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Recommendations for Strategic Interventions in the current media and political landscape in Myanmar

Background

The purpose of this paper is to summarise the recommendations and inputs from the two Town Hall Meetings organized in Yangon and Mandalay and attended by 90 working journalists, discussing issues related to media law, self-regulation of the media and professional capacities of journalists. Together with the [Guidance for Journalists on Promoting an Empowering Press Law](#),¹ this document can be useful for media community in the preparation stage and the drafting process of Myanmar's media law and in this transition period.

To date, the openness that has been pledged by the government offers both a challenge and opportunity for the Myanmar media community to expand and broaden the exercise of press freedom and freedom of expression. It is vital for the media community to be able to advocate for strong guarantees and protection for the media, within and outside the legal framework, during this transitional period, towards ensuring the best outcome for an enabling environment.

In responding to the changing political and media landscape in Myanmar, the Southeast Asian Press Alliance (SEAPA) supported initiatives to gauge the concerns and capacity of the media community in relation to the proposed media law and self-regulation suggestions. SEAPA initiated two 'town hall meetings' in Myanmar—one in Yangon on 23-24 September and one in Mandalay on 26 September—with the aim providing support for the media community to empower themselves in lobbying for a good media legal environment in Burma. This activity was organized within the context of the considerable expansion of press freedom in the country, including the end of pre-publication censorship for privately-owned weekly news publications, and the announcement of the drafting of a new press/media law.

Feedback and Recommendations

The following feedback and recommendations are based on the outcome of the two meetings held in Yangon and Mandalay, inputs from experts in the Southeast Asia region.

1. Priorities for the Interim Press Council

Considering the roles² prescribed to the Interim Press Council, and given the limited resources and time that it has (one year), it is recognized that the IPC can be under great pressure to meet its obligations within the time frame. Given the uncertainty surrounding the legal framework to support and sustain the state promise of a freer media environment, it is proposed that the council prioritizes obtaining stakeholder feedback on the strategies for the

¹ Guidance prepared by the Southeast Asian Press Alliance and the Centre for Law and Democracy, 15 August 2012, <http://bit.ly/Nlg4VB>

² As announced in September this year, the Interim Press Council, which replaces the first council announced a month earlier, known as the Myanmar Core Press Council but with more or less similar functions: draw up a code of conduct/ethics and safety of journalists; develop journalists' capacity; adjudicate complaints against the media; and draft the proposed media law.

promotion and protection of media freedom, including the development of a professional code of ethics, capacity building plans for the profession and recommendations on the appropriate legislative framework for the practice of media in the country.

The IPC is well-placed to conduct consultations, not just with the media community, but also civil society and representatives of various public groups and communities.

In carrying out its tasks, the council may consider working in phases:

Phase 1:

Play a central role in the consultation process (as the secretariat) of the legislative revisions to consolidate the views and position of the media community, and

Works closely with the existing press associations to ensure that the exercise of the rights, safety and professional/ethical standards are adequately articulated

Phase 2:

Prepare the framework and mechanism for self-regulation and the related complaints adjudication process

Plan and recommend the professional training program for journalists

2. Public consultation on laws and policies that affect the media

Parties involved in organising discussions or negotiations regarding law reforms that affect the media, such as the IPC (which can be a focal point or secretariat) or the journalists' organizations, may consider some fundamental principles to ensure that the public consultation is effective.

a. Inclusiveness:

The consultation to get the feedback on the scope and significance of the laws and policies must be inclusive and horizontal given the media landscape, which is not only drawn along the lines of national and division-level institutions but also the various ethnic communities and gendered interests. Representatives of professional groups such as the judiciary, the legislature, academics, lawyers, human rights defenders and consumer groups shall be included in the process with the IPC as a secretariat to ensure that the proposed bills have a broad support from the public and defence in the interest of the public.

Views and arguments on even whether or not there should be a media law at all shall be included and thoroughly debated as an alternative to having a bad media law. (In such a case, the experiences of Thailand and Philippines can be taken into consideration as to why and under what context these two countries have not introduced a specific media law).

Experts can be invited as part of the consultation process to share experiences and make recommendations about the good media law and the drafting process.

Consultations must be conducted nationwide as best as possible.

b. Transparency:

Inputs from each consultation must be shared widely among consultative parties

The public has to be informed of the changes made in the draft law in each of the consultation between the IPC, the Parliament and the government and during the parliamentary readings.

The media should be able to continuously and consistently report about the process

c. Independence:

The IPC can play a central role in the consultation process to consolidate views and position among the media community and key stakeholders; compile and collate all the information and inputs received from each of those consultations.

The IPC should be able to provide an alternative framework of the media law based on the inputs gathered from the broad-based consultations and present to the government and the Parliament instead of waiting for the framework to be imposed from the government.

The IPC's initiated consultations must be independent of state interference.

d. Timeframe:

The government aims to have the media law in place by 2014. The two-year timeframe is reasonable but at least six months must be allocated to the broad-based nationwide consultation among media and non-media stakeholders.

The Sports, Culture and Public Relations Committee of the Parliament can then initiate a public hearing of the draft bills before being passed into a law.

e. Resources

The government, through the Ministry of Information, should allocate adequate support and resources to the IPC to conduct its consultations and preparatory work.

3. The proposed legal framework

Based on the feedback received from the journalists as well as taking into consideration of universally recognized standards for media freedom, a legal framework for the media in Myanmar should entail the following:

- Provide a guarantee and protection of the media freedom in accordance with international standards on freedom of opinion and expression as enshrined in Article 19 of Universal Declaration on Human Rights
- Seek to define the role, functions and responsibility of the media
- Recognise the need for the diverse, multi-platform and independent nature of the media
- Prohibit all forms of media censorship including pre-publication censorship and licensing.
- Repeal all other existing laws and measures that threaten to, or, curtail freedom of the media
- Guarantee editorial independence as well as that of media professional groups set up to promote and protect media freedom
- Promote adequate rights to association of the media
- Provide a model for independent self-regulation, which can include the formation of local/regional press councils
- Any laws introduced must guarantee the right to information including the media's access to sources of information from the public sector.

- Prohibit the criminalization of speech
- All laws must be subject to judicial review

4. Capacity building for the Myanmar media community to defend its rights and promote professional and ethical standards

- Financial and resource support must be given to building the capacity of the IPC to function, among other, as a secretariat in the drafting of the draft bills
- Regular workshops and dialogues for individual journalists and news organisations across the country to discuss hands-on experiences in dealing with day-to-day work, in terms of professional skills and ethics as well as rights issues and association building
- Targeted training on basic journalism and thematic reporting
- Training of media trainers on both professional and ethical skills
- Workshops and training on best practices and models of media business management and operations
- Workshops and training on multimedia platforms online journalism and ITC skills in the era of media convergence

5. Transitional issues for the print media industry

While the government has announced its intentions to relax the registration of the print journals, there is uncertainty as to the policy towards new applicants and those interested in publishing dailies. Decisions can be arbitrary and could perpetuate the perception that only “friendly” media groups would get publication permits. On the operational level, the lack of a clear policy also poses challenges to the media, which needs to plan for its operations. Leaving the entire decision to the enactment of a media law is also an impractical move.

The print media community should use this time to strengthen or implement the following:

- Build unity among the existing media organisations and professional associations, which is crucial in the defense of media freedom
- Set and adopt higher standards for the exercise of their rights and the protection of those rights, while upholding media professionalism and ethical practices. This can be done even in the absence of a media law or similar legal provisions
- Use every opportunity to remind the government of its political commitment to media reforms
- The print media should be free to operate without registration in the interim period and any laws enacted later must favour the freer arrangements.

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