

# Access to Information: The Case of Burma

By Bertil Lintner

## The Situation Today

In 1997, Burma's senior general Than Shwe and Indonesia's strongman Suharto gained the dubious distinction of being named by the US-based Committee to Protect Journalists as "the two top enemies of the press" in Asia. Suharto has since been overthrown and Indonesia is experiencing a new era of freedom and openness. In Burma, however, the situation has gone from bad to worse. Here, the issue is not access to information but the lack of any reliable data in the public domain. Even official statistics including basic information about industrial growth, rice production and the literacy rate are treated as state secrets.

Some of the strictest censorship laws in the world keep the people of Burma in the dark, and the ruling junta remains blithely unaware of the demands of the Information Age. Special authorization is needed to own fax machines, modems and even photocopiers. For example, under a 1996 law on computer equipment, anyone possessing an "unlicensed computer" faces imprisonment of up to 15 years. A Bangkok-based writer summed up the situation in Burma late 2000: "Being a journalist in Burma is a lot like walking on the high wire without a net. One false move and you might plunge into the abyss of a political prison."

This is not an exaggeration. Dozens of Burmese writers and journalists languish in the country's notorious jails, where political prisoners are routinely tortured and put in solitary confinement. In September 2000, a 77-year-old lawyer was sentenced to 14 years in jail for "distributing foreign press clippings," allegedly with antigovernment slogans written on the back. Two years ago, a leading member of the country's democracy movement, San San, was sent to prison for 25 years after being accused of "distributing false information domestically and internationally." According to a report by the International Press Institute, the military authorities appeared to be upset that she had talked about to the British Broadcasting Corporation (BBC) and other foreign news organizations. In October 2000, the Reporters sans Frontieres issued an appeal for Soe Thein, a 55-year-old journalist who has been detained without trial since May 1996. The Paris-based organization that stated he was close to death after having suffered two heart attacks, and went on to note that three Burmese journalists had died in detention in the past decade.

In late 1999, two journalists from the state-owned Kyemon newspaper were allegedly tortured to death after a picture of Lt.Gen. Khin Nyunt, chief of the powerful Directorate of Defense Services Intelligence (DDSI, Burma's secret police) and first secretary of the military junta, the State Peace and Development Council (SPDC), was placed above a headline about "world-famous crooks." SPDC officials reportedly gave the victims' families 10,000 kyats (US\$28) and warned them not to disclose any details about the deaths. The government denied the report, which also came from Reporters sans Frontieres, but issued a curious statement saying, "The two persons that allegedly died during harsh interrogation were in no way connected to this incident."

The Burmese military government attempts to muzzle the media have not stopped at its borders. Foreign journalists have been threatened right in their own countries, and the junta has even urged foreign governments to join in the repression. In December 2000, a commentary in both of Burma's official newspapers, Kyemon and Myanma Alin, said Thailand's Bangkok Post and The Nation had hobbled Rangoon's efforts to stem the flow of narcotics from Burma's sector of the Golden Triangle which is by far the world's most important drug-producing area, and where Rangoon is not eradicating drugs but rather cooperating openly with well-known local drug lords.

But the Burmese papers stated: "*The Bangkok Post* and *The Nation*, two Thai dailies, have been hampering the momentum of success in Thai-[Burmese] cooperation in fighting drugs by irresponsibly and one-sidedly putting the blame on [Burma] on the issue." The commentary went on to say that "it is high time for Thai authorities to take action against those who write wrong stories in Thai papers."

That the Thai authorities would take such actions is unthinkable, but the demand very clearly reflected the mindset of Burma's generals: suppress the media and control and stifle any information that may be damaging to the military authorities. The military's own propaganda machinery puts out little more than grossly inflated economic growth figures, crude and often vulgar attacks

on all its perceived enemies in the country and abroad, and fancifully rewritten versions of the country's history.

In late 1999, a new law was also introduced that prohibits the diffusion by electronic mail of "political commentaries and information detrimental to the government." The restrictions came shortly after the government closed down the only two privately owned Internet service providers (ISPs) in the country. The closure left only two ISPs — the military's and that of the Post and Telecommunications office. Access to those services however, remained restricted under the 1996 law limiting private ownership of modems to a few thousand government-approved users.

Some hopes were raised when a new English-language weekly journal, the *Myanmar Times & Business Review*, was launched in February 2000. Partly run by Australian interests and partly owned by people close to the DDSI, the new weekly promised to be more "open" and "flexible" than the government-run papers. As it turned out, it offers almost the same heavily censored and biased material as the military-controlled *New Light of Myanmar*, albeit written in slightly better English.

It was these conditions that finally drove writer and publisher Tin Maung Than to flee across the border to Thailand with his wife and two children in late 2000. He also took with him the latest first-hand account of the repression in Burma; why he had decided to become a journalist and how the authorities hunted him down after he became involved in disclosing some embarrassing statistics which showed that Burma's economy actually is in a shambles and, contrary to official claims, is not progressing at all.

A medical doctor by training and a journalist by choice, Tin Maung Than also earned an MBA from Harvard University in 1998. He became active in the 1988 popular uprising against former dictator Ne Win that was crushed by the military. He later joined the National League for Democracy (NLD), the political party led by Aung San Suu Kyi, the Nobel Peace Prize-winning dissident. But, as he stated in an interview with Bangkok-based writer Lin Neumann after his flight to Thailand, he left the group in 1990 because he thought he "could do more as a writer. Let other people involve themselves in politics."

He became the publisher of an influential private journal, *Thintbawa* ("Your Life"), which focused on contemporary social issues (private weeklies and monthlies are allowed in Burma, as long as they submit all their material to the government's censors). However, following the publication abroad of an article he had written about Burma's abysmal educational system, the DDSI placed him under surveillance. The article was among a host of other "documents" listed by the military during a press conference in May 2000, at which military spokesmen wanted to prove there was an international plot against the regime.

By August of that year, DDSI agents had detained along with Tin Maung Than, along with another publisher for five days in Rangoon because he had made a handful of photocopies of a speech by former deputy minister for national planning and economic development, Brig. Gen. Zaw Tun,. The speech, which was highly critical of the government's economic policies, was picked up by foreign news agencies. It led to Zaw Tun's removal from office and was a major embarrassment for the junta.

The military authorities launched an investigation and went looking for anyone who might have copied the speech. They even detained a frightened young female shop assistant who worked in the photo store that Tin Maung Than normally patronized. After five days of continuous questioning, Tin Maung Than admitted to having copied the speech and signed a "confession." He subsequently went into exile in Thailand, where he is awaiting eventual political asylum in the United States.

The affair was more than just a "normal" DDSI-style attack on the media, as it indirectly involved an ex-government official, and because it also highlighted the limited access to the most basic information on nonpolitical issues that makes Burmese people's unique even in the region. In 2000, for the second consecutive year, Burma's Ministry of National Planning and Economic Development did not release its annual review of the country's financial, economic and social conditions, which meant that foreign and local investors had no data on the state of the economy. Even if such information had been released, the reliability of the statistics would have been in doubt.

In an amazingly outspoken address to academics at Rangoon's Institute of Economics on July 7, 2000, Deputy Minister Zaw Tun revealed that official data for growth had been grossly and deliberately exaggerated. He called Burma's foreign-investment agency "too protective" and accused the government of spurring inflation by printing money. "A planned economy is being pursued because we have not succeeded in promoting a free-market economy. It appears that the higher-up

generals know nothing about what's happening," he added. Not surprisingly, "the higher-up generals" dismissed Zaw Tun and placed him under house arrest.

This is where Burma stands today: censorship, repression and no guaranteed access to any objective information. The military rules every aspect of life and society, and even decides who should have access to the Internet and what data is "safe" to be released not only to the public at large but also to journalists, local businessmen and even foreign investors.

## Background

The lack of access to information in Burma today and the state of Burma's contemporary press do not do justice to a long and proud tradition of professional journalism. Forty years ago, many of Burma's now aging journalists were writing for a press that was one of the least restricted in Asia.

According to exiled Burmese journalist and editor U Thaug, writing in the Burmese language began in the 11<sup>th</sup> century and "early Burmese writers wrote their words in stone. More than 500 stone inscriptions of that era are still in existence today. 'I, the free, will liberate those in bondage,' a stone inscription by a king in 1150 AD illustrated the Burmese concept of freedom and Buddhist philosophy."

Modern-style newspapers, modeled on those in the West and in India, were introduced to Burma by the British, who conquered the country in stages in the 19<sup>th</sup> century. Burma's first newspaper, the English-language *Maulmain Chronicle*, appeared in 1836 in the city of Moulmein in British-held Tenasserim (which, along with the Arakan area, became in 1826 the first part of present-day Burma to fall under British rule). It was followed by the *Rangoon Chronicle* in 1853, the year after most of lower Burma had become a British colony. The longest-lasting paper, the colonial Rangoon Gazette, was founded in 1861 and survived until the Japanese occupation in 1942.

The first Burmese-language newspaper, the *Yadana-bon Nay-pyi-daw* (with the heading "the Mandalay Gazette" in English on the masthead), was started in Mandalay in independent Burma in 1874 as the official organ of the Kingdom. At an official meeting at the palace in Mandalay, King Mindon, one of the most enlightened monarchs in Burmese history, bestowed immunity on the local press corps: "If I do wrong, write about me. If the queens do wrong, write about them. If my sons and daughters do wrong, write about them. If the judges and mayors do wrong, write about them. No one shall take action against the journalists for writing the truth. They shall go in and out of the palace freely."

Freedom of the press was guaranteed by the King in an Act consisting of 17 articles. Article III of the Act stated that the press was for "the benefit of the citizens to hear general news from Europe, India, China and Siam for enriching the thoughts and improving their trade and communication." This act must be one of Southeast Asia's first indigenous press-freedom laws, and it was hardly a coincidence that it happened in Burma, a country that has always had a high literacy rate and where education has been a source of national pride since precolonial days. At the age of seven or eight, every Burmese boy was sent to the local monastery to learn to read and write and to memorize Buddhist chants and Pali formulas used in pagoda worship. Education for girls education was less universal, but even so, the census for British Burma in 1872 noted that "female education was a fact in Burma before Oxford was founded."

The British eventually dethroned the last king of Burma when Mandalay was conquered in 1885. The whole of Burma was now British, and English education was promoted. The new colony also attracted large numbers of immigrants from India and China, who became laborers, professionals and businessmen. During the colonial period, Burma had dozens of newspapers in Burmese, English, Chinese and several Indian languages. Periodicals were also printed in Burma's own minority languages; today, apart from the majority Burmans, there are more than three dozen ethnic minorities living mainly in the frontier areas.

The press lent support to the nationalist movement that began to gain momentum among the Burmans in the 1920s. Among the most outspoken newspapers were the *Thuriya* (The Sun), owned and edited by U Saw, the leader of the *Myochit* ("Love of Country") party and a leading rightist politician, and the Burmese-language *Myanma Alin* ("the New Light of Burma"), which was set up in 1914 and for many years was managed by U Tin, who became a minister in independent Burma's first government in 1948. Other newspapers were the *Liberty*, the *Modern Burma*, the *Bandoola Journal*, the *Observer*, the *New Burma*, the *Free Burma*, and the *Rangoon Mail* in English, and a few others in Burmese, among them the *Deedok* (the name of a local bird) journal, edited by Ba Choe, and the *Dagon* ("Dagon" was an early name for Rangoon) magazine. Ba Choe, who was a well-known journalist and the founder of the Fabian Society, would almost cer-

tainly have become a prominent political figure after Burma's independence, had he not been assassinated in 1947.

The press also played a crucial role in radicalizing the nationalist movement. In 1936, a satirical piece titled "Hell Hound at Large" appeared in the *Oway* (mimicking the sound of the peacock: "oway! oway!") magazine, mocking the Rangoon University authorities. *Oway* was published by the Students' Union, and its president, Aung San, was called to reveal the name of the author of the article. Aung San refused, and was expelled from Rangoon University. His expulsion resulted in a nationwide student strike, followed by workers' and farmers' strikes, and eventually led to an armed rebellion when Aung San and some of his comrades made it to Japan in 1940 and 1941. Known popularly as "the Thirty Comrades," they returned with the invading Japanese army in 1942 and set up a puppet government in Rangoon. But on March 27, 1945, the Burmese nationalists turned against the Japanese and joined the Allies. A few months later, Britain regained control of Burma and old institutions were reestablished. But the country was in turmoil, and in 1948, the country gained independence from Britain.

The war years saw a clear polarization between the pro-Japanese Burmese nationalists and several of the ethnic minorities who remained loyal to the British. Both the Karens and the Kachins formed Allied-supported guerrilla forces that fought against the Japanese. Printed publications in those languages played a very important role in mobilizing the anti-Japanese resistance; for instance, the *Shi Laika Ningnan* ("the New Newspaper") in the Kachin (Jinghpaw) language, which was printed in India and airdropped into the Kachin-inhabited areas of northern Burma. The Karens formed their own political organizations that published material in their own language as well as in English.

In January 1947, Aung San traveled to London and managed to negotiate independence for Burma. By the following month, he was at the market town of Panglong in the Shan minority area, where he signed an agreement with leaders of the Shans, Kachins and Chins, paving the way for their joining the proposed Union of Burma under a federal constitution. Everything appeared set for Burma's independence. On July 19, 1947, however, Aung San was assassinated along with *Deedok* editor Ba Choe and seven other state leaders. On the same day, the Rangoon police arrested U Saw, the editor-founder of the *Sun*, and charged him with murder. He was convicted and hanged in May 1948.

Deprived of most of its competent leadership, the country faced a difficult time when the British left and the Union of Burma was proclaimed on January 4, 1948. The first prime minister was U Nu, while the ceremonial post of union president was given to Sao Shwe Thaik, a Shan prince. Such attempts to placate the minorities failed, however, and within months of independence, the country was plunged into civil war as both the communists and several of the ethnic minorities resorted to armed struggle, the former for political goals and the latter for separation from the Union.

The civil war and political turmoil led to the unprecedented growth of the country's armed forces. They became a state within the state and eventually gobbled up the state. On March 2, 1962, the supreme commander, Gen. Ne Win, seized power. He immediately detained all former state leaders, abolished the old federal constitution, and set up a Revolutionary Council that ruled by decree. Burma's experiment with democracy was over.

The military takeover did not result in the restoration of peace being restored, as the army had promised. Their coup turned out to be totally counterproductive as the abolition of democracy, the federal system and press freedom drove thousands of political dissidents as well as activists from the country's many ethnic minorities into the jungle. The civil war flared anew.

Among the first statements of the Revolutionary Council had been a pledge to honor the freedom of the press. In practice and step by step, that freedom was being revoked, and it was soon clear that Burma was heading toward a period of stern dictatorship.

On July 1, 1962, the military set up the Burma Socialist Program Party (BSPP) and published several documents to be the guiding ideological bases for the new regime. Aware of the lobbying power of the press, it first moved against the *Nation*, an outspoken defender of press freedom, closing it down in May 1963 and arresting its editor, Law Yone, three months later. In July, the government set up the News Agency Burma (NAB), and in October, the military launched its own daily newspaper, the *Loktha Pyithu Nezin* ("the Working People's Daily"), to compete with the still existing private newspapers. An English version, called the *Working People's Daily*, appeared in January 1964. The military government also formally took over the *Guardian*, already an organ

of the army, while the left-wing Vanguard offered itself for nationalization.

The last year of a free press in Burma was 1964. The liberal *Kyemon* (“the Mirror”), which was edited by veteran journalist U Thaung, was nationalized on September 1, followed by the newspaper *Botataung* (“A Thousand Officers,” or the Guardian in Burmese) on September 11. Smaller newspapers were also closed down and several editors and journalists were arrested. Earlier that year, in March, the military-controlled BSPP had been made the only legal political organization in the country; all other parties were dissolved and declared illegal.

Eventually, in December 1966, it was announced that private newspapers were to be banned altogether, and immediately the government discontinued annual re-registration of all Chinese- and Indian-language newspapers. Printing, the government said, must henceforth be done only in Burmese or in English. The right-wing *Hanthawaddy* and the *Myanma Alin* (“the New Light of Burma”), one of the oldest paper in the country, were nationalized in 1969. In the end, only six papers remained, all of them now owned and controlled by the military government: the *Loktha Pyithu Nezin*, the *Botataung*, the *Kyemon*, and the *Hanthawaddy* in Burmese, and the Guardian and the *Working People’s Daily* in English.

Under the new order, the NAB controlled the flow of news in and out of the country. All foreign correspondents, except those working for Soviet *Tass* and China’s *Xinhua*, were expelled. Visits by foreign journalists were banned, although some managed to sneak into the country disguised as tourists.

Locally-based foreign news agencies were forced to appoint Burmese citizens as their correspondents and to have these approved by Rangoon. Through this unique arrangement, the junta managed to get its own version of the news from Burma out under internationally respected by-lines such as *Reuters*, *Associated Press*, *United Press International*, *Kyodo*, *Agence-France Presse*, the British Broadcasting Corporation (BBC) and the Voice of America. (VOA). In recent years, the BBC and the VOA have pulled out after being unable to appoint their own correspondents, but the arrangement remains in place for the wire services.

The government also maintained strict control over the radio, which meant that many people turned to listening to the Burmese-language broadcasts of the BBC and the VOA. While their reporting from Burma remained bland, the BBC and the VOA carried uncensored international news and other programs of interest to the public. Thanks to the military’s restrictive policies, the BBC’s Burmese service especially became almost a national institution to which everyone listened. During the 1980s, it also got the distinction of having received the largest number of listeners’ letters among the BBC’s foreign language services.

But Burmese radio listeners also had other stations to choose from as alternatives to Rangoon’s broadcasts. Among these was the People’s Voice of Burma (PVOB), which was run by the China-backed Communist Party of Burma (CPB). Formed in the late 1960s, the CPB built up an extensive propaganda apparatus, but bulletins and theoretical journals were circulated almost exclusively among the party’s own cadres. The PVOB, which began transmitting from across the border in Yunnan, southern China, in 1971, became the main means of reaching the population in government-held areas.

Its daily broadcasts featured news from the civil war, party propaganda, and revolutionary music in Burmese, Shan, Kachin, Karen, Wa, and occasionally in other tribal languages. In 1978, following policy changes in China after the death of Mao Zedong and the rise to power of Deng Xiaoping, the PVOB was forced to move its transmitters to party headquarters at Panghsang in the Wa Hills in northeastern Burma.

The ethnic rebels — Karens, Shans, Kachins, Palaungs, Pa-Os, Karennis and Rohingya Muslims from Arakan State — also published their underground magazines and newsletters in their respective languages, but with limited circulation and seemingly without much effect on the political situation in the rest of the country. The Karen rebels, who were based along the Thai border, set up their own broadcasting station at the rebel base of Maw Po Kay in early 1983, but it was closed down in January 1984 due to heavy fighting in the area.

Rebel broadcasts from the border areas prompted the Burmese government to acquire a capability to jam these transmissions. Although the CPB and the Karens ceased broadcasting many years ago, the Defense Forces Broadcasting Unit at Taunggyi in Shan State, where the jamming transmitter is located, has in more recent years used its equipment to block the Burmese-language services of the BBC, the VOA and a new, anti-government broadcasting station called the Democratic Voice of Burma (DVB) with a transmitter at Kvitsøy in southwest Norway. (In 1995, the Burmese

army acquired new and more sophisticated jamming equipment from China. This equipment is also located at Taunggyi. But the military's efforts to control the airwaves have not always been effective.)

Burma got television much later than any other Southeast Asian country. It was only on June 3, 1980 that the first TV station opened with Japanese assistance, and even then transmission was limited to Rangoon and surrounding townships. By 1985, however, programs could be received even upcountry through a network of relay stations. But there was only one channel that featured news broadcasts, classical Burmese dramas, educational programs and imported vintage films.

The DVB — and the NLD and other pro-democracy organizations — emerged in the wake of the upheavals of the late 1980s. After years of atavistic military rule, a strange brand of socialism and a devastating civil war, the Burmese economy reached rock-bottom. In August 1988, millions of people took to the streets to demand an end to the dictatorship and a restoration of the democracy and the free-market system that had existed before 1962. The demonstrations were met with unprecedented brutality. Thousands of people were gunned down by the army, but that did not put an end to the protests. In September, the military authorities withdrew their forces from the cities and even more people took to the streets.

For about a month, the creativity of the Burmese psyche flourished again after 26 years of silence. Within a week, Rangoon alone had almost 40 independent newspapers and magazines, full of political commentaries, biting satires and witty cartoons ridiculing the BSPP and the ruling military elite. The new, lively newspapers, some daily and others intermittent, some in Burmese and some in English, had fanciful names such as *Light of Dawn*, *Liberation Daily*, *Scoop*, *New Victory*, *Newsletter*. Some were handwritten and photocopied or mimeographed while others had access to professional printing presses, often free of charge since their owners wanted to show that they also supported the pro-democracy movement. Even the official newspapers, including the *Guardian* and the *Working People's Daily*, began publishing outspoken political articles. The authorities seemed to tolerate them, but the state-run radio and TV station remained significantly unchanged.

The “Rangoon spring” came to an abrupt end when the military stepped in and seized direct control of state power on September 18, 1988. The formation of the State Law and Order Restoration Council (SLORC) was announced, and many more people were gunned down in the streets of Rangoon and in other cities and towns across the country. To the surprise of many, however, the SLORC pledged to hold free and fair elections and, according to what junta spokesman Brig. Gen. (now Lt.Gen.) Khin Nyunt said at the time, “hand over power to the party that wins.”

Disbelieving Khin Nyunt's promises, thousands of dissidents fled to the Thai border area to take up arms against the new military regime. Others remained in the country and they formed the NLD whose leader, Aung San Suu Kyi, is the daughter of Burma's independence hero, Aung San.

Immediately after the formation of the SLORC, all newspapers were banned except for the *Loktha Pyithu Nezin* and its English equivalent, the *Working People's Daily*. Strict censorship was imposed, and many journalists were arrested, including Win Tin, the erstwhile editor of the daily *Hanthawaddy* who had become a prominent pro-democracy activist in 1988. At first, foreign journalists were allowed into the country, but when their reporting turned out to be more critical than what the government had expected, those visits were curtailed as well. In recent years, only a selected few foreign journalists have been given press visas. All along, though, many foreign correspondents have sneaked into the country posing as tourists or businessmen, thus enabling a steady stream of information to come out of the country despite severe official restrictions. An exception was made in May 1990 when the junta held its promised general elections. Dozens of foreign journalists descended on Rangoon. The outcome was another propaganda disaster for the SLORC. Aung San Suu Kyi had been placed under house arrest a year earlier, but even so, the NLD won a landslide victory at the polls. In July, however, the SLORC declared that what had been elected was not a parliament but a constituent assembly, which had to draw up a new constitution and include more members than those who had been elected.

This was a clear turnaround from earlier promises that a parliament would be elected and power handed over to the party that won the election. Khin Nyunt was not the only junta spokesman who made that promise; foreign minister Ohn Gyaw said the same in his speeches to the UN's General Assembly in 1988 and 1989, and the junta chief then Gen. Saw Maung, even criticized people who had raised questions about a new charter for the country. On January 9, 1990, he told an assembly of army officers that “we have spoken about the matter of State power. As soon as the election is held, form a government according to law and then take power. An election has to be held to bring

forth a government. That is our responsibility. But the actual work of forming a legal government after the election is not the duty of the Tatmadaw [army]. We are saying it very clearly and candidly right now.”

Then, in a speech on May 10, or 17 days prior to the election, Saw Maung said, “A dignitary who was once an Attorney-General talked about the importance of the constitution. As our current aim is to hold the election as scheduled, we cannot as yet concern ourselves with the Constitution as mentioned by that person. Furthermore it is not our concern. A new Constitution can be drafted. An old Constitution can also be used after some amendments.” (sic. Quoted in *Working People’s Daily*, May 11, 1990.) “That person” was former attorney-general U Hla Aung, who was close to the NLD and at the time, was researching constitutional issues for the pro-democracy movement.

Statements such as Lt.Gen. Khin Nyunt’s in September 1988 and Gen. Saw Maung’s in May 1990 were conveniently forgotten when the magnitude of the NLD’s landslide became public. It had captured 392 out of 485 contested seats. By comparison, the military-sponsored National Unity Party (the new name for the Burma Socialist Program Party, the BSPP, Burma’s only legally permitted political organization from 1962 to 1988) secured only 10 seats.

In a direct response to the NLD’s victory, the SLORC issued on July 27, 1990, decree 1/90, which stated that only the SLORC has the right to legislative, administrative and judicial powers; “therefore, the representatives elected by the people are responsible for drafting a constitution for the future democratic state.” It was the first time the SLORC mentioned the need for a new constitution.

Within days of the announcement, the SLORC launched a massive campaign against elected NLD MPs. By the end of that year, 65 had been arrested, nearly a dozen had fled to neighboring countries such as Thailand and India, and several had resigned voluntarily. The elected assembly was never convened and army hard-liner Lt.Gen. Myo Nyunt, in a speech on August 27, 1990, ruled out a “quick transfer of power.”

In an attempt to polish up its image — and in line with new free-market economic policies that were implemented after 1988 — the government changed the name of the *Loktha Pyithu Nezin/The Working People’s Daily* in April 1993. It was given the name of a paper that the military had banned in 1969 and subsequently closed down, the *Myanma Alin*, in English, the *New Light of Myanmar*. The paper even added the phrase “Established 1914” at the top of the front page. In the mid-1990s, the office of the mayor of Rangoon launched its own paper, which borrowed its name from another old publication, *Kyemon*.

In July 1995, Aung San Suu Kyi (who had been awarded the Nobel Peace Prize in 1991) was released from house arrest, and foreign journalists were once again allowed to visit the country. After a few months came another government clampdown. Rangoon stopped issuing press visas, and Suu Kyi was soon back under virtual house arrest, her movements severely restricted. Many MPs elect from her party were also arrested while others escaped to Thailand and India. The military looked even more deeply entrenched in power than ever before. By 1999, the strength of Burma’s armed forces increased to 450,000, more than double the 1988 figure.

“By Way of Deception, thou shalt do war” has long been the motto of Israel’s powerful intelligence service, the Mossad. The Burmese military has adopted the same principle, but without any pretense of democracy and legal institutions. Burma remains one of the most oppressive countries in Asia, rivaled only by Stalinist North Korea in its attitude to the outside world, its treatment of political opponents — and its interpretation of the truth.

## **Information Access: Censorship and the Law**

In November 1997, SLORC renamed itself the State Peace and Development Council or the SPDC. But that did not change its being the most repressive government in Southeast Asia with the severest censorship in the region. It also seems to have little or no understanding at all that its attitude toward the dissemination of information hampers foreign investment and slows down economic growth.

Burma’s forms of censorship differ from even those of other totalitarian regimes. All books and most newspapers and magazines have to be submitted to the censors not before but after printing, which in itself is a powerful incentive to self-censorship. A state agency, the Press Scrutiny Board (PSB), checks the publication in question. Any story, poem, cartoon, passage or word found unacceptable by the PSB has to be eliminated before the publication can be sold to the public.

British academic Anna Allott, who compiled a collection of censored short stories (called, appropriately, “Inked Over — Ripped Out”) described the process: “This is done by ripping out pages,

by gluing them together, by inking over with silver paint, or by sticking opaque tape over the offending item. The ripping and blanking is carried out by the publisher, following the instructions of the PSB.”

After the pages have been torn out, they are sent back to the PSB, which knows how many copies of a magazine have been printed. The PSB then counts the submitted pages to ensure that none has been left in or distributed separately, and destroys them. About the only magazine not subjected to this scrutiny is a monthly literary magazine called *Myet-khin-thit* (“The New Sword”), which carries no advertising. The magazine contains detailed accounts of antigovernment elements, including surreptitious shots of their residences-in-exile in Bangkok and elsewhere, as well as sensational stories about the same people that would have been libelous in any country but Burma. Other articles describe in minute detail rape, corruption and murder in certain foreign countries, with the aim of discrediting governments that criticize Burma for human-rights violations. This unusual magazine is the brainchild of the DDSI or secret police, which controls most aspects of life in Burma.

To be sure, while there are no laws in Burma that guarantee access to any information, there are many that restrict access to information and freedom of expression. This has not always been the case. Burma’s first, democratic constitution, which was drafted in 1947 and came into effect at independence on January 4, 1948, stipulated that the citizens had the right “to express freely their convictions and opinions (II:17;i)” and “to form associations and unions (II:17;iii).” The 1947 Constitution also guaranteed other basic civil rights and declared that “forced labor in any form and involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall be prohibited (II:19; ii).”

Somewhat incongruously, the present military government ignored this law and chose to refer to a British colonial law dating back to the beginning of the 20 th century to justify its massive use of forced labor (The 1907 Villages and Towns Act which, by the way, does not condone forced labor either, but simply states that civilians are required to perform certain public-work duties). The use of forced labor prompted the International Labor Organization (ILO) in 2000 to impose sanctions on Burma.

Then again, Burma has had new laws since 1947, with obviously new ideals. The 1974 constitution, for example, stipulated that “every citizen shall have freedom of speech, expression and publication to the extent that such freedom is not contrary to the interests of the working people and socialism.” In effect, that meant no freedom at all. Even that constitution, however, was abolished in 1988 and replaced by military rule by decree.

Strict control and censorship of the media began when the first military government introduced a new Printers and Publishers Registration Act in 1962. It was used extensively to muzzle what had been a free press. Many journalists and writers have since been prosecuted under this act. In recent years, it has often been used in conjunction with the old Emergency Provisions Act, which was introduced in 1950 to protect the young state against the many insurgencies raging in the countryside. The SLORC/SPDC has given this old law an entirely new meaning, using it against ordinary people who have spoken out against the regime, or been found in possession of cassette tapes with, for instance, Aung San Suu Kyi’s speeches.

Cheng Poh, the 77-year-old lawyer who received a 14-year jail sentence in September 2000 for distributing copies of articles about Burma from some foreign publications, was given seven years under the 1950 Emergency Provisions Act and seven years under the 1962 Printers and Publishers Act. His main crime was writing statements such as “No Freedom. Our Mouths Are Sealed” on the reverse side of the copies.

In December 2000, journalist Aung Myint and five other dissidents were each sentenced to 21 years in prison for violating Burma’s emergency laws by distributing information regarding the NLD in September, after Aung San Suu Kyi had been prevented from traveling outside Rangoon. Aung Myint had worked for a variety of Burmese magazines and newspapers, several of which were banned by the military for their satirical content. Since 1999, he had also served as an information officer for the NLD. The other five had worked for the NLD as well.

Another colonial legacy, the Official Secrets Act of 1923, has also been used — or, as many people would argue, misused — to suppress dissent and to stop the free flow of information. In 1990, two NLD leaders and a Burmese national working for the British Embassy in Rangoon were arrested under this law. NLD officials Chit Khaing and Kyi Maung had given British Embassy employee Nita Yin Yin May a letter addressed by the SLORC to the NLD’s central committee for transla-

tion into English. All three were convicted of “handing over classified state secret documents of national interest to unauthorized persons” and sentenced to long prison terms.

The interpretation of what constitutes a “state secret” can be even more bizarre. In October 1994, Dr. Khin Zaw Win, a former United Nations Children’s Fund (UNICEF) worker, was sentenced to two years’ imprisonment for attempting to smuggle abroad “state secrets” such as a Burmese translation of Aung San Suu Kyi’s book *Freedom From Fear*. Another victim of the abuse is include Dr. Aung Khin, an NLD central committee member, who was sentenced to 20 years’ imprisonment jointly under the Official Secrets Act and the Printers and Publishers Law for distributing leaflets criticizing the restrictions, which the SLORC has imposed on a government-appointed National Convention set up in 1992 to draft a new constitution for Burma.

Another law that has been used frequently to suppress dissent is the 1975 State Protection Law, which is also known as the “Law to Safeguard the State from the Dangers of Destructive Elements.” It allows the government to declare a state of emergency in a part of or the whole of Burma “with a view to protect state sovereignty and security and public law and order from danger [sic],” and to restrict any fundamental rights of the citizens.

A report by Article 19, the London-based free speech organization, observed, “The law gives the authorities sweeping powers: anyone who is suspected of having committed, or who is committing, or who is about to commit, any act which ‘endangers the sovereignty and security of the state or public peace and tranquility’, can be imprisoned for up to five years on the orders of the executive.” Pro-democracy activist San San received her 25- year sentence under this law. Burma’s many laws restricting the use of e-mail and access to the Internet that were introduced in the mid- and late-1990s have been supplemented by a special Television and Video Law, which has had considerable impact on the state of freedom of expression and the availability of independent information. It provides for the compulsory licensing of TV sets, video machines and satellite television by the Ministry of Communications, Posts and Telegraphs, and of the video business by newly constituted State or Divisional (Burma has seven states and seven divisions) Video Business Supervisory Committees under the Ministry of Information.

According to Article 19, “TV and video law makes it compulsory for every video tape exhibited within Burma to include the censorship certificate and for that certificate to be shown at every screening of the tape. The Censor Board has been empowered to re-inspect any video tape which it has previously certified for public exhibition, and to revoke any certificate issued by it ‘if there is valid reason to do so’.”

Prison sentences can also be meted out under this law. In August 1996, for instance, three pro-democracy activists—Kyaw Khin, an NLD MP-elect from Shan State, Dr Hlaing Myint, an NLD member and businessman from Rangoon, and Maung Maung Wan, a young student—were each sentenced to three years’ imprisonment for possessing video tapes containing programs about Burma that had been recorded from foreign television stations. In the same year, Khun Myint Tun, an NLD MP-elect from Mon State, also received a three-year sentence for giving a videocassette of Aung San Suu Kyi’s weekly speeches to a journalist working for the Australian Broadcasting Corporation.

No one knows how many people have been sentenced under the Computer Science Development Law and other anti-Internet laws, but human-rights groups such as Article 19 have reported that the laws have had “a chilling effect on freedom of expression...one journalist who surreptitiously in late 1997 described the situation thus: ‘No one has e-mail or Internet access in Burma except for a select few business owners who are friendly with the military that rules the country. Diplomats at a few foreign embassies also acknowledge that they have Net access and e-mail, despite the Burmese government’s restrictions. Even then, they say their e-mail is intercepted and read by the Burmese authorities.’”

In recent years, a special “Cyber Warfare Division” has been added to the DDSI’s many departments, with equipment supplied by Singapore and manned by operatives who have been trained by specialists from the island republic. Desmond Ball, an Australian expert on signals intelligence, writes in his 1998 book *Burma’s Military Secrets: Signals Intelligence from 1941 to Cyber Warfare*: “The SLORC...acquired fairly comprehensive capabilities for monitoring telecommunications — including domestic and international telephone and facsimile traffic...these capabilities are quite sophisticated and are directed primarily at the suppression of urban dissent. Burma is now also acquiring modern information warfare (IW) systems, again from Singapore.”

These restrictions make it almost impossible for anyone — journalists, diplomats and local and foreign businessmen — to obtain unbiased information about the situation in the country. The gov-

ernment's own version of events and developments can be found on a number of new websites which appear to be meant for international consumption as access to the Internet remains severely restricted inside the country:

- The military government's own website — [www.myanmar.com/](http://www.myanmar.com/) — contains mainly excerpts from the official media, tourist information and outdated statistics (as no official data have been released since 1998).
- The DDSI-affiliated newspaper, the Myanmar Times & Business Review, has its own webpage, which, like the paper, differs little from the official media other than that the English is better: [www.myanmar.com/myanmartimes/](http://www.myanmar.com/myanmartimes/)
- In the early 1990s, some enterprising young Burmese began to publish a directory of locally available businesses and services. This has been followed by a similar website: [www.myanmaryellowpages.com/](http://www.myanmaryellowpages.com/)

Like all other totalitarian regimes, however, Burma's military government has been unable to completely stop the flow of information in and out of the country. Many foreign journalists get information from a host of underground sources, even "leaks" from sympathetic government officials, which have resulted in more, rather than, articles about Burma appearing in the foreign media now than before the 1988 uprising. There are four Burma news digest services, available via either e-mail or the web, which contain articles from the international media and other information that the government is trying to suppress. The main one is the daily BurmaNet News, which is available free of charge by e-mail, or is viewable online at <http://thrburmanetnews.edittthispage.com/>. The other three are:

#### Burma Update

Frequency: Biweekly

Availability: By fax or the web

Viewable online at <http://www.soros.org/burma/burmanewsupdate/index.html>

Cost: Free

Publisher: Open Society Institute, Burma Project

#### The Burma Courier

Frequency: Weekly

Availability: E-mail, fax or post. To subscribe or unsubscribe by email

[celsus@axionet.com](mailto:celsus@axionet.com)

Viewable online at: <http://www.egroups.com/group/BurmaCourier>

Cost: Free

Note: News sources are cited at the beginning of an article.

Interpretive comments and background details are often added.

#### Burma Today

Frequency: Weekly

Availability: E-mail

Viewable online at <http://www.worldviewrights.org/pdburma/today.html>

To subscribe, write to [pdburma@online.no](mailto:pdburma@online.no)

Cost: Free Publisher: PD Burma (The International Network of Political Leaders Promoting Democracy in Burma)

Almost all internal dissent may have been crushed by the military, but the struggle continues internationally online. Even diplomats based in Rangoon depend mainly on BurmaNet News for information. While reports by UN agencies stationed in Burma tend to be rather bland and often reflect the government's views (especially on drug issues), the Asian Development Bank (ADB) and the World Bank have published in-depth studies of the Burmese malaise. In 1997, the US embassy also made public economic reports showing that the income from the smuggling of narcotics from Burma rivaled legal exports in value. That report was based solely on an in-depth

study of trade data and other official statistics , which may be the reason the government subsequently decided not to release any such information.

## **Conclusions and Recommendations**

The Rangoon spring of 1988 demonstrated very clearly that Burma's solid and centuries-old intellectual and creative tradition is not dead. Successive military governments have managed to stifle this creativity and to impose a political system that is completely alien to Burma's lively intellectual traditions. Burma's military governments have also shown scant regard for the rule of law, even its own laws, both in domestic implementation and in terms of respect for international norms, and the demands of civil society as well as the business community in the Information Age.

This is unlikely to change as long as Burma remains under military rule — and there are no signs of the government's willingness to consider even the slightest compromise with the country's pro-democracy movement. Burma's entry into the Association of Southeast Asian Nations (ASEAN) in 1997 has exacerbated this sad situation. Although officially committed to a policy of "constructive engagement" to entice the junta to reform, ASEAN has turned itself into a pariah organization by agreeing in effect to defend Burma's generals internationally. There seems to be no doubt that the Burmese military saw ASEAN membership mainly as a means of acquiring regional allies to fend off criticism from the international community, including the United Nations. Repression has grown worse since Burma joined ASEAN.

Article 19, which has been at the forefront of exposing censorship and other abuses of fundamental rights in Burma, states that specific reforms should include the following:

- The immediate and unconditional release of all those detained or imprisoned for the peaceful expression of their views
- Implementation without further delay of the SLORC/SPDC's stated commitment to return Burma to democratic government, having regard to the results of the general elections held in May 1990
- Prompt reinstatement of the 1947 and/or 1974 Constitution, at least as an interim measure pending the drafting of a pluralistic, democratic Constitution in full consultation with the NLD and representatives of Burma's ethnic minorities
- Immediate withdrawal of all emergency measures and restrictions on fundamental freedoms, including freedom of expression
- Revocation or amendment of all laws, orders, decrees and regulations to ensure their full compliance with international human rights norms and/or international humanitarian norms
- Early introduction of access-to-information legislation conducive to the full enjoyment by the inhabitants of Burma of the right to freedom of expression, including the right to impart, seek and receive information and ideas of all kinds, regardless of frontiers and through any media
- Accession to relevant international instruments on the protection and promotion of human rights, particularly the International Covenant on Civil and Political Rights and its Optional Protocols
- Fulfillment, in good faith, of the obligations assumed by Burma under Articles 55 and 56 of the Charter of the United Nations, under which it accepted to take joint and separate action in co-operation with the UN to achieve universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion

- Further co-operation with the UN and other international organizations in ensuring the full and speedy restoration of the rule of law and civil government in Burma.

While all these recommendations are laudable and are exactly what Burma would need to develop into an open, modern, and prosperous society, none of them is likely to be implemented as long as Burma remains under military rule — and as long as ASEAN and China continue to back the regime in power in Rangoon. On the other hand, the NLD and other pro-democracy groups have been crippled by restrictions, arrests and long prison sentences meted out against their leaders and activists.

Change will come to Burma only when, and if, elements within the military decide to break with official policies, which almost inevitably would mean a bloody upheaval, perhaps a civil war against the old hard-liners. For the time being, there is nothing to indicate that there are such rifts within the ruling military. For many years to come, Burma is bound to remain a source of despair — and to be ruled by Southeast Asia's least open, transparent and accountable regime.