High Stakes for Media and Expression with Myanmar Coup

https://www.e-ir.info/2021/03/09/high-stakes-for-media-and-expression-with-myanmar-coup/

GAYATHRY VENKITESWARAN, MAR 9 2021

The last decade had offered glimmers of hope for the people of Myanmar that the country could finally begin the process of democratization and long-lasting peace. But 1 February 2021, was cruel reminder of the vast powers that the military, or Tatmadaw (official armed force of Myanmar), held over the nation and its people as it took power forcibly just before the formation of the civilian-led government of the National League for Democracy's (NLD) for the second term. In the November 2020 elections, the NLD won with an overwhelming majority for both the houses in the parliament and the state legislative assemblies.

According to the Assistance Association for Political Prisoners which monitors, documents and campaigns for the release of political prisoners in Myanmar, more than 1,000 political leaders, activists and ordinary citizens participating in the subsequent widespread protests, as well as journalists on duty, have been detained, arrested or convicted since the coup. At the time of writing the number of fatalities continues to rise due to the excessive use of force by the police and military who have also been targeting people's homes. Access to the internet and communication platforms have been regularly blocked, and the junta has drafted new cyber laws that could further erode the rights of the people.

Myanmar campaigners, including Justice for Myanmar and Altsean-Burma, say that the Commander-in-chief of the army, General Min Aung Hlaing, who was due for retirement in June 2021, launched the coup to consolidate power, avoid potential prosecution for crimes against humanity and secure his and his family's economic interests. Claims of widespread electoral fraud by the military are largely unsubstantiated and do not justify the declaration of emergency, as Myanmar scholar Melissa Crouch argues, saying that it was against the military's own 2008 flawed-constitution.

While those who have faced the brunt of the military force in the past are familiar with the junta tactics, they were still taken aback when the coup did happen. Myanmar Now's founding editor Swe Win said he knew a military action was imminent based on developments last year but had not expected the full might of the army to be used immediately. A senior journalist based in Yangon said in an email interview: 'I underestimated them that they won't go that far. As soon as I saw the message from my colleagues in Naypyitaw early morning, I jumped from the bed' (personal communication, 17 February 2021). The journalist, whose identity is withheld for security purpose, and other media workers have their bags packed in case they need to leave to safer places. For some, this was an unwelcome déjà vu.

Resistance has been a part of the Myanmar's society, which was under military dictatorship for over 50 years. Over time, with increasing repression, artists, writers, filmmakers and journalists negotiated the spaces to mark their protests or to support democratic leader Aung San Suu Kyi since 1988. The negotiation strategies included use of metaphors or word play to trick censors to draw public attention to state as Martin Smith documented in 1992. In later years, performers and activists would smuggle videotapes containing independent news, or banned performances like satire and traditional protest songs, Thangyat, produced while in exile.

Under military rule, media professionals attempted different ways of pushback even when faced with the threat of arrests or ban of their publications (see George and Venkiteswaran). Changes have also happened at the grassroots

level where Matthew Mullen argues that ordinary or daily forms of resistance played a significant role in confronting the repressive junta. In an incisive work, Marie Lall writes that since the 2000s, civil society actors focused on education and social justice initiatives that exposed a cross-section of society to ideas and alliances for eventual bottom-up transformation.

Most observers would agree that changes towards more openness and liberal since 2010 were part of the junta's Seven-Step Roadmap to Disciplined Democracy introduced in 2003. Croissant and Kamerling (2013) describe the transition as a strategy by the military to ensure its survival, and less so about instituting a meaningful handover to civilian rule. Nevertheless, military-appointed President Thein Sein in 2011, who previously served as prime minister under the then junta leader General Than Shwe, oversaw several political, socio-economic and administrative reforms. Key reforms among them were freedom of the press, freeing political prisoners, expanding the peace negotiations in the ethnic states and improving transparency and governance. Contributing authors to an edited collection on Myanmar media during the transition captures the historical context for the media and how the transition offered opportunities for some in the media, arts and activism but sparked new battlegrounds, especially in relation to the genocide against the Rohingya people (see Brooten, McElhone and Venkiteswaran, 2019).

For the media, the reforms began with the dismantling of pre-publication censorship and legal restrictions to publish. The News Media Law was enacted in 2014 to replace the draconian Printers and Publishers Registration Law (PPRL) 1962. The PPRL was notorious for its pre-publication censorship rules, restrictions on ownership and was regularly used to jail writers and journalists. The liberalisation was particularly significant when it came to offering affordable mobile telephone and internet services, connecting the population to multiple online sources and social media platforms. An independent Myanmar News Media Council was a milestone for the community as it now has a mechanism to represent the media and adjudicate complaints, even though it faced challenges from its inception. For the broadcasters, a new law in 2015 promised to allow public and community media, but little progress was made in this sector.

To some extent, the removal of the old laws allowed for the media to report on topics that could not be covered before, and pursue investigative pieces. Independent media began to host debates on topical issues to encourage public discussions. Slowly but surely, news media outlets enjoyed more freedom and could offer the public diverse sources of information and viewpoints. Importantly, by pushing these boundaries, the media and a booming civil society raised the bar on public expectations of institutional governance and accountability.

Yet, many among the media, human rights organisations and peace activists shared cautious optimism of the transition as they knew the path towards democracy would not be an easy one. In the years under Thein Sein's Union Solidarity and Development Party (USDP) and subsequently NLD governments, journalists, artists, poets and activists continued to face threats from the military and the political elites, as Venkiteswaran, Thein and Myint Kyaw highlight in their analysis of the legal reforms affecting media and expression. During the initial transition years, journalists were charged for trespassing when they tried to interview public officials, or for blasphemy if they criticised national Buddhist monks. Myanmar Now's Swe Win endured two years of legal harassment for commenting on extremist monk Wirathu, and later targeted for attacks. Poets, journalists and activists who participated in peaceful assemblies to protest unfair laws were also often targeted by the authorities.

The Tatmadaw played by its own rules and lapped up whatever laws it could apply to prevent the media from exposing any wrongdoing or faults. It regularly filed complaints under the Telecommunications Act 2014, introduced during the reform period, to harass journalists and editors who published criticisms of the institution over their online platforms. This was particularly evident when journalists covered issues in the ethnic states, and in some cases, satirical content targeting the military could risk similar actions. For example, the military used archaic laws such as the Unlawful Associations Act 1908 and the Official Secrets Act 1923 against journalists working in ethnic states, accusing them of supporting groups they have labelled as terrorist organisations or when exposing the atrocities against the Rohingya people.

It may be too early to assess the full impact of the coup on the media and expression, – however the Irrawaddy's Aung Zaw has predicted a major crackdown is in the making. The private and independent news media have been

warned by the military against using the language of a coup or face repercussions. While covering the people's resistance nationwide, journalists have been roughed up and were tailed by plainclothes officers. Five journalists covering the protests in Myitkyina, Kachin State on February 14 were arrested and held for several hours by the military. The 74 Media editor-in-chief Htoi Awng, one of those arrested, said in the outlet's Facebook page that the five were told their live coverage of the protests were a violation of security and Article 144 of the Penal Code, which prohibits unlawful assembly'.

In an act of defiance, and response to public pressure, many private and independent media outlets have boycotted the press conference by the appointed Minister of Information. 'We did not attend the first press conference arranged by the regime, showing our stand against the coup. Moreover, people also warned the media outlets not to join the press conference. If media joined the press conference, they would boycott us,' said the Yangon-based journalist (personal email communication, 17 February 2021). Tensions have risen in newsrooms among those who choose to comply with the military's orders and those who oppose them, leading to resignations. At least 15 members of the media council have also stepped down in a sign of protest of the coup and restrictions placed on the media. On 8 March, the junta banned five independent media: Mizzima, Democratic Voice of Burma (DVB), 7Day News, Myanmar Now, and Khit Thit Media, which had been covering the protests extensively.

Despite these challenges, journalists are in the field to do their work, often recording the happenings live on Facebook or sharing the images, videos and interviews on other platforms like Instagram and Twitter. In the last few years, local and international groups have better organised and mobilised journalists to defend their rights and campaign for better laws; the media fraternity is stronger and more united this time around in facing the coup makers. The circumstances in which the public and the media find themselves today are significantly different from the 1988 and 2007 mega protests. The 2020 election results were an overwhelming endorsement for military-free governance to continue. Lintner rightly points out that the younger generation have experienced more freedoms to access information and express themselves and are unwilling to see those rights taken away.

The Civil Disobedience Movement, which has drawn millions to the streets in cities and the interiors, is leaderless and diffused. Activists say that despite the intermittent internet shutdowns, members of the public are able to share important information and updates. These are largely community-led and once again, adopt elements of creative expression and humour. This time around, the convergence between the on-the-ground and online protests have been remarkable, as Thin Lei Win writes. While preparing for the worst, the same journalist interviewed for this piece said people were busy finding ways to remain connected by using virtual private networks (VPNs) or SIM cards from neighbouring Thailand. 'We let our readers from both inside and outside of the country know what is happening and how the riot police violently crackdown on protestors. I believe that the situation is quite different from 2007. I think it is the reason that the military so far does not violently crackdown on protesters in Yangon. They know that the world is watching them.'

Note: Translation for the 74 Media interview was provided by Zau Myet Awng.

About the author:

Gayathry Venkiteswaran is an Assistant Professor of media and politics at the School of Media, Languages and Cultures, University of Nottingham Malaysia. She is a doctoral candidate, and her thesis focuses on media reforms in Southeast Asia during political transitions.