

# Burma in mid-2011: A Contradictory Landscape

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In March 2011, Burma installed a nominally civilian government following last year's internationally criticised [elections](#). Led by the former prime minister and now President Thein Sein, it marked the end of the military regime which had ruled Southeast Asia's most insular and regulated nation since 1962.

Media observers, noting that the same generals still occupy positions of power, questioned whether the change from military uniform to civilian suit represents a paradigm shift or merely a public relations exercise. The promises of reform by the government and the changes that have taken place in the past few months have been welcomed, but warily, since this pattern of promises without reform has occurred before in Burma's long history of authoritarian rule.

As Mizzima News editor Sein Win, stated: "The role of independent media is more important than ever in the fight against the polished propaganda machine of the government."

What can we expect from the new government, and what are their reasons for these gestures toward liberalisation?

Dr. Nicholas Farrelly, of Australian National University's College of Asia and the Pacific, comments:

"Based on all of the recent moves and public statements the long-term prospects for press freedom, and the like, appear more favourable than we have seen since the 1950s. But, as ever, the potential for immediate and unpredicted roll-back of any progress remains. It is an increasingly contradictory landscape".

## **Online access: one step forward, two steps back**

Earlier this month, the government unblocked several foreign news websites, including Reuters, the Guardian, CNN, and the Bangkok Post. Some of the newly accessible sites - Voice of America, Radio Free Asia, and the BBC - have Burmese language sections. The websites of exiled Burmese news organisations such as the Democratic Voice of Burma and Irrawaddy can now be accessed, as well as social networking and streaming sites Hotmail, Blogger, and Youtube.

This step toward liberalisation, however welcome, is inconsistent with the government's overall monitoring policy. Not only do a large number of websites remain off-limits, but internet usage is still restricted to the country's public internet cafés. Since November 2010, internet cafes in Rangoon were required by the government to install closed-circuit cameras, screen-capture and keystroke-logging software so that online activities could be recorded and traced back to individuals. Flash drives have also been banned since May of this year.

Mizzima, whose website is only available through non-state-run Internet Service Provider (ISP) Yadanabon, quoted a Rangoon editor as speculating that the state "may want to know how many people access these websites when they are accessible".

Internet speeds remain low, with a maximum of 512 kbps, but have been recorded as low as 10kbps, rendering even moderate streaming and downloads all but impossible. Internet penetration within the country also remains low, at approximately 400,000 internet users - only 0.8% of the population. Several of the regime's [political prisoners](#) are journalists with the previously outlawed exile media, but remain imprisoned despite repeated calls from the international community for their release.

The initial period of Thein Sein's presidency has been dotted with seemingly positive developments for human rights and freedom of expression in Burma. In his inaugural speech on 30 March, he called for a more liberal place for the media in Burmese society and a recognition of their role as democracy's 'fourth estate'.

The Southeast Asian Press Alliance (SEAPA) echoes the concerns noted by CPJ that the government and the Press Scrutiny and Regulation Department continue to impose sanctions and imprison journalists, particularly those reporting undercover for the exiled media. Although Burmese print news media has proliferated to over 200 publications, these remain subject to 'Submit then Publish' restrictions or 'tin htote'.

Information and Culture Minister Kyaw Hsan, in response to MP Thein Nyunt's parliamentary motion "to enact a law which can protect the rights to freedom of expression and opinion by the media and the right to disseminate and publish the news", said that censorship was still necessary, and that free speech within the country would bring "more disadvantages than advantages". He is quoted by the state-run publication New Light of Myanmar as saying that :

"Although laws and courts have come into operations in Myanmar, press scrutiny still plays a role. If media personnel face their problems in court under the law, their losses may be heavier. In its control tasks, the Press Scrutiny and Registration Division may sometimes issue only warnings to the offenders and negotiate with both sides. Therefore, the division scrutinizes inappropriate writing against the nation and the people under the law for the sake of those from the literary world and the people."

Kyaw Hsan also warned against publishing "disorderly information", giving the 8888 uprising (named so because it began on 8 August, 1988) as an example of undesirable political expression.

### **September: a new beginning for human rights?**

Thein Sein's government established a National Human Rights Commission (NHRC) earlier this month in response to the most recent visit of United Nations special rapporteur for human rights in Burma, Tomas Ojea Quintana. Quintana, having been previously denied a visa by the Burmese government, was allowed to reenter the country in August and given access to Insein jail, which holds some of the country's estimated 2,000 political prisoners.

His report to the UN called for the immediate release of these prisoners and the establishment of an independent commission to investigate war crimes and crimes against humanity in Burma. The commission, made up of former government officials and academics, has promised to focus on the issues raised in the report in an effort to deflect international censure.

Earlier this month Democratic Voice of Burma (DVB) journalist Sithu Zeya, already serving 8 years in prison under the Unlawful Associations Act, was [handed an extra 10 years](#) for breaching the Electronic Transaction Law (ETL). In late August, Nay Myo Zin was [sentenced to 10 years in prison](#) for blog postings, also in breach of the ETL. These cases give the lie to government rhetoric on the importance of freedom of expression and a new role for the media in Burmese politics.

David Mathieson, the Burma researcher for Human Rights Watch, has welcomed recent developments but noted that Thein Sein is a “product of the system” of military leadership for many years. “Something created by the government couldn’t really look at the serious culture of abuse in the Burmese military that continues despite pledges of reform”, he said.

Quintana has stated that “there are real opportunities for positive and meaningful developments to improve the human rights situation and bring about a genuine transition to democracy” but remained cautious in his report about the likelihood of these changes.

### **August: engaging with the opposition?**

Indicating that the government is willing to permit a degree of openness and criticism, it has in the last few months allowed print media to publish news of Daw Aung San Suu Kyi. In August, Thein Sein invited the Burmese Nobel Peace Prize winner and democracy advocate to visit the new capital of Naypidaw, and for details of their meeting to be publicised - a marked change from her previous meetings with the former general under house arrest and in secret. Earlier this month, political journal People’s Era published uncensored commentary by Suu Kyi without reprisal: previously, the government had banned any reference to her in print media.

However, the Messenger weekly journal was banned from publishing its supplement section for a week after it included an interview with Suu Kyi in the supplement pages, as well as a full-size front page picture of her. Breaking news is regularly published in the supplement section since censors require the rest of the journal to be submitted several days before publishing.

In June, the government abandoned the requirement for non-news publications - such as those covering sports and health - to be submitted before publishing. However, leaving in place heavy fines if government restrictions are violated simply increases the need to self-censor, while the personal risk to the media remains high.

Mizzima’s Sein Win warned that there were still untouched repressive laws against press freedom and freedom of expression, such as the 1962 Publishers Registration Act, Internet Law, and Electronic Transaction Law (ETL). These prohibit posting of government policies, security affairs and anything considered harmful to the state. The ETL in particular, he noted, has been used to imprison journalists for up to 15 years. These barriers on freedom of expression, for the moment, are still firmly in place.

### **The months ahead**

Burma is aiming for the chairmanship of the Association of South-East Asian Nations (ASEAN) in 2014, a goal made less achievable by international criticism in the wake of Quintana’s visit. These moves over the last two months toward embracing democracy and freedom of expression will strengthen its position while conversely weakening the financial and political base of the exiled Burmese press.

“If Burma continues to seek diplomatic and economic engagement with the international community, it must continue along the path toward freedom of expression and an open society in meaningful ways. There’s a lot of confidence building measures that must be put in place to assure the people of Burma,” said SEAPA executive director Gayathry Venkiteswaran.

Most importantly, SEAPA calls for the immediate release of political prisoners in Burmese jails, including the 23 journalists that are currently incarcerated. “This would demonstrate to the international community that Burma is serious about engagement; unless and until this happens we cannot rely on the credibility of Thein Sein’s government,” Gayathry added.

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## About SEAPA

SEAPA ( <http://www.seapabkk.org/> ) is the only regional organization with the specific mandate of promoting and protecting press freedom in Southeast Asia. It is composed of the Jakarta-based Alliance of Independent Journalists (AJI) and the Institute for Studies on the Free Flow of Information (ISAI); the Manila-based Center for Media Freedom and Responsibility (CMFR) and Philippine Center for Investigative Journalism (PCIJ); the Bangkok-based Thai Journalists Association (TJA); and the network's Kuala Lumpur-based associate member, the Centre for Independent Journalism (CIJ). SEAPA also has partners in Cambodia, East Timor, and exiled Burmese media, and undertakes projects and programs for press freedom throughout the region.

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