

A close-up portrait of Aung San Suu Kyi, an elderly woman with short grey hair and black-rimmed glasses. She is wearing a blue button-down shirt. Her right hand is raised, palm facing forward, with the words 'AUNG SAN SUU KYI' written in black ink on her palm. The background is dark.

AUNG
SAN
SUU
KYYI

BURMESE MEDIA SPRING

DECEMBER 2012

**REPORTERS
WITHOUT BORDERS**
FOR FREEDOM OF INFORMATION

INTRODUCTION

“A wind of freedom is blowing through the Burmese media.” You can see that just by looking at the Burmese weeklies displayed on the wooden table serving as a newsstand on a Rangoon street corner. Nobel peace laureate Aung San Suu Kyi’s face is on the front page of many news weeklies, often full-page. Covers like this would have been impossible to find just a year ago.

The international community is witnessing an unprecedented democratic transition in Burma after half a century of often very harsh military dictatorship, during which the army turned its guns on the people on more than one occasion and crushed a “Saffron Revolution” by Buddhist monks in 2007.

Under pressure from the international community and from opposition groups backed by the population, the military government was forced to pursue the reforms announced in its “roadmap to democracy” in 2003 and to hold general elections in 2010 that concluded with the installation of a civilian government.

Renamed Myanmar by the military, Burma is now being led down the road to democracy by Thein Sein, a former general who has been president since February 2011. The destination is still distant, but the road already covered is remarkable. Aung San Suu Kyi’s visits to Europe and the United States have been striking evidence of that.

For 25 years, Reporters Without Borders was banned from visiting Burma. All freely-reported news and information were forbidden and the country’s leading journalists were detained in its 43 jails. For years, the military regime would suspend publications for such trivial reasons as a St. Valentine’s Day advertisement or a reference to Thailand by the ancient name of Yodaya.

The repression spared no one involved in news production, not even printers, some of whom were sentenced to seven years in prison for printing poems with democratic messages. The arbitrary convictions and sentences continued until 2011, even after the first political reforms had begun. In October 2011, amnesty was decreed for dozens of political prisoners including the blogger and comedian Zarganar, Myanmar Nation editor Sein Win Maung and three *Democratic Voice of Burma* reporters.

After being removed from the blacklist at the end of August 2012, at the same time as Aung San Suu Kyi’s children and former US secretary of state Madeleine Albright, Reporters Without Borders was finally able to visit Burma for the first time and meet all the generations of journalists it had supported from a distance, including the well-known Win Tin, who spent 19 years in prison, and those who had been on *Democratic Voice of Burma*’s list of imprisoned “VJs” (video-journalists).

Reporters Without Borders was able to see the initial results of the measures designed to loosen the government’s grip on the media. But the way forward for the media is far from clear at this early stage of the government’s reforms. How do the media envisage the political and legal process leading to liberalization? Are journalists managing to convey their concerns, questions and, above all, their wishes to those in charge of these reforms? What are the main challenges for the media in this new political and economic configuration?

This report examines the state of the changes carried out by the government and offers detailed recommendations designed to improve respect for freedom of information in Burma and ensure that the improvements are lasting.

←
Win Tin is the former editor of the newspaper *Hanthawati* and political mentor of Nobel peace laureate Aung San Suu Kyi.

INVESTIGATION BY BENJAMIN ISMAÏL



© AFP PHOTO / Soe Than Win

BURMA
Area
 676,578 sq km
Population
 54 million (July 2011)
Language
 Burmese
President
 Thein Sein
 since March 2011



FOCUS

- A** Burma's capital since 2005, Naypyidaw is the seat of the government and parliament, which has to approve the new media law.
- B** Burma has more than 300 newspapers, of which about 100 are based in Rangoon and the surrounding region. The absence of reliable information about the ethnic violence in the western state of Arakan is a challenge for the Burmese media.
- C** A civil war continues in the remote northern state of Kachin. The few journalists who manage to visit it usually enter across its land border with China.
- D** Although they have opened bureaux in Rangoon, most of the «exile media» still have offices in the Thai city of Chiang Mai.
- E** By the end of 2012, neither Rangoon's notorious Insein prison nor any of the country's 43 other prisons was still holding any journalists or bloggers.

PRESSE FREEDOM

January 2003
 journalists imprisoned 15
 netizens imprisoned 3

January 2010
 journalists imprisoned 12
 netizens imprisoned 3

September 2011
 journalists imprisoned 17
 netizens imprisoned 3

169^e OUT OF 179
 countries in the 2011/2012
 Reporters Without Borders
 press freedom index.



SUMMARY

1. Burmese media spring	8
Reshaping the media landscape	9
Associations respond to new challenges and threats to media freedom	11
2. Legislative reform: ending institutionalized repression	14
Prosecutions encouraging self-censorship	16
Stubborn repressive laws	18
New legislation to protect journalists	20
3. A new media market	24
Licences, distribution, competition and other new challenges	25
New forms of journalism and challenge of sustainability	28
Agreement on need for professionalization	29
Recommendations	32
Recent activities by Reporters Without Borders and the Burma Media Association	34

1 BURMESE MEDIA SPRING

The government's first political reform measures were like a breath of fresh air for Burma's privately-owned weeklies. Confident that they could be a lot more outspoken, they tried to publish articles critical of the authorities but quickly discovered that the government's red lines had not retreated as much as they had imagined.

The first publications to be exempted from monitoring by the government censorship bureau – known as the Press Scrutiny and Registration Division (PSRD) – were the business and literary weeklies, which lost no time in stepping up their activities. The rest of the print media followed suit at the end of the summer of 2012, when they too were exempted from prior censorship.

Most of the bigger privately-owned media companies are already preparing to launch dailies or even TV stations as soon as the government gives the green light. *Mizzima News* is “back” from exile and has launched a business weekly and a general news weekly, joining the hundred or so periodicals based in Rangoon. The editors of the leading weeklies are already thinking about the next stages in their development.

Rangoon-based journalists are already free to talk and work without feeling threatened or watched. “I don’t spend my nights worrying whether the authorities will come and arrest me or take my husband,” Reporters Without Borders was told by Aye Aye Win, who has been the Associated Press’ correspondent for more than 20 years. RWB’s correspondent, Pho La Min, said Burmese journalists are now able to meet and talk in public with representatives of international organizations and media without fearing for their safety.

Journalists are receiving more and more foreign visitors in their newsrooms, the headquarters of their associations or their homes, and are ready to criticize the government and voice scepticism about certain aspects of its reform and even its real intentions. “We don’t forget what they did to us,” Aye Aye Win said, referring to the former military government, many of whose members are now in President Thein

Sein’s civilian government. The government is not yet trusted but most journalists are confident that they have more freedom of speech and are determined to use it to express all their concerns and demands.

The relaxation in government control of the media has been accompanied by an increase in Internet activity by both the media and the public. Public Internet access points, which had already become numerous in recent years, no longer seem to be controlled by the authorities. Asked about this, Internet café owners said they were not getting police visits and no longer needed to keep logs of the computers used by clients. Draconian regulations such as a ban on external flash drives are still officially in place but no longer enforced and more and more people are freely surfing the Internet in public places.

RESHAPING THE MEDIA LANDSCAPE

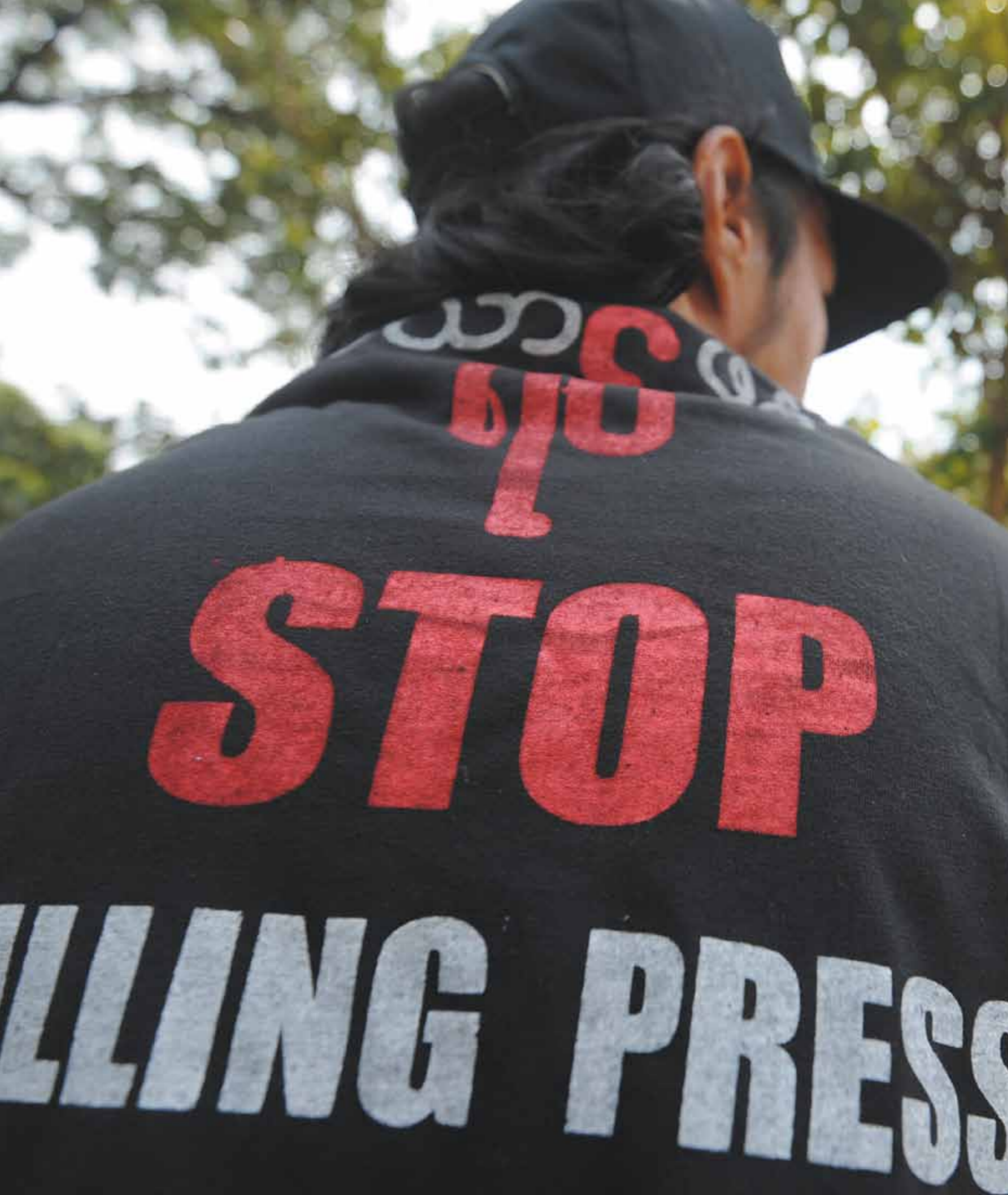
Freed from the government’s iron grip, Burma’s journalists are thinking about the directions in which to take their media, the new possibilities that are unfolding and the ways to realize them. Some media such as the *Myanmar Independent* are planning to publish reports in English, especially online, in order to reach an international public, above all in nearby Asian countries that are following developments in Burma closely. But they will need to professionalize and provide technical training to employees with no experience with daily news reporting and little experience of photo and video-journalism, until now mainly limited to photos and videos posted online.

A total of 17 video-journalists employed by the exile *Democratic Voice of Burma* were arrested from 2007 to 2010. Some, like Hla Hla Win, who was 29 in 2009, were given sentences of up to 20 years in prison. Although they are only now just out of jail, *DVB*’s video-journalists are already seeking ways to become more professional and provide the public with better reporting.

The sense of duty, which never left them while they were in prison, is now being expressed in a desire to be better trained. In their view, their release is a new beginning, and everything still remains to be done.

The latest example was a two-day conference on public service broadcasting that was organized jointly by *Democratic Voice of Burma* and the information ministry in Rangoon on September 24 and 25. It highlighted the new links between this reforming government and the media, and the media’s desire to define their own role in the process of democratization. Above all it showed that the media are determined to get control of the future of freedom of information in Burma.

With an opening address by the new information minister, Aung Kyi, and with many government officials, local and foreign journalists, and international NGO representatives taking part, the conference tackled both the concrete and technical aspects of such issues as the independence of the media regulatory authorities, the need to take account of the effect of the government’s economic reforms, the role of women and ethnic minorities, over-employment in the state media, and the need for cooperation and transparency in the media law reform process. It highlighted the colossal task awaiting the government



and Burmese media and also the encouraging speed and vision with which all players are addressing the future.

ASSOCIATIONS RESPOND TO NEW CHALLENGES AND THREATS TO MEDIA FREEDOM

Aware of the importance of bringing all their weight to bear on government decisions, Burma's journalists have not wasted time. As soon as the government first announced reforms, they began forming associations that the authorities would have no choice but to consult. They thereby hope to be able to participate actively in building a new legislative, economic and political environment for the media.

Several journalists' and publishers' associations were created in May 2012 after the Myanmar Writers and Journalists Associations (MWJA), which was set up under the military government's control in 1993, had been disbanded. There are now three main journalists' organizations – the Myanmar Journalists Association (MJA) with more than 650 members, the Myanmar Journalists Union (MJU) with around 300 members and the Myanmar Journalists Network (MJN). Even if differences in their political views can be detected, each is trying to serve media freedom in its own way rather than compete with the others.

MJA president Maung Wuntha and vice-president Thiha Saw are very involved in drafting a media law while MJU members Zaw Thet Htwe, Aye Aye Win and Min Zaw, correspondent of the Japanese newspaper Tokyo Shimbun, seem to be concentrating on promoting media freedom and training. Training in radio journalism was given to 20 journalists in Rangoon and Mandalay in August.

The MJN, which consists mainly of young journalists, was largely responsible for the August 4 demonstration to demand the lifting of the suspension imposed on two weeklies, *The Voice* and *The Envoy*, after they published articles without the PSRD's approval. The MJN's journalists received help from the comedian Zarganar, who provided them with an office from which to organize the protest march.

←
A Myanmar journalist wears a T-shirt reading "Stop killing press" as he waits outside a court for a ruling on a defamation case against *The Voice Weekly* in Rangoon on August 23, 2012.



A few days before the protest, all three groups jointly created a Press Freedom Committee, which issued a statement condemning the PSRD's decision to suspend the two weeklies. If the committee becomes a permanent entity, it will be Burma's first press freedom organization.

These associations are organizing training for their less experienced members and are beginning to dedicate a major part of their time to holding workshops and conferences to discuss possible strategies for media that want to adapt as soon as possible to the economic and social changes, which they are closely following and trying to anticipate.

Reporters Without Borders was able to attend several of these conferences, where the chief concern was how to build an ethical and diversified press and provide freely reported news and information to the entire population. While it is still too soon to gauge the government's good faith, for which a key test will be its willingness to stop controlling the state-owned media, most of the privately-owned media have already demonstrated their desire to serve the public interest.

← Myanmar newspaper deliveryman U Khin Zaw Myint, 63, looks at his newspapers in Rangoon.

2 LEGISLATIVE REFORM

The main task being tackled by the government, as regards the media, is overhauling the legislation governing the print and broadcast media. A series of measures since the summer of 2011 led to the lifting of prior censorship in August 2012. Despite its ambivalent behaviour, the government has at the same time begun to draft a new media law.

The government's first concession to media freedom was its June 2011 decision to exempt about 180 "non-political" newspapers (about 60 per cent of the print media) from the obligation to submit their articles to the censorship bureau before publication. It was followed in July by permission to print photos of Aung San Suu Kyi, the National League for Democracy's founder and general secretary, on the front page. Until then publication of her photo has been limited to inside pages and a maximum size of about 7 by 12 cm.

The lifting of prior censorship was extended to business and legal publications in December 2011 and to educational and literary publications in March and May 2012, respectively. Finally, on August 20, the government announced the end of prior censorship for all of Burma's weeklies, ending a 48-year-old practice.

In practical terms, the change is significant. The constant to-ing and fro-ing between the weeklies and the Press Scrutiny and Registration division (PSRD), referred to simply as the "bureau," has ended. "We used to send our articles to the bureau on Thursday, we would get them back on Saturday, and we would make the required changes the same day," *7 Day News Journal* editor Nyein Nyein Naing said. "On Monday we sent the changed version with last minute additions, and they sent it back in the evening. It finally appeared on the following Wednesday. All this is no longer necessary and we win a lot of valuable time."

→
Aung San Suu Kyi,
the National League for
Democracy's founder
and general secretary,
September 22th 2012.

Although weeklies no longer have to submit their articles to the PSRD before publication, most journalists say this has not meant a radical change in their activities. Some claim they have not seen any radical evolution in the content of the weeklies since the lifting of prior



editorship. *Myanmar Independent* editor Ma Thida said some reporters pay more attention now to what they write than during “the era,” a term often used in interviews to refer to the period when prior censorship was in force, suggesting that, although recent, journalists regard it as a thing of the past.

“Before, we could write what we wanted and we waited to see if it would obtain the PSRD’s approval but now we must go to press knowing that if we cross the line, we will pay the consequences,” Ma Thida added.

Many journalists think that the abolition of censorship will not be complete until all the repressive laws affecting media workers are repealed and replaced by a media law that guarantees the protection of reporters and editors regardless of the medium in which they work.

PROSECUTIONS ENCOURAGING SELF-CENSORSHIP

Since the abolition of prior censorship, journalists have been paying much more attention to the content they publish or have been censoring themselves for fear of government reprisals. The editors of non-political publications, the first to benefit from the lifting of censorship, were the first to note this and it has been repeatedly confirmed since the start of the year.

At least four lawsuits were brought against privately-owned weeklies from January to August 2012, mostly by government officials. *Modern Weekly* and one of its reporters, Thet Su Aung, were sued by a

See Page 18 →

USING “16 GUIDELINES”

USING “16 GUIDELINES” TO MAINTAIN CONTROL

On 20 August 2012, coinciding with the lifting of prior censorship for all the print media including political publications, the PSRD’s Registration and Verification Division circulated a list of 16 guidelines to the privately-owned media. PSRD director Myo Myint Maung told Reporters Without Borders they were “just suggestions to the media,” a sort of “code of conduct.” But journalists saw them as a partially successful attempt to persuade them to censor themselves and refrain from writing certain kinds of stories.

By replacing a reminder of the legislation in effect with a list of “suggestions” with no legal force, the government clearly thought it had found a more subtle way of maintaining the pressure on the media. It is likely that, at this stage of the reform process, a complete reminder of all the repressive laws adopted by the military since 1962 and still in effect would have sparked an outcry from the country’s journalists.

Here are the 16 guidelines that were sent to the privately-owned media:

Political

- Do not use the three cardinal rules on the duties of citizens in an inappropriate way.
- Do not write about or comment on the government and its policies in a negative way.
- Do not write article that could harm Myanmar’s international relations.
- Do not write about corruption, illegal drug production and trafficking, human traffic, forced labour or child soldiers without reliable sources of information.
- Do not write articles supporting individuals or organizations that act against the state.

Economic

- Do not write insulting articles about the government’s economic policies.
- Do not publish articles with economic data or photos concerning the economy without reliable sources of information.

Social

- Do not show parts of the human body that are contrary to Myanmar’s culture or clothing style or show an obscene posture.
- Do not promote gambling or predict results.
- Do not write about ghosts, vampires or treasure hunts and do not write other kinds of mystery stories. Do not disseminate irrational ideas that could create confusion in children.

- Do not publish alcohol or tobacco advertisements.
- Do not write articles or show photos about crimes committed by minors.
- Do not show or publish photos or articles that could scare the public.
- Do not employ Buddhist usages and words from the literature of other religions.

General

- In any article critical of government or private-sector procedures, give the exact time, place, name and organization. Have reliable sources of information and proof.
- The appropriate Burmese translation should be applied in expressing the headline and the titles of the books rather than using their English names.

construction ministry engineer in January over a November 2011 article about the poor condition of a road in the Mandalay area. A March 2012 article in *The Voice* about alleged corruption within the government elicited a libel suit from the ministry of mines on 20 September 2012, a month after the end of censorship.

“The real political revolution would be to disband the censorship bureau, as the government said it would several times this year,” *Irrawaddy* editor Kyaw Zwa Moe said. “Keeping the PSRD shows how hard it is for the government to abandon what it regards as a deterrent for the media.” Ma Thida added: “The end of prior censorship has not brought the expected change to our day-to-day activities. The *Myanmar Independent* publishes a cartoon every week, and that was already the case before the lifting of the prohibition.”

The censorship bureau still has certain prerogatives such as summoning journalists to its headquarters and making them sign statements. It serves as a warning. The bureau has threatened several newspapers with suspension since the start of the year. The National League for Democracy weekly *D-Wave*, for example, was reprimanded in the run-up to the 1 April partial elections because of a cartoon that was regarded as overly critical of the government.

The bureau’s intention is clearly to deter media from publishing contentious articles even if some weeklies such as the *Myanmar Independent* are now in the habit of sending a “representative” not directly linked to the newspaper to receive the scolding. Ma Thida criticized the government’s methods in a satirical editorial headlined “We will send you apologies signed in advance.”

As *Open News* editor Thiha Saw, a member of the Press Council (see Box on Page 26) said: “The end of prior censorship does not mean the end of surveillance. I went to the PSRD after the abolition of prior censorship and I saw that newspapers, which continue to be systematically sent to the bureau, were still being marked in red ink.” Officially, newspapers are still sent to the bureau just for archiving purposes.

STUBBORN REPRESSIVE LAWS

Although it no longer screens content before publication, the PSRD still has an effective mechanism for pressuring the print media. As it registers newspapers and controls publication licences, it can suspend a newspaper whenever it likes for publishing “forbidden” content. Just two weeks before censorship was lifted, two weeklies, *The Envoy* and *The Voice*, were suspended indefinitely for “violating 2011 Order No. 44” and for “contravening PSRD regulations,” namely, publishing articles that had not received prior approval.

The government has also brought prosecutions against editors and reporters in recent months as if it wanted to reaffirm its authority and make it clear that there are still red lines that cannot be crossed.

All the laws restricting freedom of expression and information are still in place and seem to constitute the main obstacle to an improvement in media freedom in Burma. It was under these laws that journalists, bloggers and dissidents were jailed for years.

One of the leading pieces of legislation used to arrest and convict news providers is the Electronic Transaction Law. Adopted in 2004, it makes using the Internet and digital technology to carry out or support anti-government activities, including “distributing any information relating to secrets of the security of the state,” punishable by 7 to 15 years in prison. Its deliberately vague wording means that it is “the simplest to use against journalists and bloggers,” Aye Aye Win said.

It was under this law that Zaw Thet Htwe, former editor of the sports magazine *First Eleven Journal*, was sentenced to 19 years in prison in 2008 while covering the destruction caused by Cyclone Nargis and the subsequent relief operations. “It’s a catch-all law,” said Aye Aye Win. “Many journalists and activists of the 88 generation were snared by this law in 2007 and 2008,” she said. “Some got the maximum sentence on four different counts – a combined jail term of 60 years. My husband was serving a 19-year jail sentence until freed in January 2012 in the second amnesty wave.”

The 1962 Printers and Publishers Registration Law is the other law that journalists criticize most. It obliges every printer and publisher to register and submit copies of books, magazines and newspapers to a Central Registration Board before publication. Since 1989, when the penalties were increased, any contravention has been punishable by up to seven years in prison. Despite the abolition of censorship, the law is still in force and its regulation on registering new publications and renewing licences continue to be applied.

The 1950 Emergency Provisions Act is one of the many other abusive laws that journalists criticize. Under article 5-(j), any published content “liable to “affect the morality or conduct of the public or a group of people in a way that would undermine the security of the Union or the restoration of law and order” is punishable by five years in prison. It could be used to find fault with almost any content and it has been used to jail many journalists, including Aye Aye Win’s father, “Guardian” Sein Win.

Journalists want other legal provisions repealed, including article 505-(b) of the criminal code and article 354 of the 2008 constitution, which says that freedom of expression and the right to publish one’s beliefs and opinions are guaranteed as long as they are “not contrary to the country’s laws, security, law and order and public decency.”

The promise of a thorough reform process has not so far been reflected in parliament, which continues to reject proposals for repealing repressive media laws. On August 30, for example, parliament voted down a proposal by New National Democracy Party parliamentarian Thein Nyunt, a former

«The real political revolution would be to disband the censorship bureau»



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↑
This sports magazine's cover headline used colour to allude subliminally to Aung San Suu Kyi's release in 2010.

journalist and lawyer by training, for the repeal of the 1950 Emergency Provisions Act.

"By insisting on national security needs, the government is trying to keep certain laws that are to its advantage," Aye Aye Win said. "We will have to wait until 2013, when the parliamentarians will address the issue again. Journalists will contact them to insist on the need to repeal repressive laws."

Nonetheless, the reform process is not paralyzed. As the famous writer, Soe Thein (Maung Wuntha), editor of *People's Age*, president of the Myanmar Journalists Association and head of the Centre for Myanmar Media Development Journalism School, said, media legislation reform is a two-tier process. As well as repeal of the military dictatorship's laws, there is also a need to draft new laws to protect journalists.

NEW LEGISLATION TO PROTECT JOURNALISTS

The government began drafting a print media bill, usually referred to as the "media law" (see Box on Page 16), at the start of 2012. In February, then PSRD deputy director Tint We announced that the justice ministry was examining a draft and that the law would be adopted by the end of the year. No fewer than five drafts were reportedly produced from May to August without any media being able to see them.

The government finally revised its timetable after repeated objections from journalists. The new Press Council is now in charge of the drafting, which is expected to take several more months, probably delaying adoption until the end of 2013.

Despite the delay, everything indicates that it will be adopted before all of the military government's old laws are repealed. The coexistence of two contradictory laws could be problematic even if the media community has so far hardly referred to the possibility. Asked about it, Aye Aye Win said "it could be very handy for the government to be able to use the new law that respects the media in order to look good in the international community's eyes while continuing to use the surviving repressive laws to hound journalists."



EXILE MEDIA “RETURN” TO BURMA

The reform process that developed during 2012 has been complemented by the “return” of Democratic Voice of Burma, Irrawaddy, Mizzima News and other “exile media.” Formerly branded as “enemies of the state,” they continue to play a key role by providing freely-reported news and information in Burma and by providing the international community with a unique insight into the country. Since receiving permission, they have opened bureaux in Rangoon and overhauled their networks of employees and contributors.

They face specific difficulties. Firstly, they must establish a place for themselves in a very competitive media environment while, although the population recognizes their legitimacy, some hard-line officials look askance at their return. Secondly, they must effect the challenging transition from non-profit organization to “commercial” news outlet while ensuring that the concept of public service continues to be at the centre of their activities.

Mizzima News, which was founded in India in 1998, became the first to “return” in February. “The initial period was very delicate,” said Sein Win, the head of news and production in Rangoon. “When I first returned,

*my movements were monitored. This no longer seems to be the case.” After launching *M-Zine*, a business weekly, in May, *Mizzima News* brought out the first issue of a newsweekly called *Mizzima* on 25 September. Printed and distributed in Rangoon, it had a print-run of 7 000 copies. “We decided to publish on Tuesday because none of the big weeklies is published that day,” he said.*

*As the employees it had in Chiang Mai have not been able to move to Rangoon, *Mizzima News* is employing local journalists, some of whom previously worked for the state media. “We are having to adapt to each other,” Sein Win said. “For the time being, it is hard for our staff to cover stories involving the military or sensitive stories such as the crisis in Arakan. What’s more, as we are changing our financing model, we have to dedicate a bigger percentage of coverage, about 30 percent, to soft subjects such as leisure, literature and cuisine.”*

Democratic Voice of Burma does not have the same local recruiting problems but it is facing major financial challenges stemming above all from the fact that it is a radio and TV broadcaster. It has had offices in the centre of Rangoon since August while keeping its headquarters in the

Thai city of Chiang Mai. It also still has a bureau in Oslo but no longer has the same financial support as in the past. DVB’s video-journalists, most of whom were released in the January 2012 amnesty, continue to play a central role and some are already getting instruction in video reporting techniques from external trainers.

*“In the past, their leading concern was to keep a low profile while filming their reports,” *DVB* planning editor Than Win Htut explained. “All they had to do was obtain video footage and send it to *DVB* without getting arrested. The method of working has changed radically. They must handle previously ignored aspects such as the story angle, the actual shooting and the video editing. The cameras they use are not the ones they had before we opened here. Our goal is to get them up to video journalism standards.”*

*Although *Irrawaddy Magazine* has had a presence in Burma since March, it was not able to open a bureau in Rangoon until the end of September. It employs around 20 journalists, including Kyaw Zwa Moe, the editor of the magazine’s English-language version.*

→ Myanmar journalists wearing caps reading “Press Freedom” carry out an interview outside a court as they wait for a ruling on a defamation case against *The Voice Weekly* in Rangoon on August 23, 2012.

“We have recently obtained the information ministry’s permission to publish a weekly but we had to print in Thailand and then import the newspaper,” he said.

Like the Burmese correspondents of foreign media, journalists back from exile are among the few journalists not to have been directly exposed to the military government’s censorship in recent years. Although they do not lack tact and diplomacy in their relations with the authorities, some Burmese journalists regard them as less inclined to compromise on media freedom. Their return is a “significant indicator” in an evaluation of the media reforms and freedom of information, one of these journalists said.

3 A NEW MEDIA MARKET

The media have to adapt to many new political, economic and social circumstances and to the instability inherent in the current transition. The exile media that have moved back to Burma have to satisfy the demands of economic profitability and must quickly find new funding models in order to guarantee their survival.

"There are more than 300 newspapers in Burma, of which around 100 are based in and around Rangoon and only about 30 cover the news," Ma Thida said, describing the Burmese media landscape. Burma's privately-owned media reflect the country's political, economic, ethnic and religious diversity. Once united in adversity, the media have revealed more of their various political inclinations since the installation of Thein Sein's civilian government.

It is not unusual for media to attack each other indirectly in editorials supporting or criticising the government or its policies. While the journalists' associations create a form of unity, controversial subjects such as the crisis in the western state of Arakan (see Box on Page 30) threaten to divide the media and benefit conservative government circles that try to use such divisions to reaffirm their control.

Win Tin, a former editor of the newspaper *Hanthawati* and political mentor of Nobel peace laureate Aung San Suu Kyi, said attention must be paid to the media's owners and the key role they play, and that evaluation of the media environment alone would not shed light on all the challenges and obstacles to freedom of information in Burma.

Called "Saya" (The Sage) by colleagues, Win Tin spent years shifting between a cell in Insein prison and a Rangoon hospital room reserved for detainees after being arrested in July 1989 and getting a 20-year sentence on charges of subversion and anti-government propaganda. He was denied the right to a pen and paper, to listen to the radio and to read newspapers, and his only visits were from army officers who repeatedly offered to free him in exchange for his signature to a written undertaking to abandon his political activities. Unlike some media owners, Win Tin always refused to enter into any deal with the military.

To fully appreciate the situation of the media and the challenges they face "a distinction must be made between private ownership and editorial independence," Win Tin said. "Only 25 percent of the newspapers are independent, that is to say, entirely financed by the private sector. The other 75 percent are linked to military leaders."

For both state-owned media that are directly run by former military government officials and for media owned by their "cronies," media liberalization and the gradual introduction of the rule of law could mark the end of the special privileges and advantages they have enjoyed until now.

Most journalists agree that the military's cronies will have to distance themselves from the government in order to guarantee the complete independence of the media they own, improve newsroom ethical standards and establish some credibility in the public's eyes.

« Only 25 percent of the newspapers are independent »

25

LICENCES, DISTRIBUTION, COMPETITION AND OTHER NEW CHALLENGES

When asked about their newspaper's prospects, some journalists point to the problems posed by the connections between the former military government and certain media companies that favour the latter's market dominance. Their constant concern is to ensure that their media survives and is able to compete with the big media groups that are financially and politically better equipped for the current transition. The danger that changes to the economic rules could lead to indirect government control of media activity reinforces their concerns.

Venus News editor Myo Min Htike said: "They are soon going to issue licences for privately-owned daily newspapers, which will pose a major challenge for all the small-scale print media. We cannot compare ourselves to weeklies such as *7 Day News* and *Weekly Eleven* because we do not have the capital to operate a daily." Thiha Saw added: "Only big media companies such as the *Myanmar Times* and *Eleven Media* have printing presses. If the government says a licence is needed to import newsprint, it will have key lever over the print media."

Circulation differences are enormous. The print-runs of the weeklies range from 7,000 for the *Myanmar Independent* to nearly 200,000 for *7 Day News*. Distribution is a major problem for the *Myanmar Independent*. It has great difficulty controlling the distribution process and finds it very hard to recover unsold copies once they are in the distributors' hands.

"The first draft of the media law referred to the introduction of licences for newspaper distributors, a possible means of government pressure that the Press Council's journalists are not ready to accept," Thiha Saw said. *The Irrawaddy*, an exile publication that has only

See Page 28 →



PRESS COUNCIL

CHAOTIC DRAFTING AND STILL UNCLEAR POWERS

The creation of the Press Council, originally slated for June 2012 and finally realized in September after several abortive attempts, was a source of repeated tension between journalists and the government as regards the power it gave the media and civil society to determine the drafting of the future media law.

A presidential order in May announced that the Press Council would be created the following month and asked various journalists' associations (see "The new media market" on Page 24) such as the Myanmar Journalists Association, the Myanmar Journalists Union and the Myanmar Journalists Network to name five representatives, allowing the government to name 15 non-journalists as its other members.

The presidential order added that the Press Council would be under the PSRD's control and its purpose would be to ensure that the media

did not threaten the interests of the people, the state and Burma's sovereignty. Journalists were outraged, and the next day the journalists' associations announced that they would not take part in such a council. "The end of prior censorship was inevitable, but the government panicked and tried to turn the Press Council into a replacement for the PSRD," Aye Aye Win said.

The government reacted quickly to this rebuff, inviting the various associations of journalists, publishers and writers to draft the new Press Council's regulations. But the government did not change the council's makeup, retained its control of drafting the new media law, and announced the formation of a 20-member council on **August 9** without even consulting the journalists' groups. As a result, it was again rebuffed.

A new Press Council with 30 members, of whom only 10 were appointed by the government, was finally formed on **September 17** and was accepted by all of Burma's journalists. Headed by former supreme court judge Khin Maung Aye and with writers and university academics among its members,

→ Myanmar bookshop workers arrange newspapers at a market in Myawaddy.

it is to be replaced by an elected council after one year. Journalists rejected government financing in a bid to guarantee its independence.

Maung Wuntha has been appointed as the council's vice-president and the poet Zaw Thet Htwe is a member of its central executive. Rewriting the draft media law and drafting a code of conduct for journalists are among its new responsibilities. The council creating four committees on **September 27** – a finance committee, an ethics and law committee, a committee for handling complaints, and an information and communication committee.

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recently relocated to Burma, still lacks the necessary printing permits and has to print all of its copies in Thailand and import them from there (see Box on Page 22).

NEW FORMS OF JOURNALISM AND CHALLENGE OF SUSTAINABILITY

A man reads a newspaper on a street in Rangoon on May 22, 2009. British Foreign Secretary David Miliband called on Myanmar to stop the “charade” of democracy icon Aung San Suu Kyi’s trial, as the junta again barred media and diplomats from the court.
↓

Myo Min Htike said he was thinking carefully about the best strategy for ensuring *Venus News*’ survival and was considering a merger with a similar-sized weekly in order to combine their capital and be able to compete with bigger media companies. *Venus News* depends on advertising, especially pharmaceutical and alcoholic drink industry ads, to be profitable. But alcoholic drink manufacturers circumvent a law banning alcoholic drink ads by producing and promoting almost identical non-alcoholic drinks, and *Venus News* could lose a major source of revenue if the law is tightened.

The calculus is not only economic. Even if the imminent green light for privately-owned dailies raises major questions about the role of the weeklies, it does not necessarily mean they should all try to become dailies, Myo Min Htike said.

“It is very hard to produce a daily,” he said. “Turning a weekly into a daily

requires many organizational and staff changes and for the time being we lack the resources. We must think what the role of the weeklies should be when the daily newspapers begin publishing. If we decide to continue being a weekly in this new media environment, we will definitely have to be very creative, find a different angle, find something that sets us apart.” In this respect, the *Myanmar Independent* already has section called “Myanmar seen through the international media.”

“In-depth articles will definitely continue to be the speciality of the weeklies but we will have to develop investigative journalism, which has so far had a very limited presence in Burma,” Myo Min Htike added.

Opportunities to do reporting on sensitive subjects in the interior are becoming more and more frequent. In June, for example, Myo Min Htike and four other journalists visited Kachin state and a photo exhibition was organized afterwards in Rangoon. He recently went to the Philippines for a course in investigative journalism, which is well developed there. Kyaw Min Swe, the editor of *The Voice*, a weekly that has often been harassed by the authorities because of its incisive articles, said: “Investigative journalism in Burma is for the time being mainly limited to environmental stories.”

AGREEMENT ON NEED FOR PROFESSIONALIZATION

Journalists need to be professionalized in order to rise to the Burmese media’s new ambitions after half a century without freedom. The needs are many and the range of skills required is varied. To diversify, the Eleven Media group wants to start a daily as soon as the government issues licences and even launch a TV station, and intends to train its journalists in audiovisual techniques.

“Our journalists are young and inexperienced,” Eleven Media CEO Than Htut Aung said. “They need to be trained in multimedia techniques and must be able to refer to a code of conduct.” The need for training also stems from the fact that there are no real university courses in journalism aside from a University of Rangoon bachelor’s degree course. This course does not have a good reputation within the media and few of its graduates go on to work for privately-owned media.



ARAKAN

TEST OF MEDIA LIBERALIZATION

The tension in the western state of Arakan has continued after another outbreak of violence on 21 October and the days that followed. The clashes between Arakan's ethnic Rakhine and (Muslim) Rohingya communities were triggered by the discovery of the body of a young Rakhine woman, who had apparently been raped and murdered, in the village of Maung Taw on 29 May. The inter-communal clashes subsequently spread throughout the state and prompted the government to send troops that still have not managed to restore order.

The lack of reliable information about the violence, the poor and often biased media coverage and the reporting restrictions imposed by the government constitute new threats to freedom of information in Burma and pose a major challenge to the Burmese media.

The government has appointed a commission of enquiry into the clashes, which have resulted in many deaths and a great deal of destruction. Meanwhile, with the help of French journalist Sophie Ansel, Reporters Without Borders is publishing an interview with Habib Habiburahman, a Rohingya cyber-dissident

who is a refugee in Australia. Habiburahman has stayed in direct contact with the Rohingya community in Burma and, since June, has been providing information about their situation and the attacks on certain villages.

RSF What is your evaluation of the media presence in Arakan ?

Habib Habiburahman Until recently, no Burmese or foreign journalist had been able to do any thorough reporting on the situation in Arakan. From the Burmese viewpoint, our ethnicity has always been a taboo that was encouraged by the military government. The military sidelined us from the Burmese ethnic landscape and kept us penned up in villages from which we did not have the right to leave for decades.

For the most part, the Burmese media have refrained from doing any analytic or investigative reporting on what is happening in Arakan, either from fear amid a climate of extreme violence, or out of ignorance of our ethnic group, which has always been kept apart from the others, or because of a taboo in a country largely opposed to the idea of the existence of the Rohingyas, or for strictly partisan reasons.

The Burmese media would rather cover the ethnic conflicts in the states of Shan or Kachin

than in Arakan. Also, the poverty, illiteracy, segregation and discrimination in which Rohingyas grow up prevents any possibility of a Rohingya working for a Burmese news organization and thereby helping to address the lack of coverage.

Many pressure groups discourage investigative reporting in Arakan. Government directives circulate. The Rohingyas live in fear, they are under threat and are not free to talk openly.

RSF Can journalists interview Rakhines and Rohingyas with complete independence ?

Habib Most of the state is closed to foreigners and those who go there to cover the situation expose themselves to danger. They can easily meet Rakhines but access to Rohingyas is controlled and disapproved of. Some have tried and a few videos and interviews with Rohingyas have emerged from Arakan. The few interviews come mainly from Sittwe, which is one of the places you have to go through to get to the touristic site of Mrauk U and which is therefore one of the cracks in the wall through which information can filter out. Other areas are completely cut off.

Journalists are closely watched in Arakan and must take the utmost care, both for their own safety and the safety of their

sources. The Rohingyas who dare to speak are risking the worst once the journalists or international observers have left. The others censor themselves or are afraid to identify themselves as Rohingyas. This is not the case with Rakhines, who journalists can interview without any problem.

What's really worrying is the widespread, controlled disinformation about the situation in Arakan. The figures reported by the local and international media are those provided by a regime that has always oppressed us. I am dismayed by the way the media blindly give credence to a regime, which in our state continues to be the dictatorship it has always been.

If there is a democratic process, it is in the seven Burmese regions but not in the seven states where the ethnic minorities live. It is absurd that international observers report figures without giving credence to the figures reported by those Rohingyas who are following developments on a daily basis and who are compiling the most detailed reports possible. If independent journalists cannot go to the villages, to the victims, without being watched on or threatened, isn't that a sufficient alarm signal that they are trying to hide something ?

This is why we are relaying information on behalf of the Rohingyas. The figures we have

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A Myanmar worker checks the printed sheets of a local journal at a printing house in Rangoon on August 20, 2012.

reported are those to which we have had access. They are indeed disturbing but they reflect only the regions in Arakan that we have been able to contact. Many villages have disappeared without our being able to obtain any information about them. The inhabitants of each torched village should be tracked down. Investigators should speak to all those who are still alive and who remember this tragedy, who remember those they have lost and are still losing.

RSF What is the biggest problem as regards getting verified information ?

Habib The biggest problem is that even if photos or videos have been shot by someone with access to a camera, how can they get the information out? The computers in the Muslim areas have been confiscated, phones bought in Arakan have been blocked and a Muslim with a mobile phone is immediately arrested.

RECOMMENDATIONS

During the current transition in Burma and taking account of the creation of new entities representing the Burmese media, Reporters Without Borders recommends that:

THE BURMESE GOVERNMENT

- Strongly affirm its commitment to freedom of information and demonstrate this in a concrete way by beginning to dismantle the information ministry, which has no place in Burma's new democratic environment
- Severely punish anyone who is responsible for freedom of information violations
- Curb lawsuits against the media by ministry officials and civil servants
- Support the repeal of repressive laws and the adoption of a media law that respects freedom of information
- Allow all journalists including freelancers to have access to state institutions in order to ensure that all government activity is fully transparent
- Announce that the state media will be completely overhauled in the near future
- Create a proper, recognized university course in journalism and, as soon as it is created, ensure that it is made available in all of the country's major cities

THE ASSEMBLY OF THE UNION OF MYANMAR

- Repeal repressive media laws as soon as possible, above all the Electronic Transaction Law and the 1962 Printers and Publishers Law
- Adopt a media law that has been approved by the Press Council

THE PRESS COUNCIL

- Draft a law for the print media that respects international standards and guarantees real protection for journalists
- Ensure that the print media law addresses issues linked to the publication and circulation of news and information on the Internet
- Quickly draft laws for the other kinds of media
- Draw up a code of conduct for journalists, taking care to consult journalists during the drafting

THE INTERNATIONAL COMMUNITY

- Continue its aid to Burma but condition it on respect for fundamental freedoms, especially freedom of information
- Ensure that assistance provided to the media does not allow the authorities to implement repressive policies
- Condition the lifting of additional sanctions on a positive and significant improvement in freedom of information

INTERNATIONAL NGOs

- Support the development of the Burmese media and the training of journalists
- Continue to closely follow developments in media freedom, media legislation and the way ethnic conflicts are handled

BURMESE JOURNALISTS

- Continue to participate in journalists' associations and unions in order to revitalize the media and defend the media's interests
- Observe the rules of professional ethics and conduct and resist pressure to censor themselves
- Continue to show each other solidarity during the transition, in which the disappearance of media will not in any way benefit the remaining media
- Ensure that staff receive training that is adapted to the new media environment
- Develop investigative journalism
- Prioritize coverage of the country's most isolated regions and not ignore the situation of the various ethnic groups
- Continue to be objective and responsible in their work

RECENT ACTIVITIES BY REPORTERS WITHOUT BORDERS AND THE BURMA MEDIA ASSOCIATION

MONITORING VIOLATIONS OF FREEDOM OF INFORMATION

March 2012 Reporters Without Borders condemns the announced ministry of mines lawsuit against the weekly *The Voice*.
<http://fr.rsf.org/birmanie-proces-du-journal-the-voice-des-23-05-2012,42123.html>

January 2012 Interviews with two *DVB* journalists and a blogger who were recently released.
<http://fr.rsf.org/birmanie-interviews-de-deux-journalistes-de-23-01-2012,41705.html>

May 2011 Reporters Without Borders condemns introduction of new draconian regulations in Internet cafés.
<http://fr.rsf.org/birmanie-renforcement-de-la-surveillance-17-05-2011,40295.html>

DIRECT ASSISTANCE AND SUPPORT

June 2012 The comedian and blogger Zarganar receives his prize at Reporters Without Borders headquarters.
<http://fr.rsf.org/birmanie-le-comedien-et-blogueur-birman-13-06-2012,42784.html>

December 2011 The Reporters Without Borders - Le Monde Prize for Press Freedom is awarded to *Weekly Eleven News*.
<http://fr.rsf.org/prix-reporters-sans-frontieres-le-08-12-2011,41522.html>

May 2011 Reporters Without Borders supports the launch of the Free Burma VJ.
<http://fr.rsf.org/birmanie-rsf-soutient-le-lancement-de-la-03-05-2011,40216.html>

CAMPAIGNS AND AWARENESS-RAISING

June 2012 Reporters Without Borders gives Aung San Suu Kyi a copy of its report on the Arakan crisis and freedom of information.
<http://fr.rsf.org/birmanie-reporters-sans-frontieres-remet-a-28-06-2012,42910.html>

November 2011 Reporters Without Borders asks Aung San Suu Kyi about the media freedom situation in Burma.
<http://fr.rsf.org/birmanie-aung-san-suu-kyi-sur-la-liberte-de-07-12-2011,41520.html>

October 2011 Interview with Zarganar a few days after his release.
<http://fr.rsf.org/birmanie-interview-du-comedien-et-dissident-17-10-2011,41214.html>

September 2011 Demonstrations in support of *DVB* video-journalists outside Burmese embassies.
<http://fr.rsf.org/birmanie-manifestations-en-soutien-aux-09-09-2011,40949.html>

December 2010 Reporters Without Borders and its partner organization, the Burma Media Association, release a report on coverage of the November 2010 elections and Aung San Suu Kyi's release from house arrest.
<http://fr.rsf.org/birmanie-rapport-birmanie-elections-aung-san-suu-kyi-22-12-2010,39120.html>

October 2010 Reporters Without Borders publishes poems that the jailed blogger Nay Phone Latt wrote in his prison cell.
<http://fr.rsf.org/birmanie-nay-phone-latt-parvient-a-envoyer-22-10-2010,38650.html>

June 2009 Reporters Without Borders launches a petition for the release of Zarganar.
<http://fr.rsf.org/birmanie-signez-la-petition-pour-demander-05-06-2009,33267.html>

September 2008 Reporters Without Borders relays an appeal by 11 Sakharov Prize laureates for Aung San Suu Kyi's release.
<http://fr.rsf.org/birmanie-11-laureats-du-prix-sakharov-16-09-2008,28576.html>

December 2007 Reporters Without Borders awards the 2007 Press Freedom Prize to *Democratic Voice of Burma*.
<http://fr.rsf.org/le-16e-prix-reporters-sans-05-12-2007,24644.html>

September 2007 Reporters Without Borders and the Burma Media Association ask Japan's prime minister to impose sanctions on the Burmese regime after video-reporter Kenji Nagai's murder.
<http://fr.rsf.org/birmanie-reporters-sans-frontieres-et-la-29-09-2007,23832.html>

December 2006 Win Tin wins the 2006 Reporters Without Borders - Fondation de France Prize in the "Reporter of the Year" category.
<http://fr.rsf.org/birmanie-u-win-tin-prime-dans-la-categorie-13-12-2006,20100.html>

December 2002 The journalist Christine Ockrent, a member of the Reporters Without Borders board, presents Nobel peace laureate Aung San Suu Kyi with the trophy of the Reporters Without Borders - Fondation de France Prize that was awarded in 1999 to the Burmese journalist and novelist San San Nweh.
<http://fr.rsf.org/birmanie-san-san-nweh-recoit-enfin-le-11-02-2003,04887.html>

REPORTERS WITHOUT BORDERS is an international press freedom organisation. It monitors and reports violations of media freedom throughout the world. Reporters Without Borders analyses the information it obtains and uses press releases, letters, investigative reports and recommendations to alert public opinion to abuses against journalists and violations of free expression, and to put pressure on politicians and government officials.

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