



Journal of Current Chinese Affairs

China aktuell

Continuity and Change in Policies in Taiwan

Rawnsley, Ming-Yeh T. and Chien-san Feng (2014), Anti-Media-Monopoly Policies and Further Democratisation in Taiwan, in: *Journal of Current Chinese Affairs*, 43, 3, 105–128.

URN: <http://nbn-resolving.org/urn/resolver.pl?urn:nbn:de:gbv:18-4-7703>

ISSN: 1868-4874 (online), ISSN: 1868-1026 (print)

The online version of this article and the other articles can be found at:

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Published by

GIGA German Institute of Global and Area Studies, Institute of Asian Studies in cooperation with the National Institute of Chinese Studies, White Rose East Asia Centre at the Universities of Leeds and Sheffield and Hamburg University Press.

This Taiwan edition has been published and edited in cooperation with the European Research Center on Contemporary Taiwan (ERCCT) at Eberhard Karls University of Tübingen.

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Anti–Media-Monopoly Policies and Further Democratisation in Taiwan

Ming-Yeh T. RAWNSLEY and Chien-san FENG

Abstract: The student-led anti–media-monopoly movement in Taiwan has generated strong momentum since mid-2012. In early 2013, the National Communications Commission responded by drafting the “Prevention of Broadcasting and Television Monopoly and the Maintenance of Diversity Act”, which was approved by the Executive Yuan in April 2013 and is now waiting to be debated in the Legislative Yuan. In contemporary Taiwan, the social is often connected with the political. The existing democratic system, which is a legacy of the democratisation process in the twentieth century, no longer seems adequate to serve the citizens of the twenty-first century. This paper considers the anti–media-monopoly movement and the burgeoning civic movements in recent years as part of a “second wave” of democratisation for further political reform and democratic consolidation. When martial law was lifted in Taiwan in 1987, the “first wave” of media liberalisation ended with the commercialisation of industry. The “second wave” of media democratisation has picked up where the first wave left off and may finally establish, through increasingly more thoughtful media policies, a better and fairer media environment that is more suitable for democratic Taiwan.

■ Manuscript received 10 June 2013; accepted 6 June 2014

Keywords: Taiwan, media policy, democratisation, anti–media-monopoly

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Introduction

This paper aims to explore the development of media policies in Taiwan in the twenty-first century by focusing on the anti-media-monopoly movement (反媒體壟斷運動, *fan meiti longduan yundong*) and especially the discussion stimulated by the campaign. While it is possible to situate Taiwan's experience within a global context, we believe that the movement was ignited by domestic issues rather than a deliberate echoing of international debates about media monopolies.

Taiwan's anti-media-monopoly movement coincided with an increase in activity by a range of civil society movements. For example, over 100,000 protesters attended a rally in January 2013 to challenge the Kuomintang (KMT, 國民黨, Guomindang) government's handling of the economy since it regained power in 2008 (*The Economist* 2013). A public demonstration of over 250,000 people took place on 3 August 2013 demanding social justice for the death of a young army corporal named Hung Chung-chiu (洪仲丘, Hong Zhongqiu) (Hung 2014: 54–77). Nearly 500,000 people gathered in the streets of Taipei on 30 March 2014 to show support for the student-led Sunflower movement (太陽花學運, *taiyanghua xueyun*) which served to legitimise the students' occupation of the Legislative Yuan between 18 March and 10 April 2014 (Harrison 2014). Hence, we consider the anti-media-monopoly movement, together with this series of civic movements, as a driving force for the “second wave” of democratisation on the island. While twentieth-century democratisation was arguably the most remarkable achievement in modern Taiwan, we must acknowledge how its “first wave” of democratisation has left many challenges yet to be confronted. For example, is Taiwan a presidential or cabinet system? Where are the checks and balances to presidential power? How can the capacity and quality of the legislature be enhanced? What is the remedy for the aggressive commercialisation of the media that has hindered, not improved, the performance of the media industry in general?

The remainder of this paper starts with a brief overview of the anti-media-monopoly movement and the five issues championed by the activists. Second, we provide an international outlook on the changing attitude toward free media markets and media ownership. Third, as several issues of the anti-media-monopoly movement stemmed from the island's “first wave” of democratisation of the

1980s and the 1990s, we examine the local historical context and argue that the on-going “second wave” of democratisation is actually an attempt to introduce further political reform in order to re-establish a more responsive political system (rather than a merely reactive one) that is conducive to greater societal transformation and progression. Finally, we highlight the six most contentious points of the “Prevention of Broadcasting and Television Monopoly and the Maintenance of Diversity Act” (hereafter “Anti-Media-Monopoly Act”) published by the National Communications Commission (NCC, 國家通訊傳播委員會, Guojia Tongxun Chuanbo Weiyuanhui) in early 2013. The debate over this bill among different sections of society reflects the changes and continuity in policymakers’ attitudes toward the media industry. An analysis of the debate will help us obtain insights into whether the “second wave” of media democratisation initiated by the anti-media-monopoly movement will facilitate a more balanced and diversified media environment with higher standards of professionalism that will better serve Taiwan’s citizens in the long run.

Anti-Media-Monopoly Movement in Taiwan

The student-led anti-media-monopoly movement in Taiwan began to attract tremendous support, both on the island and overseas, in mid-2012. The movement started at the grassroots and constantly evolved and responded to unfolding events in the realm of media ownership (Harrison 2012). Since July 2012, campaigners have staged a series of protests around Taiwan, including a truck tour covering ten major cities from Jilong to Pingdong. The students stopped in front of train stations, night markets and temples and [...] using megaphones to address crowds on what they perceived as the dangers of media monopoly and the deteriorating quality of democracy in Taiwan (Chen 2013). The students championed the five issues discussed below.

Anti-Media-Monopoly

The core issue of the movement was media ownership. This was triggered by the Want Want China Times Group’s (旺旺中時集團, Wang Wang Zhong Shi Jituan) aggressive acquisition of Taiwan’s print media, cable and digital television markets, both as a content producer and a service provider. The campaigners were particularly

alarmed by the fact that there were no adequate policies to deal with media mergers or any appropriate forums for in-depth legal and public debate. As media ownership emerged as an issue, the anti-media-monopoly campaign began to receive serious attention.

Two Inter-related Issues: Anti-China Interference and Safeguarding Press Freedom

The chairman of the Want Want Group, Tsai Eng-meng (蔡衍明, Cai Yanming), has allegedly exercised heavy-handed interference in the media under his control. His allegedly disregarded of press freedom and the way his business interests in mainland China have explicitly and implicitly influenced the operation of his media outlets in Taiwan has caused a great deal of concern among media professionals and social elites. It is within this context that anti-China interference – known as the “China factor” (中國因素, *Zongguo yinsu*) in Taiwan, which refers not to the Chinese government but specifically to Taiwanese businesspeople with economic interests in mainland China – became a major issue of the anti-media-monopoly campaign, along with safeguarding press freedom.

Strengthening Labour Unions

Media scholars in Taiwan advised the activists to look beyond a single individual or business negotiation and to take a broader and more long-term view in order to reform the media in Taiwan. When academics in the fields of journalism and media studies joined the anti-media-monopoly movement in late 2012, two further issues were added to the campaign, including strengthening the regulations of establishing labour unions in the media industry so that the media professionals will be empowered to stand up to their bosses if and when necessary (Feng 2012).

Strengthening Public Service Media (PSM)

During the process of media liberalisation in the early 1990s, Feng (1995: 33–65) forewarned that new problems might be created by unregulated, private media ownership in Taiwan; consequently, he advocated the importance of PSM. Feng suggested that the demise of state control might expose the newly generated public spaces to both

political and commercial competition and result in media ownership being concentrated in a few business conglomerates that are not accountable to the public. Hence, as the threat of media monopoly became imminent, the activists revisited Feng's appeal and championed a stronger PSM in order to counter the expansion of the commercial media sector and to enhance the vitality of a genuine public sphere.

The appeals of the anti-media-monopoly movement generated a great deal of public sympathy and mobilised around 10,000 people to demonstrate in the streets of Taipei on 1 September 2012. The island's independent regulator, the NCC, originally stated that the laws tackling the issues of media ownership would not be ready until 2014, when a new bill on regulating the convergence of media and telecommunication industries was scheduled for drafting. However as the anti-media-monopoly movement became a recognisable force within civil society, the NCC hastened its timetable and published the "Anti-Media-Monopoly Act" on 20 February 2013. Two public hearings were organised on 18 and 21 March of 2013 to invite comments from scholars, media professionals and citizens (Rawnsley 2013). The draft bill was then revised and approved by the Executive Yuan on 24 April 2013. As of June 2014, the bill is awaiting debate in the Legislative Yuan before it becomes law. It can be argued that the Anti-Media-Monopoly Act has been one of the most high-profile media related policies in Taiwan since the late 1990s. It is as significant as the passing of the Public Television Act in 1997, the National Communications Commission Organisation Act in 2005 and the Ministry of Culture Organisation Act in 2011. The process of drafting and approving these bills indicates the issues facing Taiwan's media landscape as a whole and how the government attempts to address public concerns over the communications and cultural industries (The Campaign for Media Reform et al. 2013: 1–2).

Press Freedom, Markets and Democracy

Conventional media theories of Western liberal democracy and, more specifically, the Anglo-American models, generally argue that the media best serve society when market mechanisms are unleashed from regulatory constraints, allowing the media's programming to

reflect the tastes and preferences of its audiences (Hackett and Zhao 1998: 186).

The marketplace of ideas has been a prevalent ideology behind many media policies in Anglo-American societies for several decades, especially since the 1980s when neoliberal intellectual currents swept across the globe (Harvey 2005).

The introduction of market forces into the Chinese media in the early 1980s “made some parts of the system more responsive to readers and audiences” and “modified the elitism of media professionals and given rise to populist sensibilities” (Zhao 1998: 182). This phenomenon encouraged conservative governments in the US and Britain to embrace free market economies even more enthusiastically. As Donald Browne has noted:

United States government support for public broadcasting was almost nonexistent until passage of the Public Broadcasting Act of 1967, and the Reagan administration [...] sought to cut back sharply on the annual congressional appropriation for public broadcasting (Browne 1989: 13).

Since then, the Federal Communication Commission (FCC) has particularly favoured deregulation and deemed ownership concentration a non-issue. Similarly, the Thatcher government attempted to privatise the British Broadcasting Corporation (BBC) and convened the Peacock Committee in 1986. Although the Peacock Committee continued to support the ideals of public service broadcasting in its final report, deregulation has since become the guiding principle in managing the British commercial media sectors (Seymour-Ure 1991).

By the end of the 1980s, the popular discourse about China’s political and social reform led by the media liberalisation came to an abrupt halt as the tanks of the People’s Liberation Army rolled into Beijing’s Tiananmen Square on 4 June 1989. Even though government-directed market-oriented transformation of the Chinese media resumed with a rapid pace in the 1990s, observers began to caution against linking commercialisation with democratisation (Splichal 1994; Zhao 1998). Criticisms of everyday Anglo-American media practices and the ill effects of marketisation on press freedom also became more prominent. For example, Baker (1994, 2002) has long argued that it is wrong to assume that government interventions in media markets will prevent audiences from receiving the media products they like because advertising-driven media do not provide for

audience desires, but rather deliver audiences to advertisers. He has also noted that different democratic theories lead to different conceptions of good journalistic practice and media policy. Hence, it is important for a society to understand what freedom of the press should mean, and then make corresponding policies to facilitate the media industry instead of being blindly guided by free-market advocates.

The resignation of the FCC Chairman Michael Powell in 2003 signalled the growing wariness of American civil society toward laissez-faire perspectives on media policies and cross-media ownership. Powell had been on the FCC since the Clinton administration. His tenure caused a great deal of controversy as he pursued an aggressive neoliberal agenda by pushing the telecommunication and media industries into an increasingly deregulated world. In response, many lawmakers, companies and consumer groups staged a series of protests, which finally prompted the decision for Powell to step down just one day after President Bush's inauguration (Hung 2013: 113–139). Moreover, the phone-hacking scandal in Britain that resulted in the closure of *The News of the World* in 2011 and subsequent legal investigations also brought to the fore the problems of unregulated media and the implications of “power without responsibility” (Curren and Seaton 2009). Both practitioners and scholars started to question the existing statutory foundations and raised concerns about media ownership (Mair 2012). In the face of the strong public opposition that the scandal generated, Rupert Murdoch was eventually forced to abandon his plan of purchasing another 31 per cent of BSkyB shares to expand his media empire in Britain (Lin 2013: 87–112).

We concur with Baker's (2007) assessment that there are three reasons why the increasing concentration of media ownership compromises the role of a free press within a democratic society. The first reason is that a normative conception of democracy requires political power to be equally distributed. The “public good” aspect of media suggests that communicative power should also be distributed in an egalitarian fashion. Secondly, media dispersal is necessary to check governmental authority and protect society from its abuse. The third reason is that evenly dispersed media ownership produces higher-quality journalism. Thus, media ownership matters just as press freedom matters to democratic citizenship.

Local Historical Context

As Taiwan's political transition and media liberalisation made a significant breakthrough in the 1980s with the so-called "third wave of democracy" (Huntington 1991), the island's struggle for political freedom and social transformation is often explained within a transitology framework. There is no question that the development of the media system and media studies in Taiwan have been heavily influenced by the Anglo-American models (Lin 2004). However, the unique characteristics and challenges facing Taiwan and its media environment should not be ignored, as local sensibilities are shaped by local factors instead of a grand theory originating from afar, even though the global geopolitical structure may condition the options of the local.

After the KMT lifted martial law in 1987, the proliferation of media was both rapid and extensive; democracy was interpreted as involving deregulation and distancing such institutions as the media from the state as much as possible. Accordingly, 2,037 newspapers were in circulation in Taiwan by 2006, compared to just 31 between 1951 and 1987. The KMT government agreed to the establishment of a fourth national commercial television company in 1997 (Formosa Television, FTV, 民視, *Min Shi*), which reflected the Taiwanese identity that had been previously denied by the authorities. Another national TV station, the Public Television System (PTS, 公視, *Gong Shi*), worked with limited financial resources to fulfil the mission of PSM and became available on cable and satellite in 1998. In addition, since cable programming legislation was passed in 1993, viewers have been able to access hundreds of local, regional and international television channels. By 2002, Taiwan had rapidly become one of the most saturated pay-TV markets in the world, with a cable penetration rate of over 78 per cent of households (Granitsas 2002: 46–48).

The comprehensive privatisation of the commercial media industries has resulted in fierce competition for profits among media enterprises. Big players with substantial capital enjoy expanding market dominance in the free market structure, while smaller competitors find it increasingly difficult to face the challenges of immense market pressure. Many prominent newspaper titles have been forced to close down in the twenty-first century, including the *Independent Evening News* (自立晚報, *Zili Wanbao*), the *Central Daily News* (中央日報,

Zhongyang Ribao) and the *Min Sheng News* (民生報, *Minsheng Bao*), leaving only four with large circulations: the *Liberty Times* (自由時報, *Ziyou Shibao*), the *Apple Daily* (蘋果日報, *Pingguo ribao*), the *United Daily News* (聯合報, *Lianhe Bao*) and the *China Times* (中國時報, *Zhongguo Shibao*). In other words, liberalisation of the media in Taiwan has ultimately failed to encourage more voices and consumer choice – as media reformers had envisaged – and instead has led to the concentration of private ownership. Furthermore, the aggressive commercial competition has impacted on the quality of media output. Tabloid journalism thrives in Taiwan today, and advertisers are also able to exercise a different form of censorship to dictate media content for self-serving purposes due to the media's growing dependence on advertising revenue (Rawnsley and Rawnsley 2012: 403–406). As Freedom House reported in 2010, media watchdogs in Taiwan “raised concerns over a rise in sensationalism and a potential loss of quality”. The same report also alerts us to “embedded marketing amid economic difficulties”, which has posed threats to the island's media independence (Freedom House 2010).

Problems related to private media ownership began to surface when the Democratic Progressive Party (DPP, 民進黨, *Minjindang*) defeated the KMT for the first time to win the 2000 presidential election. Further media reform became one of the new government's priorities. In February 2003, the KMT agreed to sell its stock holdings in the media, including 33.94 per cent in the terrestrial TV station Chinese Television Company (CTV, 中視, *Zhongshi*), 97 per cent in the Broadcasting Corporation of China (BCC, 中廣, *Zhongguang*) and 50 per cent in the Central Motion Picture Corporation (CMPC, 中影, *Zhongying*) (*Taipei Times* 2005). The China Times Group purchased the majority of these shares formally owned by the KMT, but the China Times Group was then taken over in 2008 by Want Want Holdings, one of the largest food manufacturing companies in Asia (Liu and Tsai 2009: 274). The Want Want China Times Media Group soon became a powerful media giant that owned several print and electronic titles including the *China Times*, the terrestrial TV station CTV and its digital channels, as well as the cable television group CiTV (中天, *Zhongtian*). This raises a set of new questions about media ownership and how the Want Want China Times Group, with its extensive business interests in the People's Republic of China (PRC), may affect media freedom in Taiwan (*International Herald Tribune* 2013).

In 2011, the Want Want China Times Group expressed an interest in purchasing the China Network System (CNS, 中嘉, *Zhongjia*), Taiwan's second-largest cable television provider. This business venture would potentially "allow the Want Want conglomerate to secure 23 per cent of Taiwan's cable subscribers and roughly one-third of the overall media market" (Freedom House 2012). More than 800 academics and 100 civic groups joined the student-led anti-media-monopoly campaign and opposed the KMT government's plan to grant the Want Want Group permission to buy CNS (Chen 2013).

Another important player in Taiwan's media market is Hong Kong media tycoon Jimmy Lai (黎智英, Lai Zhiying), whose *Next* magazine arrived in Taiwan in 2001, with the *Apple Daily* following in 2003. These publications quickly became established among the most popular news magazines and daily newspapers on the island. In 2009, Lai launched Next-TV. The NCC rejected its application for a cable television license and Next-TV could only deliver its programming through the internet. According to industry insiders, Next-TV has suffered severe financial losses since 2009. In early 2012, rumours began circulating that Jimmy Lai had decided to sell Next-TV, which prompted a series of complex business discussions. Lai eventually agreed to sell not only Next-TV but also the more profitable *Next* magazine and *Apple Daily* (Anonymous 1 2013).

In 2012, Tsai Eng-meng joined forces with China Trust and Formosa Plastic Corporation in a bid to acquire Lai's Next Media Ltd. in Taiwan. The transactions were conducted in two stages. The first was regarding the print media – that is, *Next* magazine and *Apple Daily* – and the proposed shareholders would be Formosa Plastic (34 per cent), Want Want China Times (32 per cent), China Trust (20 per cent) and Lung Yen Life Service (14 per cent). The second stage related to the purchase of Next-TV, the potential shareholders of which would be Formosa Plastic (34 per cent), Taiwan Fire and Marine Insurance (32 per cent), China Trust (20 per cent) and Lung Yen Life Service (14 per cent) (PTS 2012).

The implications of the merger were significant. Approving the transactions of Next Media Ltd. would form the most dominant media empire in Taiwan and Tsai Eng-meng could become the most powerful individual in the island's media industry. This is because, in addition to the media owned by the Want Want China Times Group, China Trust and Formosa Plastic each have their own media compan-

ies, including ETTV (東森電視, *Dongsen Dianshi*), ONTV (緯來電視, *Weilai Dianshi*), rights to several foreign channels, and cable TV distribution networks. Therefore, when the business deal of *Next* magazine and *Apple Daily* was under review by the Fair Trade Commission between late 2012 and early 2013, public awareness of the student-initiated anti-media-monopoly movement reached its peak. The three campaign issues – anti-media-monopoly, anti-China interference and safeguarding press freedom – were warmly supported by tens of thousands of people overseas and at home, including legislators, academics and even older Taiwanese, who are often reluctant to associate with younger people (*Taipei Times* 2013a).

Although Want Want Group's plan to acquire the cable service provider CNS and the Next Media Ltd. fell through in 2013 due to the efforts of the anti-media-monopoly campaigners, the process did highlight several policy weaknesses regarding the media sector and press freedom in Taiwan; namely:

- There were no sufficient regulations to prevent media monopoly.
- There was a lack of coordination among media regulators to establish an overview and critical examination on cross-media ownership.
- When discussing press freedom, policymakers continue to view free market as the main priority and are reluctant to consider alternatives. Yet, empirical evidence from Taiwan and overseas has shown that unregulated commercialisation can be as damaging to the free press as political interference.
- While the volume and speed of cross-strait economic, social and cultural interactions has increased dramatically since the KMT's return to power in 2008, no satisfactory mechanisms are in place that can enhance the accountability, quality and efficiency of political debates regarding cross-strait issues. How can the Taiwanese government and business tycoons be entrusted to conduct trade negotiations with Beijing in a more transparent and productive manner when such negotiations may have profound economic, social and political consequences for the people of Taiwan?
- How can the concerns of the civil society be properly addressed and be provided a space for engagement with the process without being misrepresented in the overly simplistic “independence

vs. unification”, “blue vs. green” or “anti-China vs. pro-China” discourses?

The fact that the Anti-Media-Monopoly Act has been awaiting discussion in the Legislative Yuan for over a year without an end in sight highlights the inefficiency in Taiwan’s legislature. Politicians from both parties have repeatedly criticised the NCC and the PTS for their lack of impartiality. Yet the functionality of both institutions has been gravely reduced as a result of emotionally charged arguments over party politics in the Legislative Yuan, which becomes a vicious circle and perpetuates the incapacitating situation that prevents the NCC and the PTS from acting successfully. Therefore, on the surface, the anti-media-monopoly movement may be concerned about one technical issue in the media industry. Upon closer examination, however, the debate over media ownership has mobilised strong social support and provoked the organisation of other civic movements. This specific issue clearly reflects a deeper concern with the increasingly polarised party politics, ineffective representative democracy and widening social inequality.

In other words, in the context of Taiwan today, the social is often connected with the political. The existing democratic system, which is a legacy of the democratisation process in the twentieth century, no longer seems adequate for serving the citizens of the twenty-first century. Hence we consider the anti-media-monopoly movement and the burgeoning civic movements in recent years as part of a “second wave” of democratisation for further political reform. These movements concern the quality of democracy – a debate that must take place in any process of consolidation. We agree with Amin’s contention that democratisation is an endless process. It should not be reduced to multiple-party elections that do not necessarily empower the people and permit them to transform society. Democratisation is multi-dimensional. It integrates the major issues of gender, justice, social equality and collective responsibility, as well as individual liberties that should be developed, not restricted (Amin 2011: 15).

An Analysis of the Anti-Media-Monopoly Act

In February 2013, the anti-media-monopoly campaign achieved a victory when the NCC ruled that Tsai Eng-meng could not purchase

CNS because the Want Want China Times Group did not fulfil the three cross-ownership conditions set by the NCC in 2012 (*Taipei Times* 2013b). The campaigners claimed a further victory in March 2013 when the Want Want Group, China Trust and Formosa Plastic Corporation decided to withdraw from the controversial buyout deal. At the same time, Jimmy Lai announced that he no longer wished to let go of *Next* magazine and *Apple Daily*, although he would still sell the loss-making media platforms such as Next-TV (*Business Today* 2013). However, the most important achievement of the anti-media-monopoly movement was when the NCC drafted the “Anti-Media-Monopoly Act” in early 2013, a year earlier than originally anticipated.

In addition to the NCC’s draft, four other organisations also submitted their versions of the “Anti-Media-Monopoly Act” to be referenced by the legislature, including the DPP Caucus of the Legislative Yuan, the Centre for Public Policy and Law of National Taiwan University, a group of 22 KMT legislators, and anti-media-monopoly campaigners represented by the 901 Anti-Media-Monopoly Union and the Anti-Media-Monster Youth League. A close analysis of these draft bills will foreground the key considerations regarding the development of Taiwan’s media sector in general and how different sections of society view these issues. This, in turn, will provide an indication of where the continuity and changes in media policies may lie.

The following six contentious questions emerge from this analysis:

- Who should be responsible for regulating media ownership?
- How should the multiple system operators and channel distributors be regulated?
- What measures can be taken to facilitate the production of quality and diversified media content?
- What is an appropriate definition of media monopoly in Taiwan?
- What framework can be established to ensure editorial independence, labour rights, professional conduct and media accountability?
- How can PSM be strengthened?

The debate over these issues may ultimately reshape Taiwan’s media industry and determine how the media profession will continue to develop.

From Deregulation to Co-regulation

As discussed above, a consequence of media liberalisation in the 1980s and the 1990s is deregulation. However, while Taiwan's relentless market competition created a media industry that places profit and commercial values as the guiding principles of press and media production, the NCC – a politically neutral regulatory body based on the model of the FCC – was founded in 2006 under the DPP government to better manage and regulate the commercial media sector.

The NCC's remit focuses on broadcasting and telecommunications. When the Want Want China Times Group proposed purchasing *Next* magazine and *Apple Daily* in 2012, the buyout deal was subject to review by the Fair Trade Commission instead of the NCC. Therefore, in the public discussion of the "Anti-Media-Monopoly Act", the design of a suitable regulatory body became a focal point. While all the proposed bills agreed that the NCC should be the authority responsible for regulating media ownership, the Centre for Public Policy and Law of National Taiwan University suggested a framework of co-regulation; that is, to organise an additional anti-media-monopoly review committee incorporating members of the NCC, Fair Trade Commission and Ministry of Economic Affairs (The Campaign for Media Reform et al. 2013: 2). At this stage, it is difficult to determine whether the principle of co-regulation may enhance the ability of regulators or reduce the efficiency and accountability of the decision-making process. Nevertheless, the debate indicates that social elites in Taiwan begin leaning towards more and stricter regulations of the media after a long period of deregulation. Moreover, as the designs for co-regulation resurface in other clauses in the "Anti-Media-Monopoly Act" (see further discussions below), it appears that co-regulation may be developed as a new trend in Taiwan's media policies.

The Separation of Media Content and Platforms

In January 2013, the largest convenient store chain in Taiwan, 7-Eleven, unilaterally decided to stop selling a particular issue of *Business Weekly* (商業週刊, *Shangye Zhoukan*) because of its publication of a report about personnel changes inside 7-Eleven. Given that *Business Weekly* had relied on 7-Eleven for its island-wide circulation for 25 years, this incident not only upset the magazine and its readers, but

also alarmed the public about how much power media distributors can potentially wield (*Business Weekly* 2013). Hence, the various drafts of the “Anti-Media-Monopoly Act” represented the first time that multiple system operators and channel distributors were included in the legal discussion.

The DPP appeared to be the most vigilant as, in their version of the draft Act, they insisted on the separation of media content and media platforms. In their view, media distributors should not be permitted to merge with content producers in order to prevent the monopolisation of a particular viewpoint or interest and to ensure the availability of multiple views and interests in all distribution networks. The only exception would be public service broadcasters (The Campaign for Media Reform et al. 2013: 3). This approach made professionals in the commercial media sector and economists concerned that the proposed Act might hinder in Taiwan the global trend of digital convergence (Li 2013). This issue has provoked vibrant debate among academics and media practitioners about how to satisfy media economy and the progress of digital convergence on the one hand, while on the other hand preventing the over-concentration of media ownership (Taiwan Media Watch 2013).

By contrast, the draft bill proposed by 22 KMT legislators was the most relaxed about media monopolies. The bill involved little restriction of media ownership or cross-media platforms. It demonstrates that within the KMT camp, the free market remains the most valued doctrine for the management of the media industry.

The Development of Media Pluralism

As several media scholars in Taiwan have argued, anti-media-monopoly and the promotion of pluralism should be seen as the two sides of the same coin; otherwise, it may not necessarily lead to a better and more diverse media environment (Feng 2013; Taiwan Media Watch 2013). Therefore, the anti-media-monopoly campaigners, represented by the 901 Anti-Media-Monopoly Union and the Anti-Media-Monster Youth League, have proposed, in their version of the draft bill, the establishment of a “Media Pluralism Development Fund” (媒體多元發展基金, *Meiti Duoyuan Fazhan Jijin*).

This design was not included in the other drafts of the Act. The purpose was to proactively enhance the quality and quantity of news production, cultivate media talent, promote the production of quality

programmes, encourage the development of non-commercial news organisations, and stimulate the study of media, communications and related topics. These campaigners suggested that the fund should come from the combination of government subsidy, public donation, and the acquisition of profit made by cable TV broadcasters, telecommunication enterprises that offer multimedia services, as well as national TV broadcasters that produce less than 20 per cent of domestic programming each year. They also suggested that the fund should be co-regulated and co-managed by the NCC and the Ministry of Culture (The Campaign for Media Reform et al. 2013: 4).

The Definition of Media Monopoly in Taiwan

The definition of media monopoly remains the most contentious. The NCC used ratings as its benchmark for calculation. For example, its proposed bill stipulated that the merger of satellite TV providers would not be allowed if such a merger resulted in the combined annual average ratings reaching 15 per cent or above.

Some observers believed that the NCC's ceiling was too high to prevent the formation of media conglomerates, as the annual average ratings of all TV channels in Taiwan was only between 10–12 per cent between 1992 and 2012. They doubted that the 15 per cent ratings cap would serve to block any future merger deals (The Campaign for Media Reform et al. 2013: 5–6). However, many industry practitioners were sceptical. They worried that the cap on ratings was overly strict and would prevent media owners from further investment. For example, lawyer Ye Ching-yuan stressed that the major problem of the media in Taiwan was not the size of media companies, but the intensive market competition that resulted in the trivialisation of content and sensationalist approach to journalism. Cable industry representative Peng Shu-fen believed that merger were normal occurrences in a free market. If a media company received good ratings for its programmes and wished to expand its business, it should not be punished for their good work or for being ambitious. Both Ye and Peng believed that anti-media-monopoly policies would hamper growth and restrict the development of Taiwan's media industry (*New Talk* 2013). Their concerns echoed the views of several economists (Li 2013). In other words, the debate over the definition of media monopoly in Taiwan is more than a technical issue regarding how to cap media ownership, and is in fact about the type of media structure –

free market versus regulated industry – that democratic Taiwan wishes to shape and create.

Editorial Autonomy, Labour Rights, Professional Conduct and Accountability

A comparison of the different versions of the Act reveals two areas of consensus. The first is the importance of editorial autonomy and labour rights of the media workers. Both the NCC and the DPP designed laws to enhance journalistic independence by curtailing business owners' interference in editorial freedom, including the signing of editorial agreements and subsidising the establishment of professional societies for journalists. Moreover, the NCC extended the idea of co-regulation and suggested incorporating scholars and civic groups into a journalism ethics committee in order to monitor the performance of media organisations and to enhance public accountability of the media. The DPP proposed that media workers should be empowered to nominate an external representative to join the management of the media company as an independent board member. The anti-media-monopoly campaigners further advised that media ownership should be separated from media management in order to minimise the damage of commercialism and to protect media pluralism (The Campaign for Media Reform et al. 2013: 8).

To Strengthen Public Service Media Sector

The second issue of consensus is recognition of the importance of public service media sector and the PTS, established in 1998. In 2006, the Taiwan Broadcasting System (公廣集團, *Gongguang Jituan*) – a public service-oriented network – was expanded to include eight channels, most notably PTS, Chinese Television System (CTS, 華視, *Huashi*), Indigenous TV (原視, *Yuanshi*), Hakka TV (客家電視, *Kejia Dianshi*) and Taiwan Macroview TV (宏觀電視, *Hongguan Dianshi*). Although the public service network, and PTS in particular, has launched various initiatives (such as civic journalism programme PeoPo) and produced quality programming that has received positive feedback from viewers, average ratings have been low (normally under 1 per cent) and the output of in-depth reportage, investigative journalism and international news has been inadequate (Hung forthcoming).

The major difficulty encountered by PTS and the Taiwan Broadcasting System as a whole is the lack of financial resources and the nomination of PSM board members. The Public Television Act stipulates that PSM board members can only be appointed when receiving support from two-thirds of the Legislative Yuan, which has become highly problematic in recent years as the vicious political battle between the KMT and DPP legislators seriously delayed the formation of a functioning PSM board (*Liberty Times* 2013). Although the various versions of the “Anti-Media-Monopoly Act” have expressed a desire to strengthen PSM to promote the production of quality international news, enhance public access to TV resources and protect minority audio-visual rights (The Campaign for Media Reform et al. 2013: 9), the problems of PSM can only be resolved by revising the Public Television Act to allow public service broadcasters appropriate financial means and freedom from party politics to achieve such goals.

Conclusion

The demand for the liberalisation of the media began in the 1980s as part of the process of democratisation. However, during the political transition, the media industry sacrificed the democratic ideal for profit and commercial growth, which has consequently transformed the landscape of media and journalism in Taiwan. Unfortunately, the existence of free media does not necessarily mean independent or responsible media that can fulfil the democratic expectations of citizens. Neither does competition necessarily stimulate innovation or investment in the media sector. In fact, far from promoting pluralism and diversity of programming, the tyranny of the market is driving media practitioners towards sharing formats that attract middle-ground audiences and pushing the industry towards concentration of ownership in the hands of a few powerful private individuals and consortia that are accountable to shareholders rather than the public.

Stimulated by the anti-media-monopoly movement, public debate over anti-media-monopoly policies may help create a better-structured media market so that diverse media offering quality content can find their corresponding spaces. It is highly encouraging that different sections of society demonstrate consensus to nurture labour rights for media workers and to foster a stronger public service media sector. However, there is still a gap between the supporters of free

market and champions for tighter regulations regarding how far the restrictions on media ownership should go.

Cross-referencing the five versions of the Anti-Media-Monopoly Movement Act – by the NCC, the KMT, the DPP, the National Taiwan University and the activists – reveals that all versions seem to agree that it would be reasonable for Taiwan to have around three or four major television conglomerates (including PSM) in future, based on the size of viewership. This means that an important consensus has been achieved for Taiwan's media industry to move toward oligopoly rather than monopoly. However, important questions remain, including which version of the Act may add value to facilitate further development of press freedom, editorial professionalism, and programme diversity and pluralism. According to Luo Shi-hong's analysis, the NCC's version offers the most practical and visionary solutions and therefore deserves public support (Luo 2013).

Nevertheless, during the long process of awaiting approval by the legislature, observers worry that the essence of the Anti-Media-Monopoly Act may be spoilt by politics in the Legislative Yuan. The fact that the activists do not fully trust the NCC and are unwilling to endorse the NCC's version of the Act gives politicians an excuse to play one camp against the other to suit their individual political preferences. This further shows that Taiwan desperately needs to break away from polarised politics in order to achieve rational discussion – this applies to both political parties and civil society.

Furthermore, if and when the Anti-Media-Monopoly Act is passed by the legislature and becomes law, it is important that sufficient resources are allocated to ensure the functionality of the law. Accordingly, we suggest that the Executive Yuan must designate the NCC and the Ministry of Culture to organise cross-departmental meetings to discuss further issues. For example, how much funding is required to strengthen PSM? What resources are necessary to proactively enhance the quality and quantity of news production and promote programme diversity and pluralism? How should the funding and resources be obtained? What is the reasonable division of labour and responsibility between the Taiwan Broadcasting System, the NCC and the Ministry of Culture?

Finally, the Executive Yuan should also publicise a timetable to keep the public informed of when they expect certain tasks to be achieved. This will help facilitate public involvement in the political

process, improve communication between the government and the civil society and re-build public trust in the political system. In this way, perhaps the “second wave” of media democratisation will pick up where the “first wave” left off and finally establish, through more thoughtful media policies, a better and fairer media environment that democratic Taiwan deserves.

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