Thailand.

9.3.2 Empirical contribution of the study

Data collection has been achieved by the purposive selection of scrutinising policy documents and by conducting semi-structured interviews regarding radio broadcasting in Thailand. For the data analysis, the approach has been a thematic analysis through coding and patterns of indicated themes to confirm the datasets of policy documents and interviews.

The empirical contribution of this study has been to systematically explain the regulatory and operational characteristics of radio broadcasting in Thailand. Based on the linkage of policy details and their enforcement, it has been found that stakeholders, including radio stations and the regulator, are significantly devoted to the development and influence of radio broadcasting in Thailand.

The researcher has focused on the characteristics of radio broadcasting stations to understand radio broadcasting as a result of policy enforcement and station operations. Existing radio broadcasting policies have been identified and these have formulated other potential related policies.

The characteristics of radio broadcasting stations in Thailand, particularly in the community category, are shown to be problematic, with limitations of budget, personnel and low technological equipment, along with problems relating to the downturn of the economic situation and technological interruption. More positively, radio stations are shown to broadcast local content and their audiences are not only supportive but also have a strong relationship with the stations.

Seen through the lens of local radio stations, the NBTC's policy enforcement is deemed to be too strict. Because local radio stations are weak, support needs be given to help with their operational procedure. Station personnel are willing to be trained with dealing with the necessary documentation, with technical skills, and with other help needed for their stations to function. The regulatory enforcements are seen to be challenging for local radio stations acting with PSB principles.

It would be helpful if radio broadcasting stations in Thailand formed a collective group to negotiate with the regulator and / or other government-related organisations about policy enforcement. This would help radio stations to gain support for their stations, particularly those in local rural areas. The current government and military resistance to radio stations' operations in local areas with the lack of radio frequencies and pressure and policies of authoritarian power that is destroying the public sphere is very threatening (see Figure 9.3 below).
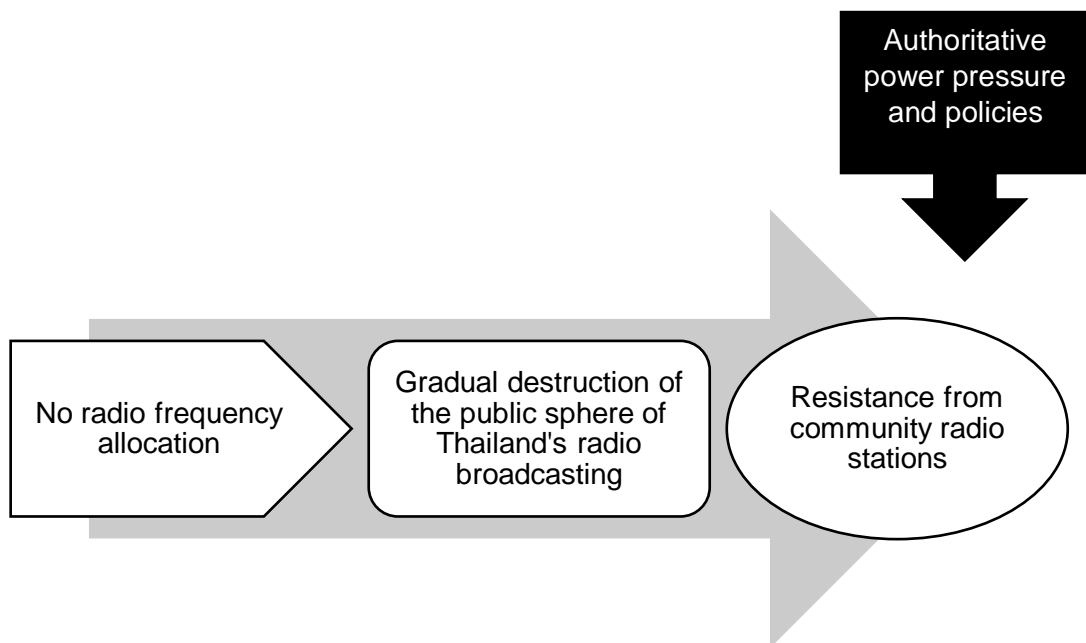
Figure 9.3 Effects of regulatory practices and the lack of radio frequency allocation on community radio stations.

This research has shown the benefits provided by community radio in Thailand rather than by the public service station, Thai PBS, which cannot operate because of the lack of radio frequencies. Community radio plays a significant role with regard to PSB principles and serves the public sphere, although the

regulatory framework does not provide support for such stations to operate. Public engagement of Thai PBS has not occurred because of the lack of audience outreach in Thai PBS programmes and the funding structure.

9.4 PROPOSED ACTIONS FOR CHANGES TO PUBLIC-SERVICE RADIO BROADCASTING IN THAILAND

To reach public interests as the main goal of radio broadcasters performing PSB principles, policy actions are proposed here. Public interests were realised at the start of the 1997 constitution, but were then withdrawn because of the 2006 coup. The 1997 constitution tried to direct radio broadcasting in Thailand to reach Habermas's public sphere. Principally based on the regulatory practices of Thai radio broadcasting (set out in Chapter 8), such as frequency allocation, licensing, programme content and public funding including facilitating procedures to radio stations, regulatory frameworks are proposed below.

To identify the potential policy framework, actions and measures of radio broadcasting are set out to approach the legal framework of regulatory practices, which are responded to by relevant authorities and based on rationales, set out in Table 9.2. This table aims to serve the goal of the public sphere through feasible methods to address the current challenging practices in Thai radio broadcasting.

Actions	Measures	Relevant legal framework	Organisations or people to take action	Rationales
1. Support local radio stations gathering in groups to strengthen themselves	Form networks of support groups and pressure the regulator to provide government-owned frequencies	Broadcasting Operation Act 2008; National Master Plans	Community/ public radio stations; advocacy groups	Self-supporting group networks so community radio stations can share information and experiences
2. Raise public awareness of PSB to local people and radio broadcasters	Campaign for, and publicise information about, PSB to be prominent in Thai society	2008 Thai PBS Act	Thai PBS; community radio stations; NBTC	To have awareness and understanding of PSB in Thailand and eliminate the misunderstanding of the service by government and the general public
3. Allow local radio stations to access funding application easily	Support funding, limited sponsorship with advertisements	2008 Broadcasting and Television Businesses Act; advertisement allowance; local government policies	NBTC; other government organisations in local areas	To financially sustain the public engagement of local radio stations
4. Suggest credible practices to the regulator	Redefine and amend the relevant policies,	2010 Organisation Act and its amended sections	Advocacy groups; academics; radio stations; NBTC; other regulatory	To allow the regulator to be independent, reliable and impartial

			entities; government-related organisations	
5. Allocate radio frequency waves to local radio stations	Request radio broadcasting frequencies from government and military-owned frequencies and allocate to local radio stations	2008 Operation Act; National Master Plans	NBTC; government and military-owned organisations	To leave local radio stations independent and stable
6. Legalise official broadcasting licences	Allow licensing for community radio stations	2008 Broadcasting and Television Businesses Act	NBTC	To permit local radio stations to access independent governance
7. Support other facilitating procedures	Provide training skills for dealing with official documents and operating the equipment	2008 Broadcasting and Television Businesses Act	NBTC; other government organisations in local areas	To facilitate the operation of local radio stations

Table 9.2 Suggested policy framework for radio broadcasting in Thailand.

In Table 9.2, the researcher has divided the proposed actions into two approaches. One is to reach radio stations that work through PSB principles and the public, while the other is targeted at the regulator and authoritarian government organisations. All proposed actions are made to maintain the public sphere of radio broadcasting in Thailand.

9.4.1 Proposed actions for broadcasters and the general public

The proposed actions, along with the measures, authorities and their rationales, are set to benefit public interests and independence of radio stations in Thailand to survive with PSB values. The actions are proposed to be delivered by radio stations and the public.

Firstly, grouping local radio stations into public and community categories allows them to launch a statement announcing their movement against the unfair policies and their implications of the authorities. The gathering together of small community radio stations helps them to resist the authoritarian organisations. To illustrate, since this research was conducted, an assembly of community radio stations has been created in an online chat group about radio broadcasting policies and relevant issues to support each other. In July 2021, this group made a statement to the NBTC requesting a public hearing before a new policy implementation of the NBTC.

Secondly, as many people in Thailand still misunderstand the obligations and definitions of public service broadcasting (PSB) in a democratic society, a campaign is required to inform the public of the importance of PSB institutions. This is significant for awareness of PSB as an institution for Thai society and the government. Meanwhile, proposals for organisations in authority are provided to sustain PSB principles to properly function in Thai society.

Thirdly, to allow easy access to public funding for community radio stations, the local stations have to voice their problems increasingly and show the importance of their existence in communities to all relevant entities. So, the regulatory bodies may have legal amendments for the practices of public funding along with the application process of broadcasting licensing for community radio. With this proposed action, the community radio stations have to form and strongly push their demand for government control.

Along with the demand to access public funding and official broadcasting licenses of community radio, the official documentation training and skill support to community radio stations is important to facilitate them to achieve public sphere through legal enforcement. The ideal behaviours for community radio in Thailand are to demand their citizen rights to radio broadcasting communication, stick to their ideology of public service in a democratic society and engage in their community as much as they can.

9.4.2 Proposed actions for the regulator

To address radio broadcasting regulatory practices in Thailand, the NBTC regulator is crucial for the regulation of radio broadcasting. The Thai government and the military are very powerful organisations, and their control authority of the NBTC is too strict for small radio stations. The current regulatory practices of the NBTC mean that public participation and the public sphere of Thai radio broadcasting is being destroyed.

In 1997, Thai society had seen the NBTC as an effective organisation that would promote policies to benefit the general public, but since that time many policies and practices set up by the NBTC affecting radio have caused problems, and have made Thai society reconsider the regulator in terms of its efficiency and administration. Hence the proposed action is to reform the NBTC by initially redefining and redrafting policies of the regulator responsible for radio broadcasting throughout the country.

The NBTC should allocate radio frequencies to local radio stations and Thai PBS. However, at present the NBTC does not want to be in conflict with government and military organisations and compensate them for their return of radio frequencies. The second suggested action, to bring about autonomy of administration to radio stations, is to legalise broadcasting licences by a designated timeframe granted to radio stations by the NBTC. This proposed action would allow community radio stations to have a legal and official status in society to maintain the public sphere in radio broadcasting in Thailand.

The third action should be to support skills and operational information, including training, and the fourth action should be to allow subsidies required to assist all radio stations nationwide. Training skills include skills to deal with official government documents and programming skills to enable the use of new media. Access to funding is also required. These supports would bring about long-term sustainability to local radio stations since radio people can apply these skills to other works in their future careers. In terms of maintaining PSB principles

functioning within community radio stations, action includes feasible measures to support the public.

9.5 LIMITATIONS OF THE STUDY

Throughout this research the policy documents and semi-structured interviews have been fully analysed in terms of the public sphere, market failure and comparative media systems. However, there have been limitations on account of situational variables. The fieldwork limitations mentioned below may be overcome in future research.

The limitations of fieldwork appear in the data of policy documents and their implementation, which are indeterminate and constantly liable to be changed owing to the military governments and unstable political situation in Thailand. Also, the NBTC is still attempting to have an auctioning process for commercial radio broadcasters and has still not implemented the frequency allocation authorised by the 1997 constitution with a clear timeline and expected outcome. This lack of clarity combined with an unclear direction of policies during the research period has limited the researcher with suggested options for ways forward.

There were various stakeholders in the radio broadcasting industry who were interviewed regarding policy-making, regulations, operations, broadcasting and audiences. The focus was on radio broadcasters and the regulator, and stakeholders involved in other parts of policy-making process, such as policy-

drafters, were not involved in the semi-structured interviews. They might provide insights into policy-making steps and legislative formulation in future research.

Moreover, many semi-structured interviews were taken through online video conferencing, since the Covid-19 pandemic meant that face-to-face interviews could not take place. The interviews were limited by time, poor quality non-verbal reactions and feedback related to the interviewees' backgrounds. Most interviewees in local radio stations in distant areas of Thailand preferred face-to-face interviews because of their low technological access to online devices, and under the given circumstances this was difficult to achieve for both them and the researcher.

Additionally, interviewees who were in military and government-related organisations were hard to reach and were concerned about the information they provided to the researcher. The researcher was required to submit official government letters before receiving permission to be allowed face-to-face interviews with these interviewees. Interviews proved difficult and took some time. Perhaps future research involving government and military personnel connected to radio broadcasting will be easier to obtain.

There were fieldwork limitations. After the analysis of policy documents and interview reports, it was difficult to come to conclusions and propose policy practices and a realistic operation of radio broadcasting stations to be provided by the regulator, broadcasters, academics and media advocacy groups.

9.6 ISSUES TO BE EXPLORED IN THE FUTURE

Since policies related to radio broadcasting in Thailand are not effectively functioned through policy papers and practices, further research to be explored may be projected from various perspectives to expand PSB and the public sphere. Below are issues which the researcher sees might possibly provide further research on radio broadcasting and PSB in Thailand.

9.6.1 Radio broadcasting frequencies in Thailand and the licensing process

Since the process of allocating radio broadcasting frequencies in Thailand to community radio stations has hardly begun and the auctioning process of the frequencies to commercial radio stations is continuing, the issues of frequency allocation and legal licensing of all types of radio broadcasting are still in question and might be investigated later. The ownership of radio broadcasting frequencies has not yet moved out of the hands of government and military organisations, which was authorised by the 1997 constitution. The stipulated regulations have not yet been completed. Importantly, these issues are crucially concerned with the space of the public sphere and are relevant to the entire media system in Thailand.

9.6.2 Survival of radio broadcasting in Thailand

After the analysis of policy documents and interviews relating to radio broadcasting in Thailand, it is clear that little support to radio broadcasting is given to radio stations by government. Though funding details are written in policy

documents, there are requirements and impediments that limit many local radio stations to request funding.

As a result, policies related to radio broadcasting in Thailand do not support the operation of radio stations and their existence within the spirit of PSB. The possibility of radio broadcasting operation in Thailand is unlikely to continue unless there is a fundamental shift in policy direction, and targeted audiences are likely to become extinct without any support and will tend to move to other platforms. This research would like to see future research aimed at the expansion of the scope of radio broadcasting in Thailand to ensure the survival of the public sphere in the Thai media ecosystem.

9.7 CONCLUSION

Prior to 1997, radio broadcasting in Thailand was possessed and managed by government and military organisations for many years. Media reform of radio broadcasting had been recognised as necessary by the public, academics and advocacy movements, and the issue as a state concern appeared for the first time in the 1997 constitution of Thailand, which focused on the radio broadcasting history of the country.

In the context of the media system and unstable politics in Thailand, radio broadcasting stations in Thailand have faced issues concerning regulatory policies and their enforcement. These concerns have resulted in the existence of small-sized radio broadcasting stations, particularly in rural areas of Thailand,

with low funding support, complicated governmental procedures, and the challenges of economic and technology disruption.

This research has analysed the radio broadcasting regulatory framework and practices in terms of the public sphere leading to PSB in the media system in Thailand. The discussion has suggested that radio broadcasting in Thailand has not been supported by its regulatory body, the NBTC, and other government entities in terms of training, facilitating resources and funding.

Notwithstanding interference, changes of policy and reluctance to initiate stipulated policies, radio broadcasting in Thailand has proved to be very informative and enlightening for Thai society, especially in distant areas, as a result of the PSB functions of community radio stations. Community radio offers great potential for the transition to democracy in Thailand because of its contribution to the public sphere. At the moment, however, this is a missed opportunity.

APPENDIX A

TIMELINE OF RADIO BROADCASTING IN THAILAND

Year	Political event	Radio broadcasting situation
1930		Started radio broadcasting in Thailand
1931		Allowing advertisement in radio broadcasting
1932	The first revolution from Absolutism to Constitutional Monarchy	
1939		Radio broadcasting moved to be under Advertisement Department
1946		Post Office Department broadcasted a radio station
1949		Other government organisations can own radio stations
1951	The 5th Coup d'etat of Thailand	
1955	government of General Por Pibulsongkram PM	- Broadcasting Act of 1955 - Other government organisations (4+) can own & operate radio stations - Started TV broadcasting "Ch 4 Thai Television"
1957	The 6th Coup d'etat of Thailand	
1958	The 7th Coup d'etat of Thailand	
1971	The 8th Coup d'etat of Thailand	
1975	government of M.R. Kukrit Pramoj PM	Radio and Television Regulation of 1975
1976	- October Massacre, Thammasat University	

	- The 9th Coup d'etat of Thailand	
1977	The 10th Coup d'etat of Thailand	
1987	the 3rd time of General Prem Tinnasulanond as PM in the government	Broadcasting Act of 1987
1991	The 11th Coup d'état of Thailand	
1992	May: Black May Protest June: the assigned government led by Arnand Punyarachoon of his second time of PM position	September: Radio and Television Regulation 1992 (Amended)
1997	Section 40 of the 1997 Constitution PM Thaksin Shinawatra government	Origination of 5,000+ radio stations in local areas
2000		BE 2543 Act of Broadcast Organisation. the Act was amended to merge to only one organisation.
2006	The 12th Coup d'etat of Thailand	
2007	2007 Constitution	
2011		Finished amendment of BE 2553 Act of Broadcasting and Telecommunication Organisation
2011		First board of NBTC commissioners
2010		Broadcasting Operation Act of 2010
2010		The registration process of temporary community radio and license consideration process can gather 7000-8000 stations
2012		The first National Master Plan (NMP) in the year NMP recommended the NBTC to request all frequency waves of radio broadcasting within 5 years in order

		to allocate and those of television broadcasting within 10 years with the total of 15 years
2012		Radio broadcasting which would meet its term of five years to allocate frequency waves was extended to BE 2560 and postponed to another 5 years.
2014	The 13th Coup d'etat of Thailand led by General Prayutr Chan-Ocha,	- Several local radio stations were shut down - Coup council extend the expiration time of NBTC commissioners - Coup council ordered to postpone allocation of radio broadcasting frequency waves
Late 2017		Public Relations Department requested to the government to amend its related policies to enable receiving income from advertisement of 8 minutes hourly
2019	Political election Government led by General Prayutr Chan-Ocha, the 2014 coup leader	
April 2022		Deadline of radio frequency wave allocation
2022		3-month Extension for public and community radio stations
May 2022		Started to auction for radio frequency waves for commercial category

The Interviewees Details of The Semi-Structured Interviews of

Radio Broadcasting Stakeholders in Thailand

1. Regulator

No.	Province	Organisation Name	Name	Position	Date
1	Bangkok (Online)	National Broadcasting and Telecommunication Commission (NBTC)	Ms Maneerat Kamjornkit	Executive Director	23/04/21
2	Bangkok (Online)	National Broadcasting and Telecommunication Commission (NBTC)	Asst. Prof. Thawatchai Jittrapanun, Ph.D.	NBTC Commissioner (2014-2022)	29/04/21
3	Bangkok (Face-to-face)	National Broadcasting and Telecommunication Commission (NBTC)	Mr Suthep Wilailert	NBTC Officer	15/02/21
4	Bangkok (Online)	National Broadcasting and Telecommunication Commission (NBTC) 2022: former in Blind Association of Thailand)	Mr Torpong Selanond	NBTC commissioner (2022)	06/05/21

2. Politicians/ parliament members

No.	Province	Organisation Name	Name	Position	Date
5	Bangkok (Online)	Move Forward Party	Mr Pakornwut Udompipatkul	Member of Parliament	30/04/21
6	Bangkok (Face-to-face)	Pua Thai Party	Mr Siam Hattasongkro	Member of Parliament, and Deputy of Committee on Communication, Telecommunication and Digitalisation foe Economy and Society	19/05/21

3. Academics, media experts and advocacy group

No.	Province	Organisation Name	Name	Position	Date
7	Bangkok (Online)	Faculty of Communication Arts, Chulalongkorn University	Associate Professor Pijittra Suppasawaskul	Head of Media Policy Centre	05/04/21
8	Bangkok (Online)	Faculty of Journalism and Mass Communication, Thammasa Univerisity	Asst. Professor Pansa Rod-ard, Ph.D.	Researcher on Radio Broadcasting	21/05/21
9	Bangkok (Face-to-face)	Independent academic	Assistant Professor Uajit Virojtrairat, PhD	Media Acedemics	20/05/21
10	Bangkok (Online)	Cofact Organisation, Mass Media Professional Organisation	Ms Supinya Klangnarong	Advocacy group, Former NBTC Commissioner	23/04/21
11	Bangkok (Online)	Independent academic	Ms Jiraporn Wittayasakpan, PhD	Researcher on Community Radio	21/05/21
12	Bangkok (Online)		Ms Pannaporn Paibulwattakij	Researcher	13/05/21
13	Chiangmai (Face-to-face)	Faculty of Social Science, Chiang Mai University	Associate Professor Kengkij Kitirainglap, PhD	Lecturer on Sociology	04/06/21
14	Bangkok (Online)	Faculty of Law, Thammasa Univerisity	Ms Thitirat Thipsamritkul	Lecturer on Media Law and President of Amnesty Thailand	04/06/21
15	Bangkok (Online)	The Article 19	Ms Pimsiri Petnamrop	Human rights activist	08/06/21

4. Government owned radio and state enterprise stations

No.	Province	Organisation Name	Name	Position	Date
16	Bangkok (Face-to-face)	Public Relations Office	Mrs Pitchaya Muangnao	Deputy President for the Central Radio	23/03/21
17	Bangkok (Online)	Public Relations Office	Mrs Tassanee Ponchago	Deputy President for the Regional Radio	01/06/21
18	Bangkok (Online)	Mass Communication Organisation of Thailand (MCOT)	Ms Titirat Poonchaikij	Former Executive Director of MCOT Radio	16/02/21
19	Bangkok (Face-to-face)	Broadcasting and Telecommunication Commission of Thai Royal Army	Army representative	Policy Director	09/06/21

5. Public service broadcaster in nation level

No.	Province	Organisation Name	Name	Position	Date
20	Bangkok (Online)	Thai Public Broadcasting Service (Thai PBS)	Associate Professor Wilasinee Pipitkul	Director of Thai PBS	29/05/21

6. Other Sectors (Reporters, Media Planner)

No.	Province	Organisation Name	Name	Position	Date
21	Bangkok (Online)	Newspaper based in Bangkok	Mr Chairit Yonpiam	Senior Reporter	29/04/21
22	Khonkhaen (Face-to-face)	The Isan Recorder	Ms Hathairat Pahontap	Director	29/03/21

7. Commercial radio stations co-producing with government-owned frequencies

No.	Province	Organisation Name	Name	Position	Date
23	Bangkok (Online)	A-time Media	Mr Apisit Poonnaniti	Assistant Vice President	18/03/21
24	Bangkok (Face-to-face)	Coolism Radio	Mr Parin Muensuksaeng	Director	19/03/21

8. Commercial Radio Stations

No.	Province	Organisation Name	Name	Position	Date
25	Ayudthaya (Face-to-face)	Balance radio station	Mr Tawatchai Sanyawiree	Director	08/02/21
26	Angtong (Face-to-face)	Angtong radio association	Mr Anurak Boonmuang	President	08/02/21
27	Nakhonsrithammarat (Face-to-face)	Local radio association	Mr Arnond Meesri	President	10/03/21
28	Songkla (phone call)	Mahanakhon Hatyai radio staton	Kookkai Rangsima	President	10/03/21
29	Roi-ed (Face-to-face)	Local radio association	Ms Rossarin Maneekorrakarn	President	20/03/21
30	Nakhonpanom (phone call)	Local radio club	Mr Satapon Songharn	President	30/03/21
31	Kalasin (Face-to-face)	Tai-Kalasin station	Mr Prasertsit Nititam	President	22/03/21
32	Chacheongsao (Face-to-face)	Thai local association	Mr Samrit Lamlert	President	06/04/21
33	Chonburi (Face-to-face)	Radio and television council	Mr Kittitach Putanapokin	Director	07/04/21
34	Rayong (Face-to-face)	Radio association	Mr Akkarachai Dechmoon	Director	08/04/21

9. Community Radio Stations

No.	Province	Organisation Name	Name	Position	Date
			The Southern Region		
35	Pattaloong (Face-to-face)	Suanpahuaypood Station	Mr Wiwat Numarg	Director	12/03/21
36	Trang (Face-to-face)	People Love Trang station	Mr Terdsak Ponprasit	Director	12/03/21
37	Songkla (Face-to-face)	Takham Station	Mr Siripol Sajjaket	Supervisor	14/03/21
38	Suratthani (Face-to-face)	Southern credit union station	Ms Lakkana Somchau	Coordinator	08/03/21
39	Nakhonsrithammarat (Face-to-face)	Chai choom pon pattana Station	Ms Rattana Teppitak	Coordinator	11/03/21
			The Northeastern Region		
40	Kalasin (Face-to-face)	Kuchinarai people station	Mr Kiattisak Siriket	Director	22/03/21
41	Khonkaen (Face-to-face)	Nakhon khonkaen station	Ms Wilaiwan Ponbandit	Director	29/03/21
42	Nakhonpanom (Face-to-face)	Tatpanom people station	Mr Khempon Chuatameun	Director	31/03/21
43	Roi-ed (Face-to-face)	Kohn muang ket station	Mr Prajak Asatong	Director	20/03/21
44	Loey (Face-to-face)	Dansai people station	Mr Decha Saiboontang	Director	28/03/21
45	Loey (Face-to-face)	Puluang people station	Mr Somyod Wipassa	Director	27/03/21
46	Sakonnakorn (Face-to-face)	Tai-so station	Mr Suwakon Pon-asa	Founder	20/03/21
47	Udonthani (Face-to-face)	Ban-doong station	Mr Buapan Chukham	Director	26/03/21
48	Surin (online)	For health radio station	Mr Supat Saisaengchan	Coordinator	09/06/21
			The Northern Region		
49	Chiangmai (Face-to-face)	Chiangdoa station	Mr Watcharapong Pintana	Director	02/06/21
50	Chiangmai (Face-to-face)	Lanna station	Mr Tanachart Duangwana	Director	04/06/21

51	Chiangmai (Face-to-face)	Nuakoen people station	Mr Chankham Pooped	Director	30/05/21
52	Chiangmai (Face-to-face)	Doikaew people station	Mr Anurak Chai-apai	Director	02/06/21
53	Lampoon (Face-to-face)	Lee people station	Mr Saneh Jinajan	Founder	31/05/21
54	Chiangmai (Face-to-face)	Map station	Mr Sangmuang Mangkorn	Director	03/06/21
55	Nan (Face-to-face)	Khon na-noi station	Ms Pattanakarn Chamnarnya	Coordinator	01/06/21
The West, Central and Eastern Region					
56	Kanchanaburi (Face-to-face)	Saiyok people Station	Mr Kan-anek Sornmala	Director	05/03/21
57	Kanchanaburi (Face-to-face)	Rodfaidorak station	Mr Choosak Boonsiri	Director	05/03/21
58	Chacheongsao (Face-to-face)	Khon bang prong station	Mr Tia Muangpa	Director	06/04/21
59	Chonburi (Face-to-face)	Tambon nareok station	Mr Boonchan Sootta	Director	07/04/21
60	Chonburi (Face-to-face)	Volunteer station	Mr Krittiwat Klangchai	Director	07/04/21
61	Nonthaburi (Face-to-face)	Khon-nont station	Ms Niwate Padjusamai	Director	20/04/21
62	Supanburi (Face-to-face)	Nhongyasai station	Mr Chalet Tamrongtitikul	Director	09/02/21
63	Nakhonsawan (Face-to-face)	Kasetporpieng Station	Mr Ruangsak Choomwijan	Director	24/05/21
64	Nakhonsawan (Face-to-face)	Khon rag pan-din muang ta-kli station	Mr Chokechai Chokedamnern	Deputy director	24/05/21
65	Nakhonsawan (Face-to-face)	Tambon kao tong station	Mr Prateung Muantoey	Director	24/05/21
66	Rayong (Face-to-face)	Klaeng station	Mr Keesin Kussalanupap	Director	08/04/21
67	Samutsakorn (Face-to-face)	Pathomsakorn station	Ms Supinya Noinart	Director	23/05/21
68	Samutsakorn (Face-to-face)	Ratlaksi samosorn temple station	Mr Wiboon Namchaisrti	Director	23/05/21
69	Pathumthani (Face-to-face)	Klatawan station	Ms Supon Maneewetnant	Director	25/04/21
70	Pathumthani (Face-to-face)	Radio station for the blind	Mr Preecha Sook-aram	Director	25/04/21

APPENDIX C

PARTICIPATION INFORMATION SHEET

AND CONSENT FORM

เอกสารข้อมูลการเข้าร่วมงานวิจัย (PARTICIPATION INFORMATION SHEET)

หัวข้อวิทยานิพนธ์ การวิเคราะห์นโยบายวิทยุกระจายเสียงในประเทศไทย

ผู้วิจัย ภาณินี บุญเลิศ

อาจารย์ที่ปรึกษา ศาสตราจารย์สตีเฟน บาร์เน็ตต์ (Professor Steven Barnett)

คุณกำลังได้รับเชิญให้มีส่วนร่วมในการศึกษาวิจัยเกี่ยวกับนโยบายวิทยุกระจายเสียงของประเทศไทยซึ่งเกี่ยวข้องกับการสัมภาษณ์ผู้มีส่วนเกี่ยวข้องกับนโยบายวิทยุกระจายเสียง ได้แก่ ผู้กำหนดนโยบาย นักการเมือง ผู้ประกอบการวิทยุกระจายเสียงระดับชุมชนและระดับชาติ องค์กรที่ดูแลด้านสื่อสาธารณะในระดับชาติ กลุ่มองค์กรภาคประชาสังคม ผู้สื่อข่าว และนักวิชาการด้านสื่อสารมวลชน หรือผู้เกี่ยวข้องกับนโยบายสื่อมวลชนที่สัมพันธ์กับปัจจัยในบริบทของประเทศไทยเมื่อเปรียบเทียบกับระบบสื่อของประเทศอื่น

You are being invited to take part in a research study on radio broadcasting policy in Thailand which involves interviews of policy stakeholders who are regulators, national and local radio broadcasters, organisation overseeing public broadcasters in the national level, civil service groups, reporters and media scholars. Many policy stakeholders have related to other factors in the context of Thailand, compared to other global media systems.

วัตถุประสงค์ของงานวิจัยนี้เป็นไปเพื่อวิเคราะห์นโยบายวิทยุกระจายเสียงของประเทศไทย ตรวจสอบปัจจัยต่างๆ ที่เกี่ยวข้องกับนโยบายวิทยุกระจายเสียงผ่านหลากหลายมุมมอง และเสนอนโยบายวิทยุกระจายเสียงที่สามารถนำไปใช้ได้จริง

The aim of the research is to analyse policy radio broadcasting policy in Thailand and also to investigate its factors from Thai policy stakeholders through their various perspectives in both national and local levels.

งานวิจัยนี้ดำเนินการโดยเป็นส่วนหนึ่งของงานหลักสูตรสื่อมวลชนศึกษาของมหาวิทยาลัยเวสมินสเตอร์ ประเทศสหราชอาณาจักร

This research is being undertaken as part of the researcher's studies for Media Studies programme at the University of Westminster.

การศึกษานี้จะดำเนินการโดยให้คุณเป็นส่วนหนึ่งของการสัมภาษณ์เกี่ยวกับนโยบายวิทยุกระจายเสียงและองค์กรของ
คุณ การสัมภาษณ์นี้จะใช้เวลาประมาณ 1 ชั่วโมงและได้รับการบันทึกเทป โดยการบันทึกเทปนี้จะมีการถอดความและ
แปลเป็นภาษาอังกฤษ เสียงที่บันทึกไว้นั้นจะถูกลบและกำจัดทิ้งเมื่อส่วนของงานวิจัยได้ผ่านพ้นไปแล้ว 4 ปี

The study will involve you participating in an interview with me, about radio broadcasting policy and your organisations. This will take about 1 hour and will be tape-recorded. The recording will be transcribed and translated into English, and the audio recording deleted/retained as part of the research archive for a period of 4 years.

โปรดรับทราบว่าคำตอบของการสัมภาษณ์ในการศึกษานี้ คุณจะให้ความยินยอมในการตอบคำถามสำหรับงานวิจัย
เพื่อให้ผู้วิจัยสามารถเก็บข้อมูลจากการสัมภาษณ์

Please note interview answers included in the study. You will be asked to give your consent for research to be undertaken on these interviews.

ข้อควรทราบ:

- การมีส่วนร่วมของคุณในงานวิจัยนี้เป็นการเข้าร่วมอย่างสมัครใจ

  Your participation in this research is entirely voluntary.

- คุณมีสิทธิ์ที่จะถอดถอนข้อมูลเมื่อใดก็ตามที่ประสงค์โดยไม่จำเป็นต้องให้เหตุผลประกอบ

  You have the right to withdraw at any time without giving a reason.

- คุณสามารถถอดถอนข้อมูลที่ให้จากงานวิจัยนี้เมื่อใดก็ได้ โดยจะไม่ส่งผลกระทบต่อปฏิกิริยาและการประพฤติต่อ
  คุณจากผู้วิจัย

  Wherever practicable, withdrawal from the research will not affect any treatment and/or services that you receive.

- ตราบใดก็ตามที่จะมีการนำงานวิจัยไปสู่ไปการปฏิบัติ คุณมีสิทธิ์ที่จะสอบถามเกี่ยวกับข้อมูลของคุณที่จะถอดถอน
  และข้อมูลส่วนตัวที่จะต้องการให้ลบออก

  You have the right to ask for your data to be withdrawn as long as this is practical, and for personal information to be destroyed.

- ถ้าคุณไม่ประสงค์ที่จะตอบ คุณไม่จำเป็นต้องตอบคำถามที่เฉพาะเจาะจงในแบบสอบถามหรือในการสัมภาษณ์

  You do not have to answer particular questions either on questionnaires or in interviews if you do not wish to do so.

- ถ้าด้านบนไม่ได้มีการระบุเป็นอย่างอื่นและคุณไม่ยินยอม ตามปกติแล้วคำตอบของคุณจะเก็บเป็นความลับและไม่มี
  การเปิดเผย ได้แก่ การใช้ภาพหรือเสียงของคุณจากและหรือการบันทึกภาพและเสียง

Your responses will normally be kept confidential, unless indicated above to the contrary, and unless you provide explicit consent to do otherwise, for example, the use of your image from photographs and/or video recordings.

- ไฟล์ข้อมูลในคอมพิวเตอร์จะถูกจัดเก็บด้วยการบันทึกรหัสผ่านอย่างปลอดภัย ผู้วิจัยจะเก็บไฟล์ในสถานที่ปลอดภัย และปฏิบัติตามข้อบังคับของกฎหมายการป้องกันข้อมูล

All computer data files will be encrypted and password protected. The researcher will keep files in a secure place and will comply with the requirements of the Data Protection Act.

- เอกสารสำเนาทั้งหมด เช่น แบบยินยอมการเข้าร่วมวิจัย แบบคำถามที่ใช้ดำเนินการแล้ว ฯลฯ จะถูกจัดเก็บอย่าง ปลอดภัยและอยู่ในตู้ที่ปิดล็อคในสถานที่ตามข้อบังคับของมหาวิทยาลัย เอกสารอาจถูกแสกนและจัดเก็บเป็นไฟล์ อิเล็กทรอนิกส์ โดยการจัดเก็บนี้จะดำเนินการด้วยการส่งผ่านข้อมูลที่ปลอดภัยด้วยระบบคอมพิวเตอร์ของ มหาวิทยาลัย

All hard copy documents, e.g. consent forms, completed questionnaires, etc. will be kept securely and in a locked cupboard, wherever possible on University premises. Documents may be scanned and stored electronically. This may be done to enable secure transmission of data to the university's secure computer systems.

- หากคุณปรารถนา คุณสามารถรับข้อมูลผลการวิจัยได้ และโปรดระบุในแบบยินยอมการเข้าร่วมงานวิจัยหากคุณ ต้องการรับข้อมูล

If you wish you, can receive information on the results of the research. Please indicate on the consent form if you would like to receive this information.

- คุณสามารถติดต่อผู้วิจัยได้ในระหว่างและหลังการเข้าร่วมการวิจัยที่อีเมล w1699627@my.westminster.ac.uk หรือเบอร์โทรศัพท์ 66 85 0905995 หรือ 44 7415 935595)

The researcher can be contacted during and after participation by email (w1699627@my.westminster.ac.uk) or by telephone (44 7415935595 or 66 85 0905995).

- ถ้าคุณมีข้อเสนอแนะและติชมเกี่ยวกับโครงการงานวิจัยนี้ คุณสามารถติดต่ออาจารย์ที่ปรึกษาโครงการงานวิจัย ศาสตราจารย์สตีเฟน บาร์เน็ตต์ ได้ที่อีเมล (S.Barnett@westminster.ac.uk) หรือทางโทรศัพท์ (44 020 7911 5981).

If you have a complaint about this research project you can contact the project supervisor, Professor Steven Barnett by e-mail (S.Barnett@westminster.ac.uk) or by telephone (44 020 7911 5981).

แบบยินยอมการเข้าร่วมงานวิจัย (CONSENT FORM)

หัวข้อวิทยานิพนธ์ การวิเคราะห์นโยบายวิทยุกระจายเสียงในประเทศไทย

ผู้วิจัย ภาณินี บุญเลิศ

ข้าพเจ้าได้รับแบบข้อมูลการเข้าร่วมงานวิจัย และ/หรือทราบข้อมูลที่อธิบายให้ข้าพเจ้า   ใช่ ☐   ไม่ใช่ ☐
แล้ว

I have been given the Participation Information Sheet and/or had its
contents explained to me.

ข้าพเจ้าได้มีโอกาสถามคำถามและพึงพอใจกับคำตอบที่ได้รับ   ใช่ ☐   ไม่ใช่ ☐

I have had an opportunity to ask any questions and I am satisfied with the
answers given.

ข้าพเจ้าเข้าใจว่าข้าพเจ้ามีสิทธิ์ที่จะถอดถอนข้อมูลจากงานวิจัยนี้เมื่อใดก็ตาม และ   ใช่ ☐   ไม่ใช่ ☐
ข้าพเจ้าไม่จำเป็นต้องให้เหตุผล

I understand I have a right to withdraw from the research at any time
and I do not have to provide a reason.

ข้าพเจ้าเข้าใจว่าถ้าข้าพเจ้าถอดถอนข้อมูลจากงานวิจัยนี้ ซึ่งทำให้ผลที่เกี่ยวข้องกับ   ใช่ ☐   ไม่ใช่ ☐
งานวิจัยจะถูกลบออกไปด้วยหากสามารถทำได้ (ข้าพเจ้าเข้าใจว่าข้อมูลที่ไม่ได้ระบุ
ตัวตนนั้นสามารถตรวจสอบได้ในฐานข้อมูลอื่นที่อาจจะไม่สามารถลบได้)

I understand that if I withdraw from the research any data included in
the results will be removed if that is practicable (I understand that once
anonymised data has been collated into other datasets it may not be
possible to remove that data).

ข้าพเจ้าต้องการได้รับข้อมูลที่เกี่ยวกับผลของการศึกษาวิจัยนี้   ใช่ ☐   ไม่ใช่ ☐

I would like to receive information relating to the results from this
study.

ข้าพเจ้าได้รับสำเนาของแบบยินยอมการเข้าร่วมงานวิจัยนี้   ใช่ ☐   ไม่ใช่ ☐

I wish to receive a copy of this Consent form.

ข้าพเจ้ายืนยันว่าข้าพเจ้ามีความประสงค์ที่จะเป็นผู้เข้าร่วมในการศึกษาของงานวิจัย   ใช่ ☐   ไม่ใช่ ☐
ข้างต้นนี้

I confirm I am willing to be a participant in the above research study.

ข้าพเจ้ารับทราบว่าข้อมูลที่เก็บนี้อาจจะอยู่ในฐานข้อมูลและข้าพเจ้ายินดีที่ข้อมูลของ   ใช่ ☐   ไม่ใช่ ☐

ข้าพเจ้าจะเป็นส่วนหนึ่งของงานการวิจัยในอนาคต

ข้าพเจ้ารับทราบว่าข้อมูลของข้าพเจ้าจะได้รับการเก็บเป็นความลับ

I note the data collected may be retained in an archive and I am happy

for my data to be reused as part of future research activities. I note my

data will be fully confidential.

ชื่อผู้เข้าร่วมงานวิจัย: _____

ลายมือชื่อ: _____   วันที่: _____

แบบยินยอมการเข้าร่วมวิจัยนี้จะถูกเก็บแยกจากข้อมูลอื่นที่คุณให้ ดังนั้นคำตอบของคุณยังคงถูกเก็บเป็นความลับ

This consent form will be stored separately from any data you provide.

_____

ข้าพเจ้ายืนยันว่าข้าพเจ้าได้ให้สำเนาแบบข้อมูลของผู้เข้าร่วม (Participant Information Sheet) กับผู้เข้าร่วม ซึ่ง
ได้รับการอนุมัติจากคณะกรรมการจริยธรรมงานวิจัยและได้รับการอธิบายอย่างชัดเจนถึงการยินยอมการเข้าร่วม และ
ข้าพเจ้าได้เปิดโอกาสให้ผู้เข้าร่วมงานวิจัยได้ถามคำถามซึ่งได้รับการตอบเรียบร้อยแล้ว

I confirm I have provided a copy of the Participant Information Sheet approved by the Research Ethics
Committee to the participant and fully explained its contents. I have given the participant an
opportunity to ask questions, which have been answered.

ชื่อผู้วิจัย: ภาณินี บุญเลิศ

ลายมือชื่อ: _____   วันที่: _____

_____

APPENDIX D

OUTLINE OF INTERVIEW QUESTIONS

- Could you tell me a little bit about yourself?

- Would you please tell me about your background before involving in broadcasting?

- What is the background and types of your organization?

- What is your position in broadcasting?

- How long have you been in broadcasting?

- What is your thought about broadcasting in Thailand?

- What is the ideal broadcasting policy in your thought?

    How can that be reached and implemented?

    Who is involved in that ideal broadcasting policy?

- Do you know about Public Service Broadcasting?

If the answer is yes.	If the answer is no.
Do you know what it is? Please give some ideas and examples about it. What do you think about Thailand to have the PSB? What can PSB serve in Thai media landscape?	Show the information sheet about Public Service Broadcasting (PSB) to the interviewee Details in PSB sheet. - What PSB is - Give some examples of PSB - Explain the objectives, missions and principles of PSB

	After show the sheet to the interviewee, what do you think about Public Service Broadcasting? Do you think PSB can be implemented in Thai media landscape?

- What is broadcasting policy that you think should and should not be adjusted?

- What is broadcasting policy that you think should and should not be continued?

- Do you think there is any problem in the broadcasting policy?

    What is that problem regarding the broadcasting policy?

    How can that be solved?

- What are factors related to broadcasting in Thailand in both the past and present? Why?

- What is the organisation or institute that you think is highly involved in broadcasting sector?

- How can the broadcasting policies in Thailand be developed and used?

- What is the next step of broadcasting policy in Thailand?

- How would you compare broadcasting policy in Thailand and other countries?

- What do you think policy makers or other parties can do to deal with broadcasting policy?

- What are your most concerns about regulating broadcasting policy?

- As a practitioner, what do you think you can do to support broadcasting policy?

- When do you think it is the best period for the progression of broadcasting policy? Why?

- What do you expect from other policy stakeholders (regulator, government, politicians, local broadcasters, civil sector, private sector)?

APPENDIX E

THE CONSTITUTIONS OF THAILAND OF 1997-2017

Timeline of The Constitutions of Thailand of 1997-2017.
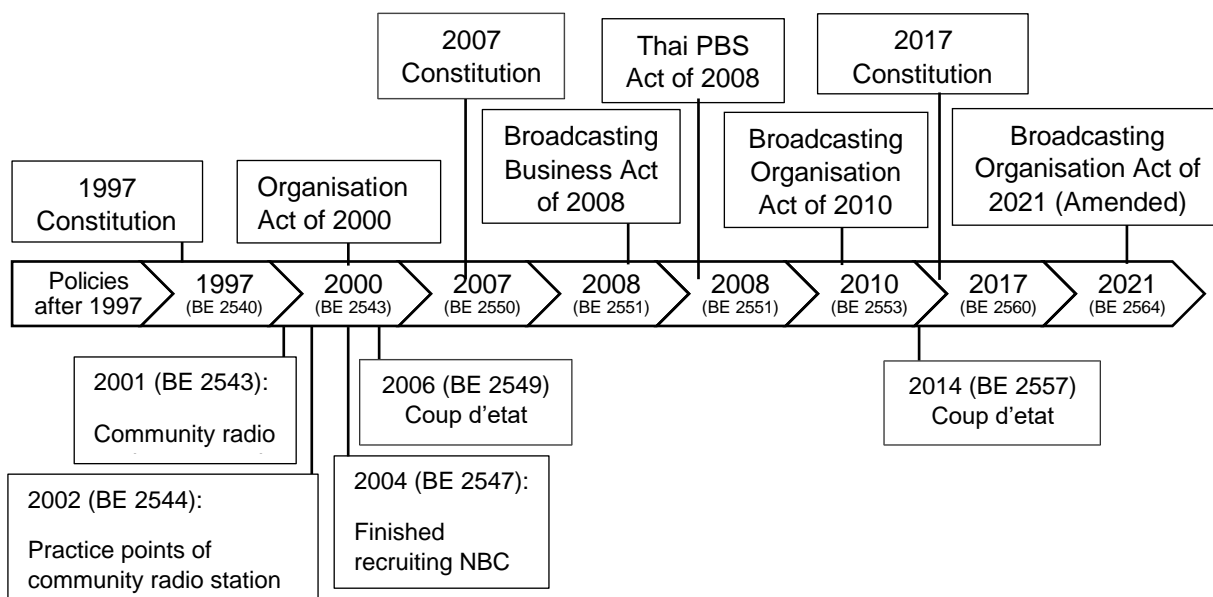
Comparison of constitution details concerning radio broadcasting.

Constitution/ Issues	Constitution of 1997	Constitution of 2007	Constitution of 2017
Freedom of expression	**Section 39.** A person shall enjoy the liberty to express his or her opinion, make speeches, write, print, publicise, and make expression by other means. The restriction on liberty under paragraph one shall not be imposed except by virtue of the provisions of the	**Section 45.** A person shall enjoy the liberty to express his opinion, make speech, write, print, publicise, and make expression by other means. The restriction on liberty under paragraph one shall not be imposed except by virtue of the law specifically enacted for the	**Section 34.** A person shall enjoy the liberty to express opinions, make speeches, write, print, publicise and express by other means. The restriction of such liberty shall not be imposed, except by virtue of the provisions of law specifically enacted for the purpose of maintaining the

law specifically enacted for the purpose of maintaining the security of the State, safeguarding the rights, liberties, dignity, reputation, family or privacy rights of other person, maintaining public order or good morals or preventing the deterioration of the mind or health of the public.

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

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

purpose of maintaining the security of State, protecting the rights, liberties, dignity, reputation, family or privacy rights of other person, maintaining public order or good morals or preventing or halting the deterioration of the mind or health of the public.

The closure of a newspaper or other mass media business in deprivation of the liberty under this section shall not be made.

The prevention of a newspaper or other mass media from printing news or expressing their opinions, wholly or partly, or interference in any manner whatsoever in deprivation of the liberty under this section shall not be made except by the provisions of the law enacted in accordance with the provisions of paragraph two.

security of the State, protecting the rights or liberties of other persons, maintaining public order or good morals, or protecting the health of the people.

Academic freedom shall be protected. However, the exercise of such freedom shall not be contrary to the duties of the Thai people or good morals, and shall respect and not obstruct the different views of another person.

Section 36.
A person shall enjoy the liberty of communication by any means.

Censorship, detention or disclosure of information communicated between persons, including any commission of an act carried out to know or obtain information communicated between persons,

	enacted under the provisions of paragraph two. The owner of a newspaper or other mass media business shall be a Thai national as provided by law. No grant of money or other properties shall be made by the State as subsidies to private newspapers or other mass media.	The censorship by a competent official of news or articles before their publication in a newspaper or other mass media shall not be made except during the time when the country is in a state of war; provided that it must be made by virtue of the law enacted under the provisions of paragraph two. The owner of a newspaper or other mass media business shall be a Thai national. No grant of money or other properties shall be made by State as subsidies to private newspapers or other mass media.	shall not be permitted, except by an order or a warrant issued by the Court or where there are other grounds as provided by law.
Frequency transmission	**Section 40.** Transmission frequencies for radio or television broadcasting and radio telecommunication are national communication resources for public interest.	**Section 47.** Transmission frequencies for radio or television broadcasting and telecommunication are national communication resources for public interest.	**Chapter V: Duties of State** **Section 60.** The State shall maintain the frequencies and the right to access a satellite orbit, which are national treasures, in order to utilise them for

	There shall be an independent regulatory body having the duty to distribute the frequencies under paragraph one and supervise radio or television broadcasting and telecommunication businesses as provided by law. In carrying out the act under paragraph two, regard shall be had to utmost public benefit at national and local levels in education, culture, State security, and other public interests including fair and free competition.	There shall be an independent regulatory body having the duty to distribute the frequencies under paragraph one and supervise radio or television broadcasting and telecommunication businesses as provided by the law. In carrying out the act under paragraph two, regard shall be had to utmost public benefit at national and local levels in education, culture, State security, other public interests and fair and free competition, including public participation in providing public mass media. The supervision of the businesses under paragraph two shall constitute measures for the prevention of merger, acquisition or control among the mass media or by other persons which may deteriorate liberties to information of the	the benefit of the country and the people. The arrangement for utilisation of the frequencies under paragraph one, regardless of whether it is for radio broadcasting, television broadcasting and telecommunications or for any other purposes, shall be for the greatest benefit of the people, security of the State, and public interest as well as the participation of the people in the utilisation of frequency, as provided by law. The State shall establish a State organisation which is independent in performing duties to be responsible and supervise the undertakings in relation to frequencies to ensure compliance with paragraph two. In this regard, such organisation shall ensure that there are measures to

		public or may hinder the public from variety of information.	prevent against unfair consumer exploitation or imposition of unnecessary burden on consumers, to prevent the interference of frequencies, as well as to prevent an act which results in obstructing the liberty of the people to know or preventing the people from knowing true and accurate data or information, and to prevent any person or any group of person from utilising the frequencies without considering the rights of general public. This shall include the prescription of a minimum proportion to be undertaken, for public interest, by a person utilising the frequencies as provided by law.
Government Interference	**Section 41.** Officials or employees in a private sector undertaking newspaper or radio or television broadcasting	**Section 46.** Officials or employees in a private sector undertaking newspaper, radio or television broadcasting	**Section 35.** A media professional shall enjoy the liberty to present news or express opinions in accordance with professional ethics.

	businesses shall enjoy their liberties to present news and express their opinions under the constitutional restrictions without the mandate of any State agency, State enterprise or the owner of such businesses; provided that it is not contrary to their professional ethics. Government officials, officials or employees of a State agency or State enterprise engaging in the radio or television broadcasting business enjoy the same liberties as those enjoyed by officials or employees under paragraph one.	businesses or other mass media business shall enjoy their liberties to present news and express their opinions under the constitutional restrictions without mandate of any government agency, State agency, State enterprise or the owner of such businesses; provided that it is not contrary to their professional ethics, and shall enjoy the right to form organisation with balancing mechanism among professional organisations so as to protect rights, liberties and fairness. Government officials, officials or employees of a government agency, State agency or State enterprise engaging in the radio or television broadcasting business or other mass media business enjoy the same liberties as those enjoyed by officials or	The closure of a newspaper or other mass media in deprivation of the liberty under paragraph one shall not be permitted. Censorship by a competent official of any news or statements made by a media professional before the publication in a newspaper or any media shall not be permitted, except during the time when the country is in a state of war. The owner of a newspaper or other mass media shall be a Thai national. No grant of money or other properties shall be made by the State as subsidies to private newspapers or other private mass media. A State agency which pays money or gives properties to mass media, regardless of whether it is for the purpose of advertisement or

		employees under paragraph one. Any act done by a person holding political position, State official or the owner of business with a view to obstruct or interfere the presentation of news or an expression of opinions in public issue of the person under paragraph one or paragraph two, irrespective of whether such act has been done directly or indirectly, shall be deemed as wilfully misuse of power and take no effect except where such act has been done through the enforcement of law or professional ethics.	public relations, or for any other similar purpose, shall disclose the details to the State Audit Commission within the prescribed period of time and shall also announce them to the public. A State official who performs mass media duties shall enjoy the liberties under paragraph one, provided that the purposes and missions of the agency to which he or she is attached shall also be taken into consideration.
Additional Issues		**Section 48.** No person holding a political position shall be the owner of, or hold shares in, newspaper, radio or television broadcasting or telecommunication business, irrespective of whether he so commits in his	**Section 98.** A person under any of the following prohibitions shall be prohibited from exercising the right to stand for election in an election of Members of the House of Representatives:

		name, or through his proxy or nominee, or by other direct or indirect means which enable him to administer such business as if he is the owner of, or hold shares in, such business.	(3) being the owner of, or a shareholder in any newspaper or mass media business;

APPENDIX F

ORGANISATION ACTS TO ASSIGN FREQUENCY WAVES AND TO

REGULATE THE RADIO BROADCASTING, TELEVISION AND

TELECOMMUNICATIONS SERVICES

OF 2000 AND 2010

	Organisation to assign frequency waves and to regulate the radio broadcasting, television and telecommunications services Act of 2000	Organisation to assign frequency waves and to regulate the radio broadcasting, television and telecommunications services Act of 2010	Organisation to assign frequency waves and to regulate the radio broadcasting, television and telecommunications services Act of 2017, 2019, 2021
Status	Withdrawn	Still actively enacted and some sections are amended by the acts of 2017, 2019, 2021	Some sections enacted instead of those of the 2010 Act
Number of commis sioners	7 (1 President & 6 Commissioners)	11 of 1 radio broadcasting 1 TV broadcasting 2 telecommunication 2 economics or law in radio and TV 2 economics or law in telecommunication 1 consumer protection or support people rights and freedom in radio and TV 1 consumer protection or support people rights and freedom in telecommunication	Amended in 2017 7 (One of each following specialisation consisting Radio broadcasting, Television broadcasting, Telecommunication, Engineering, Laws, Economics, and Consumer protection and people freedom) Amended in 2021 7 which are 1 radio broadcasting 1 TV broadcasting 1 telecommunication

		1 education, culture, or social development in radio and TV and telecommunication)	1 consumer protection 1 support rights and freedom of people 2 other specialisation relating to NBTC
Commissioner qualifications	- age above 35 years - Experience in understanding and expertise in broadcasting services, related technology, education, religion, culture, economic, security, public law, or local affairs benefiting the broadcasting - never being NBTC - never being in political positions - no insane - no drug addition - no bankruptcy - no imprisonment - no being fired from government organisations - not being election commissioners, corruption commissioners, national human right commissioners, Constitutional Court judges, ombudsman	- age 35-70 years - not being in political positions - not being in political parties - no insane - no drug addition - no bankruptcy - no imprisonment - no being fired from government organisations - not being Constitutional Court judges, election commissioners, ombudsman, anti-corruption commissioners, national human right commissioners - not having been removed from office by the resolution of the Senate - not being in private companies or partnership of radio and TV broadcasting - not being under prohibition to hold a political position	(Amended in 2017) - age 40-70 years (Added in 2017) - not being fired from board committees of public companies of inappropriate administration under the asset and stock market laws

Selecting process	17 selecting committees
	  - each representative from Prime Minister Office, Military Ministry, Education Ministry, Science, Technology and Environment Ministry, and National Security Office
	  - 4 representatives of academics from faculties of Communication Arts, Journalism, or Mass Communication in higher education institutions
	  - 4 Representatives from media professional associations
	  - 4 Representatives from private organisations aiming to protect media consumers
	  - All committees cannot be commissioner
	Process
	1. Selecting committees picked double
		2 ways of selection
		
		Method of Selection Among the Nominees from associations, institutes or organizations having the following characteristics shall be eligible for registration with the Secretariat of the Senate in the following steps
		1) Names nominated with the consent letter by organisations in broadcasting, telecommunication, mass communication field in upper education institutions, laws field in upper education institutions, economics field in upper education institutions, non-governmental organisations seeking no profits of consumer rights, non-governmental organisation seeking no profits of education, culture, or social
			(Amended in 2017)
			  - Canceling the method of selection among the nominees
			
			(Amended in 2017)
			  - Recruiting Committee consisting Constitution Court judge, Supreme court judge, Administrative court judge, Anti-corruption commissioner, State audit mission, Ombudsman, and Bank of Thailand president
			  - Qualification of selecting candidates is one these positions (government positions of deputy head of department or above, military or police officers above colonel or above, association professor or above, three years of executive positions in public companies with registered capital of 5 millions Thai baht, at least 10

	number of candidates (14) to present to the Senate
	2. Secret ballot by senators to select ones with the highest voting and above half voting of all senators
	3. If there is no one get voting, the selecting committees start 1) and 2)
	- Commissioners are required to not being in the positions of
	  - civil servant with regular salary
	  - government officials
	  - mass communication positions or partnership
	  - freelance positions benefiting the NBC
		development of broadcasting and telecommunication
		2) Secretariat of the Senate shall examine qualifications of the nominees
		3) If the number of nominees is still less than 12, the Permanent Secretary of the Office of the Prime Minister, the Permanent Secretary of the Ministry of Defence and the Permanent Secretary of the Ministry of Information and Communications Technology shall collaboratively nominate suitable persons
		4) Senate shall make arrangement for all the nominees to have a meeting in order to make selection among themselves
		
		Recruitment Method
		1) Recruiting Committee from
			year experience of consumer protection or support rights or people freedom regularly, 10 year management experience of radio or television broadcasting or telecommunication)
			
			Amended in 2021
			- Nominated names need to gain the Senate approval of voting not less than half of number of Senate members.
			- The un-approved candidate by the Senate will not be selected next time.

		National Human Rights Commission; National Economic and Social Advisory Council; Office of the Prime Minister; Ministry of Defence; Ministry of Information and Communication Technology; Thailand National Electronics and Computer Technology; Council of Engineers; Council of Disabled People of Thailand; Communication Arts Association of Thailand; Confederation of Radio and Television Profession Associations; Coordinating Committee of the Non-Governmental Organizations; Thai Institute of Directors Association; Thai Broadcast Journalists Association; National	

		Federation of Community Radio; and Confederation of Consumer Protection Organizations 2) Opening for application 3) Recruiting Committees shall select qualified applicants in the amount double the numbers of the Commissioners - Secretary-General of the Senate bring the lists of suitable persons from both methods to the senate - if the number of selected Commissioners is not fulfilled, Prime Minister shall then submit the roster to the Council of Ministers for consideration	
Terms of commis sioners	- a term of 6 years and serve for one term only - The first term: after three years, three commissioners are	- a term of 6 years and serve for one term only - there must not be less than 6 persons when there is a	- there must not be less than 6 persons when there is a case of less than 7 NBTCs

drawn for resigning NBC positions	case of less than 11 NBTCs	- Cancel filling a request to remove the commissioners
- New commissioners can be selected in advanced approximately to fill in the commissioner position	- Members of the House of Representatives or the Senate of not less than one-fourth of the total number of each House shall have the right to file a request to the Senate President of to pass a resolution removing a Commissioner due to misbehaviour or negligence in performing duty.	
- Commissioners resigning from the expiry term can be in positions until the next board starts		
- At least 4 NBC commissioners can work in the missions	- The resolution of the Senate shall be passed by votes of not less than three-fifth of the Senate.	
- All NBC meetings must consist of not less than half of the number		
	- the following persons shall have the right to file a request to the President of the Senate in order for the Senate to pass a resolution removing the entire NBTC from office: (1) members of the House of Representatives of not less than one-fourth of the total number of the	

| | | existing members of the House;
(2) members of the Senate of not less than one-fourth of the total number of the existing members of the Senate;
(3) service users being affected by acts in the number of not less than twenty thousand people, by filing a complaint with the President of the Senate in accordance with the criteria specified by the President of the Senate.

- The resolution of the Senate shall receive votes of not less than two-thirds of the total number of the existing members of the Senate. In making the resolution, the Report of the Monitoring and Evaluation Committee submitted to the Senate must be taken into consideration.

- In the case the entire NBTC vacate | |

		office, the outgoing Commissioners shall continue acting in those positions only as necessary until the new NBTC takes office.	
Duties	1) Set policies and make master plan of radio and television broadcasting as of the constitution 2) Set features and categories of radio and television broadcasting 3) Consider licensing and regulate the frequency usage of radio and television broadcasting 4) Consider licensing and regulate operation of radio and television broadcasting 5) Set rules and methods of licensing, conditions, or licensing fee of 3) and 4) 6) Follow examination and supervise the operation of radio	1) Formulate a Frequency Waves Management Master Plan, National Frequency Waves Allocations Table, Master Plan for Broadcasting and Television Services, Telecommunicatio ns Services Master Plan, Radio Frequency Plan, and Telecommunicatio ns Numbering Plan; 2) Assign radio frequencies among those being used in the sound broadcasting services, television services, radio communication services and telecommunicatio ns services; 3) Prescribe characters and	(Revised in 2019) (1) Formulate a Frequency Waves Management Master Plan, National Frequency Waves Allocations Table, Master Plan for Broadcasting and Television Services, Telecommunications Services Master Plan, Radio Frequency Plan, and Telecommunications Numbering Plan which is in accordance with National Digital Economy and Society Development Plan and Policy; (Revised by 2017) (4) Consider granting licence and regulate the use of frequency waves and radio communication equipment in undertakings of the broadcasting

and television broadcasting 7) Set standards and desired technical features of equipment for radio and television broadcasting 8) Set rules and methods of networking for radio and television broadcasting 9) Set fee structure of radio and television broadcasting 10) Regulate radio and television broadcasting to carry quality and efficient services including set rules and consider complaints 11) Set measures to protect rights and freedom of people by considering honour and reputation of family and private rights 12) Set measures to protect rights and freedom, and support ethical practices of the NBC officers	categories of broadcasting services, and telecommunications services; 4) Consider granting licence and regulate the use of frequency waves and radio communication equipment in undertakings of the broadcasting services, and telecommunications services, or in the radio communication services; as well as to prescribe licensing criteria and procedures, conditions, or licensing fees; 5) Prescribe criteria for the effective use of frequency waves and without causing interference among them, both in the same type and between each type of undertakings; 6) Consider granting licences and regulate undertakings of the sound broadcasting services,	services, and telecommunications services, or in the radio communication services; as well as to prescribe licensing criteria and procedures, conditions, or licensing fees through NBTC Office representative the telecommunication radio receiver; (Revised in 2017) (12/1) Request frequencies which are not used or used for unvaluable to follow the plan and allocate under the rules, methods and conditions specified by NBTC which specifies the methods, reimbursement, or compensation for the requested users in terms of rights of people affected by the requested frequencies in different cases (Revised in 2019) If there are any problem of NBTC operation and National Digital Economy and Society

	13) Set rules and methods of protect and set rights of broadcasting operation 14) Support research and develop services of radio and television broadcasting 15) Issue regulations of setting up departments, human resource management, budgeting, financing and asset, and other NBC works 16) Approve capital budget of NBC office and budget to be apported to the funds 17) Do the report of NBC works to the Cabinet, Parliament and Senate, and public yearly 18) Give opinions or suggest to the Cabinet about radio and television broadcasting domestically and internationally	television services, and telecommunications services to allow service users to receive services with quality, efficiency, swiftness, correctness and fairness; as well as to prescribe licensing criteria and procedures, conditions, or licensing fees; 7) Consider granting licences and regulate the use of telecommunications numbers; and to prescribe licensing criteria and procedures, conditions, or licensing fees; 8) Prescribe criteria and procedures for usage or interconnection as well as criteria and procedures in prescribing usage fees or interconnection charges of network used in undertakings of the broadcasting services, and telecommunications services, both	Development Plan and Policy, the National Digital Economy and Society Development Commission will make a consideration.

	19) Practice other duties written in other laws which mention to be NBC duties	in the same type and between each type of undertakings, which shall be fair to service users, service providers and investors, or among telecommunicatio ns service providers with due regard to public interest; 9) Specify characters of merger, cross media ownership-holding or business take-over in broadcastings services using frequency waves, amongst the mass media or by any other person, which will result in impeding the freedom to gain information or obstructing access to diverse information by the people; 10) Promote a coalition among the licensees, producers and mass media professionals in the radio broadcasting	

		services and television services to set up organisations in various forms in order to set forth ethical standards in conducting the occupations or professions as well as to self-regulate the undertaking of occupations and professions under the ethical standards; 11) Approve expenditure budget of the Office of the NBTC, including the money allocated into the Fund; 12) Consider and approve the budget allocation to the Fund as proposed by the Fund Management Committee; 13) Provide information and participate in negotiations or entering into agreements between the Government of the Kingdom of	

		Thailand and governments of foreign countries or international organizations in matters relating to frequency waves management, broadcasting services, and telecommunicati ons services, or other related undertakings; 14) Recommend to the Council of Ministers for an issuance of, or amendment to, or repeal of legislation relating to frequency waves allocation and other matters relating to frequency waves, broadcasting services, and telecommunicati ons services; 15) Issue rules, notifications or orders under the powers and duties of the NBTC; 16) Perform any other acts as prescribed in this	

		Act or other laws. - The execution of powers and duties under paragraph one shall not be contrary to or inconsistent with the law on sound broadcasting services and television services - The conduct of duties of the NBTC in matters relating to or having impacts on public interest shall be done by a resolution of the meeting.	
Master plan	To do the master plan of radio and television broadcasting, - the guideline of licensing to use frequency and operate the services are required - the coverage needs to be in education, religion, art and culture, science, technology and environment, agriculture and other occupations,	There shall be a Frequency Waves Management Master Plan of (1) details on Table of All Frequency Waves Allocations that Thailand can utilise; (2) implementation guidelines relating to international frequency waves; (3) details on frequency waves allocated for the broadcasting services, telecommunications	(Revised in 2019) - NBTC shall prepare the Broadcasting Master Plan and the Telecommunications Master Plan to be the five-year implementation guidelines. The Plans must be in conformity with the Frequency Waves Management Master Plan and consideration of people health and other environments. The

	state security, information publicisation to support good relationship of government/ parliament and people, and information publicisation to support the education and monarchy democracy. - The appropriate proportion of government, private companies, and civil sectors is considered as the civil sector must use the frequency not less than 20 percent. If the civil sector is not ready, the NBC will support to the civil sector to access the opportunity to use frequency in specified proportion	services, and other services; (4) guidelines to returning frequency waves to be re-allocated or improve their usages. - the NBTC shall hear opinions from the public, the business operators utilising the frequency waves and relevant State agencies in preparing the Frequency Waves Management Master Plan - NBTC shall prepare the Broadcasting Master Plan and the Telecommunications Master Plan to be the five-year implementation guidelines. The Plans must be in conformity with the Frequency Waves Management Master Plan. The civil sector shall be allowed to use frequency waves for public interest and non-profit seeking in the community service,	frequency usage of radio and television broadcasting for public interest and civil sector altogether in the proportion of not less than 25 percent of capability of permitted signal transmission in each time. In case that there is no frequency use for public interest or civil sector in 3 years from the announcement of NBTC to ask for permission, other purposes of frequency usage can be done by NBTC without any result to rights of frequency usage for public interest and civil sector.

		in a proportion of not less than 20 percent of frequency waves allocated in each licensing area. - the NBTC shall stipulate criteria and procedures for promoting potential communities to be the qualified person in applying for the licence in the type of community service; income earnings; and support given to quality community service operators. Income of the community service operators shall be from donations, contribution to the stations or other sources which are not through advertisements or undertaking in broadcasting services. Support given to the quality community service operators must be contribution made to the stations, not to any particular programme, and have a proportion of not more than half of the total	

| | | income of the community service operators. Also, there must be an evaluation on quality of services and efficiency of disbursement of money.

- Within one hundred and twenty days as from the date of the entry into force of this Act, the NBTC shall issue frequency wave utilisation licences and undertaking licences in accordance with the law on undertaking broadcasting business to the Thai Public Broadcasting Service according to the characters and types of business undertakings, including its existing scope of services on the date on which this Act comes into force. | |
| Other details | - Licensees have to use the received frequencies by themselves which | - Any person wishing to use frequency waves for broadcasting | (Added in 2019) The frequency usage of radio and television |

the time determined to others can be done in the NBC rules and methods - Frequency usage has to follow this act and Broadcasting Business Act - Funding is set and called Supporting and Developing Fund of Radio and Television Broadcasting for Public. This fund comes from government, fees, given assets, interests and other assets	services must obtain a licence under this Act. The application for the licence to use frequency waves shall be deemed as an application for a licence to undertake business of broadcasting services. - The permission to use frequency waves for the broadcasting services must have due regard to maximum public interest at the national, regional and local levels in education, culture, national security and other public interests, including free and fair competition. - requiring the licensee to allocate time for those programmes to be broadcasted at time slots appropriate to the target groups. - The business undertakings as specified under the law on broadcasting services, the selection shall be	broadcasting is permitted to selecting method in the national, regional and local level, separately. For the commercial operation in the Radio and Television Broadcasting Business Act, the auction is used in the selecting method. (Added by 2019) When the NBTC allocates frequencies to operate radio and television broadcasting, the National Digital Economy and Society Development Plan and Policy Commission has to be informed. (Added in 2019) After the auction cost is deducted and added to National Digital Economy and Society Development Plan and Policy, the rest income shall be moved to the state revenue.

		done by means of frequency auctions at the national, regional and local levels. - Permission to use frequency waves for the broadcasting services which causes or may cause interference or overlapping with the already licensed frequency waves is forbidden. - The NBTC shall have the power to prescribe licence fees by dividing into frequency licence fees and business undertaking licence fees, which must be paid upon receipt of the licence and on a yearly basis in a rate appropriate with the type of licence in accordance with the law on broadcasting services, except for the frequency licence fee for business undertakings.	

		- A frequency wave licence for the broadcasting services is the exclusive rights of the licensee and not transferable. However, allowing other person to rent certain time slots to run programmes may be done in accordance with the criteria and procedures.	
Budget structure	- Government shall allocate fiscal budget to NBC as much as necessary - NBC propose each fiscal annual budget to government	- Government shall allocate fiscal budget to NBC as necessary	(Removed in the coup council of 2014) - The income auctioned in the frequency licensing to commercial stations (Added in 2017) - Income from frequency allocation after deducting the cost of frequency allocation (Added in 2017) - Draft of annual capital budget is proposed to National Digital Economy and Society Development Plan and Policy Commission for

| | | | comments and to be revised

(Revised in 2019)
- If the office of ombudsman examined that the NBTC expenditure is not effective and over-spending, the Omnudsman office would inform the NBTC and suggestions, and the NBTC adjusted under the timeframe made by the Ombudsman. |
|---|---|---|---|
| Other issues | - NBC must give information or co-operate duties under the government policies
- NBC makes result report yearly of frequency administration, radio and television services, and working plan in the next phase to cabinet and parliament within three months after the calendar year
- Other government, state enterprises, or other government organisations | - In performing according to the powers and duties, the NBTC shall operate in consistent with the policies declared by the Council of Ministers before the National Assembly (Parliament).

- There shall be a NBTC Monitoring and Evaluation Commission, consisting of a Chairperson and four other members

- The report shall, at minimum, contain | (Added in 2017)
- In performing according to the powers and duties, the NBTC shall operate in consistent with the policies declared by the Council of Ministers in front of the Parliament and in accordance with National Digital Economy and Society Development Plan and Policy. |

	acquired frequencies must inform all details and application	the following contents: (1) performance of the NBTC, BC, TC, Office of the NBTC and the Secretary-General of the NBTC; (2) report on facts or observations on the performance in accordance with the powers and duties of the NBTC with regard to efficient performance and consistency with the government policies as well as opinions and recommendations; (3) comments on the annual report prepared by the NBTC; (4) other matters deemed appropriate to be reported to the NBTC, the National Assembly or the public. - the government agencies, State enterprises, State agencies or any person who are assigned or using frequency waves for the undertakings of the sound broadcasting services, television	

		services and telecommunications services on the date of entry into force of this Act shall have the duty to notify the NBTC of details of the utilization of frequency waves,	
		- There shall be a fund within the Office of the NBTC called the "Broadcasting and Telecommunications Research and Development Fund for the Public Interest" with the following objectives: (1) to take actions for the enable the people to receive services in the sound broadcasting services, television services and telecommunication services thoroughly, as well as to promote communities and support community service operators; (2) to promote and support communication resources development, research and	

		development in the sound broadcasting services, television services and telecommunications services, including capabilities in keeping pace with the media technology in respect of frequency utilization, information technology, technological facilities for the disabled, elderly, or underprivileged as well as telecommunications industries and related industries; (3) to promote and support human resource development in the sound broadcasting services, television services, telecommunications services and information technology, as well as the execution by organizations being responsible for setting ethical standards of the occupations or professions under the law on sound broadcasting	

		services and television services; (4) to support, promote and protect the consumer of sound broadcasting services, television services and telecommunication services; (5) to support the execution under the law on safe and creative media development fund by allocating money to the Safe and Creative Media Development Fund; (6) to promote and support budgets for the Ministry of Finance to borrow money from the Fund to be used in State undertakings beneficial to the public.	

APPENDIX G

BROADCASTING AND TELEVISION BUSINESSES ACT OF 2008

Issues	Operation of Sound Broadcasting Service and the Television Broadcasting Service Act 2008
Fund	"Fund" means the fund for development of sound broadcasting service or television broadcasting service for public interest under the law on the organizations to assign radio-frequency spectrum and to regulate the sound broadcasting, television broadcasting and telecommunications services.
National Master Plan	"Master Plan for Sound Broadcasting Service or television Broadcasting Service" means the master plan for sound broadcasting service or television broadcasting service under the law on the organization allocating frequencies and regulating the radio broadcasting, television broadcasting and telecommunications services.
Licenses	Section 10 Licenses for operating the Sound Broadcasting or Television Broadcasting Service Using Frequencies are categorized three types as follows: (1) the public service license, which is license granted for the service with main objectives to provide public services, shall be divided into three categories as follows (a) the public service license category one is to be granted for the sound Broadcasting Service or the Television Broadcasting Service having the main objectives to promote knowledge, educations, religions, arts and cultures, sciences, technologies and environment, agricultures; and to promote other occupations, health, sanitary, sports or quality of life of the public. (b) the public service license category two is to be granted for the Sound Broadcasting Service or the

	Television Broadcasting Service having the main objectives on the national security or public safety. (c) the public service license category three is to be granted for the Sound Broadcasting Service or the Television Broadcasting Service having the main objectives for distribution of news and information to promote good understandings between the government and the people, and between the Parliament and the public distribution of news and information to promote and support on dissemination and provision of education to the public pertinent to the administration as public interests to handicapped persons, less opportunity persons or the concerns with public benefit activities; or provision of other news and information being beneficial to other public interests. (2) the community service license is a license granted for the service with the same objective as that of the public service license, provided that it must be beneficial to the needs of community or locality receiving the service. (3) the commercial service license, which is a license granted for the service in accordance with the objective of the operator for seeking business profit pursuant to the rules prescribed by the Commission, shall be at least categorized into three types: (a) the national commercial service is to be granted for the Sound Broadcasting Service or the Television Broadcasting Service having service areas covering all regions of the country. (b) the regional commercial service license is to be granted for the Sound Broadcasting Service or the Television Broadcasting Service having service areas covering group of provinces. (c) the local commercial service license is to be granted for the Sound Broadcasting Service or the Television Broadcasting having service areas in provincial level.

Licensing applicants	Public
	Section 11 The applicant for the public services license shall be:
	(1) a ministry, government bureau, department, independent organization according to the Constitution, local administrative organization, public organization or any other government agency not being a state enterprise having the duties under the law or the necessity to operate radio or the sound broadcasting Service or the Television Broadcasting Service pursuant to the rules prescribed by the Commission.
	(2) an association, foundation or any other juristic person established under Thai law having the objective to provide public service without seeking business profits which is appropriate to the operation of public service pursuant to the nature and rules prescribed by the Commission.
	(3) an educational institute learning and teaching or disseminating knowledge to society pursuant to the nature and rules prescribed by the Commission.
	Community
	Section 12 The applicant for the community services license shall be an association, foundation or other juristic person established under the Thai law not being governmental agency, and having the objective to provide public service without seeking business profits; or a group of people in the locality not being a juristic person which gathers to strengthen the community, provided that is must be appropriate to the operation of the community service pursuant to the nature prescribed by the Commission.
	In prescribing the nature under paragraph one, the Commission shall take into account the benefit in promoting the effectiveness of the Sound Broadcasting Service and the Television Broadcasting Service to respond to the diversified needs of people in the community and locality, including preventing the taking over of such service.
	Commercial

	Section 13 The applicant for the commercial service license shall be a juristic person established under Thai law and have the following qualifications: (1) the applicant for the regional and local commercial service license shall be a juristic person with not less than one thirds of its holders of capital shares or investors having domiciles in such region or locality, as the case may be, and shall have stable financial status, accounting audit system and any other nature that guarantees the stability of the operation as prescribed by the Commission. (2) the applicant for the types of service license other than those in (1) shall be a state enterprise or company established under Thai law with the main objective to operate the Sound Broadcasting Service and the Television Broadcasting Service.
Licensing application	Section 16 The filing of an application for a license and the granting of the license shall be made in accordance with the rules, measures and conditions prescribed by the Commission. The applicant for the license shall specify the Station, system and procedure to be used in transmission of radio broadcasting and television broadcasting, including proposing the service plan for the Sound Broadcasting Service or the Television Broadcasting Service to the Commission for consideration. The Notification under paragraph one shall be in consistent with the Master Plan for Sound Broadcasting Service and Television Broadcasting Service and a radio frequency plan under the law on the organization allocating frequencies and regulating the radio broadcasting television broadcasting and telecommunications service. Section 17 In granting the license to operate the Sound Broadcasting Service or Television Broadcasting Service Using Frequencies, the Commission Shall issue the license by taking into consideration the mission or objective of the service and the issuance shall be in compliance with the proportion of allocated Frequencies as prescribed by the law on the organization allocating frequencies and

	regulating radio broadcasting, television broadcasting and telecommunications services as follows:
	(1) for the issuance of the public license, duties under the law or necessity for the public service shall be taken into consideration and the Frequencies allocated for the government sector shall be used.
	(2) for the issuance of the community service license, diversified needs, readiness and public benefits of the community shall be taken into consideration and the Frequencies allocated for general public shall be used.
	(3) for the issuance of the commercial, the promotion of free and fair competition shall be taken into consideration and the service operation that provides news and information in proper portion shall be supported and the Frequencies allocated for private sector shall be used.
	Section 18 The determination of the terms of the Sound Broadcasting Service license and the Television Broadcasting Service license shall be in accordance with the rules prescribed by the Commission by taking into consideration the payback period, objectives of the service operation, business development directions of the applicant, demands of consumers, equal competition among operators including the result of program quality assessment. The Sound Broadcasting Service license shall have a term not exceeding seven years. The Television Broadcasting Service license shall have a term not exceeding fifteen years.
	In case of an expiration of the license under paragraph two, the licensee shall submit a renewal application at least ninety days but not exceeding one year prior to the expiration date of the existing license. In case of an expiration of the license under paragraph three, the licensee shall submit a renewal application at least ninety days but not exceeding two years prior to the expiration date of the existing license

	Upon receiving the application under paragraph four, the Commission shall consider and issue an order within sixty days from the date of receipt of the application. During such period, the licensee may continue to operate the service until the Commission shall collect the fee for such service operated pro rata.
	The submission of the application and issuance of the order under paragraph four and paragraph five shall be made in accordance with the rules, procedures, conditions and duration prescribed by the Commission.
License fee	Section 19 The license fee shall be as prescribed by the Commission in accordance with the law on the organization allocating frequencies and regulating radio broadcasting, television broadcasting and telecommunications service. The licensee shall annually pay the free for the use of the Frequencies and operation of the Sound Broadcasting Service and Television Broadcasting Service in each category of license at the rate prescribed by the Commission.
	The determination of the fee under paragraph two shall not pose unreasonable burden to the operators or service users. The Commission shall take into consideration the public interest, worthiness, scarcity and allocation procedure of resources. The Commission may reduce or exempt the license fee under paragraph one and paragraph two to the applicant or the licensee under this Act if such person can demonstrate to the Commission that its operation of the Sound Broadcasting Service or the Television Broadcasting Service contains news or information programs which are beneficial to the public in a higher proportion than that prescribed by the Commission. The rules and procedures under paragraph four shall be in accordance with the regulations prescribed by the Commission.

Licensee operation	Section 20 In operating the Sound Broadcasting service and The Television Broadcasting Service, the Department of Public Relations, the licensee of the public service license category one and category three shall not generate revenues from advertisements except for revenues generated from: the advertisements or dissemination of news relating to the work or activities of the government agencies or state enterprises, associations, foundations or other juristic persons having objectives for public interest without seeking business profits; or the presentation of image of the organization, company and business without directly or indirectly advertising qualification, benefit or quality of related products in accordance with the rules prescribed by the commission. In operating the Sound Broadcasting Service and the Television Broadcasting Service, the licensee of the public service license category two shall generate revenues from advertisements to the extent sufficient for its operation without emphasis on profit making. Section 21 In operating the Sound Broadcasting Service and the Television Broadcasting Service, the licensee of the community service license shall not generate revenues from advertisements.
Commercial stations	Section 22 The commission shall require the license of the commercial service license to make the annual contribution to the Fund in accordance with the rate prescribed by the commission which shall not exceed two percent of the gross revenue from direct and indirect advertisements and other revenues related to the operation of the Sound Broadcasting Service and the Television Broadcasting Service being permitted. In case of the business operation on a subscription basis, the annual contribution under paragraph one shall be calculated from the subscription fee, gross revenue from both direct and indirect advertisements and other service fees related to the service provided

	to the subscribers in accordance with the rules prescribed by the Commission.

Section 23 In the operation of the commercial service, revenues shall be generated from advertisements, business service provision, subscription fees or by other means.

In case of the operation under paragraph one with advertisements and business service provision, the Commission shall have authority to prescribe the rules on nature and maximum amount of time of advertisements and business service provision which shall not exceed twelve and a half minutes per hour provided that total amount of time for advertisements per day shall not exceed ten minutes per hour in average.

In case of the operation under paragraph one on a subscription basis or by collecting service fees, the provision of Section 28 apply mutatis mutandis.

The licensee may adjust or change subscription fees or service fees and the conditions of its service provision under the rules prescribed by the Commission under paragraph three provided that it shall not prejudice the rights of the subscribers during the period of the existing agreements.

In the notifications on the rules paragraph two and paragraph three, the Commission shall take into consideration the cost of service provision and fair competition among licensees under each category of the licenses and fairness to licensees and consumers as well. |
| Requirement for licensees | Section 24 The licensee shall prepare the financial status report stating true and correct revenues and expenses and submit to the Commission in accordance with rules prescribed by the Commission. |
| Station administration | Section 29 In operating the Sound Broadcasting Service and the Television Broadcasting Service, the |

	licensee shall appoint a person of Thai nationality as the station director for each station to supervise the broadcasting in consistent with the license granted and to be responsible for the supervision of the program management, program operation and broadcasting of the Station in compliance with the laws and notifications prescribed by the Commission.
Protection of Monopoly	Section 31 To prevent any person from take over a business in the manner or limiting opportunity to obtain public information from diverse sources or conducting any of monopoly of mass media business from several areas at the same time, the licensee shall be prohibited from holding the business of the same category or holding cross-media of the Sound Broadcasting Service and Television Broadcasting Service Using Frequencies in excess of the proportion prescribed by the Commission. In the case where any licensee violates the notifications or the Commission under paragraph one, the Commission shall have authority to order such licensee for the correction thereof within ninety days so that his or her business holding accordance with such notifications. Section 32 To promote free and fair competition and to prevent any act leading to monopoly, reduction or limitation of competition in the operation of the Sound Broadcasting Service and the Television Broadcasting Service, the operation of the licensee shall be subject to the law on business competition and specific measures prescribed by the Commission according to the nature of the Sound Broadcasting Service and the Television Broadcasting Service. An act of monopoly, reduction or limitation of competition in the Sound Broadcasting Service and the Television Broadcasting Service shall include the holding in related business or using materials or equipment specifically installed to receive sound or visual signals in the Manner obstructing fair competition.

Content programme	Section 33 Each category of the licensee of the Sound Broadcasting Service or Television Broadcasting Service Using Frequencies shall set up the program schedule in the proportion as follows: (1) the licensee of the public service license shall set up news or information programs which are beneficial to the public in the proportion of not less than seventy percent; (2) the licensee of the community service license shall set up news or information programs which are beneficial to the community or locality receiving the service in the proportion not less seventy percent; (3) the licensee of the business service license shall set up news or information programs which are beneficial to the public in the proportion not less than twenty-five percent. The license of the business service license at regional and local levels shall have its own produced programs in the proportion prescribed by Commission. New or information programs beneficial to the public under paragraph one shall Include news programs, programs promoting knowledge and understanding on democratic regime; programs promoting educations, ethics, arts and culture, and provision of knowledge and understanding in development of society, economics, quality of life and environment. Section 34 The license shall set up programs schedule in conformity with the objectives of the licensed service in accordance with the rules prescribed by the Commission regarding each category of the license. In case of necessity for the protection of children and juvenile, the Commission may prescribe duration for broadcasting for certain programs. The licensee shall submit the programs schedule to the Commission at least fifteen days prior to the commencement date of the Sound Broadcasting Service or the Television Broadcasting In the case where the Commission deems that

the program schedules are not in accordance with the rules prescribed by the Commission, the Commission shall have the power to order the licensee to property correct the program schedules. When the Commission has approved the corrected program schedules; the licensee shall be able to commence its Sound Broadcasting Service or the Television Broadcasting Service as approved by the Commission.

In case the licensee wishes to change the approved program schedule, the changed program schedule must be submitted to the Commission for consideration prior to such change not less than seven days and the provision in paragraph four shall apply mutatis mutandis.

In case of necessity or urgency, the licensee may broadcast the program differing from those in the programs schedules in accordance with the rules prescribed by the Commission.

Section 36 For the benefit promoting and protecting the right of disabled persons or less opportunity persons to get access to or acknowledge or to gain benefit from the programs of the Sound Broadcasting Service or the Television Broadcasting Service as equal to ordinary person, the Commission shall have the power to prescribe some fundamental measures so that the license provides appropriate service for the benefit of such persons.

The Commission may prescribe any additional promoting measures for the licensee to consider for appropriate actions, provided that the Commission may consider providing support of the expense from the Fund or providing other support or promotions by other means.

In order to make the measures paragraph one suitable for the disabled persons or less opportunity persons, the Commission may seek opinions from or give opportunity to disabled persons or less

	opportunity persons to participate in decision making of such measures. Section 38 The licensee shall record the program broadcasted, by recording on cassette tapes or other television equipment or by other means which may be re-broadcasted and to be kept for examination by the Officer. The program to be recorded under paragraph one and the period of time for keeping such records shall be in accordance with those prescribed by the Commission. In this regard, such period shall not be less than thirty days and it shall not cause the licensee to bear unnecessary burden.
Promotion and Supervision of Professional Ethics and Protection of Damaged Party	Section 39 The Commission shall encourage the gathering of the licensees, program producer and mass communication practitioners of the Sound Broadcasting Service and the Television Broadcasting Service in any form of organizations in order to issue ethical standards of professional or occupational conduct and to control professional or occupational conduct among themselves under the ethical standards. For the preparation of the ethical standards of the organization under paragraph one, the Commission shall take into account the protection of the public to access information and the protection of consumers for the operation of the Sound Broadcasting and the Television Broadcasting Service, including the protection of rights and freedom of practitioners and occupational member of the organisation. To control professional or occupational conduct of the organisation under paragraph one, each organisation under paragraph one shall set up an ethical committee with components by considering suitable proportion among practitioners and occupational members, academic persons and expertise.

	The Commission may provide support from the Fund under Section 52 to the organizations under paragraph one which prepares the ethical standards.
Promotion and Development	Section 51 For the purpose of promoting and developing the Sound Broadcasting Service and the Television Broadcasting Service, the Commission shall carry out the followings; (1) conducting the evaluation on efficiency and achievement of the operation of the Sound Broadcasting Service and the Television Broadcasting Service in accordance with the Master Plan for the Sound Broadcasting Service and the Television Broadcasting Service, and on the compliance under this Act, diversities on the expression of opinions, service provided to the disabled persons and less opportunity persons, complaint handling and opportunity for market entry of new operators; (2) conducting the evaluation on program quality with regard to interest toward society and good moral of the people; (3) conducting hearing from the licensees, practitioners and consumers in the undertaking under (1) and (2). The evaluations under paragraph one shall be in accordance with the rules and procedures prescribed by the Commission which shall at least demonstrate the facts in terms of effectiveness, efficiency, organisational development, public support and other details as necessary.
Supervision	Section 53 When there is a reasonable ground to suspect that there is an act of violation of or noncompliance with this Act, the Commission and the Official shall have power as follows: (1) to order relevant persons to clarify or to deliver any document for consideration; (2) to order in writing any person to give statements or to deliver any document or object for consideration or for use as evidence to prove the commission of an offence under this Act;

	(3) to enter into the building or place of business of the licensee or any person between sunrise and sunset or during the business hours of the place for the examination of fact on wrongdoing; searching for objects used in the commission of wrongdoing, objects possessed to be wrongdoing, or objects possessed for use in the commission of wrongdoing including any action which may be in violation of this Act or noncompliance with the conditions of the license. Section 55 In the case where any person causes interference to the transmission or broadcasting of sound or visual signals of the licensee, the Officer shall have the power to order such person to refrain from committing such act or to modify the materials used for committing such act or to remove the said materials out of the interfered area or to order such person or other persons to take certain action as necessary to solve such interference, However, in the case where the interfering materials are the services authorized by other laws, the Officer shall notify the officials authorized under such laws to consider solving the interference.
Remark	The Act was launched in the government of General Surayut Chulanond (acting government after the 2006 coup d'etat).

THAI PUBLIC BROADCASTING SERVICE ACT OF 2008

Issues	Operation of Sound Broadcasting Service and the Television Broadcasting Service Act 2008
Origination	Section 5. There shall be established Thai Public Broadcasting Service being juristic person, to be called in brief in Thai as "Sor. Sor. Thor." and to be called in English as Thai Public Broadcasting Service, "TPBS" in brief. The Organisation shall be public media on radio and television broadcasting and shall be state agency, other than government agency or state enterprise under the law on budgetary procedure, and shall operate upon its fund, property and income.
Objectives	Section 7. The Organisation shall have the following objectives: (1) to carry out radio and television broadcasting which shall strengthen the development of social quality and virtue on the basis of Thai value through information service provided upon accurate, thorough, balanced and pay due respect to code of conduct; (2) to produce information, education and entertainment Programs with suitable proportion, diversified dimension, and the operation shall be undertaken without political bias and commercial benefit and adhere to the public interest; (3) to equip the public with knowledge so as to be aware of global changes for the national and local benefits through information and other beneficial services; (4) to promote freedom of information in order to strengthen democratic society where people equally receive information;

	(5) to support direct and indirect public participation in determining the direction of the provision of services of the Organisation for public interest; (6) to support other activities of public interest. In carrying out of the objectives under (2), (3), (4) and (5), regard shall be had to thorough and equitable access and utilization by the public.
Duties	Section 8. For the achievement of the objectives under section 7, the Organisation shall have its principal powers and duties as follows: (1) to establish radio and television station, and to broadcast its Programs through other systems or other advanced technologies, whereby service networks thereof covering the whole area of the country or establishing additional radio and television stations as its networks. In this regard, the Organisation shall not collect membership fee and shall not generate income from advertisement, except for the support provided by its Supporter; (2) to provide audiovisual media production service or other information network system services or any other service related or beneficial to program broadcasting; (3) to support and develop potential and creativity of Independent Producer in the production of Program; (4) to cooperate with government agency, private agency, community or foreign agency or international organization or radio or television station of foreign public media in the production of program that enhances public knowledge or establishes cross-cultural cooperation; (5) to perform any act related to, or connected with, the management for the achievement of its objectives. Section 9. In addition to the powers and duties under section 8. The Organisation shall have the following powers: (1) to have ownership, possessory right and real right; (2) to create right or make any juristic act, within the Kingdom and abroad, for carrying out of its affairs; (3) to form joint ventures with other persons or juristic persons, within the Kingdom and abroad, in any undertaking relevant to its objectives;

	(4) to collect fee, dues, service charge or any other consideration in return of its services; (5) to perform any act related to, or connected with, the achievement of its objectives.
Fund	Section 11. The fund, property and income of the Organisation consist of: (1) levy collected by the Organisation under section 12; (2) transferred money and properties under section 57 or under other laws; (3) initial endowment paid by the government as subsidisation under section 60; (4) fee, dues, service charge or consideration obtained in return of service; (5) money or property obtained from its Supporter; (6) income or benefit arising from its intellectual property; (7) fruits arising from its money or property. The obtainment of money under (5) shall not compromise the independence of the Organisation in carrying out of its operation or cause the Organisation to act in contrary to or inconsistent with its objectives. Income arising from the carrying out of business of the Organisation, other than those under (2) and (3), shall be spent in order to support and develop potency and creativity of Independent Producer at the rate prescribed by the Board, but not exceeding ten per cent of that income. Income of the Organisation under paragraph one shall not be remitted as State revenue under the law on treasury reserve and the law on budgetary procedure.
Policy Board	Section 17. There shall be a Policy Board of Thai Public Broadcasting Service consisting of the Chairperson and eight other members selected and appointed from qualified persons having knowledge, experience and past work or performance evidencing their knowledge or experience, as follows: (1) two qualified persons in the field of mass communications;

(2) three qualified persons in the field of organization management;
(3) four qualified persons in the field of democratic promotion, community or local development, learning and education, child, youth or family protection and development or promotion of the rights of the disadvantaged. The Director shall be secretary of the Policy Board.

Section 18. There shall be a Selection Committee having duty to select the qualified persons to be appointed as the members of the Policy Board. The Selection Committee consists of fifteen members as follows:
(1) the President of the National Press Council of Thailand;
(2) the President of Thai Broadcast Journalists Association;
(3) the Chairperson of the Confederation of Radio and Television Profession Associations;
(4) the Chairperson of the Council of the Mass Communication Academic Institutes of Thailand;
(5) the Chairperson of the Coordinating Committee of the Non-Governmental Organisations;
(6) the Chairperson of the Confederation of Consumer Protection Organisations;
(7) the Chairperson of the National Council for Child and Youth under Royal Patronage;
(8) the Chairperson of the Council of Disabled People of Thailand;
(9) the President of the Lawyers Council of Thailand;
(10) the President of Thailand Environment Institute;
(11) the General Manager of Thai Health Promotion Foundation;
(12) the Permanent Secretary of the Office of the Prime Minister;
(13) the Permanent Secretary of the Ministry of Finance;
(14) the Permanent Secretary of the Ministry of Culture;
(15) the Permanent Secretary of the Ministry of Education.

Section 19. A person nominated as a member of the Policy Board shall have

	the qualifications and shall not be under any of the prohibitions as follows:
	(1) being of Thai nationality;
	(2) being of not less than thirty-five years of age;
	(3) being able to perform duties independently, impartially and honestly;
	(4) not being a bankrupt, incompetent or quasi-incompetent;
	(5) not having been sentenced by a judgment to imprisonment for a term of two years or more and the punishment has undergone for a period of less than five years on the nomination date, except for an offence committed through negligence;
	(6) not having been expelled, dismissed or removed from official service, a State agency or a State enterprise on the grounds of dishonest performance of duties or gross misbehaviour or deemed as having committed dishonest act or malfeasance in the official service;
	(7) not having been expelled, dismissed or removed from work on the grounds of dishonest performance of duties or deemed to conduct misbehaviour in the performance of duty;
	(8) not having been sentenced by a judgment or an order of the Court that his assets shall vest in the State on the ground of unusual wealth or unusual increase of assets.
	Section 23. A member of the Policy Board holds office for a term of four years.
	At the outset, four members of the Policy Board shall, after the completion of two years, vacate office by drawing lots and it shall be deemed that those members vacate office at the end of the term.
	At the end of the term of office under paragraph one, if the new members of the Policy Board have not been appointed, the members of the Policy Board who vacate office shall remain in office to continue their duties until the newly appointed members have assumed their positions. A member of the Policy Board who vacates office may be reappointed, but not more than two consecutive terms.

	Section 28. The Policy Board shall have the powers and duties as follows: (1) to lay down general policy of the Organisation; (2) to protect and preserve the independence of the Executive Board, Director and officers from any interference; (3) to approve business administration plan and schedule plan of the Organisation to be in line with the objectives under section 7; (4) to approve budget of the Organisation; (5) to control the Executive Board to function in compliant with the policy of the Policy Board; (6) to organize research with a view to develop quality of the Program; (7) to issue the code of conducts, together with penalties, of the Members of the Executive Board, Director, administrators of the Organisation, officers and employees of the Organisation; (8) to supervise opinions, suggestions, criticism as well as complaints of the public in relation to the Organisation to be taken into consideration properly and rapidly; (9) to issue regulations on personnel administration, finance, budget and properties, delegation of powers to the Executive Board on execution of various undertakings and general affairs; (10) to appoint the Executive Board in accordance with section 29; (11) to appoint and remove the Director in accordance with section 31; (12) to determine remuneration and other benefits of the Director and Deputy Director in accordance with section 37; (13) to issue the rule on professional ethics in relation to the production and broadcasting of the Programs of the organization in accordance with section 42; (14) to appoint the Sub-Committee for Considering Public Complaint in accordance with section 46; (15) to prepare and submit an annual report to the Council of Ministers, the House of Representatives and the Senate and to disseminate such report to the public in accordance with section 52;

	(16) to perform other duties as prescribed by this Act or by other laws.
Executive board	Section 29. The Policy Board shall appoint an Executive Board consisting of the Director as ex officio Chairperson, not more than six administrative officers of the Organisation and not more than four other members as Members of the Executive Board. The such other members under paragraph one shall have the qualifications and shall not be under any of the prohibitions under section 19 and section 21 and shall be person of knowledge or experience and have apparent work known to the public in mass communications, management, society, culture or law. The Members of the Executive Board shall not have interest in any undertaking done with the Organisation or in the undertaking competing against the undertaking of the Organisation, whether directly or indirectly, unless entrusted by the Policy Board or the Executive Board, as the case may be, to take administration of, or form joint ventures with, any other person or juristic person. In the case where the Director vacates office, the Executive members under paragraph one shall also vacate office. The provisions of section 24 paragraph one shall apply to the vacation of office of the Members of the Executive Board mutatis mutandis. The Executive Board shall perform its duties in compliance with the policy laid down by the Policy Board and shall have the powers and duties as follows: (1) to control the production or creation of the Program of the Organisation to be in line with the policy laid down by the Policy Board; (2) to supervise the operation of the Organisation to be accorded to laws or its rules and regulations if there is a complaint from the public against the Organisation; (3) to propose administrative and program production plans to the Policy Board for approval; (4) to propose organizational and personnel development plans and financial plan to the Policy Board; (5) to prepare master plan for network development;

	(6) to conduct quality evaluation of broadcasted Programs; (7) to carry out any duty as entrusted by the Policy Board.
Director	Section 31. The Organization shall have one Director and Deputy Director in the number as determined by the Policy Board. Section 32. The Director shall perform full time work for the Organisation and shall lead and be responsible for the administration of the Organisation and the production of Programs in accordance with the policy of the Policy Board. The Director shall have the qualifications and shall not be under any of the prohibitions as follows: (1) being of Thai nationality; (2) being of not more than sixty-five years of age on the appointment date; (3) having knowledge, skill or experience in radio or television broadcasting or mass communications; (4) not being under any of the prohibitions under section 19 (4), (5), (6), (7) or (8); (5) not being a person holding political position, a member of a local assembly, local administrator, a director of or a person who is in charge of the administration of a political party, an advisor to a political party, or an official of a political party; (6) not being a member of the board of directors of a state enterprise or other state agencies, officer or employee of the Organisation or advisor or expert contracted with the Organisation; (7) not having interest in any undertaking done with the Organisation or in the undertaking competing against the undertaking of the Organisation, whether directly or indirectly, unless entrusted by the Policy Board or Executive Board to take administration of, or form joint ventures with, any other person or juristic person. In administering the Organisation, the Director shall be responsible to the Policy Board. Section 34. The Director may, with the approval of the Policy Board, appoint the person having qualifications

	under section 32 (1), (2), (4), (5), (6) and (7) not exceeding the number determined by the Policy Board to be Deputy Director to assist the Director in the performance of his duties.
	The appointment of the Deputy Director shall be made by employment agreement in accordance with the rules and conditions approved by the Policy Board. The Director shall be the signatory of the employment agreement.
	Section 35. The Director and Deputy Director hold office for the period specified in the employment agreement, but not exceeding four years, and may be reappointed.
	Section 36. In addition to vacating office at the expiration of the term as specified in the employment agreements, the Director and Deputy Director vacate office upon: (1) death; (2) resignation; (3) being disqualified or being under any of the prohibitions under section 32 or section 34, as the case may be; (4) having failed in the performance evaluation; (5) having been removed by the vote of not less than two-thirds of the existing number of the Policy Board. This resolution shall clarify justification thereon and shall at least consist of the matter of fact, issues to be considered and supporting reasons for discretion. The Deputy Director shall be removed by the Director. In this case, the matter of fact and supporting reasons for removal shall be clarified; (6) termination of the employment agreement upon the conditions specified therein.
	Section 38. In the performance of duties, the Director shall have the powers as follows: (1) to issue regulation on administration of the Organisation as well as regulation and code of practices of the officers and employees of the Oragnisation which shall not be contrary to or inconsistent with the regulations prescribed by the Policy Board;

	(2) to enter into or terminate the employment agreement of, promote, reduce or cut salary or wage of, or conduct disciplinary actions against, the officers and employees of the Organisation in accordance with the regulation prescribed by the Executive Board; (3) to appoint station master and station administrative committee. Section 41. The Chairperson of the Policy Board, members of the Policy Board, Members of the Executive Board, the Director, the Deputy Director and the officers of the Organisation shall be government official under the organic law on Counter Corruption.
Rules on professional ethics	Section 42. The Policy Board shall prepare the rules on professional ethics in relation to Program production and broadcasting The rule on professional ethics under paragraph one shall, at least, cover the following matters: (1) accuracy, impartiality and fairness; (2) professional independence and accountability to the public; (3) respect for human dignity, privacy and the protection of personal rights; (4) protection of child and youth from the Program that presents violence, illegal or immoral manner, allurement that leads to wrong-doing and harsh language; (5) practice towards unfortunate victims and persons in grievance; (6) payment to the source of information, receipt of reward or benefit in return of broadcasting news or in the participation of any act which may compromise fairness and professional independence; (7) fair protection and treatment to the source of information. The Policy Board shall disseminate the rules on professional ethics prepared under paragraph one to the public.
Broadcasting	Section 43. The Program provided through radio or television station of the Organisation shall have the followings contents and values:

	(1) information that affects public is presented accurately, rapidly, reflectively, thoroughly and fairly and in appropriate proportion during the prime time; (2) Program that enhances public participation in any public issue attached with various important social point of views by means of debate or expression of opinions upon accurate data, balancing of different opinions and rational analysis; (3) Program that enhances public learning and development of the quality of life of the public and Program that promotes education in various fields and heighten the learning of child and youth. These Programs shall be proportionate and shall be broadcasted during the period which is convenient for viewing and listening; (4) sport and entertainment Programs as well as Program that promotes health and quality of life of the public; (5) Program that promotes Thai's identity, multicultural society and social harmony as well as Program that enables disadvantaged persons to present their views or information; (6) entertainment Program that is creative, promoting good social values or uplifting public aesthetics; (7) Program to support Independent Producers with sufficient broadcasting period. The Schedule shall be made upon discretion of the Organisation and it shall not be made for the purpose of, or in return of, commercial benefit. The Director shall make and submit the Schedule to the Executive Board for approval every three months. If any significant change has been made to the Schedule, the Director shall submit the Schedule with that change to the Executive Board for approval. In making of Program under paragraph one, the Policy Board shall conduct hearing of related persons in order to enable disabled person to have access to or utilize the radio and television Programs of the Organisation.
Audience council and complaint procedure	Section 45. In order to improve the provision of service and the production of Program of the Organisation to be in response to public service and social and audience needs and to enhance public participation in policy

	determination, there shall be an Audience Council consisting of not exceeding fifty members, who are representatives of people from various regions and groups with diversity and balance, to be appointed by the Policy Board in order to conduct hearings from public at large in relation to the production of Program of the Organisation. The Audience Council shall meet at least once a year in accordance with the rules and procedure prescribed by the Policy Board.
	The Policy Board may, with due regard to the needs of each region and social diversification, establish a Regional Audience Council in any region.
	The Executive Board shall compile and submit opinions and suggestions of the Audience Council under paragraph one, together with proposal for improving the provision of services and the production of Programs of the Organisation, or for improving the master plan of administration and Program of the Organisation to be in conformity with the changing of actuality, to the Policy Board.
	Section 46. The Policy Board shall establish a Sub-Committee for Considering Public Complaint to consider public complaints in the case where the Organisation or its Producer, officers or employees fails to act or produce Program in accordance with the Rule on Professional Ethics under section 42. The Sub-Committee for Considering Public Complaint shall consider and examine the complaint rapidly, accurately and equitably.
	The procedure of the Sub-Committee under paragraph one shall include the corrective or remedial measures in the case where the production of a Program is contrary to the Rule on Professional Ethics as well as corrective measure for false statement, right to defence and apology for error.
	The submission of a complaint in accordance with the procedure under this section shall not prejudice the right of the person to use any other legal measure for the correction or remedy to the case causing such complaint.

	Section 47. The Organisation shall maintain the original record of all Programs for at least thirty days as from their broadcasting date. If any Program causes dispute or complaint, the Organisation shall maintain the record of original of such Program until the completion of such dispute or complaint has been heard thoroughly.
Inspection and control	Section 52. In order to secure the quality and efficient Program to be provided to the audience and to express its impartiality, the Organisation shall prepare and submit its annual report to the Council of Ministers, the House of Representatives and the Senate within six months as from the ending date of each accounting year. Such Report shall also be disclosed to public. The report under paragraph one shall at least contain the following issues: (1) the performance of the Organisation during the lapsed year comparing with its target; (2) project, work plan and budget plan for the year to come; (3) Schedule of the lapsed year and plan for change of Schedule for the year to come; (4) financial statement and report of the auditor, internal audit report and report of the evaluation committee; (5) information of the juristic person owned or shared, directly or indirectly, by the Organisation and information of the person in which the Organisation has jointed business or venture; (6) Program produced by an Independent Producer supported by the Organisation, procurement method and name of that Producer together with details for broadcasting of such Program; (7) opinion of the Audience Council under section 45 and the public and the improvement in response of such opinion; (8) complaint of the audience, consideration result and correction.
Remark	The Act was launched in the government of General Surayut Chulanond (acting government after the 2006 coup d'etat).

Issues	Spectrum Management National Master Plan 2012 (BE 2555)	Spectrum Management National Master Plan 2019 (BE 2562)
Vision	To manage the spectrum to achieve public interests at the national, regional and local levels with due regard to free and fair competition as well as the extensive and appropriate distribution of the spectrum utilization in various segments including education, culture, state security and other public interests.	To manage the spectrum which is national resource to highest benefit nation and people effectively, worthwhile and throughout.
Mission	To efficiently allocate, assign and regulate the spectrum utilization with due regard to public interests, business necessity, spectrum usage and technological advancement through certain, clear and reasonable criteria as well as transparent and fair process.	To plan, set rules, allocate, and regulate the effective spectrum utilization by providing enough spectrum as demanded, technological advancement, and integrations.
Goals	1) To build the international cooperation mechanism in spectrum management among related parties including, international organizations, international frequency coordination	1) To let Thailand have enough spectrum as demand requested, time, and standard through strategies of spectrum management effectively and efficiently

	committee, regulators and related operators; 2) To develop criteria and timeframe for spectrum reframing for reassignment or utilization improvement; 3) To develop spectrum management regulations and mechanism for national security agencies; 4) To assign spectrum and prescribe spectrum usage regulations in Public Protection and Disaster Relief (PPDR), case of emergency and other public services; 5) To set the transition plan for digital radio and television transmission; 6) To assign spectrum for public service and non-profit community users at least twenty percent of the spectrum to be licensed for broadcasting business in each area.	2) to increase the effectiveness of spectrum management of NBTC 3) to build up human resources and spectrum management system to be proficient under the international standard.
Strategies	Re-farming Strategy The refarming guideline is described as follows: 1) In case of government, state enterprises, and other government agencies who allowing other operators to use their spectrum by granting permission, concession or contract which its legality was already examined by NBTC , after the end of their permission, concession or contract such spectrum shall be returned to the NBTC;	Strategy of supplying enough spectrum to the demand, time, and standard 1) Identify the needs of spectrum usage in Thailand suitable to trend of current spectrum usage in the present and future 2) Push to implement the spectrum release plan Strategy of spectrum management effectively for value and overall benefit. Strategic target: to manage spectrum effectively and

	2) Those who have been legally licensed for the spectrum usage with the expiry dates shall return the spectrum after the end of their license; For those who have been legally licensed for the spectrum usage with the expiry dates, the NBTC will set the expiry dates by considering public interest, business necessity and spectrum utilization: In case of radio broadcasting service, the maximum period shall not exceed 5 years as from the date of the Spectrum Management Master Plan coming into force; Strategy of allocating to civil sector to use spectrum for radio and television broadcasting: Announce the rules of licensing to civil sector to use frequencies of radio and television broadcasting services within 4 years from the starting implementation of the Spectrum Management National Master Plan	worthwhile and consider the highest benefit for people, national security, and public benefit following the spirit of constitution
Practice and evaluation	1) NBTC bring the master plan to implement into practices by making the radio frequency plan including plan, projects, and guidelines to follow up and evaluate in accordance with this national	1) NBTC bring the spectrum management master plan to deliver in practice by making Radio Broadcasting plan, spectrum outlook, Spectrum Recalling guideline, Spectrum Recalling guideline to re-allocate, and guideline to

	master plan and resource management adequately 2) NBTC follows up and evaluate the work result under the spectrum management master plan and revise the plan to benefit the spectrum management effectively and technological advancement at least every 2 years	adjust the spectrum usage including strategic plan and action plan in 5 years 2) NBTC follow up and evaluate the work in the spectrum management national master plan which need to be revised to benefit the spectrum management efficiently in accordance with technological advancement at least every 2 years.

BROADCASTING MASTER PLANS I (2012-2016) AND II (2020-2025)

Issues	Broadcasting National Master Plan I (2012-2016)	Broadcasting National Master Plan II (2020-2025)
Fundamental principles	1) Guideline for the development and promotion of free and fair competition among operators. The Broadcasting Master Plan focuses on the regulating of audio broadcasting and television broadcasting services to prevent anticompetitive conduct or any conduct that may diminish or limit competition. It aims to prevent any domination of the broadcasting services that may result in limited access to information and to prevent any cross-media ownership and ownership in related media businesses as well as to improve diversity of information for equal and universal access by the public. 2) Guideline for the licensing of radio frequencies and permission to operate broadcasting services.	1) Guideline for the licensing of radio frequencies and permission to operate broadcasting services The emphasis is on the efficient management of radio frequencies for free and fair permission to use radio frequencies for undertaking of all categories of broadcasting services. The public must be able to appropriately access to audio broadcasting and television broadcasting services, including the licensing of all types of audio broadcasting and television broadcasting business, either the frequency-used or nonfrequency used, under free and fair manner, as well as focusing on the impact on public health and environmental pollution, which may cause by the use of frequency.

	The emphasis is on efficient and interference-free management of limited radio frequencies for free and fair permission to use radio frequency for the undertaking of all categories of broadcasting services. The public must be able to appropriately obtain the use of radio frequency to provide audio broadcasting and television broadcasting services and able to receive free and fair permission to operate in all types of broadcasting services that use and do not use radio frequency.	2) Guideline for the development and promotion of free and fair competition in the audio broadcasting and television broadcasting services The emphasis is on the regulation of audio broadcasting and television broadcasting services in order to prevent monopoly or reduce or restrict of competition, including the prevention of the dominance which limits the opportunity to receive information and increase a variety of information that people can equally and thoroughly access.
	3) Measures to allow the community to use radio frequencies for community service operations. Promote the community with suitable potential to become qualified for a license application to use radio frequencies for audio broadcasting and television broadcasting in the community service category at a proportion of not less than twenty percent of frequencies allocated in each licensing area. This measure must be in accordance with the Spectrum Management Master Plan and the service must not be provided for business profits. There is also a measure to promote the quality of community service broadcasting operators.	3) Measures to promote the use of radio frequencies for noncommercial purpose or for the citizen in the audio broadcasting and television broadcasting services Aiming to promote relevant parties or citizen that are well-prepared to be able to apply for a license to use the radio frequencies and operate the audio broadcasting and television broadcasting businesses for public interest, as well as support operators to provide quality of services.

Vision	The national communications resources must be allocated on a transparent, fair and efficient basis and must be regulated with special consideration to human rights principles. To promote free and fair competition for the public interests, consumer protection, people's rights and liberty to communicate and access diverse and quality information on a fair and knowledgeable basis. These measures will provide a foundation for a diverse yet unified democratic society.	The far advanced development of the audio broadcasting and television broadcasting services, cultivating of social creativity and benefitting all sectors
Mission	1) Allocate communication resources in transparent and fair manner, covering all dimensions. 2) Regulate broadcasting services efficiently on the basis of free and fair competition for public interests with consideration to principles of human rights. 3) Provide consumer protection to ensure quality and fair services. 4) Promote the public's right and liberty to communicate and access diverse and quality information on equal and knowledgeable basis.	1) To allocate communication resources in a transparent and fair manner, covering all respective dimensions. 2) To regulate broadcasting services efficiently on the basis of free and fair competition for the national security and public interest. 3) To provide consumer protection to ensure quality services. 4) To promote right and liberty to communicate and equally access to a variety and quality of information of people.
Goals	1) The public benefit from the licensing of radio frequencies and permission to conduct audio broadcasting and television broadcasting services that are truthful, universal, fair and efficient.	1) People obtain benefits from the licensing of radio frequencies and the efficient, universal, and fair operation of audio broadcasting and television broadcasting services.

	2) Consumers have access to services and are protected from being exploited by audio broadcasting and television broadcasting operators. 3) People in all sectors have the rights and liberty to access diverse information on an equal basis and can use radio frequency in the undertaking of audio broadcasting and television broadcasting operation for public service. 4) Audio broadcasting and television broadcasting operators compete freely under fair rules and regulations. The broadcasting programs must be of good quality, diversity, reliability and suitability for specific target groups. 5) The quality of licensees, content creators and professionals in any business related to audio broadcasting and television broadcasting services are promoted and the broadcasting professional Codes of Conducts are established. 6) The audio broadcasting and television broadcasting services are promoted toward modern operations and efficient use of resources.	2) People are protected from being exploited by the broadcasting operators. 3) People have rights and liberty to equally access information. 4) The broadcasting operators are able to compete on a free and fair basis with a variety of quality and reliable contents, and suitable for the target groups. 5) Licensees, program producers, and professionals in any business related to audio broadcasting and television broadcasting services are promoted and professional Codes of Conducts are established. 6) The audio broadcasting and television broadcasting services are developed towards the modern operations and efficient use of resources.
Strategies	Strategy for the licensing of radio frequencies and audio broadcasting and television broadcasting services Objectives	Strategy 1 Development of Audio Broadcasting Service in Thailand. This strategy aims to develop audio broadcasting service in order to enhance standards

1) To provide universal and fair licensing of radio frequencies, as well as audio broadcasting and television broadcasting services that lead to efficient use of national resources. 2) To promote the use of radio frequencies for public interest and non-profit service. Guidelines 1) Prescribe criteria and details of the use of radio frequencies and the necessity for frequency holding by state agencies, state enterprises and other state units or persons who are assigned frequency or using frequency in the undertaking of audio broadcasting or television broadcasting services on the date that the Act on Organisation to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2553 (2010) became effective. 2) Specify the exact timeframe for frequency assignees or frequency users in the undertaking of audio broadcasting or television broadcasting service in 1) to return the frequencies for reassignment or improvement of the frequency usage as specified in the Spectrum Management Master Plan.	of audio broadcasting, reduce frequency interference and increase the variety of options for people to receive services including ensuring the constant access to necessary basic information. Objectives 1) To enhance standards of audio broadcasting service. 2) To ensure the constant access to necessary basic information. 3) To increase variety of audio broadcasting services. Strategic goals 1) The industry standards of audio broadcasting service is accepted. 2) Reduction of frequency interference that causes an impact to stakeholders. 3) Facilitating a completed transition process for operators, according to Section 83 of the Act on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2553 (2010) and its amendments, as necessary. 4) Conducting a pilot project for trial operation of digital audio broadcasting. Critical Success Factors 1) Availability of sufficiently related competent personnel, tools and work systems.

3) Prescribe criteria and procedures for the submission of details and examination of the legality of the licenses, concessions or contracts granted to state agencies, state enterprises and other state units. 4) Prescribe intermediate measures before the licenses can be granted under the transitory provision of the Broadcasting Business Act B.E. 2551 (2008). 5) Prescribe the characteristics and categories of audio broadcasting and television broadcasting services. 6) Prescribe criteria and procedures for the licensing of radio frequencies and the audio broadcasting and television broadcasting services 7) Prescribe Band Plan, standards and required technical specifications for audio broadcasting and television broadcasting services. 8) Prescribe criteria for the use of radio frequencies for public interest and for community service without any business profit at a proportion not less than twenty percent of frequencies allocated in each licensing area.	2) Effective cooperation from related sectors such as agencies involving in law enforcement processes, civil society for providing information regarding illegal activities, etc. 3) Understanding and acceptance of related sectors. Indicators 1) Reduction of number of offended cases in broadcasting service. 2) Increase number of standardized audio broadcasting operators. 3) Decrease number of frequency interference which affects the safety of life and property. 4) Readiness of license granting to operators under Section 83 of the Act on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2553 (2010) and its amendments, as necessary. 5) Explicit results of the pilot project for trial operation of digital audio broadcasting service. Strategies 1) Strict law enforcement. 2) Promotion and support of standardized audio broadcasting operators.

9) Prescribe criteria and procedures to support communities with proper potential to become qualified in applying for a broadcasting license in the community service category. 10) Set up plans to support community service broadcasting operators in accordance with the objectives of the Broadcasting, and Telecommunications Research and Development Fund for the Public Interest. Indicators 1) Establishment of databases on radio frequency uses and the necessity for frequency holding by state agencies, state enterprises and other state units or persons who are currently assigned frequencies within one year. 2) Determination of an exact timeframe for the state agencies, state enterprises and other state units or persons who are currently assigned frequencies to return the assigned frequencies for future operation as specified in the Spectrum Management Master Plan within two years. 3) State agencies, state enterprises and other state units or any persons who are currently assigned frequencies and who have	3) Regulation of spectrum usage and related equipment to comply with standardised requirements thoroughly, quickly and efficiently. 4) Preparation for granting audio broadcasting licenses to operators, according to Section 83 of the Act on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2553 (2010) and its amendments, as necessary. 5) Granting permission of digital radio broadcasting for trial operation. 6) Building mutual understanding with related sectors. Operational guidelines 1) Build mutual understanding among related sectors regarding the necessity of respective measures' execution so as to enhance the standards of audio broadcasting service. 2) Strictly follow-up, monitor, and enforce the laws against offenders. 3) Develop the measures to promote standardized audio broadcasting operators. 4) Approve and certify radio communication equipment which comply with the standards in order to prevent frequency interference.

	the necessity to use and hold the frequencies are deliberated for licensing within three years. 4) Examination of the legality of previous licenses, concessions or contracts is completed within three years. 5) More than ninety-five percent of audio broadcasting and televisions broadcasting operators who comply with the transitory provision of the transitory provisions of the Broadcasting Business Act B.E. 2551 (2008), operate under the intermediate measures within three years. 6) Establishment of criteria for the classification of audio broadcasting and television broadcasting categories within one year. 7) NBTC is able to grant audio broadcasting and television broadcasting license for services not using radio frequencies within one year and for services that use radio frequency within three years. 8) Establishment of Band Plan, standards and required technical specifications for audio broadcasting and television broadcasting services. 9) Establishment of criteria for the use of radio frequencies and promoting the use of radio frequencies for the	5) Clarify scope and work processes among related sectors. 6) Consider criteria for determining conditions regarding the necessity of granting the licenses. 7) Licensees using spectrum for business operation according to Section 83 of the Act on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2553 (2010) and its amendments, as necessary , who wish to continue providing service have to submit a broadcasting business plan within the specified period. 8) Grant permission for digital audio broadcasting trial operation. The results received shall be used to communicate and enhance understanding of relevant sectors and the public. Strategy 3 Content Regulation, Consumer Protection and Promotion of People's Rights and Liberty

	undertaking of audio broadcasting for community service operation at a proportion of not less than twenty percent in each licensing area within two years. 10) Establishment of criteria for the use of radio frequencies and promoting the use of radio frequencies for the undertaking of television broadcasting for community service operation at a proportion of not less than twenty percent in each licensing area within three years. 11) Establishment of criteria to support communities with proper potential to obtain a broadcasting license for community service. 12) Establishment of plans to support the Broadcasting and Telecommunications Research and Development Fund for the Public Interest for community service broadcasting operators. Strategy for the regulating of audio broadcasting and television broadcasting services Strategy for the protection of audio broadcasting and television broadcasting consumers Strategy for the promotion of the rights and liberty	

	to communicate	
	Strategy for the development of broadcasting service Quality	
	Strategy for the transition to digital broadcasting transmission	
	Strategy for the development of a management system to become an efficient regulating organization	
Performance guidelines and evaluation	1) Broadcasting Commission puts the Broadcasting Master Plan to practice and the Office of NBTC's operational plans shall be formulated. 2) Broadcasting Commission monitors and evaluates the Broadcasting Master Plan's operational outcome.	1) The NBTC shall systematically implement the Broadcasting Master Plan through the formulation of the series of the Office of the NBTC's Action Plans. 2) The NBTC shall follow-up and evaluate the performance of the implementation under the Second Broadcasting Master Plan continually.

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