



# Media Assistance in Burma's Reform Decade

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BURMA





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# Introduction



**M**yawaddy TV unlawfully declared a state of emergency in the early hours of February 1, 2021. The station is part of a powerful media network owned and controlled by the Burmese military. Coup leaders also quickly seized control of the country's influential state broadcaster, Myanmar Radio and Television (MRTV), and the state print dailies.

Ethnic media<sup>1</sup> spokeswoman Nan Paw Gay says she was not surprised:

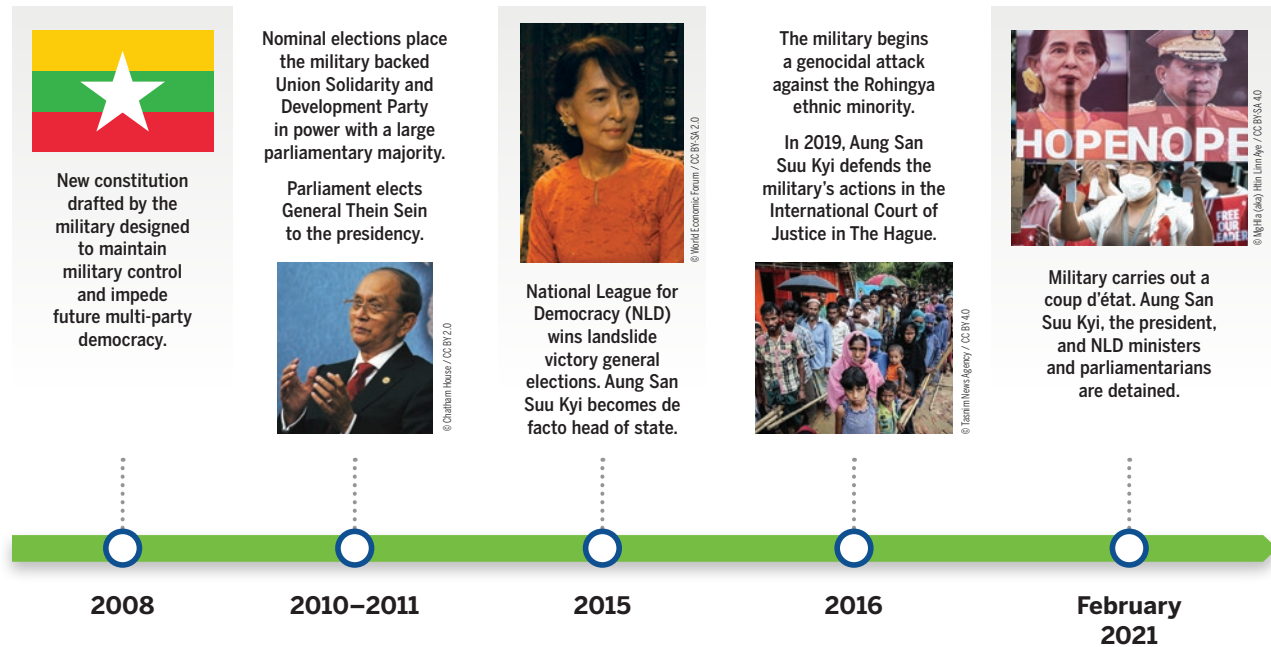
We always knew a coup could happen, and that the military would use state media for its propaganda. But what did surprise us is that the international community provided so much support for state media before the coup. State media crippled the private media sector, there was no evidence of concrete reform, and it was always vulnerable to military take-over. Given where we're standing now, can anyone really say the investment was useful or justified?<sup>2</sup>

INDICATOR	RANK/SCORE
2021 Reporters Without Borders Press Freedom Rank	140/180
2020 V-Dem Liberal Democracy Index Rank	110/179
2021 Freedom House Global Freedom Score	28/100 (Not Free)
2020 UN Human Development Index Rank	147/189

This paper examines the recent period of media reform in Burma, during the country's ostensible political opening (2010–2020), and also references reform efforts during the two preceding decades of military rule (1990–2010). The 2021 coup has provided an unexpected opportunity, and unique vantage point, to reflect on those reform efforts and to address the kinds of challenging questions Nan Paw Gay is raising. Since the coup, what have we learned about past media reform efforts? With hindsight, what are the legacies, best practices, and lessons learned? And with a view to the future, what does the media's response to the coup teach us about reform and resilience?



## Transition Timeline



## The Coup

On February 1, 2021, journalists in Burma's capital, Nay Pyi Daw, had been planning to cover the first meeting of the country's newly elected parliamentarians. Yet in the early hours of the morning, the military staged a coup d'état, handing power to the Commander-in-Chief of Burma's armed forces, Min Aung Hlaing; arresting elected officials, political activists, and human rights defenders, including well-known leader Aung San Suu Kyi; and declaring a state of emergency. Internet and mobile phone services were swiftly disrupted, and television channels blocked—the first steps in a devastatingly rapid and brutal transformation of the media sector and the country.<sup>3</sup>

The military had warned of a potential military coup as early as August 2020.<sup>4</sup> Three months later, when the military-backed opposition Union Solidarity and Development Party (USDP) suffered a humiliating defeat in the November parliamentary elections, its threats intensified, as did its allegations that the landslide victory of Aung San Suu Kyi's party, the National League for Democracy (NLD), was fraudulent.<sup>5</sup> Yet,

given the military's already staggering, and seemingly unassailable, power, including numerous levers of political and economic control, few believed it was in its interest to carry through with its threat, or prepared for that eventuality. There are myriad examples of the military's entrenched power that have not been diminished by transitions or elections: A quarter of the seats in Burma's Union Parliament are reserved for the military, and it controls three of the country's most powerful ministries: defense, border, and home affairs.



Min Aung Hlaing

It has access to a significant portion of the national budget, and presides over a vast business empire. Even when it entered into an uneasy power-sharing arrangement with Aung San Suu Kyi's party following the 2015 elections, it continued to act with impunity and to commit human rights abuses, propped up by weak sanctions.<sup>6</sup> So why then did the coup happen?

## The Political Opening

When coup leader Min Aung Hlaing was appointed commander-in-chief in 2011, Burma was slowly emerging from close to half a century of military rule. Nominal elections had placed the military-backed USDP in power. The government was quasi-military at best, but the transition of power was widely viewed as a decisive step forward. In international circles, there was much talk of transition and democracy.<sup>7</sup>

In 2015, Aung San Suu Kyi's NLD party won a landslide victory in what were considered Burma's first free and fair elections. The country was jubilant, and expectations were high.<sup>8</sup> Bolstered by his presidential ambitions and seeking to gain public support, Min Aung Hlaing responded by ramping up his social media presence and, in 2017, playing a decisive role in atrocities committed against the Rohingya.<sup>9</sup> The NLD's second, and even stronger, landslide victory in the 2020 parliamentary elections was for him, therefore, a personal blow. His failed political aspirations coupled with fears of prosecution for crimes against humanity<sup>10</sup> are widely considered to be the main driving forces behind the coup. This theory has been substantiated in a number of ways: Though he had proclaimed the coup was to last a year, he later extended it to two-and-a-half years; he appointed himself "prime minister"<sup>11</sup>; he has brought wide-ranging criminal charges against Aung San Suu Kyi and commandeered the planned dissolution of her political party;<sup>12</sup> and he has overseen a reign of terror across the country, including against the media.



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*Aung San Suu Kyi delivers a campaigning speech at a rally in Yangon, Myanmar, November 2015*

## The Resistance

Four months after staging the coup, Min Aung Hlaing publicly acknowledged that he had not expected to face such a massive and sustained opposition.<sup>13</sup> Millions joined the civil disobedience movement. Civil servants went on strike. Protests were organized across the country, with stunning displays of artistic and creative expression and courageous acts of resistance and solidarity between the Bamar (also referred to as Burman) majority<sup>14</sup> and the country's minority ethnic nationalities.

The regime focused its wrath on protesters and strikers, on those who helped them, and on anyone who dared to speak out. Health care workers and teachers were targeted, as were celebrities and social media influencers; prominent members of the NLD party; and poets, writers, journalists, and activists. Those who escaped the military's fury are now working quietly inside the country or underground, in the borderlands where they are protected by ethnic armed organizations, or in exile.<sup>15</sup> Meanwhile, the COVID-19 pandemic, comparatively contained in the pre-coup period, has had a devastating impact on the country, and touched every person working in the media sector.<sup>16</sup>

In the wake of the coup, Burmese civil society quickly collaborated with democratically elected parliamentarians to create the Committee Representing Pyidaungsu Hluttaw (Burma's National Assembly) and, in an unprecedented and opportunistic outreach to ethnic parties, the National Unity Government (NUG). The NUG is now lobbying for legitimacy as the only government representing Burma and for the restoration of civilian rule.<sup>17</sup> Bringing together elected MPs, ethnic armed organizations, and other groups opposing the coup, the National Unity Consultative Council (NUCC) was subsequently formed, with the goal of creating a broader and more inclusive alliance.<sup>18</sup>

People's Defense Forces also quickly emerged to protect civilians and to fight the military; some view them as a precursor to a federal army meant to replace the military.<sup>19</sup> Some of their practices, including targeting civilians viewed as being sympathetic to the military or supporting them, are nonetheless controversial. The few individuals or journalists who publicly question these practices, or do critical coverage of the resistance or the NUG, are testing the current limits to free expression and risking a backlash, often resulting in self-censorship.<sup>20</sup>

A silver lining of the coup is that it has shed light on the plight of minority ethnic nationalities and the atrocities they have suffered for decades at the hands of the military. Yet whether this proves to be a much-needed wake-up call for the country's powerful majority Bamar population remains an open question.<sup>21</sup> In the meantime, some ethnic armed organizations have been playing a prominent role, providing refuge to activists and journalists in the borderland territories they control, engaging in combat against the military, and protecting civilians.<sup>22</sup>

The notable role played by Burma's younger generations, including Generation Z, is also a key development. Their openness and vision for a more inclusive federal state that incorporates the country's ethnic nationalities and religious minorities moves far beyond the initial call for restoration of the political status quo, and sets the stage for reimagining the future of democracy in the country.<sup>23</sup> Importantly, some are also advocating for official recognition of

the Rohingya, and given the atrocities that have been committed against them, have publicly apologized for not coming to their defense sooner.<sup>24</sup> Yet, while these developments are inspiring, many caution that it would be negligent, if not dangerous, to ignore the many people who simply wish to see Aung San Suu Kyi back in power.

## The Media

According to award-winning investigative journalist and *Myanmar Now* Chief Editor Swe Win, it is no longer possible to do independent journalism inside Burma.<sup>25</sup> Swe Win speaks from personal experience: In the 1990s, he spent seven years in prison for protesting against the military; in 2019, he survived an assassination attempt by the military in retaliation for his outlet's investigative journalism; and in 2021, the military regime targeted his outlet and the people who work there.<sup>26</sup> *Kamayut Media* Founding Editor Nathan Maung shares Swe Win's outlook. After being released from Burma's notorious Insein prison on June 15, 2021, after more than three months in detention, and then being deported to the United States, he also speaks from personal experience when he says there is no hope for press freedom in Burma under military rule. He adds, however, that the country "needs a free press now more than ever to report on the military's abuses and tell [its] victims' stories."<sup>27</sup>

The military coup and resulting lawlessness have transformed Burma's burgeoning media sector with shocking speed. The military now fully controls the Ministry of Information and the Myanmar Press Council.<sup>28</sup> Media outlets have been threatened, licenses revoked, and newsrooms raided; some outlets have shut down, and others have been driven underground, into borderland areas where they are protected by ethnic armed organizations, or into exile.<sup>29</sup> Burmese writer, former political prisoner, and PEN Myanmar founding Director Ma Thida Sanchaung believes all of these choices are valid, "Survival or going underground. Everyone needs to make their own choices, and to continue their work and to contribute in their own way."<sup>30</sup>

Many journalists and media workers have been detained; interrogated, often in military centers, and then sent to prisons; subjected to violence and torture; and charged and tried in sham courts inside prisons, with little to no access to legal assistance. Based on his own imprisonment and interrogations, Nathan Maung says the fierce crackdown on media is in part linked to the military's belief that they were responsible for the anti-coup resistance protest movement: "They thought the anti-coup 'Spring Revolution' would die if there [are] no media present on the ground."<sup>31</sup> Coup leaders have swiftly "amended" laws to support their repression.<sup>32</sup>

Criminalizing expression that the military asserts causes fear, spreads false news, or encourages a criminal offense against a government employee, Article 505A of the Penal Code is now a primary weapon wielded against journalists and media workers. According to Free Expression Myanmar legal advisor Oliver Spencer, "505A was clearly created to punish those who question the coup's legitimacy, and its broadness and vagueness seems designed to cover any act of journalism."<sup>33</sup> Online criminal defamation provision Telecommunications Law Section 66(d) is another legal weapon of choice wielded against journalists and media workers; this latter law was also widely used in the pre-coup period, particularly by Aung San Suu Kyi's government.

While enabling foreign investment and ending the monopoly of the state telecommunications company, Myanmar Post and Telecommunications, the 2013 Telecommunications Law failed to enshrine data security or create a lawful interception framework. Since the coup, mobile license operators, including Norwegian telecommunications company Telenor, have been forced to share user data and shut down the internet. While it had previously agreed to do this in 2020 in Rakhine State under the NLD government,<sup>34</sup> on July 8, 2021, Telenor announced that the situation had become untenable in the wake of the coup and that it had sold its Burmese business to Lebanese operator M1 Ltd—a move that says volumes about the deteriorating conditions inside the country. In 2019, M1 Ltd was included on the Burma Campaign's Dirty List<sup>35</sup> after the United Nations' Fact-Finding

Mission on Myanmar concluded that the military had seriously violated international law, so any engagement with it, its leadership, or its businesses was indefensible. Yadanar Maung, spokesperson for Justice for Myanmar, a local civil society organization that monitors the military's financial flows, says that as a result of Telenor's decision, Burmese activists and journalists are now at greater risk of enhanced military surveillance and the "weaponization" of telecommunications.<sup>36</sup> Despite the controversy, the sale has moved ahead.<sup>37</sup>

Using the same "blacklisting" approach as the NLD, the military also ordered telecommunications operators to block websites and platforms, including independent media. It subsequently turned to "whitelisting," requiring telecommunications operators to block all websites and IP addresses except those included in an approved list. Operators were ordered to approve or "whitelist" 1,200 websites, including Instagram, YouTube, and WhatsApp, but not including Facebook and Twitter, which remain blocked.<sup>38</sup>

According to Human Rights Watch (HRW), other post-coup legal changes include amendments to the Electronic Transactions Law that criminalize the digital dissemination of information such as expression critical of the coup and the military regime; changes to the Code of Criminal Procedure that enable arrests without warrants and the denial of bail; the loss of basic privacy and security protections, including the right to be free from arbitrary detention and warrantless surveillance and search and seizure; and the reinstatement of a law requiring the reporting of overnight guests that has made it much more challenging for media workers to go underground and to seek refuge in safe houses or with friends and relatives.<sup>39</sup> HRW Deputy Asia Director Phil Robertson says Burma is now one of the most dangerous countries in the region to do independent reporting.<sup>40</sup> According to the Committee to Protect Journalists, it is also the second worst jailer of journalists in the world, after China.<sup>41</sup>

Safety concerns have fundamentally altered the way Burmese media cover stories; no longer having their own "eyes" on the ground has forced them





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*Military propaganda poster at the entrance to the Mandalay Palace grounds, October 2016.*

to rely almost exclusively on freelance and citizen journalists.<sup>42</sup> Yet their brave and steadfast efforts to continue reporting have also, they say, altered the public's perception and understanding of their role, and resulted in astounding solidarity. The courage demonstrated by citizen journalists who have risked their lives to provide information and footage to media outlets is a clear testament to this new relationship. Burmese freelance journalist Eaint Thiri Thu says the public now better understands where independent media fit in. "Everyone has a role to play. Some people provide medical assistance. Some share their food with people in need. Some provide news and information. Burmese can now better see that media are part of the community, and that they're needed."<sup>43</sup>

This renewed solidarity, amplified by a desperate need to access credible news and information, has also positively impacted online media, building on the significant growth they experienced in 2020 as a result of the COVID-19 pandemic. As of the end of 2021, online audience numbers had in some cases skyrocketed, primarily on Facebook and YouTube.<sup>44</sup> Yet, according to Cherry Htike, executive editor of the Shan State ethnic media outlet Tachileik News Agency, journalists need to remain vigilant as public support can easily shift. As an example, she referenced the two Reuters journalists who were condemned as traitors

by the public and some of their journalist peers, in line with the military and government narrative, for reporting on atrocities committed by the military against the Rohingya in 2017.<sup>45</sup>

The small media outlets in Burma's ethnic states and regions that have been helping mainstream media and the public understand what is going on in the more remote areas of the country, and providing otherwise unattainable news and information, have also achieved greater prominence as a result of the coup. Ethnic media in particular have played a decisive role, including by helping activists and journalists flee to safety. In many ways, Burma's ethnic media—operating in the borderlands where they have for decades witnessed conflict between the military and ethnic armed organizations—were better prepared for the coup than the national and regional outlets run by the country's majority Bamar ethnic group, and were thus not as shocked when it happened.<sup>46</sup> On May 3, 2021, during UNESCO's World Press Freedom Day event, media participants expressed a similar sentiment, observing that national mainstream media had never before experienced this level of violence and were less prepared.<sup>47</sup> Ethnic media question whether this new understanding of their historic role and plight can be sustained beyond the current crisis. According to Burmese journalist and writer Thin Lei Win, the



development of Burma's ethnic media sector is one of the most important legacies of the past decade.<sup>48</sup>

The coup has also driven what has been described as a countrywide crash course in digital technologies and security. According to Htaike Htaike Aung, a digital rights activist who co-founded Myanmar ICT for Development Organization (MIDO) in 2012, "Because of the coup, Burmese are finally starting to understand the importance of digital rights and why they need to be protected."<sup>49</sup> The then *Frontier Myanmar Features* Editor Aye Min Thant agrees, and says that even in this very bleak time it is important to pay attention to how people are using digital tech creatively.

If you can't get online someone else can, and then they can print out what you need. People have been crowdsourcing the location of hospitals to help wounded protesters. The military has set up Viber channels to encourage neighbors to inform on each other, and digital activists have been spamming them, telling the military to arrest each other. They're also organizing fun things, like Zoom reading groups to learn about Burmese beauty queens who were part of Burma's historical resistance. So despite the tragic circumstances, it's also an exciting quasi-digital and quasi-analogue time.<sup>50</sup>

Yet the digital space is also being exploited by what has been labelled an "army of keyboard warriors"—active soldiers, retired veterans, pro-military political party members, military families, and pro-military cronies—who use social media platforms, including Facebook, TikTok, and Russia's VK, to publish pro-military messages.<sup>51</sup> The coup has also further muddled the waters between professional journalism and activism, with many journalists saying their primary role is to support the fight against the military regime.

So, while there has been positive change in the wake of the coup—digital audience growth, ethnic media's greater prominence, a strengthened relationship between media and the public, and the acquisition of new digital skills—there are also multiple challenges ahead, including ongoing harassment,

detainment, and increased surveillance; the forced choice between working underground or establishing operations in exile; and the struggle between professionalism and activism.

## Media Freedoms in the Pre-coup Period

As a result of the coup, Burma's decade-long experiment with media reform and increased freedoms (2010–2020) has been bookended by repression. Nostalgia for that period is thus understandable, yet even then the challenges were enormous, media freedoms fragile, and reform efforts more often than not obstructed.

At the advent of the so-called political opening—2010/11—Burma's private media sector was active, yet also very restricted. Few of the 200 or so weekly and monthly journals and magazines were independent, and the military and their business allies controlled broadcasting. By 2011, media say they had greater freedom when covering the quasi-military government's plans for reform, and by 2012 the change was palpable: Exiled media started returning, imprisoned journalists were released, and media law reforms got underway, leading to the abolishment of pre-publication censorship. In 2013, the first private daily newspapers in half a century were published, and new media outlets were springing up across the country, publishing in Burmese and ethnic languages, including content that was previously censored. The changes and reforms were eagerly anticipated and embraced.

There were also historic changes to the long-stagnant telecommunications sector. Prior to the reforms, an estimated one percent of the population had access to the internet, yet very quickly SIM (subscriber identification module) cards became widely available and affordable, and access to internet and digital communications technologies surged, at least in the main centers around the country. There was much experimentation, creativity, and digital leapfrogging, as well as a strong sense of solidarity and support among journalists and media workers, evidenced

by the establishment of professional associations, networks, and nongovernmental organizations (NGOs); the adoption of professional codes of conduct; and the organization of trainings and conferences.<sup>52</sup>

Yet the reform period was short-lived. A crackdown that started in early 2014 under the quasi-civilian USDP worsened when the NLD, under the leadership of Aung San Suu Kyi, assumed power in 2016.<sup>53</sup> In 2018, PEN Myanmar, in partnership with 18 free expression and civil society partners, awarded 2 out of 60 points in its annual Freedom of Expression Scorecard for the government's second-year performance, six points lower than the previous year. The reasons were myriad: The use of old and new restrictive laws to silence journalists and critics, a generalized failure to reverse the repressive laws of the junta era, defamation lawsuits and imprisonments, regression of free expression in the digital sphere, dominance of state- and military-owned media, powerful joint ventures between the state and its business partners, a lack of transparency with regard to media ownership, and a generalized failure to prioritize media reform and free expression.<sup>54</sup>

In its Freedom in the World 2021 Report, Freedom House's assessment was similarly harsh, labeling Burma "not free" and awarding an 18 out of 100 score. The assessment team noted that the country's transition from a military dictatorship to a democracy had stalled under the NLD; that the military had retained significant influence over politics; that the government had largely failed to uphold human rights or prioritize peace and security in areas affected by armed conflict; that journalists and activists had risked criminal charges and detention for voicing dissent; and that the world's longest internet shut-down in two of the country's ethnic states, Rakhine and Chin, had impeded access to vital news and information.<sup>55</sup>



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At the Yangon Journalism School's 2019 feature-writing awards ceremony, Founding Director Ye Naing Moe told the story of miners carrying caged canaries into coal mines, explaining that if the birds got sick and died the miners had to flee. Being compared to a canary in a coal mine meant you were facing threats and danger and this, he said, was the tough reality for Burma's journalists and editors. Yet somehow, at that time, the canary was still alive.<sup>56</sup>

Esther Htusan is a Pulitzer Prize-winning journalist and researcher. In late 2017, while working for the Associated Press, she fled Burma after being threatened for her reporting on the Rohingya, military operations in Rakhine State, and Aung San Suu Kyi's response to the crisis.<sup>57</sup> Looking back at the so-called reform period, Htusan says journalists working during that time feared being imprisoned. Then, in the wake of the coup, everything changed. Now, she says, they fear torture and losing their lives.<sup>58</sup>

# Media Reform in Burma

## The Long View

In early 2012, Burma's quasi-military government announced an unprecedented media reform agenda. Information Minister Ye Htut joked that Burmese journalists who still wanted to be censored would have to go to China.<sup>59</sup> From the start, the reforms were presented as an integral part of the military's *7 Step Roadmap to Disciplined Democracy*, and this helped ensure they were viewed as top down, initiated and driven by the state and, in this case, the military.<sup>60</sup>

Yet this top-down argument failed to acknowledge the important underground capacity-building work and creative resistance by activists, journalists, and international assistance actors over the previous two decades. Scholar Marie Lall says these nonstate efforts helped propel change inside the country, and that the development of civil society, particularly during the final five years of the military regime, played a key role in the political opening.<sup>61</sup>

Burmese editors and journalists say they agree with this analysis, and that aid opportunities during the previous military regime, including grants, training, scholarships, and fellowships, both inside Burma and out, enabled them to gain new perspectives and understanding, and served as an important impetus for change that helped them tackle unfamiliar challenges and evolving priorities.<sup>62</sup> Ye Naing Moe points to the Yangon Journalism School as an example, saying it is the Burmese legacy of the former Thailand-based regional training institute Indochina Media Memorial Foundation.<sup>63</sup> A Yangon Region Hluttaw member of parliament, former political prisoner, and the co-founder of MIDO and PEN Myanmar, Nay Phone Latt, says the fellowship he received to attend the University of Iowa's international writing program from Open Society Foundations (OSF), and the exposure it gave

him to writers and thinkers from around the world, was transformative and influenced his subsequent work.<sup>64</sup> One of 11 poets and NLD members elected in the historic 2015 parliamentary elections, Nay Phone Latt says his goal was to keep fighting for freedom of expression.<sup>65</sup>

That it was critical for media reformers, policymakers, and implementers working in and on Burma to have a solid historical grounding was, however, not fully grasped nor embraced in the 2010–2020 period. This was evident at the annual media development conferences, as well as in the media development assessment report published in 2016 by UNESCO, in collaboration with International Media Support (IMS); with the exception of a brief reference to some of the groups that had conducted pre-opening journalism training, the report did not adequately explore the impact of pre-opening aid and development work, or conduct interviews with some of the key media assistance actors. Given that Burmese media development had started in the late 1980s and early 1990s—coinciding with historic events such as the 1988 student uprising—and for two decades was primarily conducted outside of the country,<sup>66</sup> this lack of historical context weakened the findings and media reform recommendations.<sup>67</sup>



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This same awareness also seems largely absent from media analysis in the 2021 post-coup period. According to scholar Lisa Brooten, it is vital to understand that the decades of behind-the-scenes activism to build a multiethnic civil society and an independent media have clearly contributed to the success and unity of the current protest movement: “The expertise and infrastructure built by media veterans covering earlier crackdowns, including ethnic nationality media, and the forging of international alliances, is the base upon which the current flow of accurate information and analysis depends.”<sup>68</sup>

According to Brooten, the current violent repression is part of a long-standing pattern of violence that has played out repeatedly in Burma, whether against student protesters in 1988, or the thousands of monks, students, and activists who participated in protests during the Saffron Revolution in 2007, and each time there has been an exodus. In 1988, for example, thousands of students fled to the borderlands where they were protected by ethnic minority groups, joined the ethnic armed struggle against the military, founded ethnic media, and established cross-border and international relationships, alliances, and protest movements, many of which continue today. Burma’s current civil disobedience movement is also merging with new transnational protest movements, for example, with young activists from other Asian countries in the Milk Tea Alliance.<sup>69</sup>

While the leading role of youth in the anti-coup protests and movements has rightly been highlighted, older generations, including ethnic media leaders

and human rights and democracy activists, are also, therefore, playing vital roles by sharing wisdom, experience, and tactics gained from previous crackdowns and, in doing so, helping to ensure that the current movements are better informed and more resilient. This is a key lesson learned.

## Formulaic Approach

According to research conducted by Gayathry Venkiteswaran, Myint Kyaw, and Yin Yadanar,<sup>70</sup> in 2012 Burma’s media development sector adopted a largely “formulaic approach” to reform, influenced by a long-entrenched military mindset.<sup>71</sup> Like many other countries, they say, media reformers and policymakers relied on entrenched and problematic legislative and judicial systems to determine speech and expression practices and regulation.

We argue that the legal framework, while attempting to undo the controls of the past, has not been radically transformed. The paradigm of control has prevailed during this transition period, and the use of criminal laws has rendered some of the legal changes inadequate to support freedom, public interest, diversity, and pluralism in relation to media and expression.<sup>72</sup>

That these reform efforts took place in a historically over-legislated country with a weak judiciary that had long been used to censor the media and repress critics, was, they say, questionable. They also point to the limitations of the Ministry of Information’s top-down approach, in partnership with a small group of international organizations, including UNESCO, IMS/Fojo Media Institute, and Deutsche Welle Akademie (DW Akademie). It was this working group, they say, that drove the official agenda and influenced how other groups participated in, or were excluded from, the reform process. This process was not adequately inclusive, they add, of local journalists and activists, women and ethnic minority nationalities, or cross-sectoral stakeholders affected by, and affecting, the media sector, including those working in tech and peace.<sup>73</sup>

When Aung San Suu Kyi and the NLD came to power in 2016, there were high expectations that reform work would ramp up, and that media freedoms and free expression would expand and flourish. Instead, efforts to silence journalists and critics continued, and official media reform efforts ground more or less to a halt.<sup>74</sup>

Part of a broader power-sharing push and pull between the government and the military, reform efforts were sensitive and politicized. The NLD lacked capacity and political will, and its outreach and engagement with civil society and ethnic nationalities were not considered inclusive or proactive. A variety of restrictive laws and regulations—some dating back to colonial times, such as the Penal Code and Official Secrets Act<sup>75</sup>—as well as constraints imposed by the military's infamous 2008 constitution and the Burmese judicial system also stood in the way. The result is that legal reform efforts floundered under the country's first democratically elected government.<sup>76</sup>

There were, of course, successes: The abolishment of pre-publication censorship in 2012 enabled reporting that was freer and more independent, and legal reform—for example, the News Media Law—established some limited journalistic rights for the first time. A press council was also established, ostensibly to promote media freedom and ethics and to mediate public complaints, yet it was, at best, quasi-governmental, and when dealing with the most critical and sensitive cases it was ignored by the government authorities and military, which were wielding criminal laws against journalists and provoking fear and self-censorship. As the council chose to quietly mediate rather than openly rule in favor of media freedom and against powerful interests, its complaints mechanism never really got off the ground.<sup>77</sup>

Yet, despite the top-down nature of the official media reform process, an array of media reformers and civil society activists worked together to organize campaigns and protests, and to raise awareness about media freedom and free expression. There are many examples of this. In 2012, journalists formed a press freedom committee and organized a march in Yangon where participants wore black T-shirts saying “Stop Killing Press” as well as a sit-down protest outside the Myanmar Peace Centre; half of the latter protesters

were subsequently threatened with violating the Peaceful Assembly and Peaceful Procession Law. In 2013, the Myanmar Journalists Network, Myanmar Journalists Association, and Myanmar Journalists Union organized a public awareness campaign about the Printing and Publishing Enterprise Law. In 2014, more than 600 NGOs attended a civil society forum where they formed coalitions on targeted issues including the right to information. In 2016, 22 civil society groups collaborated to lobby for the repeal of Section 66(d) of the Telecommunications Law. In 2017, editors and journalists targeted by the Telecommunications Law formed the Protection Committee for Myanmar Journalists.<sup>78</sup>

The change during this period, however, was not systemic, and relevant institutions were not fundamentally transformed, according to Venkiteswaran, Myint Kyaw, and Yadanar.

This is especially true because Myanmar is a weak state; the junta was a repressive regime, and all predictions point to the military remaining a defining institution in legal reform of the media due to its aggressive attempts to prevent the media from performing their duties. During the many high-profile examples of action taken by the military against journalists, the government has tended to remain silent.<sup>79</sup>

Today, in post-coup Burma, Venkiteswaran, Myint Kyaw, and Yadanar's words seem prescient.

Media scholar Monroe Price points to similar findings, noting that many of the media development groups that started working in Burma in 2012 aimed to build infrastructure to improve journalism and bolster democracy, yet that standard approach, with a pre-designed template, risked inadvertently reinforcing control by the military. Assuming that state-run media could be transformed into public service media, for example, prioritized support for government involvement in the media sector.<sup>80</sup> This observation brings to mind the question that Nan Paw Gay posed at the beginning of this paper, namely, whether the investment in state media in the pre-coup period was useful or justified.

In the early days of the so-called political opening, Ye Naing Moe recalls that Burmese journalists and editors found it disconcerting to suddenly see government officials sitting side-by-side media implementers and formerly exiled media: “There we were trying to protect our very small space for independent expression that we had carefully and creatively carved out during the junta, when suddenly we looked up and saw these new actors—donors, NGOs, and formerly exiled media—flying over our heads and into the laps of the authorities.”<sup>81</sup> These relationships were arguably strongest during the earlier media reform years—2012 and 2013—and then gradually waned after the NLD assumed power in 2016, particularly in the wake of the 2017 Rakhine and Rohingya crisis.

Many of the media implementers that worked with the state broadcaster MRTV say they engaged in similar questioning, and that this resulted in a diversification of their activities. BBC Media Action, for example,

increasingly juxtaposed its work at MRTV with support for the independent media sector; in hindsight, former BBC Media Action Director Ed Pauker says he only wishes they had done it sooner as that, he believes, would have increased the impact of their work.<sup>82</sup> DW Akademie Burma Director Eva Mehl points to a similar programmatic evolution away from state media support.<sup>83</sup>

The broadcasting partnerships proffered by the state in 2017 offered a new form of cooperation with MRTV, and in the absence of an operational broadcast law, a seemingly pragmatic way to expand the sector to new actors. Critics observed, however, that these partnerships were reminiscent of the special agreements offered to the military’s broadcast media business partners during the previous decades of military rule. In the wake of the coup, when two formerly exiled media, DVB Multimedia LTD and Mizzima, had their media licenses revoked, their partnerships with MRTV also came to an abrupt halt.<sup>84</sup>



*Rohingya refugee camp in Bangladesh, March 2018.*

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## The Media and the Market

Monroe Price also delved into the complexities of media business reform in Burma, noting that opening the media market too widely risked greater commercialization and a further entrenchment of existing oligarchic ownership structures.<sup>85</sup> Key structural issues included regulation in the public interest, scope and transparency of media ownership, and mechanisms to guarantee public access to information about media operations, as well as public input and feedback about the media's role.

The broadcast sector was one of the key areas where media actors endeavored to drive systemic change. Adopted in August 2015, the Broadcasting Law allowed for new private broadcasters to operate in the sector, as well as public service and community media, and recognized basic principles of free expression, media pluralism, fairness, transparency, and the kinds of participatory processes that were needed to develop further media policy and independent regulation.<sup>86</sup> Yet the law also allowed the Burmese president to retain his power over the sector, bestowed unfair advantages on the state broadcaster, and failed to include safeguards for media independence in the legal framework or tackle digitization. While some media actors recommended redrafting the law, others felt it was better to move ahead, despite the flaws. In the end, though, due to a series of delays in approving bylaws and regulations, the law failed to become operational, and the broadcast sector thus remained tightly controlled by the government.<sup>87</sup>

The subsequent two-year special agreements that enabled five media outlets to act as content producers for MRTV's digital free-to-air television channels were viewed as a makeshift measure to appease critics and pacify the military's business partners by delaying further opening of the sector.

Meanwhile, substantive work was done to increase the sustainability of media outlets through in-house peer-to-peer mentoring by business coaches, complemented by group trainings, and the number of outlets grew significantly, including in the ethnic states and regions. Yet the media business playing field, skewed in favor of government- and military-controlled media and their business partners,

continued to present major challenges across the board. According to a 2018 Media Development Investment Fund (MDIF) report, the small outlets in the ethnic states and regions, for example, faced "an almost impossible environment for achieving commercial sustainability."<sup>88</sup> Challenges included weak local media markets; private distribution monopolies; an uneven playing field dominated by government owned and funded media that benefitted from public advertising; conflict; and a historical dependency on international donor support that hindered the development of a business mindset.<sup>89</sup> The fact that a minority of donors and implementers offered longer-term core and operational support to complement self-generated revenues—versus short-term project support and training—also presented a challenge in terms of building organizational capacity and resilience.

## Two Approaches to Media Reform

A comparison of two informal, evolving coalitions that addressed right to information (RTI) and digital rights, respectively, offers insight into the different approaches to reform during the past decade. Both coalitions tackled relevant and timely issues, and were cross-organizational. The first, focusing on RTI, adopted a more traditional approach, was led by individuals with significant experience and stature, and primarily consisted of donor-funded NGOs that collaborated with quasi-state bodies, including the Myanmar Press Council and the Myanmar National Human Rights Commission. The second, focusing on digital rights, adopted a multi-stakeholder approach; was propelled by a younger generation; included civil society organizations (CSOs), businesses, and beneficiaries (but no state bodies); and arguably challenged the status quo in a more direct, critical, and uncompromising way.

The RTI coalition used advocacy and education to promote the drafting and adoption of an RTI law, and to increase the public's understanding and awareness of RTI through education. In early 2016, 36 NGOs from across the country established a "Right to Know" working group to raise awareness about the draft law

and the role of civil society in its development. A draft law was completed in December 2017, in collaboration with the RTI commission,<sup>90</sup> with an important provision overriding all other laws, including the Official Secrets Act. There was tacit agreement that the so-called zero draft would be submitted to parliament with no changes, yet the key provision was subsequently deleted and the draft was handed over to the Ministry of Information where it languished.<sup>91</sup>

While the government failed to honor its promise to adopt an RTI law as part of its overall commitment to join the Open Government Partnership, a range of individuals and organizations that collaborated in a loose coalition succeeded in drawing attention to this important issue via advocacy and education among the public, civil servants, and government officials. Although their understanding of the issue was inconsistent, the media also played a vital role in raising public awareness about the importance of RTI. Pyi Gyi Khin, a public health organization that works on policy advocacy, particularly on the right to information and freedom of association; its CSO network; PEN Myanmar; and the Myanmar Press Council were among the key groups that drove the work. The coalition was also supported by international experts, including the Canadian Centre for Law and Democracy. Two well-known women—Nwe Zin Win from Pyi Gyi Khin and Ma Thida Sanchaung from PEN Myanmar—played prominent leadership roles.

According to Karin Karlekar, director of Free Expression at Risk Programs at PEN America, a notable aspect of the coalition's work was a multipronged strategy that educated grassroots communities and CSOs about the importance of RTI in their daily lives, while simultaneously building support and buy-in from bureaucrats and government stakeholders by framing RTI in terms of efficiency and transparency, and cultivating a select cadre of "champions" who advocated for the passage of the law in parliament.<sup>92</sup> In the wake of the coup, RTI advocacy and education work has for the most part stopped, although there have been modest efforts to continue education and awareness-raising with the National Unity Government and the elected parliamentarians working underground.

The second reform effort was driven by a diverse network of young digital rights activists from 22 civil society and human rights organizations that began collaborating in 2016 in a campaign to reform Section 66(d) of the Telecommunications Law.<sup>93</sup> The coalition was distinguished by its locally driven processes and cross-organizational and sectoral collaborations, and the fact that it was led by younger generations, with women in leadership roles, and supported, but not directed, by international funding and expertise. The coalition's work expanded over time to include research and the provision of technical expertise to drive legal reform; monitoring and countering of online misinformation, disinformation, propaganda, and hate speech; and the creation and development of the annual Myanmar Digital Rights Forum. That in the wake of the coup the digital rights activists managed to move quickly underground while continuing to provide support to media, civil society, and elected parliamentarians is, they say, the legacy of their previous five years of collective advocacy, organizing, and reform work. As it is an interesting and innovative model for reform, this example is explored in greater detail in the case study section of this paper.

# The Current Role of International Assistance Actors

**T**he military coup has demanded nimble thinking and flexible responses from international media assistance actors working in and on Burma. By forcing them to embrace the digital sphere, streamline their operations, and adopt more flexible virtual working conditions, the COVID-19 pandemic unexpectedly helped prepare them for what was to come post-coup.

In the weeks and months following the coup, much international assistance was focused on emergency support, with donors and implementers engaged in adjusting and rethinking their short-to-medium-term plans, and then gradually turning to longer-term support.

A group of donors and assistance organizations have offered key support for Burmese media over the past two to three decades, more or less consistently, and that is still the case during the current crisis. They include, among others, the US Agency for International Development (USAID), Internews, the Swedish International Development Cooperation Agency (Sida), the National Endowment for Democracy (NED), and Burma Relief Centre. Open Society Foundations

was among the original donors supporting media work in Burma, but it has played a much smaller role since 2015/16. Indochina Media Memorial Foundation also played a prominent role, but is no longer in operation,<sup>94</sup> while Free Voice Netherlands was active during the previous military regime, but subsequently merged with Free Press Unlimited.

Many other sources of international assistance that are currently providing support for media, free expression, and digital rights were also active over the past decade and, in some cases, prior to the political opening. They include BBC Media Action, MDIF, IMS/Fojo, DW Akademie, UNESCO, Luminate (formerly Omidyar), Joint Peace Fund, PEN America, ARTICLE 19, the European Union, Germany and a variety of German foundations, the United Kingdom's Department for International Development (now the Foreign, Commonwealth and Development Office), Global Affairs Canada (formerly the Canadian International Development Agency) and the Canadian Embassy, and the Foreign Correspondents' Club of Thailand.

Burmese media have such a long-standing and wide-ranging set of supporters, however, it is impossible to include an exhaustive list; this has been clearly demonstrated by the sheer magnitude of support and solidarity offered in the wake of the February 2021 coup.<sup>95</sup>



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*NLD supporters protest outside Myanmar Embassy against the military coup, February, 2021, Bangkok, Thailand.*



## Coordination and Trust

Given the brutal crackdown on media and free expression in the wake of the coup, international assistance quickly became an extremely sensitive topic, and discretion and trust were therefore primary considerations determining coordination, collaboration, and the sharing of vital information. Silos that date back to the political opening in many cases still existed; one consisted of longer-term supporters, often not based inside the country, including those who continued to work from Thailand, and another of implementers who started working inside the country after the political opening. A media and civil society donor who has requested anonymity explains,

Actors that have worked with Burmese civil society over the long term have invested the time needed to develop strong relationships and build trust that has allowed for the more frank and open conversations necessary to support this kind of work well. If you didn't develop these kinds of relationships before the coup, or collaborate closely, then it's much more difficult now to be mutually transparent—primarily due to security concerns. Yet months into the post-coup period, those dynamics are slowly changing out of necessity; newer donors to the rights-based conversation, for example, are convening with longer-term human rights and democracy donors, with the understanding that coordination in response to the expanding crisis is essential.<sup>96</sup>

Many assistance organizations have altered their approaches to work in response to the coup, the composition of their teams, and their geographic locations, and have been actively reaching out to old and new contacts. All of this creates fertile ground for sectoral-wide change and collaborations that may, in turn, also support the development of a more organic and inclusive Burmese-led approach than was previously the case.

Whether there is a desire and capacity to embrace this opportunity and, in doing so, to counter the often-traditional approach to media development



*Myanmar armed forces preparing to crack down on the peaceful protesters, February, 2021.*

© R. Bociaga / Shutterstock.com

and reform thus far witnessed in Burma remains to be seen. Yet a frank assessment of the past may be a good way to test the waters. I asked international assistance actors to use the coup as a vantage point from which to reflect on the challenges, legacies, and lessons learned from their pre-coup work, and on the response of the media to the coup, and, as a second step, to assess the impact this is having on their plans and decision-making. Many said it was the first time they had lifted their heads from the urgent tasks at hand to ponder what had come before, and that stepping back to take a longer, more analytical, view was a useful, albeit challenging, exercise.

## Unaware and Unprepared

One of the key questions raised, particularly in the early shell-shocked days following the coup, was why few, if any, international media assistance actors had seen this coming, or had adequate emergency plans in place. While this question is certainly not unique to the field of media, given the extreme sensitivity of the sector it is particularly salient. Some say the challenges presented by the COVID-19 pandemic had distracted them from the growing political crisis; others wished they had been more proactive in seeking insight and guidance from editors and journalists who had their ears and eyes on the ground; yet others wondered why embassies and donors had not themselves been more proactive in sharing information and analysis with their partners.

The painful collective lesson learned is that it was imprudent and unsafe to be operating in such a highly sensitive sector, in a country historically controlled by the military, without paying closer attention to warning signs, and without putting in place adequate emergency response mechanisms.

The issue raises serious questions. Had donors and media development actors based in Yangon and the capital, Nay Pyi Daw, become complacent, lulled by official mainstream voices, and uninterested or unwilling to listen to more critical perspectives from longtime Burma watchers who, from the start of the so-called political opening, were quickly labeled naysayers? Had they also failed to listen to minority ethnic nationality voices, including ethnic media that had been operating during the previous military regimes, who always knew a military coup might happen, and who were better prepared to respond when it did? Gary Rozema from Burma Relief Centre says the failure to comprehend the gravity of the political crisis speaks to a divide in the media sector and the society as a whole:

Most Bamar Yangon-based media were obviously shocked by the coup as they were living in a different reality from the ethnic media in the other half of the country. Unlike the non-Bamar, who had been facing continuous persecution and military assaults over the last five years, many in central Burma bought into the democratic transition façade, with Aung San Suu Kyi as the fig leaf over the military's role. After the coup, I think most ethnic peoples were initially skeptical about the foxhole conversions of some Bamar who said they had now awoken and understood what ethnic peoples had been going through. However, many ethnic nationality leaders now say it does not matter when or if this conversion really happened. Let's use this opportunity to build one equal country instead of having two opposite halves. Atrocities in the ethnic states are still worse, but at least we can now begin to all see through the same lens.<sup>97</sup>

## Lessons Learned

One of the donors interviewed who has requested anonymity says they learned a valuable lesson long ago that applies during a time of crisis: Ask informed questions, push back when appropriate, get a diverse set of perspectives, and then get out of the way and let people drive their own work and agendas.

It's a good guiding practice whether it's a crisis or an opportunity. It's not always easy to adapt, though, and there are often constraints with regards to how flexible you can be. While it's still too early to say, we're observing signs that civil society organizations that have traditionally had the more flexible donors, which encouraged community agenda setting, are now adapting better to the ever-evolving political situation. This, compared to organizations that fell into the project cycle funding trap with frequent thematic priority shifts.<sup>98</sup>

The issue of who drives the agenda and makes the decisions is a sensitive one. Criticism has resurfaced over international donors threatening to pull funding a decade ago if exiled media did not move back inside the country and officially register. The founding executive director of the formerly exiled broadcaster DVB, Aye Chan Naing, says patience was needed to build up Burma's independent media, "yet the international community was not patient enough during the political opening, and it thought the media landscape was more open than it actually was."<sup>99</sup> Longtime Burma analyst David Mathieson expressed a similar view in the March 2021 edition of *Asia Times*.

Western donors hollowed out cross-border assistance a decade ago, privileging Yangon-based groups and insisting on formal registration with the government in their zeal to ingratiate the government of then-president Thein Sein. This included many media groups that had operated in exile and are now being targeted for their independent reporting by the Tatmadaw.<sup>100</sup>

These critiques raise two important questions: Did long-term media donors adjust their strategies too quickly and imprudently during the so-called political opening, and thereby force the hands of their partners? Did new donors and implementers come into the country with templates for reform that did not adequately address the ongoing legacy of military rule? The current crisis, coupled with the analysis in the “Media Reform in Burma” section of this paper, would suggest yes, although the reality is arguably more nuanced.

Donors displayed varying attitudes and practices over the past decade, as did their media partners. Sida, NED, and OSF, for example, say they did not base historical funding decisions on official registration.<sup>101</sup> According to Asia Unit Head David Holmertz, Sida also continued to fund cross-border offices for ethnic media; that those media were often the most nimble in the wake of the coup has reconfirmed his belief that donors need to take a long, sustained view, and that covering “double” costs (e.g., cross-border offices) can, in some cases, be the most prudent and safest approach.<sup>102</sup> Media outlets also had agency to make their own decisions: Formerly exiled media Mizzima, for example, moved quickly inside, the first exiled media to do so; registered its outlet; and made a proactive decision to stop accepting donor funding.<sup>103</sup> After moving inside, some formerly exiled media also chose to develop close relationships with the Ministry of Information, although not without controversy.

In the wake of the coup there have been similar criticisms voiced on social media and in public forums; for example, that media whose licenses have been revoked by the military have lost their funding, and that many promises have been made to support media in the ethnic states and regions, but with little follow through. Yet it is important to distinguish between rumors and truth. “There’s actually a wide variety of emergency and other support available, and media that have gotten into trouble, for example, losing their licenses, are in many cases getting additional support to tide them through this difficult time,” says MDIF’s Burma Program Director, Grace Thu.<sup>104</sup>

Some donors say they are prioritizing support for independent media because they provide an essential

public service, and due to the coup their work is even riskier than before. Yet it remains extremely challenging to get money to media and journalists that are still operating inside the country. Other donors say they are hesitant to support media, even during this time of crisis, because the costs tend to be substantive and to have an impact you need to commit for the longer term; by comparison, civil society projects often have less hefty price tags.<sup>105</sup>

Whether the international assistance is currently reaching everyone who needs it is a more complex question that would require a more detailed investigation, particularly with regard to the many freelancers who are doing risky frontline work. Most Burmese media are dependent on freelance and citizen journalists who are risking their lives to provide news and information and footage. Similar to many other countries, freelancers have historically found themselves in vulnerable positions in Burma, including being poorly paid, if at all, and with little to no organizational support, and their vulnerability has increased in the post-coup period. While varied approaches are now being implemented to address this issue, it is clearly more difficult to tackle long-standing problems during crises. The question, therefore, is why this issue was not adequately tackled during the so-called reform period.

One of the critiques of international assistance during the previous military regime is that it primarily focused on exiled media, and that the financial and other support did not always reach people inside Burma or ensure their safety.<sup>106</sup> Although it is not always easy to closely monitor money flows and impact during a period of political crisis, long-standing donors recommend that current donors and media development implementers seriously consider this issue. To avoid repeating past problems in the sector linked to mismanagement and embezzlement, both during the previous military regime and over the past decade, they also recommend that relevant support be provided to partners so that they can develop the skills and expertise required to properly manage their finances, whatever the crisis, and do not have to deal with unnecessarily burdensome reporting requirements.<sup>107</sup>



## Reflecting on Media Reform

While approaches to media reform in Burma over the past decade included a focus on the broader enabling environment, including norms, laws, policies, and institutions, there was arguably greater attention placed on improving the supply of journalism through the establishment of new media outlets, content production, and journalism training. One of the reasons is that this latter support was already firmly in place during the previous military regime; another is that the efforts to create an enabling environment depended on political will that was largely absent, with the exception of a brief period in the early years.

With hindsight, Sida's Asia Unit Head, David Holmertz, believes that international assistance actors' efforts to get close to the Ministry of Information—in part because some seemed charmed by then Minister of Information Ye Htut—resulted in interests not being properly balanced. While UNESCO had an extremely challenging role to play in balancing member interests, he does not believe that being a neutral convener with regard to media reform was the right choice; nor was it inclusive of an adequate array of diverse voices from the media sector and civil society. UNESCO could assume a more influential position, he believes, but its old model would need rethinking and a new, more inclusive model developed for the future.<sup>108</sup> Then Internews Country Director Michael Pan agrees, although adds that the access he had to authorities thanks to the Media Development Working Group and the annual media development conferences provided insight into official thinking; in 2016, when the NLD government stopped participating in the working group, he adds, it left a gap that was never replaced.<sup>109</sup>

Support for the supply of journalism over the past decade took a somewhat different trajectory. Numerous donors and media development implementers were already supporting journalism, content, training, and media outlets during the previous military regime, and continued that support during the past decade; some of the new donors and media implementers also adopted this approach, building upon past efforts and bringing new ideas, viewpoints, and support. The results in this area have, however, been mixed; while there was tremendous growth in



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terms of the number of media outlets founded or sustained during the so-called reform period, for example, along with business skills development, a lot of international assistance was over the short or medium term and project driven. It did not necessarily contribute, therefore, to the resilience of the outlets or their content production, or to professionalism and ethics. In the wake of the coup, this area of focus has gained even greater importance, attracting a larger array of donors and media development organizations and other forms of assistance.

Journalist and researcher Esther Htusan says media are now coordinating and cooperating more closely against a common enemy, and that it is heartening to witness this solidarity. Yet she warns that there tends to be a short memory in Burma, so it is unclear whether this change can be sustained. Before the coup, for example, only a small number of people reported on, or cared about, the atrocities being conducted in the ethnic states at the hands of the military. During the 2017 Rakhine and Rohingya crisis, the situation further deteriorated, with media adopting nationalistic military and government narratives and, in doing so, abandoning professionalism and ethics. If the current coup leaders are overthrown tomorrow, she asks, how will the media react? What kind of reporting will they do? As she believes it is one of

the only ways to bring about fundamental change to Burma's media sector, Htusan recommends that international assistance actors place professional journalism and ethics front and center in their future decision-making.<sup>110</sup>

*Myanmar Now* Chief Editor Swe Win agrees, saying international funding has not been adequately linked to improving the quality of journalism and ethics in Burma, and that donors have not done adequate monitoring or assessments. It is not enough to look at numbers or content, he warns; if you want to make informed decisions and bring about sectoral change, you must also look more deeply at newsroom management, teams, policies, and ethics.<sup>111</sup>

During the past decade there were also a small number of donor-driven “mega-project” approaches. One example was a multidonor coalition, including France, Germany, and Scandinavia, that supported the establishment of the Myanmar Journalism Institute (MJi). Introduced with much fanfare, it was erroneously proclaimed to be the first private journalism school in the country by MJi's supporters; the varied approaches and perspectives of the different European donors and implementers also led to conflicts that were played out in front of Burmese stakeholders. One of the disputes centered on the proposed establishment of a European board versus a local board; in that case, fortunately, the local, more sustainable board won out.<sup>112</sup> Over time, these growing pains subsided and MJi grew into its own, and it is continuing its work in the post-coup period; yet this experience offers important lessons about internationally versus locally driven projects, including the ways in which projects should be presented and initiated.

A multimillion-dollar USAID-funded project for media and civil society that the nonprofit organization FHI 360 began implementing in 2012 is a second example. That initiative was also introduced with fanfare, but got off to a shaky and delayed start, in part due to a series of changes in staffing, partners, and project direction. One of the strongest Burmese media outlets to emerge during the past decade, *Myanmar Now*, was conceived as part of that project, yet soon after was forced to identify alternate funding after its terms and support were changed.<sup>113</sup> A more recent multimillion-dollar USAID project that focuses exclusively on the Burmese media sector was launched in 2020, but, like other initiatives, the military coup has had a significant impact on its implementation and focus.

# Case Study: Digital Rights and Reform

Amid growing rumors that State Counselor Aung San Suu Kyi had been released from house arrest in the days following the February 2021 military coup, and faced with internet shutdowns,<sup>114</sup> a digital activist raced out onto her balcony in Yangon to yell that the information was false.

Her neighbors heard her yelling, and then yelled to their own neighbors, and in this way the news spread throughout the neighborhood and beyond. This quick thinking by a member of Burma's young digital-savvy generation, and her clever use of an old-fashioned communication platform, is just one of the ways in which digital activists moved quickly to try to circumvent the regime's crippling internet restrictions; fact-check news and information; and sustain their pre-coup fight against disinformation, misinformation, and propaganda.<sup>115</sup>

Founded in 2007, during the previous military regime, the Myanmar Bloggers Society is considered to be the precursor of the digital rights movement; members offered training and workshops for bloggers and start-ups while battling poor internet connections, risky cyber cafes, and heavy surveillance. Yet, soon after

its inception, Burma's historic Saffron Revolution was set in motion, and everything changed.<sup>116</sup> When the society's co-founder—well-known blogger Nay Phone Latt<sup>117</sup>—was arrested in January 2008, charged under three laws, including the 2004 Electronic Transactions Law, and sentenced to 15 years' imprisonment for his coverage of the protests, the Myanmar Bloggers Society went underground. Four years later, in 2012, when Nay Phone Latt was released as part of a political prisoner amnesty, the bloggers again joined forces and founded Myanmar IT for Development Organization (MIDO).

In 2013, Burma's quasi-civilian government amended the 2004 Electronic Transactions Law that had been used to imprison Nay Phone Latt—ostensibly to reduce penalties for online expression offences viewed as threats to national security, peace, national solidarity, or the national economy—yet expression nonetheless remained criminalized. The government also introduced a new Telecommunications Law and called for civil society input in a process led by the World Bank. Although MIDO was not, at that time, skilled in advocacy, it was the only Burmese civil society group with experience in digital technologies; it therefore collaborated with its human rights partners to present the argument that the new law, like the old one, contained provisions to criminalize speech and expression.<sup>118</sup> Although MIDO says its input was largely ignored, the experience informed its future work.

In 2015 and 2016, a handful of Facebook users were arrested and convicted under Section 66(d) of the 2013 Telecommunications Law—in many cases for posting content that authorities claimed defamed Senior General Min Aung Hlaing, the instigator of Burma's 2021 coup. They included a young poet named Maung Saungkha who was imprisoned under Section 66(d) in 2016 for posting a satirical poem on Facebook saying he had a tattoo of then president Thein Sein on his penis.<sup>119</sup>

As this law achieved greater prominence, local and international NGOs started working together on public



*Blogger Nay Phone Latt talks to reporters after his release from prison, January 2012.*

awareness activities, including a cartoon exhibition; press conferences; meetings with legislators, politicians, lawyers, and other stakeholders; and two online campaigns called #ourvoiceourhluttaw (sending letters to parliament to ask for the law to be amended) and #writetoyourMPs. Criminalizing speech used on a telecommunications network for so-called extortion, bullying, illegal obstruction, defamation, harassment, abuse of power, or threats, therefore, united digital and human rights activists in a common cause.

MIDO Co-founders Htaike Htaike Aung and Wai Myo Htut say experience has taught them to demand inclusive public consultation and to take a broader look at the legal framework, for example, by also focusing on other punitive provisions, including Section 77, which gave the government excessive powers to shut down the internet:

There was much resistance to our work from the NLD and its members in government and parliament. They used a range of excuses to justify the Telecommunications Law, and in response the civil society coalition used legal arguments as well as an online campaign using memes to mock the “14 most commonly cited reasons to keep 66(d).”<sup>120</sup>

Although the NLD promised to amend laws deemed undemocratic, Htaike Htaike Aung and Wai Myo Htut add that it did little, if anything, to improve the legislative framework in support of digital rights, whether in terms of online free expression or the right to privacy.

The digital rights coalition was one of the first locally driven free expression coalitions to emerge during the so-called reform period. By mid-2017 it had 22 members, including new local NGOs such as Free Expression Myanmar (FEM),<sup>121</sup> founded by Yin Yadanar in 2017 after a stint at ARTICLE 19. After his release from prison, Maung Saungkha joined FEM to complete the first comprehensive review of the criminalization of digital users, and then in 2018 founded his own NGO, Athan: Freedom of Expression Activist Organization.<sup>122</sup> International members, including ARTICLE 19, also participated. Over time, the coalition expanded and evolved, delving into new areas, with local leadership

and assisted by international experts, with different groups playing distinct roles. Founded in 2012, Phandeeyar: Myanmar Innovation Lab helped develop Burma's tech ecosystem by acting as a hub for the tech and start-up community, civil society, and media, while FEM helped defend the right to freedom of expression and information by producing high-quality research and providing needed technical expertise to drive forward legal reform. MIDO worked toward media development using information and communications technology. Athan was founded by young activists who sought to promote free expression via informed advocacy and research, and the Myanmar Centre for Responsible Business's (MCRB) vision was that responsible business practices supported sustainable, inclusive, and peaceful development. Launched in 2013 at PEN's 79th International Congress in Reykjavik, MIDO Co-founder Nay Phone Latt and writer and former political prisoner Ma Thida Sanchaung founded PEN Myanmar to defend freedom of expression and foster a vital literary culture.

Sida's Asia Unit Head, David Holmertz, clearly remembers when Burmese digital activists participated in the 2016 Stockholm Internet Forum and then went home and founded the Myanmar Digital Rights Forum. “We told them Sida would be happy to support it,” Holmertz says, “but that it was up to the Burmese to create the kind of forum they wanted.”<sup>123</sup> Four of the aforementioned groups—Phandeeyar, MCRB, MIDO, and FEM—played a central role in organizing the annual forum, which, until the coup, attracted more than 400 multisectoral participants and helped raise awareness about digital rights. Holmertz says that supporting Burmese women and the country's younger generations working in the digital rights field was one of the wisest decisions they made in Burma, and one that has even greater priority in their current post-coup decision-making.<sup>124</sup>

Yet not all the organizations involved in digital rights were organically grown or founded. The idea to create the tech hub Phandeeyar, for example, came from the international foundation Omidyar (now called Luminate), which provided start-up funding in partnership with Open Society Foundations. At the time there was concern at OSF about funding an internationally driven tech hub, yet as local



capacity was limited and the need great, OSF agreed to get involved. Since then, Phandeeyar's role and impact have spoken for themselves, although there was criticism over the years that it failed to put in place local leadership, despite extensive efforts; that criticism resurfaced in the wake of the coup when its international leadership left the country and the organization was scaled down, with most of its programs cancelled. Had there been local leadership, observers say, decision-making about Phandeeyar's future might have been different.

Yan Naung Oak is a data literacy trainer and visualization designer who formerly worked at Phandeeyar. It was the letter Burmese digital rights activists sent to Facebook CEO Mark Zuckerberg in 2018 that was, in his opinion, the moment everything came together.<sup>125</sup> At that time, activists were valiantly endeavoring to contain and combat anti-Rohingya and anti-Muslim hate speech and resulting incitements to violence. In their letter, they accused Zuckerberg of misrepresenting his company's response:

In your interview, you refer to your detection 'systems.' We believe your system, in this case, was us—and we were far from systematic. From where we stand, this case exemplifies the very opposite of effective moderation: It reveals an overreliance on third parties, a lack of a proper mechanism for emergency escalation, a reticence to engage local stakeholders around systemic solutions and a lack of transparency.<sup>126</sup>

That the letter received wide coverage and elicited a response from Zuckerberg, as well as follow-up action from Facebook, bears witness to the work of the digital activist movement, as does the fact that Facebook sent its biggest delegation yet to the 2020 Myanmar Digital Rights Forum. That, in the wake of the coup, Facebook has banned military-linked accounts<sup>127</sup> is partly a result of these pre-coup efforts to push the company to tackle misinformation, disinformation, propaganda, and hate speech. In early December 2021, Facebook announced it was also planning to ban all businesses linked to, or controlled by, the Burmese military; its announcement came hours after lawyers filed a \$150 billion class action suit against Facebook



on behalf of Rohingya refugees for failing to combat hate speech that contributed to violence.<sup>128</sup>

The digital rights groups also worked together on a key campaign to condemn, and raise awareness about, the world's longest internet shutdown in two of the country's ethnic states—northern Rakhine State and southern Chin State. On September 30, 2019, they organized Myanmar Internet Blackout Day 101 to show solidarity with the more than 1.4 million people in Rakhine who had been deprived of access to the internet for 101 days.<sup>129</sup>

Yan Naung Oak observes that Burmese civil society was ultimately hamstrung because the government controlled the extent of reforms, including resisting efforts to reform the Telecommunications Law. Yet the digital rights movement was on the frontline of media reform efforts—pushing the limits and testing what was possible while trying to survive. “Bringing the digital rights community together is the most impactful thing Phandeeyar did, and digital development is one of the most important legacies of the pre-coup period.”<sup>130</sup>

## Digital Rights and the Coup

On February 1, 2021, digital rights activists—mostly digital natives in their mid-30s or younger, and the majority women—called each other in the early hours of the morning, whispering, “It’s happened.” They dropped what they were doing, their organizations quickly went underground or disbanded, and they began working as a loose, shifting coalition of diverse individuals, setting up security systems and Signal groups, and planning where to meet physically in the

event they could no longer communicate virtually due to internet shutdowns. They had started discussing the possibility of a coup a few days earlier, listing apps that people should download, and reaching out to every journalist and activist they knew. So when it did happen, they say they were “a tiny bit prepared,” although it was only when the military quickly made its cyber security bill<sup>131</sup> public that they realized the extent to which the coup had been long in planning. Digital activists say it was the relationships, networks, coalitions, and trust they had built over the preceding five years that enabled them to spring quickly into action:

The people who started opening up Burma 10 years ago did so to achieve their own personal legitimacy on the international stage. They weren’t interested in human rights, and neither were a lot of the pro-democracy activists or the media. For us this is finally the opportunity to try to create a more tolerant society and to talk about human rights. We had built so many networks and contacts before the coup, so once it happened we were able to quickly reach out to media, civil society, and elected parliamentarians to see who needed our help. We talked to everyone, including ethnic armed organizations, and we built civil society networks that included the Rohingya. We’re like a vehicle to help move things forward and to make the community stronger. The fact we don’t have hidden personal agendas is key, and that we’re young and diverse and open. We all have different personalities, we know each other’s strengths and weaknesses, and we argue and disagree a lot. But we’ve worked together for years so we trust and respect each other. That’s the legacy of five years of collective advocacy and reform work.<sup>132</sup>

And their movement is quickly growing. According to digital rights expert and MIDO Co-founder Htaike Htaike Aung, “New people are joining us every day, so we’re seeing our collective legacy growing before our eyes. It’s an amazing shift and a real opportunity for change.”<sup>133</sup>

Social impact and innovation consultant Victoire Rio has been working with Burmese digital rights activists since 2016,

As various organizations suspended their activities, digital rights activists have been forced to rely less on their affiliation and more on their individual networks and expertise to establish trust and credibility. The high levels of trust and connections that were built over the last several years, as the community came together around a variety of issues and engaged a diversity of local and international stakeholders, proved critical, and has really helped alleviate some of these challenges.<sup>134</sup>

If civil society and media had taken digital rights and security more seriously before the coup, and put the training they received into practice, it would have been easier to respond to the challenges presented by the coup. That they did not, Yan Naung Oak says, resulted in significant digital security leapfrogging and equally significant security risks and backlash. “Before the coup, unfortunately, digital rights and security felt so distant to most people. Yet at least the support systems were built. It’s like a fire department. We did the drills and when the coup came people were ready to take action.”<sup>135</sup>

The coup has in many ways dramatically transformed the digital rights sector. Many digital activists are now working from safe locations in the borderlands or increasingly in other countries. Only a few remain in country. Some organizations have gone underground and are reorganizing. Some, like Phandeeyar, have scaled down; yet its presence and impact are still felt via the many people who worked or received assistance and training there, and who have now spread out across the sector and remained active in many ways. So although the coup has negatively affected organizations, it has not impacted the resiliency of the many individuals who are active in the sector or the skills they have developed. On the contrary, the semiformal coalitions have enabled strong individuals to both lead independent organizations and collaborate with others to ensure greater influence and impact.

# Conclusion

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Using the coup as a vantage point, interviewees for this report were asked to reflect on three main questions: What have we learned about past media reform efforts? With hindsight, what are the legacies, best practices, and lessons learned? With a view to the future, what does the media's response to the coup teach us about reform and resilience?

One of the important lessons their collective reflections and analysis show is that over the past decade the media assistance approach in Burma should have been more strategic, nuanced, grassroots driven, flexible, and inclusive, with a greater focus on opportunities to support local initiatives, coalitions, and actors. Other important lessons learned concern risks and security, including the importance of digital security literacy and mechanisms, as well as building widespread capacity in volatile contexts with greater risk of repression.

What follows is a summary of findings and recommendations.

## Theme 1: Contingency plans and strategies for being prepared

**Finding:** International media assistance actors were caught unawares by the coup. As a result, their collective response was slower, less secure, and less effective vis-à-vis partners' needs.

**Recommendation:** When working in politically volatile countries such as Burma, contingency plans and strategies must be put in place from the start, and updated when relevant, to ensure international media assistance actors are better prepared when crises unfold.

## Theme 2: Dominance and biases of official, centralized, exclusionary, and mainstream perspectives

**Finding:** International media assistance actors were overly reliant on official, centralized, exclusionary, and mainstream sources and perspectives, and this colored and distorted their understanding of Burma's political crisis and the risks of escalation.

**Recommendation:** International media assistance actors must reach out to, listen to, and include in their strategic discussions local actors—and, in particular, minority groups and marginalized segments of society—to gain a full and comprehensive understanding of country-wide dynamics and risks.

## Theme 3: Role of trust and inclusive partnerships, coalitions, and networks

**Finding:** Individuals and organizations that had built respectful, mutually beneficial, and inclusive partnerships, coalitions, and networks in the years and decades preceding the coup were able to draw upon those relationships, and the trust they had built, to continue working discretely together under the radar, sharing vital information and supporting each other. This was particularly true when they were locally driven and inclusive.

**Recommendation:** International media assistance actors should support grassroots partnerships, coalitions, and networks that are continuing to operate under the radar and that are inclusive and locally driven. The digital rights network featured in the case study section of this paper is one example. A broad coalition of cross-sectoral stakeholders focused on media freedom that can work together to build a strategic response to the military and to provide individual journalists with support should also be prioritized.

#### Theme 4: Safety and security online and off

**Finding:** International assistance actors did not have an adequate understanding of safety and security risks, both off and online, or adequate protocols in place. The same is true for many of their partners and grantees.

**Recommendation:** International media assistance actors must ensure that their teams and partners have a thorough understanding of safety and security risks, on and offline, and access to relevant training and expertise. They must also establish security protocols and make certain they are enforced. To ensure there are an adequate number of expert trainers and coaches to respond to the increasing needs, and that knowledge and skills are locally driven and adopted by as many people as possible, they should support training-of-trainers of local experts. As a complement to the training, they should also support the networking of media actors and the Burmese digital and tech community so there is an ongoing, comprehensive sharing of skills and expertise.

#### Theme 5: The long view on media reform

**Finding:** That it was critical for media reformers, policymakers, and implementers working in and on Burma over the past decade to have a solid historical understanding of the preceding decades of work was not fully grasped or embraced in the 2010–2020 period. Nor has it been widely acknowledged in the post-coup environment.

**Recommendation:** Media assistance actors must ensure that their teams have a solid historical understanding of the full scope of media development and reform efforts, and should support projects, partnerships, and networks that bring together youth and their elders with a view to sharing information, expertise, and tactics that foster resilience.

#### Theme 6: Locally versus donor-driven initiatives

**Finding:** There is a fundamental difference in resilience between locally driven initiatives in Burma and top-down, donor-driven initiatives. In the latter cases, international assistance actors have tended to impose standard, formulaic approaches that have not been country or region specific, and that have risked inadvertently reinforcing control by the military.

**Recommendation:** To foster sustained change and resilience, international assistance actors must work from the outside, not impose from within, and, in doing so, enable and support local leadership and knowledge.

#### Theme 7: Quiet support

**Finding:** While many international media assistance actors continued to work quietly after Burma's so-called political opening, others entered the country with great fanfare, large amounts of money, and mega-projects.

**Recommendation:** While many of these projects gradually took root and ended up playing integral roles in Burma's media and media development sector, their rocky starts could have been avoided if international media assistance actors had adopted quieter, more modest, informed approaches. They should also ensure they do not overwhelm the sector by flooding it with vast amounts of money without a clear plan of how it will be used or an understanding of whether it will support or harm sectoral and individual resilience.



## Theme 8: Cross-border approaches

**Finding:** One of the critiques of the international media assistance that was offered during the two decades preceding Burma's political opening is that it was too focused on the outside (e.g., support for exiled media, training in neighboring countries, scholarships/fellowships). Donors and implementers say it was often too dangerous to work directly with the organizations inside, and that by bringing people outside for training and other opportunities, they were building skills and knowledge, and that the support going to exiled media was also being used to support journalists on the inside.

Some also say it made more sense to work outside because knowledge of the sector inside was much more limited. There are, without a doubt, lessons to be learned from that historic decision-making; yet the context today is very different and the knowledge and understanding of the sector inside profound. Taking this one step further, in the current COVID-19 and coup reality, does geographical location still matter, and should a media outlet be judged on its location or its ability to deliver?

**Recommendation:** International assistance actors should adopt a two-pronged approach in terms of supporting work that is continuing inside, insofar as it is possible and safe, and based on the lead of local actors, as well as the media and support organizations that are setting up in exile.

## Theme 9: Sustained support

**Finding:** Media development in and for countries like Burma that have long been subjected to military rule is a long-term endeavor; short, project-driven initiatives are not as effective, and do not support local leadership and capacity, as effectively as long-term, sustained, and flexible support.

**Recommendation:** International media assistance must be sustained, flexible, and adaptable.

## Theme 10: Financial accountability

**Finding:** Although it is not always easy to closely monitor finances and spending during a crisis, donors learned hard lessons during the previous military regime, as well as over the past 10 years, that there are risks of mismanagement and embezzlement when finances are not adequately managed, documented, and monitored.

**Recommendation:** Past donors recommend that current donors and implementers consider this issue when providing funding, and that adequate oversight measures be put in place. Most importantly, they suggest that relevant support and training be provided to partners so they have the skills and expertise needed to assume agency over their financial management and so that a relationship of trust can be established, without imposing unnecessarily burdensome reporting requirements.

## Theme 11: Ethnic media and minority voices

**Finding:** Ethnic media have distinguished themselves by playing a vital role in providing alternative information that counters the propaganda of regime-controlled outlets and that meets the needs of mainstream media operations.

**Recommendation:** In the future, media development and reform processes in Burma must include a more diverse range of minority and other marginalized voices, and those voices must be reflected in decision-making. International media assistance actors should enable this shift by supporting leadership and other forms of coaching and mentoring.

## Theme 12: Ethical, professional journalism

**Finding:** The 2017 Rakhine and Rohingya crisis highlighted the risk that private, independent media can engage in, or revert to, unprofessional, unethical, and nationalistic coverage, and that there is a pressing need to monitor and combat misinformation, disinformation, propaganda, and hate speech on and offline. The coup has also further muddled the waters between professional journalism and activism, with many media actors saying their primary role is to support the fight against the military regime.

**Recommendation:** International media assistance actors must support ethical, professional journalism by engaging in serious and consistent content monitoring and ensuring they have an understanding of the policies and ethics of the outlets they support. Supporting publicly available content analysis would be one way to help achieve this goal.

## Theme 13: Frontline journalism

**Finding:** Burmese media are currently dependent on freelance journalists who are risking their lives to provide news, information, and footage. Freelancers have historically been in vulnerable positions in Burma, including being poorly paid and having little to no organizational support. Their vulnerability has been painfully evident in the post-coup period, particularly when they have been in the field, or questioned and detained. While a variety of international and local organizations are endeavoring to provide support to them, the need is great. There is an assumption that funding provided to media outlets reaches freelance journalists, but this is often not the case.

**Recommendation:** International media assistance actors must support frontline journalists working inside the country. Creating a Burmese initiative that focuses on freelance journalists would be one way to address this important need; another approach would be to provide funding to media outlets specifically for freelancers.

## Theme 14: Media literacy

**Finding:** In addition to freelance journalists, Burmese media are increasingly dependent on citizen journalists who are often risking their lives to perform their jobs. This creates an opportunity to provide training that is culturally appropriate and sensitive vis-à-vis the local context.

**Recommendation:** International media assistance actors should build on existing models to train local media so they can, in turn, provide citizen journalism training for their own communities where they have established relationships of trust. This is a very practical way to foster media literacy while strengthening citizen journalism standards and accuracy.

## Theme 15: New voices and creative expression

**Finding:** As a result of the coup, Burma has witnessed an explosion of creative expression and talent, and an unprecedented diversity of voices. If media reformers, policymakers, and implementers can support and sustain this creative expression, and take advantage of the array of new and diverse voices by supporting their work and helping to create opportunities for them, then the sector will be richer and more vibrant. This will also help counter the entrenched tendency for media reform and development to be dominated by internationals, the country's dominant Bamar ethnic group, and men.

**Recommendation:** International media assistance actors must seize the opportunity presented by the coup to include a range of new, diverse individuals in current and new projects.

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