CENSORSHIP PREVAILS

POLITICAL DEADLOCK AND ECONOMIC TRANSITION IN BURMA

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The report was written by ARTICLE 19's Burma consultant, Martin Smith. He is a journalist and specialist writer on Burma and South East Asia.

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ABBREVIATIONS

ABFSU	All Burma Federation of Students Unions
AIR	All India Radio
ASEAN	Association of South East Asian Nations
BBC	British Broadcasting Corporation
BSPP	Burma Socialist Programme Party
CPB	Communist Party of Burma
EU	European Union
KIO	Kachin Independence Organization
KNU	Karen National Union
MIS	Military Intelligence Service
MP	Member of Parliament
MTA	Mong Tai Army
NCGUB	National Coalition Government Union of Burma
NGO	non-governmental organization
NLD	National League for Democracy
PSB	Press Scrutiny Board
SLORC	State Law and Order Restoration Council
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Programme
UNESCO	United Nations Educational Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
USDA	Union Solidarity and Development Association
VOA	Voice of America

1 OVERVIEW OF RECENT EVENTS

Burma (Myanmar[1]) in 1995 presents a complex picture of a country trapped in political deadlock but undergoing uncertain, though increasingly rapid, economic change. As a reflection of these tensions, during the past year a number of conflicting signals have emerged from what remains one of the world's most secretive countries. However, despite frequent promises of democratic reform, over six years after the State Law and Order Restoration Council (SLORC) assumed power in a bloody military coup, Burma's many deep-rooted political, ethnic and social problems appear to be moving little nearer to a lasting solution.

On the surface, at least, there were initial hopes during 1994 that the need for reconciliation and dialogue had finally been accepted by the ruling generals of the SLORC government. In February, the detained opposition leader and Nobel Peace Prize laureate, Daw Aung San Suu Kyi, was permitted by the SLORC authorities to meet with United States Congressman Bill Richardson after nearly five years under house arrest in Rangoon. Then, in September, and again in October, Suu Kyi met for the first time with senior government leaders, including the SLORC chairman, Gen. Than Shwe, and the SLORC secretary-one, Lt-Gen. Khin Nyunt, in scenes which were broadcast on state television. The go-between in arranging these latter meetings was the Venerable U Rewata Dhamma, a widely respected Buddhist monk and human rights advocate, who had lived for many years in exile.

The SLORC's attitude towards Burma's long-running ethnic minority insurgencies has also been a cause for speculation. Under a cease-fire policy announced in "the name of national unity" in April 1992, by October 1994 the SLORC had successfully concluded military truces with as many as 13 of the country's armed ethnic opposition groups. After over four decades of armed conflict, huge doubts remained over the stability of these agreements. But, again, in what initially appeared to be another important change to the military intransigence of the past, the go-betweens in facilitating many of these talks were leaders of different Christian and Buddhist organizations in Burma who had previously been forced to remain quiescent.

These developments were seen by an increasing number of foreign governments as indicating positive signs of change. In the international political arena, Burma under the SLORC continues to remain, in large part, a pariah state, its grievous human rights record the subject of repeated condemnation by the United Nations (UN) and other world bodies. At the same time, there has been a growing lobby, not least among the front-line states of the Association of South East Asian Nations (ASEAN), in favour of "constructive engagement", rather than isolation or confrontation, with the SLORC.[2] The desire to develop business ties across long-closed frontiers is undoubtedly a prime motivation behind this policy. Economic relations have also continued to improve with Burma's largest trading partner, China, which reportedly agreed another massive US$400 million arms deal with the SLORC during 1994. In particular, the SLORC's increasing agreement of multimillion dollar contracts with international oil companies and the promotion of 1996 as Burma's "Year of the Tourist" are regarded as evidence that the SLORC's "open-door" economic policy, first announced in 1988, is now firmly here to stay.

Despite the scale of international investment, speculation remains rife over who is really guiding government policy in the arcane world of Burmese military politics. The country's ailing

[1] The renaming of Burma as "Myanmar" ("Myanma" as an adjective) by the SLORC in June 1989 is still disputed by most democratic opposition parties. Ethnic minority groups, in particular, reject "Myanmar" as a historic name of the Burman majority for the country.

[2] In July 1994, in line with this policy, the SLORC was invited for the first time to attend some sessions in Bangkok of the annual Ministerial Meeting of the members of ASEAN: Brunei, Indonesia, Malaysia, the Philippines, Singapore and Thailand.

military strongman, 83-year-old General Ne Win, is still widely believed to be a significant influence in the background. Yet, the SLORC's increasing concentration on international business development is generally interpreted as an indication that a younger generation of military officers, headed by Than Shwe and Khin Nyunt, are finally moving away from the isolation and style of Ne Win's Burma Socialist Programme Party (BSPP), which ignominiously collapsed during the 1988 democracy uprising after 26 years of disastrous one party misrule. Asian leaders, in particular, such as Singapore's Prime Minister Goh Chok Tong, who visited Rangoon in March 1994, and China's premier, Li Peng, who made an official trip the following December, see such economic changes as vindication for their policy of "constructive engagement" in encouraging reform. Democratic opposition groups, by contrast, claim such international recognition only lends the SLORC false encouragement to harden its attitudes and postpone political reform.

Nonetheless, a number of Western governments have also considered changing their policy of human rights pressure and international ostracism of the SLORC, and appear increasingly interested in the potential economic opportunities in one of the most underdeveloped but mineral-rich countries in Asia. All Western and Japanese development aid to Burma was suspended in 1988 in protest at the SLORC's seizure of power; indeed, until now, most Western governments have continued to call for the SLORC's recognition of the result of the 1990 general election in which Aung San Suu Kyi's party, the National League for Democracy (NLD), won a landslide victory. Nevertheless, in an apparent change of policy, 1994 witnessed a number of exploratory missions to Rangoon by senior Western diplomats to talk for the first time with SLORC leaders. Unlike ASEAN's "constructive engagement", however, the policy of "critical dialogue" mooted by the European Union (EU), Australia and other Western governments will be based on a series of "benchmarks" (such as the release of Aung San Suu Kyi) by which the rate of reform will be assessed and responded to.[3]

Any early optimism over the success of these methods, however, appeared shattered by the disquieting events of January 1995. Not only was Aung San Suu Kyi not released and her period of detention extended by the SLORC for another six months, but army hard-liners once again appeared to revert to their policy of military confrontation. Taking advantage of a split between Buddhist and Christian Karens, the SLORC abrogated its own cease-fire policy and launched a major offensive against the Karen National Union (KNU), one of the few armed opposition groups with which it had not yet agreed cease-fire terms. Tragically, the consequence, as on so many occasions in the past when the Burmese army has been deployed against its ethnic minority opponents, is an escalating toll of deaths and injuries, the destruction of further homes and villages, and a new influx of refugees into neighbouring Thailand.

Calling for Aung San Suu Kyi's release and an end to the offensive against the KNU, a US White House press statement of 28 January warned:

> Late last year, the United States offered the regime in Rangoon two visions of a future relationship: increased cooperation linked to positive developments by the regime on issues of importance to the international community, or heightened isolation if progress is not forthcoming. We urge the regime to avoid the path of

[3] One such list of "benchmarks" was delivered by the EU to the SLORC in the form of an *aide mémoire* in Aug. 1994. Six areas of key EU concern were singled out: human rights improvements; the release of Aung San Suu Kyi and all political prisoners; meaningful political dialogue by the SLORC with democracy representatives; free access to international non-governmental organizations (NGOs); the liberalization of the economy; and progress on the creation of democratic institutions. In return, the EU would "be prepared to" increase EU support for humanitarian relief through NGOs, resume EU development assistance, and intensify EU investment.

confrontation and international isolation.

In response to such international criticisms, which were echoed by the United Nations (UN) Commission on Human Rights, the SLORC began another of its periodic releases of political prisoners in January 1995 in an apparent attempt to rebuild its image. But the many inconsistencies in Western policy towards the political deadlock in Burma were once again emphasized by the signing, the very same week, of an agreement between the Thai government and the SLORC to construct a US$900 million gas pipeline to the Yadana field in the Gulf of Martaban, jointly developed with Unocal (USA) and Total (France). The projected pipeline will pass through the very lands of the Karen people where fighting is now taking place.

Critically, too, all these momentous events — from the SLORC's meetings with Aung San Suu Kyi to the battle for Mannerplaw and the negotiation of natural gas contracts — have been taking place under the same blanket of censorship and political repression that has enveloped Burma throughout the past three decades of military rule. Equally disturbing, although the SLORC's "market-oriented" economic reform has brought about a certain degree of prosperity for a few sectors of society (notably traders and families of the ruling elite), the convulsive nature of the country's political and economic crises has been creating a new generation of social and humanitarian problems — from environmental destruction to narcotics and refugees — all of which are concealed by the same pervasive censorship.[4] The result is what the UN Special Rapporteur on Burma has described as the "atmosphere of pervasive fear" in Burma.[5]

In December 1991, ARTICLE 19 published *State of Fear: Censorship in Burma*, which examined the historical development of the country's media and draconian press restrictions. In this report, ARTICLE 19 reviews recent developments in Burma and their impact on the right to freedom of expression at a time of economic transition. Clearly, as the report shows, the quickening pace of economic development is requiring at least some adaptation of existing SLORC policies and attitudes. To date, however, these have been little more than cosmetic. Far-reaching reform is still urgently needed if the current political impasse is really to be ended and the country's burgeoning social and humanitarian problems are to be addressed. The international community too, including Asian and Western governments alike, has a key responsibility to ensure that such reform does occur before Burma is permitted to take its rightful place as a respected member of that community.

In particular, as international discussion increasingly turns to "benchmark diplomacy", the real test of the SLORC's commitment to change should be its willingness to restore the right to freedom of expression. However, as this report underlines, while the SLORC has been prepared to relax some of its controls in relation to economic affairs, it has been uncompromising in its determination to stifle open political debate and suppress criticism of its policies. The basic human right to freedom of expression, as well as the related rights to freedom of association, assembly and movement, have been routinely and systematically suppressed under an all-pervasive regime of state surveillance and control. Yet, freedom of expression is the cornerstone of democracy and an essential element for development and ensuring governmental accountability. Unless it is assured in Burma, there can be no serious

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[4] Deforestation and the growing impact of Western oil companies, hydroelectric dams and tourism were highlighted by ARTICLE 19 in *Paradise Lost? The Suppression of Environmental Rights and Freedom of Expression in Burma* (Sept. 1994).

[5] UN Economic and Social Council, *Report on the situation of human rights in Myanmar, prepared by Mr Yozo Yokota, Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar, in accordance with Commission Resolution 1992/58* (Geneva, 17 Feb. 1993).

prospect of the country emerging from the long years of deadlock and repression and progressing towards democracy.

2 CONTINUING MECHANISMS OF CENSORSHIP

Burma remains one of the most heavily censored states in the world. The main instrument of day-to-day censorship continues to be the Printers and Publishers Registration Law of 1962. Introduced shortly after the military coup which brought Gen. Ne Win and his newly-formed BSPP to power, the law has been repeatedly expanded in scope and severity over the years, including by the present SLORC government.

Currently, all books, magazines, periodicals, songs and films must be submitted under this law to the Press Scrutiny Board (PSB) prior to being printed or, in some cases, distributed. Books, for example, must be submitted to the PSB before printing and again afterwards to check that no changes have been made, whereas magazines, which must be legally registered, are required to take the more risky method of submitting copies for censorship only after they have been printed. Under the 1985 Video Law, all videos must also be submitted to the Video Censorship Board (which comes under the Film Censorship Board) for pre-publication scrutiny, reflecting the authorities' nervousness about the rapid proliferation of this form of expression.

The PSB, ironically, operates from the same building in Rangoon that was used during the Second World War to house the Japanese secret police or *Kempetai.* Consisting of a number of different censorship departments, some of which scrutinize book covers, for example, and others the written word, they usually meet together once each day to give final approval to what is passed. Headed by a former army major, Bo Maung Win, the powers of these PSB departments are extensive; working closely with the Military Intelligence Service (MIS), they can decide not only the content of materials accepted for publication but even the numbers printed.

The results of such intensive censorship are frequently whimsical, with many manuscripts rejected and magazines often appearing with pages missing or words obliterated by silver ink. For example, the name of the South African President, Nelson Mandela, has been routinely excised from articles on world affairs since he publicly called for the release of his fellow Nobel laureate, Aung San Suu Kyi, in the speech accepting his own Nobel Peace Prize in 1993.[6] In January 1995, such draconian methods of censorship led a delegation of magazine editors and writers, constantly faced with the despoliation of their publications, to approach the PSB for a meeting. At the meeting, they requested that the practice of "silvering out" be discontinued in view of the forthcoming "Year of the Tourist", arguing that it creates a bad impression with foreign visitors. They also asked for a list of the names which they should not mention. In response, they were reportedly told that the PSB will in future simply tear out the entire page, rather than "silver out" offending names or passages, to make the censorship less obvious.[7]

The Printers and Publishers Registration Law, under which the PSB operates, has been used mainly for pre-publication censorship and to blacklist individual writers deemed critical of

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[6] Anna Allott, "Burmese Ways", in *Index on Censorship* (London: July/Aug. 1994), 94.

[7] The main targets of the censors are Burmese writers, but they are also very concerned about foreign analysis on Burma. For example, a Burmese-language translation of Louis Allen's *Burma: The Longest War* was recently rejected by the PSB, even though extracts had already been published in Burmese magazines, presumably because censors fear that this internationally-acclaimed book highlights the role played by the British and Allies, rather than the Burmese armed forces, in the anti-fascist resistance during the Second World War.

the government. Nevertheless, authors, editors, publishers and distributors adjudged to have transgressed its provisions face stiff penalties. These were increased most recently in June 1989 by SLORC Martial Law Order 16/89 to a maximum penalty of seven years' imprisonment for each infringement of the law and/or fines of 30,000 kyats (approximately US$5,000).[8]

The most well-known writer to have been imprisoned under this law in recent years was U Tin Moe, a prize winning poet, essayist and editor of the *Pei-hpu-hlwa* (Palm Leaf Manuscript), a literary magazine. He was released from Insein Prison on 4 February 1995, with a group of 22 other political prisoners, after completing most of a four-year sentence imposed by a civil court in July 1992; *Pei-hpu-hlwa* itself was shut down and banned soon after his arrest in December 1991. ARTICLE 19 welcomes his release but knows of at least 12 other writers, publishers and distributors, who are still believed to be serving long prison sentences under the Printers and Publishers Registration Law. They include one woman, short-story writer and doctor, Ma Thida, as well as NLD MP-elect, U Kyi Myint (see also section 5 below).

Many other critics or opponents of the SLORC have been silenced through the use of more overtly criminal or treason-related charges. From the time of the September 1988 coup until September 1992, the entire country was placed under martial law. Those accused of breaching martial law provisions were tried by military tribunals, set up in July 1989, with powers to pass down only three penalties: life imprisonment, death or a minimum of three years' hard labour. For example, Burma's most prominent student leader, Min Ko Naing (also known as Paw U Tun) is currently serving a 10-year jail term (reduced from 15 years), following his arrest in March 1989, for allegedly breaking SLORC Martial Law Order 2/88, which banned all public gatherings of more than five people. SLORC Martial Law Order 8/88, under which many more student and democracy activists were arrested, also banned any activity, literature or speeches "aimed at dividing the Defence Services".

Since the official lifting of martial law in September 1992, the SLORC has reverted to using other long-standing security provisions to silence dissidence. The laws most commonly employed are the 1975 State Protection Law (also known as the "Law to Safeguard the State from the Dangers of Destructive Elements"), under which Aung San Suu Kyi has been detained, the 1957 Penal Code and the 1950 Emergency Provisions Act. The SLORC has also increasingly invoked the Official Secrets Act of 1923, the Code of Criminal Procedure of 1898 and the Unlawful Associations Act of 1908, dating from the British colonial era, to bring prosecutions on vague, treason-related charges.

The first known use of the Unlawful Associations Act by the SLORC to silence a writer occurred in December 1990 when U Nyi Pu Lay, a satirist and artist, was sentenced to 10 years' imprisonment in Mandalay for alleged contact with "illegal organizations". He was alleged to have been in contact with the near-defunct Communist Party of Burma (CPB), which two of his brothers had joined. The evidence, however, appeared flimsy: he was said to have sold a ring several years previously to a clandestine member of the CPB. Hence, it is widely believed that the real reason for his imprisonment was his writings and dissident family background. His widely respected parents, Ludu U Hla and Daw Amar, had set up the renowned *Ludu Kyi-pwa-yay* press in 1938.

Increasingly, too, those targeted by the authorities have been brought before the courts to face charges under a variety of laws, apparently as a means of increasing sentences. For example, the popular woman writer and NLD supporter, Daw San San Nwe, who had

[8] Calculating exchange rates in Burma is complicated. The SLORC's official bank rate of US$1 = 6 kyats, which is used in this report, contrasts with the real market rate of around US$1 = 100 kyats amongst the general public in the streets.

previously been imprisoned for 10 months without trial in 1989-1990, was sentenced to a total of 10 years' imprisonment in October 1994. Her sentence comprised a seven-year term under Section 5(e) of the Emergency Provisions Act and Section 109 of the Code of Criminal Procedure for "spreading false information injurious to the state", and a further three years under Section 17/1 of the 1908 Unlawful Associations Act for having had "contact with illegal organizations". Her daughter, Ma Myat Mo Mo Tun, who was arrested and tried with her, was also convicted under the first two charges and jailed for seven years.

By far the broadest sweep of charges in a recent case, however, was brought against Dr Khin Zaw Win (also known as Kelvin), a research student at the University of Singapore and former United Nations Children's Fund (UNICEF) worker, who was sentenced on the same day as San San Nwe after a trial at Insein Prison. Altogether, the prison sentence imposed on him totals 15 years: this consists of a seven-year term for contravening Section 5(e) of the Emergency Provisions Act by "spreading false news"; three years for breaching Section 17/1 of the Unlawful Associations Act; two years under Section 5 of the Official Secrets Act for possessing "secret official information"; as well as three years for various customs and currency offences (see also section 5 below).

To a large extent, all these prosecutions have exhibited a clear "show trial" element. The arrests were well-publicized in the state-controlled press, which usually makes no mention of other political trials. The reason, no doubt, is a simple one: the publicity given to the prosecutions and the severity of the sentences imposed can only have been intended to sound a warning to others about the dangers of expressing public dissent or stepping out of line.

This intention to silence was vividly demonstrated by the treatment of Dr Aung Khin Sint, a medical writer and NLD MP-elect, who was sentenced to a total of 20 years' imprisonment in October 1993 after being convicted of contravening various sections of the Emergency Provisions Act, the Printers and Publishers Registration Law and the Official Secrets Act. These charges all arose from his having written "illegal" letters and leaflets supporting the NLD, which he distributed to participants at the SLORC-convened National Convention, where he was an official delegate. His assistant, Than Min, who was charged and tried with him, also received a 20-year term under the first two laws. Unexpectedly, however, despite the apparent seriousness with which the authorities had pursued the charges against him, Aung Khin Sint was released on 4 February 1995 on the same day as the writer, Tin Moe. His release followed months of continued pressure on his behalf by the UN Special Rapporteur on Burma. Like all those released, however, he was interviewed by MIS officers beforehand and reportedly required to sign a letter pledging not to become involved in politics again. In effect, like all former political prisoners, he remains on probation, politically censored and under continuing surveillance.

Despite the publicity given to such "show trials", the overall number of political prisoners is believed to have declined steadily since the lifting of martial law in 1992. According to the SLORC, more than 2,050 prisoners have so far been released under Declaration 11/92 of April 1992, in which it was announced that prisoners who were considered not to "endanger the security of the State" would be released. They include a number of prominent writers and pro-democracy activists for whose release ARTICLE 19 had campaigned, among them Zargana, the country's best known comedian; U Aung Lwin, chairman of the Burma Film Society; Min Lu (U Nyan Paw), a popular satirist and poet; U Chan Aye, an economist and NLD MP-elect; U Ko Yu, a defence attorney and writer; and Daw Nita Yin Yin May, a former information officer at the British embassy. Many other political prisoners had their sentences halved or cut under an amnesty announced on 1 January 1993 to commemorate the opening of the SLORC's National Convention. Most recently, some 121 political prisoners,

including both Tin Moe and Dr Aung Khin Sint, were released between 27 January and 11 February 1995 on the reported basis of Section 401 of the 1898 Code of Criminal Procedure rather than the 11/92 Declaration.

Many other critics and opponents of the SLORC, however, continue to be imprisoned. In the absence of reliable government information and given the secrecy which surrounds many arrests, their number remains impossible to calculate with any degree of accuracy. The available evidence from opposition groups suggests that several thousands may still be held, especially if imprisoned members of ethnic minorities seized during the course of conflict are taken into account.[9] Those detained include leading members of the NLD, which won a convincing victory in Burma's first national election for three decades in May 1990. In addition to Aung San Suu Kyi, now in her sixth year under house arrest without charge or trial, other key NLD leaders still being held include former army general, Tin Oo; former army colonel, Kyi Maung; the journalist and MP-elect, U Ohn Kyaing; and U Win Tin, a former newspaper editor and vice-chairman of Burma's Writers Association (see Appendix).

There are also continuing allegations of ill-treatment of prisoners and harsh prison conditions, particularly in prisons away from the capital, Rangoon, and several deaths of prominent national figures have occurred. For example, in 1990-1991, U Oo Tha Tun, an ethnic Rakhine historian and parliamentary candidate in the 1990 election, U Maung Ko, the NLD workers' leader, and Maung Thawka (U Ba Thaw), Chairman of Burma's Writers Association, all died while imprisoned by the SLORC.[10] More recently, on 17 January 1995, U Khin Sein, a leading member of the left-wing People's Progressive Party, is reported to have died in Insein Prison. This follows the earlier deaths after imprisonment of the same party's Secretary-General, U Nyo Win, in March 1991 and its Chairman, U Khin Maung Myint, in February 1993.

Belatedly responding to international pressure, since November 1993 the SLORC has permitted Professor Yozo Yokota, the UN Special Rapporteur on Burma, to meet Tin Oo, Dr Aung Khin Sint and (on the second occasion) Min Ko Naing during two official visits to Insein Prison. However, the SLORC has consistently failed to respond positively to UN Resolutions calling for the International Committee of the Red Cross to be given access to Burma's prisons.

Remarkably, given the obvious weight of evidence to the contrary, the SLORC continues to deny the existence of censorship in Burma. In March 1993, for example, the SLORC issued a strongly-worded "rebuttal" in reply to documented criticism of the government's suppression of freedom of expression by the UN Special Rapporteur on Burma, claiming:

> It is not true that there is government censorship of the press, radio and television and distribution of written material. The media, however, are required to restrain themselves from making statements which would disrupt public order and tranquillity.[11]

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[9] For example, the Kachin Independence Organization (KIO) has compiled a list of over 6,000 supporters whom it believes have been arrested by the government during the past three decades of armed conflict and may still be detained. Despite the signing of a cease-fire agreement with the SLORC in Feb. 1994, their names have not been handed over since the list is not comprehensive and the KIO believes that, for the present, such a process of "political" identification could endanger the security of their movement. SLORC officials, for their part, claim that there are no Kachin political prisoners, only "criminals". At least 17 KIO supporters, however, were included for the first time in the most recent round of releases.

[10] The exact circumstances of these deaths are not always clear, but Amnesty International, for example, has recorded the deaths of 15 political prisoners since 1988; see *Myanmar: Human rights still denied* (London, 1994), 11.

[11] The SLORC, "Rebuttals of the Allegations made in the Report on the situation of human rights in Myanmar by

Such assertions ring particularly hollow when set alongside the laws and practices which, under the SLORC, continue to be used daily to control what is left of the media, to abrogate the fundamental right to freedom of expression and to suppress all questioning of or challenges to continuing military rule. Indeed, such unconvincing statements do little to suggest that the SLORC, despite the current economic transition, has yet fully appreciated the extent to which it will need to amend its policies if it is to inspire confidence, both at home and internationally, in its stated commitment to the future establishment of genuine multi-party democracy and a free market economy. For, without freedom of expression, there can be no hope of sustainable development and democracy taking root. In the parliamentary era of the 1950s under Prime Minister U Nu, who died in February 1995, Burma was reputed to have one of the most free presses in Asia with more than 30 independent daily newspapers. For the moment, however, the possibility of a return to such days seems exceedingly bleak.

3 NEW DEVELOPMENTS IN THE STATE MEDIA

Despite continuing strict censorship and the use of all-pervasive security laws by the SLORC, the past three years have seen the introduction of some new variety within the state media sector. To a large extent, these developments are a reflection on the increasing scale of international business and domestic commercialization resulting from the SLORC's "open door" economic policy. This has brought with it some obvious changes in style away from the soporific tedium which characterized all state media reporting during the days of General Ne Win and his idiosyncratic "Burmese Way to Socialism".

For SLORC officials charged with maintaining Burma's rigorous state of political censorship while allowing some international influences, this has resulted in a difficult and often schizophrenic balancing act. In particular, the SLORC's much publicized "Cultural Revolution", launched in June 1991 to protect the country's Buddhist religion and culture from so-called "decadent Western" ideas, has gradually been toned down, although it remains a recurring theme in government propaganda. According to U Soe Nyunt, the Deputy Minister of Culture: "We don't allow improper culture from other countries."[12] However, "soft" rock music from the West can be heard nightly on state-run television, sung in translation by Burmese singers and usually attracting large audiences. Moreover, to the irritation of veteran military hard-liners, owners of many of the hotels and businesses that have sprung up around the country in preparation for the "Year of the Tourist" in 1996 have preferred to take Western names, such as the Snow White Inn, Power Palace Hotel or Deep Desire Tours and Travel, rather than use their own Burmese language.

Most SLORC officials now privately accept such cultural changes as an inevitable concomitant of increased tourism; indeed, many of the families and children of senior military officers are heavily involved in the new business developments and are among those most eager for change — so much so, that the talk now circulating in military circles is of how to "sterilize" Western influence upon arrival rather than of trying to keep it out altogether. Though highly ambitious, the SLORC Tourism Ministry has projected that there will be 500,000 foreign tourists in 1996, a massive rise from the 30,000 total in 1993.

Professor Yozo Yokota (E/CN.4/1993/37)", March 1993, 7.

[12] Agence France Presse, 30 Jan. 1995; see also, ARTICLE 19, *State of Fear: Censorship in Burma* (London, 1991), 54-5.

Far reaching though these changes may turn out to be, they have had only a limited impact so far. Burma still has only one television and one radio channel, both state controlled, and only one national newspaper, the state-owned *Myanma Alin*, and its English-language version, *The New Light of Myanmar*, is widely available. The latter, taking its name from a popular nationalist newspaper of the British colonial period, began its new career in April 1993 when the archaic *Working People's Daily*, still in circulation from the days of the BSPP, was revamped, renamed and computer typeset. In addition, several local daily newspapers have also been revived, including the *Kyemon* (*Mirror*) and *City News* (an evening paper) in Rangoon and *Yadanabon* in Mandalay.

All these media, however, remain firmly under state control. For the most part, their content consists of bland programming and SLORC propaganda, in the case of television and radio, and equally bland and shallow reporting, admixed with official propaganda and slogans, in the case of the written press. As the official mouthpieces of the government, their main purpose is to justify military rule by the Burmese armed forces or *Tatmadaw*, and to promote what the SLORC has defined as the "Three Main National Causes": "national security", "national sovereignty" and the "unity of the races". These three far-reaching causes, the SLORC claims, grant the *Tatmadaw* the right to interfere in the political process whenever it deems fit. Indeed, a warning slogan, set in bold print on the cover of *The New Light of Myanmar* each day, continues to portray the country as struggling on the brink of political chaos:

> The *Tatmadaw* has been sacrificing much of its blood and sweat to prevent disintegration of the Union. All nationalities of the Union are urged to give all co-operation and assistance in this great task.

At the same time, while steering clear of any politically-sensitive news inside Burma itself, there has been noticeably greater coverage of international and business news in all the state media since *The New Light of Myanmar* was relaunched in 1993. When foreign reports and issues are discussed, however, they are often used for the SLORC's own propaganda purposes. A repeated theme, for example, is denunciation of "inaccurate" foreign press reports on Burma. One such typical commentary in *The New Light of Myanmar* in September 1993 took the opportunity to make a vehement attack on the ownership of foreign media organizations and their motives:

> Western owned newspapers are dominating the whole of Asia. Each and every Asian happening is being portrayed in accordance with Western concepts. Their news commentaries and analyses are biased, one-sided and subjective. Truth is turned into falsehood.

Ironically, such articles attacking the foreign media often serve to alert people in Burma to information on Burmese matters about which they might otherwise have been kept totally unaware.[13]

The same theme, the duplicity of the Western press, is also part of the staple diet offered to readers by undoubtedly the most intriguing new publication to be established since the SLORC came to power, the mass circulation periodical, *Myeq-khin-thit* (New Pastures). It began publication in 1990 after a group of students, who had fled from the cities when the

[13] A collection of critical commentaries by SLORC officials on the British Broadcasting Corporation (BBC), Voice of America (VOA) and All India Radio (AIR), which includes some of their original reports, have even been reprinted by the government in a book, *Sky Full of Lies*, that quickly sold out.

SLORC seized power, were said to have "returned to the legal fold".[14] At a press conference in Rangoon convened by the authorities, the students said that they wished to set up a magazine in which to recount their experiences. The magazine, which is published monthly, is discreetly financed by the government and is said to be edited with the direct involvement of MIS officials (articles in the magazine are mostly published under pen-names). As a result, since its first appearance, it has regularly been used to attack the underground student movement within Burma and to portray in the worst possible light (and in the most salubrious terms) the alleged lifestyle of political dissidents, whether in the so-called "liberated zones" of Burma controlled by ethnic minority armed groups, in refugee camps in Thailand or elsewhere abroad.

From this original theme, however, *Myeq-khin-thit* has gone on to report on many other topics which remain largely taboo for privately-owned publications in Burma, including gruesome crimes and satirical descriptions or analysis of foreign media, government figures and officials. In particular, the magazine has given space to reporting shocking cases of murder, rape or corruption in foreign, notably Western, countries in an apparent attempt to demonstrate the extent of Western hypocrisy on the question of human rights. Ironically, however, although accompanied by the requisite denunciations (as with the SLORC's verbal attacks on the BBC and the VOA), the magazine enjoys a vicarious popularity with the general public and there is no shortage of readers prepared to wade through the text to pick up news which is denied to them elsewhere.[15]

More recently, a more reflective side has been emerging in the reporting of *Myeq-khin-thit*, which may be evidence of an awareness that to be successful it has to be able to compete in a growing commercial market of privately-owned magazines (see section 4). Recently, it has been used to publish and analyze developments which the formal state sector is not apparently able to cover, either in style or in content. An example of this has been in the publicity it gave to meetings in September and October 1994 between Aung San Suu Kyi and SLORC leaders, including the Chairman, Gen. Than Shwe, and Lt-Gen. Khin Nyunt, who is also the MIS chief. Despite the historic importance of the first meeting, state television showed only brief pictures of the SLORC leaders with the detained pro-democracy leader, who was brought out of house arrest for the first time. The background soundtrack was omitted (deaf students have since been much in demand to analyze video recordings of the TV pictures) and there was minimal commentary. Similarly, the state media was almost equally unforthcoming about the second meeting in October, commenting only that "political and economic" matters were discussed in a "frank and cordial" atmosphere but without elucidating on their real nature or outcome. By contrast, the December issue of *Myeq-khin-thit*, while repeating the insubstantial state media coverage, also reproduced some of the BBC's analysis of the significance of the meeting of the two sides. Other topics reported in the same issue, which was circulated around the world by Burmese embassies abroad, included a history of the UN Charter (which the magazine said should be supported), the recent visit to Burma by the UN Special Rapporteur on Burma and a report on latest developments at the headquarters of the KNU and other opposition groups at Mannerplaw (before its fall), where it suggested, tongue-in-cheek, that *Myeq-khin-thit* was now considered an essential read.

Thus, within the labyrinthine and often bizarre world of press control in Burma, a new kind of racy, tabloid-style publication has emerged. Increasing numbers of readers evidently believe that, rather than being just another counter-intelligence publication intended to stir up

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[14] Allott, note 6 above at 104-5; and Anna J Allott, *Inked Over, Ripped Out: Burmese Storytellers and the Censors* (Pen International, New York, 1993), 19.

[15] Ibid.

confusion, *Myeq-khin-thit* is deliberately being developed in a populist style in order to promote the SLORC's view in a changing economic and cultural, if not political, environment. This was reflected in the most recent issue of the publication in February 1995, in which topics covered included prostitution in Thailand and the former Soviet Union as well as an extraordinary article on the importance of psychological warfare. The article, presumed to have been penned by an official from the military's own psychological warfare department, justified the use of such methods to protect Burma from critical attacks by the West. For the moment, *Myeq-khin-thit* stands alone in its ability to comment provocatively on political affairs. Recently, however, a number of new, privately-owned publications have also appeared on the streets, some with the SLORC's obvious endorsement, which some writers believe may well be allowed to develop on similarly individual lines in an expanding market of new "free-market" business publications. Their future, however, is very difficult to predict (see section 4 below).

For the moment, therefore, it remains incontrovertible that, despite its "open-door" economic policy, the SLORC is continuing to exert tight control over all forms of political and national public expression in the media. Equally striking, the SLORC has at the same time been actively pursuing means by which to assert its control over those aspects of national cultural life which it believes accord with its avowal of the goals of "patriotism" and "national unity". Thus, equestrian and boat regatta festivals similar to those which occurred in the pre-colonial era have recently been revived, while city marathon and other national sports competitions receive equally blanket coverage in the state-controlled press.

In line with this policy, the SLORC has increasingly sought to extend its control over the country's writers, intellectuals, students, actors, musicians and artists, who have a long tradition of independent creativity and freedom of thought and expression. In part, it has tried to do this through the establishment of a number of so-called "patriotic" artistic associations, which have been revived from the days of the BSPP and reformed under the patronage of Lt-Gen. Khin Nyunt and other SLORC leaders. The main associations are the Myanmar Music Organization, the Myanmar Motion Picture Organization, the Myanmar Writers and Journalists Association, and the Myanmar Artists Association. Each of these bodies now holds national literary, musical or artistic competitions, which are given a high profile in the state media. Many writers and members of other relevant professions prefer not to join these government-financed organizations, but some of the societies have nevertheless achieved significant levels of membership. By 1993, for example, the Myanmar Writers and Journalists Association (formerly the Literary and Journalists Organization) claimed to have over 2,300 members, with local organizing committees in 127 different townships around the country.

Speaking at the Association's first national conference in December 1993, Lt-Gen. Khin Nyunt made clear the SLORC's view that writers, journalists and, by implication, their professional association have a "duty" to "instil patriotism and nationalist spirit" into their audience.[16] As the "torch-bearers" of the public, he said, they should "convey correct attitudes into the minds of the people", by supporting "nation-building activities" being carried out by the SLORC. Events or organizations which he specified included Armed Forces Day, Equestrian Festivals, the National Convention to draw up Burma's new constitution, and the SLORC's newly-formed mass organization, the Union Solidarity and Development Association (USDA).

In such a stage-managed setting, the assembled audience was passive. Even so, if any writer in Burma had been thinking that the SLORC's political reform process might lead to a new era of press liberalization, Khin Nyunt made an uncompromisingly strong attack, carried on the front page of *The New Light of Myanmar*, on the behaviour of the media during the brief

[16] *The New Light of Myanmar*, 30 Dec. 1993.

period of press freedom which flourished during the 1988 democracy summer:

> It is unforgettable that during the 1988 disturbances, certain journalists in disregard of code of conduct and dignity, and influenced by leftist and rightist interferences, instigated the rabble rousers. This is not to be forgotten. Bogus news and periodicals that emerged to take advantage of the time published false and concocted reports to please the neo-colonialists. This will ever remain in the history as a black mark which cannot be erased in any way.[17]

4 ALTERNATIVE EXPRESSION AND THE PRIVATE SECTOR MEDIA

Unsurprisingly, after more than three decades of military-dominated rule and the constant use of tough security laws, Burma's independent writers, editors and journalists have become accustomed to exercising a high degree of self-censorship in order to avoid falling foul of the censor and running the risk of financial loss or imprisonment. Writing and publishing in ethnic minority languages, in particular, have suffered from the constraints of the censorship system (see section 8). One obvious consequence of such country-wide restrictions has been the growth in Burma of a number of specialized styles of literature and publishing. These are to be found especially in periodicals, cartoons and short story books, in which cuts required by the censor can usually be made cheaply and without losing an entire print-run. Indeed, despite the pervasive extent of state censorship, there is still no shortage of authors, musicians and artists still struggling to be creative.

The continued survival and relative vitality of this independent sector stands in marked contrast to the near-moribund nature of most of the political opposition media. Underground literature put out by the country's various armed opposition groups continues to circulate in many areas, but its possession carries with it the risk of certain arrest upon discovery. The overall quality of such publications is also generally poor, consisting of little more than political party or anti-SLORC propaganda. Better produced journals, such as the *Rehmonnya Bulletin* of the New Mon State Party and *Khit Pyaing* (the New Era Journal), which supports the umbrella Democratic Alliance of Burma and National Coalition Government Union of Burma (NCGUB) of exiled MPs, can only be published abroad and copies have to be smuggled back into Burma. In another opposition set-back, rebel radio stations belonging to the armed opposition KNU and the CPB have both completely ceased broadcasting since 1988 due to a marked deterioration in the strength of both movements. In the past three years, however, the cause of democratic reform has been bolstered by the radio broadcasts of the Democratic Voice of Burma. Run by Burmese students and democracy activists in exile, the station broadcasts into Burma from Norway for one hour every day, despite periodic attempts by the government to jam it.

For most people in Burma, therefore, the main alternative sources of information to the closely-controlled state media are mainstream foreign radio stations, notably the BBC, VOA and AIR, all of which reach a wide audience within the country. By far the most popular of these is the BBC, which in 1994 received some 60,000 letters from listeners in Burma, one of its largest international mail-bags. Such a high figure not only indicates the wide extent of the BBC's audience in Burma but also provides convincing evidence that people who are starved, through censorship, of real news at home will do their utmost to find an alternative source of information about current affairs among the airwaves of the foreign media. Since 1993, the

[17] Ibid.

SLORC has allowed the BBC to resume distributing its programme guides within Burma, but its hostility to the BBC's broadcasts has continued. The prominent lawyer, U Nay Min, who in 1989 received a 14-year jail term (since reduced to 10) under the 1950 Emergency Provisions Act for allegedly "sending false rumours" to the BBC, still remains in jail. According to a September 1993 issue of *The New Light of Myanmar*, "The BBC's objectives as regards Myanmar are very clear: to instal British cronies in positions of power in Myanmar and through them to manipulate Myanmar political and economic life."

Nonetheless, while the private media in Burma continue to encounter many severe constraints, the past three years have seen a more relaxed attitude on the part of the censors to three distinct types of publication. These are light-weight fiction and love stories, religious works (especially concerning Buddhism), and magazines concerned with business.[18] For example, there are now more than 20 different monthly Buddhist publications, some of which are reputed to have print-runs of up to 70,000 copies.[19]

Business Publications

The most significant change in private media has been in the development of a new generation of privately-owned, business-oriented magazines. Some clearly enjoy the approval of the SLORC. Two, *Today* and *Myanmar This Month*, promote the government's concept of tourism, for example, and are financed largely through private advertising. *"Today* is found to be much to the purpose of Market-Oriented Economy initiated by the SLORC in October 1988," wrote U Myo Min, Director-General of the Directorate of Hotels and Tourism in one issue. "No wonder, therefore, this magazine has stolen the show."[20] A similar glossy publication, *Investing in Myanmar: 1994*, has also been published by the Union of Myanmar Foreign Investment Commission which, though presumably government-owned, has been brought out and marketed with technological and consultancy help in Thailand from the General Myanmar Consultants (Thailand) Co. Ltd, Myanmar Advisory Holdings Co. Ltd and Advanced Communications Co. Ltd.

Several other new magazines, however, appear to be independent and over the past four years have pioneered a very new style of writing. Led by *Dana* (Wealth), *Myanma Dana* (Burma's Wealth) and *Kyi-pwa-yay lanhnyun gya-neh* (Guide to Prosperity), these new business periodicals generally publish commodity prices and trading conditions as well as analysis of local and international business opportunities. For example, according to the editors, the most widely-read monthly feature in *Myanma Dana* is entitled, "Burmese Restaurants in Tokyo", reflecting the great interest in the lives — and relative financial success — of the growing thousands of economic migrants from Burma who have managed to arrive in the Japanese capital after long and frequently arduous journeys from their homes.

However, there are also regular investigative features, in-depth interviews with foreign businessmen and government officials, and even translations into Burmese from Western publications, such as *Fortune*, the *Far Eastern Economic Review* and *Time*, which are not generally available in Burma. Articles are still subject to censorship, but an interesting array of contemporary problems — from AIDS/HIV to smuggling and prostitution — have been covered for the first time in analytical background reports from different parts of the country. Indeed,

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[18] Allott, note 6 above at 100.

[19] Ibid. Estimating the true numbers of readers or copies in circulation is difficult since many publications under-report print-runs to avoid tax. Lending or copying are also very common.

[20] *Today*, Dec. 1993, 3.

some of the writers are former political prisoners, such as *Dana*'s U Chan Aye (pen name, Maung Suu Sann), the NLD MP-elect for Moulmein, and U Moe Thu, the film director and novelist, both of whom were released from long jail terms, imposed under the SLORC, as a result of Declaration 11/92.

The more relaxed approach on the part of the authorities to current affairs reporting in business journals has resulted in these magazines publishing some relatively frank glimpses into contemporary social issues, including health and living conditions in Burma, as the country is opened up to increased commercial activity. In a distinct change from the days of the BSPP, an unwritten rule appears to be emerging: social and economic themes, which would have been considered too controversial in the past, can now be written about by business reporters so long as there is no obvious political edge or direct attack upon the government. As a result, such magazines have quickly gained in popularity and are helping to fill the void in a country whose people have long been deprived of real news and any independent analysis of current political and social issues.

For example, an article in the *Kyi-pwa-yay* journal in July 1994 described environmental destruction, prostitution and drug addiction, including the price of narcotics, in the notorious Hpakhan jade mine region of the Kachin State during the period (although this was not mentioned) that the SLORC was negotiating its ceasefire agreement with the KIO. The tone was forthright:

> Action should be taken promptly to fight the spread of AIDS in Hpakhan ... The corpses of the drug addicts are often thrown into the U-ru river and this surprises nobody. There are gangs which seduced poor girls and sent them to Hpakhan. Although the law enforcement authorities are taking actions against them, prostitution cannot be kept under control due to the sky-rocketing local living costs. Thousands of youths all over the country are coming in to Hpakhan with the intention of making a fortune. Some are successful and some are not — and some are even at a dead end.

For the Burmese audience, such directness in reporting social problems is rare in a society where writers have long since learned to make any social criticisms discreetly and indirectly. It remains to be seen how far this new style will develop or for how long it will be tolerated by the SLORC and the PSB censors. For their part, entrepreneurs and leaders of the country's growing business community — as well as those involved with health, religious and other social issues — are convinced that the survival and further development of such publications are essential if Burma is ever to face up to the challenges of political reform and modernization.

Many people in Burma today are acutely aware that their country, for all its human and economic potential, has fallen far behind its more powerful economic neighbours in a voraciously developing region, especially in critical areas such as international trade, industrial development and the use of information technology. Many recognize, too, that without effective reform of the country's political structures — at both the national and local levels — to guarantee freedom of expression, association and assembly in a democratic process of consultation, Burma will continue to lag even further behind and find itself in an impossible position to compete. For this to be achieved, the rights of free speech and access to information for all Burma's people is vital.

Film and Video

Against the background of recent economic change, a similar ambiguity exists over rights to freedom of expression in other sectors of the media, as new forms of technology and modern business practices begin to take their grip. Perhaps the most striking example is Burma's once moribund film industry. Under the BSPP, all film-making was tightly controlled and, due to a lack of foreign exchange and perennial shortages of film or equipment, annual production had dropped to as low as 20 films a year by the mid-1980s. For a time, the position worsened after the SLORC's military takeover in 1988; censorship was tightened still further and two prominent film-makers, Aung Lwin, chairman of Burma's Film Society, and Moe Thu were both imprisoned on security charges for their support of the democracy movement.

In the past three years, however, some signs of change can be discerned here too, due, in part, to the growth of video. At first, the SLORC tried — as the BSPP had done before it — to assert control over the booming black market in videos, many of which were smuggled in from abroad. Under the BSPP's 1985 Video Law, prison terms of up to five years were prescribed for failure to comply with regulations on a whole array of activities relating to the filming, copying, distribution and hiring of materials. In 1989 and 1990, this law was employed by the SLORC to clamp down on the country's estimated 400 video shops, some of which were forced to close after home-made videos of NLD rallies and Western news reports on Burma began to circulate.[21] More recently, in October 1994 the Minister of Information, Brig-Gen. Myo Thant, instructed the Video Censorship Board to step up their censorship of both locally-made and imported videos. He justified this on the grounds that "National culture has been badly damaged due to the easy availability of uncensored foreign video features."[22]

Despite this tough message, the increasing availability of cheap video cameras and editing equipment in the past few years has opened the floodgates to a new market in domestic film production. The SLORC has gradually begun to tolerate this development, always providing that overtly political topics are avoided. Two-hour films and features, shot on video, can be produced quickly and cheaply for as little as 150,000 kyats each (approximately US$25,000). Unlike traditional film-making, where scripts must be approved in advance, videos are only required to be submitted to the censors after production, where any cuts that are ordered can be easily made. Despite rampant inflation, the result has been an explosion in filming activity, with new cinemas opening and jobs being created for an expanding market of actors, technicians, advertisers and staff of video parlours. Some of the most popular films are simply videoed performances of well-known comedy stars and routines. For example, following his release from his second period of imprisonment in March 1994, Burma's leading comedian, Zargana, immediately began working on a new satirical film under the word-play title (in Burmese) "I am doing nothing — I have not done anything". Cut by the censors, the film eventually went out later in the year under a different title, "Zargana's Comedy", but is still reported to have achieved considerable popularity throughout the country.[23]

As a result of such developments, a new generation of film-makers are now getting their first chance to learn and polish their skills after years of enforced isolation. As elsewhere, however, not all film-makers are comfortable about the direction in which the newly-expanding

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[21] *Working People's Daily*, 16 May 1989. Three-year jail terms were threatened for those arrested, but no official details of sentencing were later reported.

[22] *The Nation* (Bangkok), 16 Oct. 1994. Sexually-explicit and violent pornographic videos have also been widely circulating in Burma.

[23] Aung Zaw, "Zargana: Burma's Top Comedian Returns", *The Irrawaddy*, 15 Oct. 1994, 6-7.

industry is heading. As one director put it, "The industry is sinking in quality, but growing in profit."

After a similar initial clamp-down, the government also appears to have given in to the inevitability of satellite television in Burma. Despite their high price, receiver dishes began to be imported or smuggled into the country, especially for wealthy businessmen and the families of the ruling elite, as soon as they became commercially available a few years ago. Meanwhile, a domestic industry quickly sprang up in Rangoon and Mandalay to produce locally-made receivers, which provided the service much more cheaply and presented the authorities with a major dilemma as uncensored international images from BBC World Service Television and Hong Kong-based satellite television stations rained in from the air.

The SLORC's initial response, in July 1993, was to declare all installations illegal and to order anyone in possession of a satellite receiver dish to register immediately with the authorities. Within a few months, however, the SLORC adopted a different approach. While retaining its power to refuse licenses at will, the SLORC announced in October 1993 that both individuals and organizations who registered would be eligible to receive licences upon payment of a fee. This was set at 12,000 kyats (US$2,000), an enormous amount by Burmese standards. Ironically, the announcement came just two weeks after an editorial in the state-run media had accused the international media magnate, Rupert Murdoch, as well as the Dow Jones group and the BBC, of interfering in Burma's domestic affairs. In fact, it is Rupert Murdoch's Hong Kong-based Star TV which relays BBC World Service Television to Burma and which, together with MTV (Music Television), is the main attraction for Burmese viewers. It appears, therefore, that the authorities have become alert to the prospect of raising much-needed revenue while they continue to weigh the impact of satellite before making any final decisions.

Literary Rallies

An equally significant but rather more traditional form of public expression has recently emerged with the revival of national "literary rallies". Originally begun in 1944 by the Burma Writers Association as a patriotic winter festival to commemorate "Writers' Day" during the Japanese military occupation, such rallies take place during December and January. Rallies usually start at 8.00 p.m. and often continue into the early hours of the morning as different writers, poets, artists and speakers address assembled crowds which nowadays often number several thousand people.[24] As a cultural form, the rallies reached a new peak during the democracy uprising of 1988, when such popular literary figures as the chairman of Burma's Writers Association, Maung Thawka, who later died in jail, and his deputy, Win Tin, were often the star performers.

The literary rallies were effectively terminated when the SLORC introduced martial law in September 1988, imposing a curfew and banning all public gatherings, although one rally, at which Maung Thawka, Win Tin and Tin Moe all reportedly spoke, was held by the NLD at an indoor meeting in December 1988. In 1991, however, the military authorities relented and allowed open-air literary rallies to take place once again. There was an enthusiastic public response. Given their 50-year history, the rallies have come to be perceived as an intrinsic part of national life and culture. Since their resumption, performances have been recorded and videotapes or cassettes of the speeches of some of Burma's leading writers and intellectuals are

[24] In their early years, literary rallies were usually celebrated by specially written classical dramas, but in 1956 a resolution was passed by the Burma Writers Association (founded in 1940) to organize lecture tours to bring the celebrations into every region of the country. Despite censorship restrictions, these rallies rapidly proliferated as one of the few forms of independent freedom of expression permitted during the rule of Ne Win's BSPP.

widely sold around the country. Care is taken to avoid any direct criticism of the SLORC, but many speakers use allusions which can be readily understood by their audience as implying some questioning of the status quo. For example, a popular theme is the need for courage which is backed up by frequent references to the revered independence hero, Aung San, the father of Aung San Suu Kyi and founder of the modern Burmese army.

Censorship, however, and the threat of a security clamp-down are never far away. In January 1993, for example, a large rally in Rangoon, timed to mark the opening of the SLORC's much-publicized National Convention, was cancelled at the last minute when the authorities became nervous about what might occur. More recently, at least 40 rallies are reported to have been cancelled between December 1994 and February 1995 when MIS officers objected to some of the speakers. Equally disturbing, there are increasing reports that in several areas of the country the local SLORC authorities are now requiring the organizers of literary rallies to sign an undertaking that all writers and speakers will mention the SLORC's "Three Main National Causes" at some point during their talks and also speak favourably of the *Tatmadaw*.

Thus, even in this festive environment, it seems, the influence of the continuing impasse in Burma's politics is never far away.

5 THE SLORC'S POLITICAL REFORM PROCESS

It is widely recognized in Burma that the country's long-running problems cannot be solved without substantive political reform. For this to be achieved, it will be necessary for all parties to be able to meet and negotiate as equals in a spirit of reconciliation and peace. Consequently, although many doubts remained, the meetings by SLORC leaders with Aung San Suu Kyi and the spreading number of cease-fires with armed ethnic forces during 1994 did raise some hopes that a real dialogue might at last be about to begin. Disappointingly, however, in early 1995 the political process continues to appear as deadlocked as ever with sweeping restrictions still in place on the exercise of virtually all forms of freedom of expression or opinion. It still remains unclear whether the initiatives taken by the SLORC in 1994 were intended as a first step towards the release of Aung San Suu Kyi and other political leaders and an effective cease-fire nationwide, or just another time-delaying tactic by a military establishment that has long since become impervious to the need for real change.

The political picture has been further complicated by the Burmese army offensive to capture the KNU headquarters at Mannerplaw, where several other opposition groups were also based. Over the past year there have also been continuing skirmishes between government forces and the 20,000-strong Mong Tai Army (MTA), led by Khun Sa in the Shan State. As fighting in both these areas underlines, despite the cease-fires agreed by the SLORC with 13 armed ethnic forces, the long-running conflict with ethnic minority forces is by no means at an end.[25] Indeed, the deep complexity of these insurgencies, and the continuing lack of unity between the various armed opposition groups, was vividly demonstrated by the mutiny of Buddhist Karen soldiers against the KNU's Christian leadership, which appeared to precipitate the SLORC's recent attack on Mannerplaw and other KNU bases.

At the beginning of 1995, therefore, the National Convention, first convened in January

[25] With over 50,000 troops under arms, the ceasefire groups are: United Wa State Party, Kachin Independence Organization, Myanmar National Democratic Alliance Army (Kokang), National Democracy Alliance Army (eastern Shan), New Democratic Army (Maru-Lashi), Shan State Army, Palaung State Liberation Party, Kachin Democratic Army, Pao National Organization, Shan State Nationalities Liberation Organization, Karenni Nationalities People's Liberation Front, Kayan New Land Party and Kayan Home Guard.

1993, officially remains as the main centrepiece of the SLORC's uncertain political reform process. It faces an uphill struggle, however, in its efforts to acquire legitimacy. Charged with drawing up the principles for a new constitution, Burma's third since independence in 1948, the Convention's original 702 delegates included many hand-picked SLORC appointees drawn from eight "social categories" said by the SLORC to be representative of the country's 45 million inhabitants.[26] Such a pre-selected composition abounds with legal ambiguities and inconsistencies. Those excluded by the SLORC include Aung San Suu Kyi and other key NLD leaders, despite the convincing victory of their party in the 1990 elections. Indeed, of the other 26 political parties which also won seats, all but seven had been banned by the SLORC by the time the Convention began. Moreover, while representatives of some of the ethnic cease-fire armies have been attending sessions of the Convention, others have chosen to stay away.

The state media have reported only intermittently on the Convention's proceedings, which have been subject to frequent interruption. Most discussions about the principles and provisions of the new constitution have taken place in committee and behind closed doors. Periodically, however, formal statements from political parties and delegates attending the Convention have been published in the state media. These have sometimes included apparently uncensored comments conveying some criticism of military rule. Despite this, free debate has not been permitted in the Convention proceedings, according to two ethnic minority MPs and members of the Convention, U Marko Ban and U Daniel Aung. After they fled, separately, from Rangoon in order to join the opposition NCGUB at the KNU headquarters of Mannerplaw, Marko Ban, an ethnic Kayan, described the Convention as "an attempt to deceive the public", and said that he had left because he did not want "to have a hand in committing a historical crime against the Union".[27]

The strictly-controlled nature of the Convention and the surrounding political environment were described to Prof. Yozo Yokota, the UN Special Rapporteur on Burma, in November 1994 by two senior NLD officials who were still at liberty, U Aung Shwe and U Than Tun. During the enforced absence of Aung San Suu Kyi and other NLD leaders, both had been attending the Convention as NLD representatives but claimed that "most of their proposals" had not been accepted; indeed, they told Prof. Yokota that they were only allowed to read statements at committee sessions which had been "preapproved by the Chairmen of the group".[28] Moreover, although they were still requesting that "a clause containing human rights provisions" be included in the new constitution, they were not permitted to "publish or distribute any documents or newsletters". They had also to seek official permission, which was sometimes refused, to hold local meetings to explain their work at the Convention to the general public. All party meetings of more than 50 people were totally banned.

It was against this background of censorship and carefully orchestrated debate that some indication of the style and content of the new constitution favoured by the SLORC gradually began to emerge during 1994. According to government announcements, Burma will be permitted, ostensibly, to become a multi-party democracy, though the military will maintain the "leading role" in national political life. This concept had, in fact, already been incorporated as the Convention's controversial sixth principle. The intention is that, in future, Burma's Head of

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[26] The eight categories are MPs from elected parties, representatives of other legal parties, ethnic nationalities, peasants, workers, civil servants, intellectuals and other specially invited guests.

[27] *Burma Rights Movement for Action, B.U.R.M.A.*, April 1993, 6.

[28] UN Economic and Social Council, *Report on the situation of human rights in Myanmar, prepared by the Special Rapporteur, Mr Yozo Yokota, in accordance with Commission resolution 1994/85* (Geneva, 12 Jan. 1995), 13. The Special Rapporteur also reported that, during sessions, delegates were required to live in dormitories in the Convention compound, had to ask permission to leave, and were not allowed to take out any written or printed materials (Ibid., 32).

State will be a President, who must have military as well as political experience and who will be chosen by an electoral college whose composition and selection remains unclear. There will also be a bi-cameral parliament, comprising a House of Representatives and a House of Nationalities, with three quarters of the members of each being directly elected and the remaining seats seats being filled by military appointees.[29]

The SLORC, evidently, is intent on following the model of Indonesia, where the ruling GOLKAR party is similarly dominated by the military. The SLORC's formation of USDA as a mass movement in September 1993, following the complete failure of the National Unity Party, the BSPP's successor, to gain popular support, lends further credence to this notion. USDA meetings and rallies now receive intensive daily coverage in Burma's state-controlled press. Significantly, during 1994 the depiction of Burma's independence hero, Aung San, was removed from a new issue of the Burmese currency and replaced with the "Chinthe", or mythical lion, the SLORC's chosen symbol for the USDA.

Organized dissent against the Convention or the SLORC's authority and plans has never been tolerated. In fact, of the 485 successful parliamentary candidates in the 1990 election, over 100 are known to have been arrested or imprisoned by the SLORC over the past four and a half years. Ten MPs were reported to have been released during January and early February this year, but at least 15 are believed to be still in prison.[30] They include Kyi Maung, an ex-army colonel in his 70s who was acting leader of the NLD at the time of his arrest, and U Ohn Kyaing, a former newspaper editor, both of whom have been held since late 1990 and are believed to be serving ten-year prison sentences (reduced from 20 and 17 years respectively). They were both reportedly convicted of treason and other offences after they tried to put pressure on the SLORC to hand over power to the NLD after its 1990 election victory.

Other critics and opponents of the military government, however, have been jailed more recently as a result of two major crack-downs on NLD supporters and other democracy activists in the main cities. These latest arrests clearly run counter to the somewhat more relaxed attitude taken by the authorities towards discreet forms of criticism following the releases of over 2,000 political prisoners under the 11/92 Declaration. However, the SLORC's continuing intolerance of dissent, especially organized dissent, was made explicit in a speech to the National Convention in September 1994 by Lt-Gen. Myo Nyunt, the Convention's Chairman. In his key-note address, he warned the assembled delegates to "be careful during the discussions not to attack the results of the SLORC's efforts, which have achieved a good basis for national unity".[31]

The first security clamp-down occurred between June and October 1993 when at least 12 NLD supporters were arrested, convicted under the country's harsh security laws and sentenced to 20-year prison terms. All those jailed were believed to have been involved in campaigning against the lack of real debate at the Convention. The most well-known of the victims was Dr Aung Khin Sint, an NLD MP-elect attending the Convention. He and his assistant, Than Min, were convicted of distributing literature to Convention delegates in order, it was alleged, to "cause disruption and disorder" (see section 2 above).[32] At least 10 other NLD supporters were arrested in the following weeks and also jailed, including another NLD MP-

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[29] Martin Smith, *Ethnic Groups in Burma: Development, Democracy and Human Rights* (Anti-Slavery International, London, 1994), 125-30.

[30] See Amnesty International, *Myanmar: Human rights still denied* (London, Nov. 1994), 4.

[31] Ibid., 3.

[32] According to the UN Special Rapporteur on Burma, delegates are forbidden to circulate any discussion papers amongst themselves while attending the Convention. UN Economic and Social Council, *Report on the situation of human rights in Myanmar* (12 Jan. 1995), 32.

elect, Kyi Myint, and the young writer and surgeon, Ma Thida. They were all convicted under the Printers and Publishers Registration Law, the Emergency Provisions Act and the Unlawful Associations Act.[33]

In the second security swoop, which took place in July and August 1994, five leading NLD intellectuals were arrested. The first target of the raids was Dr Khin Zaw Win, a former UNICEF worker and university researcher, who was convicted on a range of five different charges (see section 2 above) and sentenced to 15 years' imprisonment. The other four — Khin Maung Swe, a geologist and NLD MP-elect; Sein Hla Oo, also an NLD MP-elect and former newspaper editor; San San Nwe, a prominent writer, and her daughter, Ma Myat Mo Mo Tun — were all convicted under the 1950 Emergency Provisions Act and Section 109 of the 1898 Code of Criminal Procedure for "spreading false information injurious to the state". They were given seven-year prison terms.[34]

The reasons for these arrests were not clear. Prior to his arrest, Khin Zaw Win had been active in Rangoon compiling information and conducting interviews for his academic research into Burmese politics. He was apparently carrying some of this material when he was arrested at Mingaladon Airport, about to depart from Rangoon to complete his studies at the University of Singapore. The four others tried with him had apparently assisted him with his research. However, reporting an alleged "confession" by Khin Zaw Win, *The New Light of Myanmar* claimed on 23 August 1994 that he and his four co-accused had all had contact with underground organizations, such as NLD members in the rebel "liberated zones", the banned Democratic Party for New Society and what it termed "terrorist groups in the jungles".

Other observers have expressed doubts about such accusations and have suggested that the arrests, which occurred at a time when the political climate appeared to be relaxing, were linked to forthcoming sessions of the National Convention and a scheduled visit to Burma by the UN Special Rapporteur on Burma. For its part, *The New Light of Myanmar* lent some credence to this suggestion by accusing the five prisoners of having made "arrangements for sending fabricated news on Myanmar" to the Special Rapporteur when he had previously visited Rangoon in 1992.

Despite international expressions of concern, the SLORC proceeded to impose tough sentences on the defendants last October, shocking foreign diplomats in Rangoon, especially those representing governments which had given some support to a policy of "constructive engagement" with the SLORC. The five had all been well-known to foreign diplomats and journalists visiting Rangoon and were considered to be political moderates within the NLD movement. Their trial, coming at the same time as the SLORC leaders' meetings with Aung San Suu Kyi, appeared to be a deliberate warning to foreign governments and others that, as far as the military government is concerned, political developments in Burma must remain an internal affair.

6 ACADEMIC FREEDOM AND EDUCATION

Historically, Burma, with its rich cultural traditions, has been regarded as amongst the most

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[33] The others imprisoned were the NLD members, Khin Maung, Han Sein, Kyaw Than, Lwin Oo and Tin Tun; and the students Bo Lay, Nay Tin Myint and Thet Oo; see, Amnesty International, *Myanmar: Human Rights Developments July to December 1993* (London, Jan. 1994), 6-9.

[34] San San Nwe received an additional three years for "contact with illegal organizations". She was also accused of giving "one-sided opposite views on Myanmar to two French reporters".

literate countries in Asia, but as the Burmese state grapples with economic modernization and a host of mounting social, humanitarian and environmental problems, it continues to be critically hampered by a near total denial of freedom of expression in the academic field. After six years of SLORC rule, the entire education system remains in a state of deep crisis and stagnation. It was in the universities and colleges, of course, that the country-wide campaign for democracy and protests against military rule first revived in 1988. The pattern since then indicates that the military authorities are determined to keep a tight control on all academic and student activity, irrespective of the adverse consequences that this policy has for educational standards and study.

The clamp-down on the education sector in Burma was detailed in an earlier ARTICLE 19 report, "*Our Heads are Bloody but Unbowed": Suppression of Academic Freedoms in Burma*, in December 1992. Since then, the universities have remained open (they were closed by the SLORC for long periods in the previous four years as a security measure), but academic years have been shortened in an effort to catch up on the massive backlog of uncompleted courses. From the beginning of the new academic year in 1995, courses are scheduled to return to their proper lengths, but many students have still been unable to obtain a university place. The disruption to the lives and careers of an entire generation of students is impossible to calculate. More than 2,000 of the 8,000 students who fled from the cities in 1988 to set up the armed All Burma Students' Democratic Front are believed still to remain in the "liberated zones" controlled by ethnic minority forces around Burma's borders. More than 1,000 others are in Thailand or India or seeking refugee settlement in Europe, North America or Australia.

Security continues to be the SLORC's main priority, and a number of student leaders who were prominent during the pro-democracy campaign remain in prison. They include Min Ko Naing (Paw U Tun), Chairman of the All Burma Federation of Students Unions (ABFSU), and Min Zeya, Chairman of the smaller All Burma Students Democratic Association, respectively serving 15- and eight-year sentences imposed following their arrests under martial law in 1989. Both are reported to have been tortured during interrogation. At least eight other well-known student activists, including Zaw Win Htun and Kyaw Myo Thant, are alleged to have died since 1988 as a result of torture or ill-treatment. The authorities continue to monitor student affairs closely and to take prompt action against "illegal" gatherings or activities. In October 1992, for example, Maung Tun Tun and two other ABFSU members, Maung Soe Naing and Maung Nay Yein Kyaw, were given 10-year prison terms for distributing protest leaflets. In July 1994, 27 other students were also arrested for allegedly handing out unregistered political pamphlets in Rangoon.[35] Seventeen are reported to have since been released, but the fate of the others remains unknown.

Teachers and academics have also been severely affected by the continuing security clamp-down. As the imprisonment of Dr Khin Zaw Win demonstrated (see previous section), in Burma today it has become extremely dangerous for Burmese academics to become involved in any political affairs even in the course of officially authorized research. The pressures have been relentless. Since April 1991, all teachers and other civil servants have been banned from politics and required to fill in questionnaires on their own political views under SLORC Decree No. 1/91.[36] Subsequently, over 7,000 teachers and university lecturers are reported to have been sacked, possibly as a result of their answers. Then, following an outbreak of demonstrations at Rangoon University to celebrate the award, *in absentia*, of the Nobel Peace Prize to Aung San Suu Kyi in December 1991, the remainder of the country's lecturers and teachers — as well as all doctors and civil servants — were ordered to undergo "re-education" classes during one-

[35] Amnesty International, *Myanmar: Human rights still denied* (London, Nov. 1994), 4.

[36] The questions are reproduced in ARTICLE 19, *State of Fear: Censorship in Burma* (London, 1991), 99-100.

month courses run by the MIS at the BSPP's former training school at Phaunggyi. Dressed in military uniforms, participants are required daily to promise to be ready to give their lives for the country. The courses consist of three main components: "national unity", promoting "patriotism", and managing "student affairs and the enforcement of rules and regulations".[37]

A similar security motive is also widely believed to be behind the SLORC's expansion of the "University of Distance Learning" and the construction and part-opening in 1993 of a new university campus for Rangoon University students in the satellite new town of Dagon. With difficult access and poor communications, many lecturers believe that the intention of such relocation plans is to keep students at home or else away from the main conurbations.

Set against this dispiriting atmosphere of repression, one of the few positive developments in the educational field in the past few years has been the undertaking of several background studies, sponsored by UNESCO and other UN agencies, by Ministry of Education officials into academic standards and the school system. These studies were officially begun after Burma adopted the main objectives of the Jomtien World Conference on Education for All, held in March 1990 in Thailand. This called for the enhancement of community development and for involvement at the grass roots level as the best method of upgrading teaching standards. The tone of the Ministry's subsequent reports has been unusually critical and, for once, the failings of government have been discreetly acknowledged. According to one joint Ministry of Education/UNDP/UNESCO report in 1992:

> In the 40 year history of Myanmar's education system, [the] ground has not been systematically paved, as its course was altered many times. Frequent and drastic educational changes, sometimes implemented abruptly, have been initiated largely by the central headquarters rather than coming about as the result of concerted grassroots efforts.[38]

Official action to follow up on these deficiencies has been minimal, however, and there is a continuing exodus of teachers from their profession, which is also linked to economic factors. Indeed, in a country where their average wage is just 1,250 kyats per month (US$12 at the real market rate), teachers face extreme financial hardship and, increasingly, must turn to giving private lessons or finding other part-time employment to survive. As a result, good tuition is still available in Burma at a price, and there has been a recent growth outside the state sector in courses for modern subjects such as computer skills.

The problem has, it appears, been noted by the SLORC, but with what long- term effect it is too early to judge. In April 1994, Lt-Gen. Khin Nyunt threatened to make private tuition illegal but, in apparent recognition of the severe poverty of teachers, an "Education Employee Co-operative" was set up to assist those experiencing financial hardship.

This, however, has not stopped the exodus. To achieve this, a fundamental upgrading in the quality and conditions of education in Burma is needed, together with the scale of political reform necessary to guarantee the right to freedom of expression. Without such changes, there can be no prospect of educational standards again rising to the sort of level needed for Burma to compete in the modern economic field, and to regain its former reputation as one of the best educated societies in Asia. There are no proper Ph.D. programmes in any subject in Burma, and

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[37] For a survey of the current state of education in Burma, see, Martin Smith, "Burma (Myanmar)", in World University Service, *Academic Freedom 3: Education and Human Rights* (Zed Books, London, 1995), 92-107.

[38] Ministry of Education/UNDP/UNESCO, *Education Sector Study: Phase 1, Final Report* (1992), 14; quoted in Ibid, 95.

although a number of international academics have been re-admitted to the country since 1988 (mostly on temporary UN research programmes), such visits are extremely rare.[39] A product of the SLORC's repressive policies, the academic isolation of Burma is, in effect, also a form of censorship.

7 CONSTRAINTS ON FREEDOM OF ASSOCIATION AND MOVEMENT

The continued existence of legal restrictions on freedom of movement and association, which the authorities use to prevent the free flow of information, opinions and ideas, constitutes another major obstacle to democratic development and economic reform in Burma. Such restrictions appear particularly outdated in view of the increasing social and economic mobility in Burma during the past six years of SLORC rule. The all-pervasive nature of these restrictions also breaches the right to privacy, as set out in Article 12 of the Universal Declaration of Human Rights:

> "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence ... . Everyone has the right to the protection of the law against such interference or attacks."

In addition to controls on political activity (see section 5), the SLORC maintains a complete ban on all independent student or trade union activity. This led the International Labour Organization (ILO) to cite Burma in a "special paragraph", its strongest form of censure, in June 1993 for its failure to take any measures "in legislation and practice" to guarantee workers the right to organize, in gross breach of its obligations under relevant ILO Conventions.[40] The UN General Assembly took up this issue and, in a December 1994 Resolution, it formally reminded the SLORC that it must "fulfil its obligations as a State party" to the ILO Conventions.[41]

A high degree of official surveillance is also employed by the SLORC to back up its controls on freedom of movement and association. This includes discreet methods such as phone-tapping, the deployment of large numbers of security agents, and the use of strict security laws which require all people travelling about the country to register their temporary places of residence or even any overnight stays they might decide to make with friends or relatives in their own home-towns and villages. For example, one directive issued in July 1989 in Rangoon required all citizens to inform the authorities of the identities of any guests staying with them or of people absent from their homes. In May 1990, this was toughened by martial law Order 1/90 which set jail terms of up to seven years for those convicted of failing to report "people illegally residing in their houses". Residents without Burmese citizenship, including the estimated 1.5 million people who are of Chinese or Indian ethnic origin, are also required to obtain prior permission to travel.

Both SLORC and Burmese army officials have sought to justify the existence of such

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[39] See e.g., Mary Callahan, "Burmese Research Days or, a Day in the Life of a Nearly Extinct Life-Form: a Foreign Researcher in Burma", in *Southeast Asia Program Bulletin*, Cornell University, Spring 1994.

[40] In 1955 Burma ratified ILO Convention No. 29 Concerning Forced or Compulsory Labour (1930) and Convention No. 87 on Freedom of Association and Protection of the Right to Organize.

[41] UN General Assembly, *Situation of human rights in Myanmar* (A/C.3/49/L.43, 2 Dec. 1994, 49th session, Third Committee), para 12, 4.

sweeping restrictions on the grounds that the country has been affected by insurgency for over 40 years, during which time diverse armed opposition groups have been committed to overthrowing central government rule. Under the SLORC, however, these same laws and practices have been used not only in the war-zones but throughout the country to curtail peaceful political organization and to prevent the free movement of civilians going about their daily lives. The SLORC's Martial Law Order 2/88, which banned all public gatherings of more than five people, was officially lifted in 1992. But although remaining restrictions might appear little more than bureaucratic formalities, they continue to be employed by the authorities to prevent the holding of both public and private meetings to discuss issues not authorized by the SLORC.

In particular, the use of Section 17/1 of the 1908 Unlawful Associations Act continues to prevent community debate in many areas. Although it was the use of this law against the writer Nyi Pu Lay in Mandalay and NLD supporters, such as Khin Zaw Win and San San Nwe, in Rangoon which gained international headlines, it is in more remote rural areas that its effects are most deeply felt. For example, in northeast Burma, local people have recently been detained under Section 17/1 when travelling into and from areas controlled by the Kachin Independence Organization (KIO), even though the KIO was "legalized" in February 1994 and allowed to set up offices in various towns after agreeing a ceasefire with the SLORC. Following talks last November with Lt-Gen. Khin Nyunt, the SLORC secretary-one, the KIO said it had received an undertaking that this law would no longer be enforced. However, to date, no formal announcement has been made and the law is apparently still in force in other regions of the country.

No official details have ever been published about the large numbers of people believed to be held under Section 17/1. In November 1994, however, the SLORC for the first time gave some indication of the law's widespread use when it provided the UN Special Rapporteur on Burma with the names of 70 Karen civilians — described as peasants, teachers, fishermen and a student — who had recently been released under SLORC Order 11/92 from Maubin, Insein and Myaungmya Prisons in the Delta region of Lower Burma. All were said to have been convicted under Section 17/1 for alleged contact with the KNU and sentenced to between three and 20 years' imprisonment.[42]

With the collapse in 1989 of the country's oldest insurgent movement, the Communist Party of Burma, and the growing number of ceasefires with armed ethnic opposition groups, many believe that such restrictions on the rights of movement and association are completely redundant; indeed, their continued employment has become a major impediment to the peaceful evolution of the political process.

Equally important, such restrictions only hinder economic development, contribute to the climate of fear, and increase the daily hardships suffered by many families. Burma is a country with many people on the move: a large proportion of the country's 45 million inhabitants has been displaced during the past six years as a result of a complex mixture of causes, including government forced relocation programmes, ethnic and religious conflict, or simply the impact of economic or social deprivation.[43] For all Burma's citizens, therefore, the rights to freedom of association and movement, and the right to receive and impart information, are essential if the country's deep-rooted political and humanitarian problems are ever to be solved.

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[42] UN Economic and Social Council, *Report on the situation of human rights in Myanmar* (12 Jan. 1995), 44-9.

[43] For example, over 200,000 refugees are currently recorded in official camps in neighbouring Thailand, Bangladesh, China and India, while over one million citizens are estimated to have been forcibly resettled by the SLORC since 1988.

8 ETHNIC MINORITY LANGUAGES AND LITERATURE

In assessing the SLORC's openness to reform, members of Burma's ethnic minorities will look closely at the new constitution, if and when it is finally agreed, to see what guarantees it contains for free expression of the country's minority languages, cultures and religions. After over four decades of armed conflict, it is scarcely surprising that this has become a deeply sensitive issue and one that will prove difficult to resolve. Yet, in view of the recent ceasefires with the KIO, the Kayan New Land Party and other armed ethnic forces, there is growing concern about the lack of progress to date in addressing the crucial language rights issue. Burma, after all, is a country where ethnic minorities are estimated to make up one third of the total population.

According to the most recent announcements from the National Convention, the seven existing ethnic minority states from the BSPP era will remain for the Chin, Kachin, Karen, Kayah, Mon, Rakhine and Shan nationalities. In addition, new "self-administered" territories will be created for smaller ethnic groups, who have hitherto been absent from Burma's political map; so far, the Pao, Wa, Kokang Chinese, Danu, Palaung and Naga have apparently been assured new territorial rights. It is not clear, however, what powers of self-government, if any, will be conferred within the new and existing minority areas. Meanwhile, the inhabitants of these areas are experiencing continuing social hardship and, while there is general support for the peace process, the sense of instability remains, with frequent rumours of minority dissatisfaction and of possible renewed fighting. Such uncertainty is at its greatest in parts of the Shan and Karen States, where no ceasefires have been agreed, but the SLORC's apparent abrogation of its own ceasefire policy and its attack on the KNU in January 1995 has undoubtedly led to increased tension in several other minority areas.

Amongst a number of long-standing grievances are what many ethnic minority leaders believe to be deliberate, but unwritten, censorship restrictions against the development of non-Burmese languages.[44] There are still no newspapers in any minority language, and many minority-language writers have long since given up trying to get novels past the Press Scrutiny Board. According to Pu Lian Uk, an independent Chin MP-elect who escaped to India in 1991 after orders were issued for his arrest: "They are trying to wipe out our existence and turn us into Burman people."[45] Not only must books in minority languages still go through the time-consuming and expensive task of translation into Burmese before being submitted to the PSB, but writers in government-controlled areas claim that most texts are subsequently rejected out of hand. The result is that ethnic minority writers, like majority Burmans, tend to limit themselves to writing non-controversial short stories or religious texts, which are published in periodicals such as the Chin weekly, *Cingrung Hmurka*.

Ethnic minority leaders are equally adamant that, after over three decades of military rule, many of the same discriminatory restrictions are endemic within the education system. The evidence is stark. Minority languages are rarely used beyond the fourth grade in school, and there is no provision for the study of any minority language (except Chinese, as a "foreign language") in Burma's universities and higher education institutions.

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[44] For an overview of ethnic problems and concerns, see, Smith, *Ethnic Groups in Burma*.

[45] Interview, 9 Oct. 1994. See also, Pu Lian Uk, "No Room for the Chin in Burman Monopolized Politics", *Burma Debate*, Dec. 1994/Jan. 1995, 27-31.

As discussions on economic and development programmes now proceed between the SLORC, the KIO, the United Wa State Party and other powerful ethnic minority forces who have agreed ceasefires, attention is beginning to focus on the need for reform and the creation of greater opportunities within the education system for members of Burma's minorities. The upgrading of Myitkyina College in the Kachin State and Lashio College in the Shan State to university degree status in the past two years has provided some encouragement, but the curriculum still remains heavily-Burmanized. Moreover, many members of ethnic minorities remain deeply critical that the main educational impact of the SLORC's much-publicized Border Areas Development Programme has, until now, been largely to send language instructors into ethnic minority areas to teach Burmese.

There have, however, been some signs of progress. For example, although the Burmese army continues to restrict freedom of movement, the past three years have seen increasing acceptance by the SLORC of the important community leadership role that religious organizations can play in ethnic minority regions. In the past, by contrast, minority religious leaders were sometimes targets for repression.[46] The picture is not uniform, however, as shown by the continuing repression of the Muslim minority in the Rakhine State and the recent outbreak of fighting between Buddhist and Christian KNU soldiers in southeastern Burma, where the SLORC has openly armed and supported a Buddhist breakaway faction. Moreover, not all religious leaders feel that their organizations should become involved in political and social affairs, even though some Christian and Buddhist leaders, such as Rev. Saboi Jum, the Baptist leader in the Kachin State, and Bishop Sotero of the Roman Catholic church in the Kayah (Karenni) State, have successfully helped to mediate ceasefire agreements. Nonetheless, the involvement of such figures has been an important breakthrough in national reconciliation.

There are some small signs of reconciliation between the SLORC and the New Mon State Party, for example, although a ceasefire has yet to be reached. A long-standing grievance was ended in early 1994 when ethnic Mon monks were reportedly allowed to sit for their exams again in Mon, the historic language by which Buddhism was brought to Burma. A number of Mon political prisoners have also been released, including Nai Keythara, a Buddhist poet and monk, and Nai Tun Thein, a veteran nationalist leader and MP-elect, whom colleagues allege had been imprisoned for campaigning for protection of the Mon language and culture. Ethnic minority leaders believe that such tangible actions help to build confidence in the peace process.

9 FOREIGN MEDIA AND NON-GOVERNMENTAL ORGANIZATIONS

Despite the pervasive social and political restrictions which exist in Burma, there has been a gradual opening up of the country to foreign visitors and media under the SLORC compared to the previous 26 years of near total isolation. The most visible evidence has been in business under the SLORC's "open-door" trade policy, which is regulated under the Foreign Investment Law of November 1988. According to Lt-Gen. Khin Nyunt, by December 1994 foreign investment had reached US$2.7 billion since 1988 under 113 investment or joint-venture projects.[47]

To date, most of the foreign presence in Burma comes from the Asia region. There is a

[46] See Amnesty International, *Myanmar: "No law at all"* (London, 1992), 23-5, for the alleged arrest and extrajudicial killings of several ethnic Karen and Karenni Christian pastors in 1990-1991.

[47] *The New Light of Myanmar*, 14 Dec. 1994.

growing Chinese presence in Mandalay and the northeast, Thai involvement in the south, and South Korean, Singaporean and Japanese business build-up in Rangoon. But with the growing investment of Western oil companies, spearheaded by Unocal (USA), Texaco (USA) and Total (France), and the designation of 1996 as Burma's "Year of the Tourist", Western business people and tourists are also becoming an increasingly common sight.[48]

Tight travel restrictions still remain in force on foreign residents of Burma. Foreign diplomats, for example, need permission for most travel outside Rangoon, and it is only in the past two years that they have been permitted to visit important regional towns, such as Myitkyina, Lashio and Tavoy, located in ethnic minority regions. Nonetheless, the SLORC's growing openness to foreign trade, and the interest this has aroused in business circles abroad, is creating a momentum for change which the SLORC cannot ignore. The "Year of the Tourist", if indeed it proves successful in attracting new visitors to Burma, will inevitably add to such pressures. Visa and ticketing formalities have already been speeded up, tourists are now allowed 28-day stays, and new transit posts are being opened across several long-closed frontiers with China, Thailand and India.

The authorities also continue to be selective in issuing visas to foreign journalists (applications are still frequently refused), but appear now to have adopted a more pragmatic approach to the work of the international media. The state-controlled press still routinely carries denunciations of the foreign media, especially for their coverage of human rights issues or the 1988 democracy uprising,[49] and Burmese citizens who talk to foreign journalists still do so at their peril.[50] However, in the past two years more foreign journalists, including television crews, have been able to visit Burma, either on tourist visas or with official permission. In the process, parts of the Kachin and Shan States, and other areas which had been closed to foreigners for decades, are gradually being opened up. Travel arrangements are still generally controlled by SLORC officials, especially from the Ministry of Information, and problems can frequently occur; cities such as Lashio which are open to foreigners one week can be closed the next. Nonetheless, when compared to previous years, between 1992 and 1994 the country became increasingly accessible to foreign journalists.

A striking example of this new openness was the agreement by the SLORC — apparently in accordance with conditions set by Aung San Suu Kyi — that both a Western journalist, Philip Shenon of the *New York Times,* and an official from the United Nations Development Programme (UNDP), Jehan Raheem, should attend the detained democracy leader's meeting with US Congressman Bill Richardson in February 1994.[51] At present, those international press bureaux that have offices in Burma are largely staffed by local Burmese employees, but Chinese, Japanese and Thai journalists, in particular, are now regular visitors to Burma. It may be only a matter of time before some of the main international news agencies and other media are able to appoint full-time correspondents to Rangoon — a number of news organizations have already held exploratory talks with SLORC officials.

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[48] See, ARTICLE 19, *Paradise Lost?*, 16-20, 23-7.

[49] For example, on 25 Nov. and 12 Dec. 1994 Lt-Gen. Khin Nyunt lambasted foreign news organizations in speeches broadcast on state TV after they had reported unsubstantiated allegations of the use of chemical weapons by the Burmese army against Karen villagers.

[50] Currently, the lawyer Nay Min is serving a 14-year jail term for allegedly spreading "rumours" to the BBC, while the imprisoned writer San San Nwe was accused at her trial of passing misinformation to two French journalists; equally stark, the former UNICEF researcher Khin Zaw Win, who received a fifteen year sentence, was accused of sending "fabricated news" to the UN Special Rapporteur on Burma.

[51] For a transcript of their discussions, see, *Burma Debate* (Open Society Institute, Washington) July/Aug. 1994, 10-15.

Opinion has been divided, therefore, as to whether the SLORC's increasing openness is simply a public relations experiment or something more. It is clear, however, that the SLORC remains highly sensitive to foreign media criticism and is still prepared shut the country off from international media scrutiny at crucial times. For example, in January 1995, it responded to a secretly-filmed BBC news report, on the subject of forced labour and other human rights violations in Burma, by informing the BBC in London that all future visa access by BBC staff was being indefinitely suspended. The same month, in what appeared to be a general hardening of government attitudes during the offensive against the Karen National Union (KNU) at Mannerplaw, the authorities rejected a number of visa applications by foreign journalists who had previously been allowed into the country.

Finally, in another clear departure from the past, the SLORC's attitude to foreign non-governmental organizations (NGOs) has also shown some signs of change in the last three years, culminating in an announcement in October 1994 that these NGOs are to be officially permitted to return to Burma.[52] This reverses a long-standing policy. All foreign NGOs were expelled by Gen. Ne Win as part of his nationalization programme after he seized power in 1962. More recently, some small funding programmes were allowed, mostly administered through Western Church aid agencies, but it was not until 1992 that the medical relief agency, Médecins sans Frontières (Netherlands), became the first foreign NGO to be permitted to set up a new pilot programme in Burma. Since this breakthrough, representatives of foreign NGOs have increasingly been allowed by the SLORC to visit Burma in order to look at humanitarian and development needs in various parts of the country.

Undoubtedly, this is a significant change from past policy, especially given the nature and scale of Burma's current social, economic and other problems which today make it one of the world's ten poorest countries. Since 1987 Burma has been assigned Least Developed Country status at the UN. Yet, if foreign NGOs are to make an effective long-term contribution in a whole array of urgent humanitarian fields — from AIDS/HIV prevention and poppy crop substitution to child immunization and the provision of safe water supplies — it is vital that current controls on freedom of expression are lifted. Only then will it be possible for people in Burma, including those likely to be affected by such development initiatives, to gain access to all relevant information and take part in proper consultation procedures.

10 CONCLUSION AND RECOMMENDATIONS

As this report shows, economic changes are in progress in Burma, with the active encouragement of the SLORC, which may in time lead to further internal pressure for political and social reform. At present, however, the SLORC shows little inclination to bring about the sort of far-reaching reforms necessary to break the continuing political impasse or bring about real and positive change in Burma. In particular, the SLORC's maintenance of strict controls on freedom of expression, and the associated rights to freedom of association and assembly, suggests that the Burmese military is not yet prepared to loosen its grip on the political life of the country and hand over power to democratically-elected civilian leaders.

After six years of international criticism, the SLORC's official meetings during 1994 with the detained opposition leader, Aung San Suu Kyi, and the holding of peace talks with

[52] *Kyemon*, 4 Oct. 1994.

armed ethnic opposition groups were welcomed by many foreign governments as important first steps towards dialogue and national reconciliation. In the first months of 1995, however, the signs were far less promising. It remains to be seen whether the refusal to release Aung San Suu Kyi and the army assault on Karen bases represent a hardening of attitudes against reconciliation or simply a temporary reversal in the move towards dialogue. Thus, it is vital at this stage in Burma's development that the international community continues to maintain all possible pressure on the SLORC to make good its promises of reform and to deliver swiftly on the following measures which, if implemented, would at once break the current political deadlock and move Burma forward towards real political change.

ARTICLE 19 is calling on the SLORC to take the following steps as a matter of the highest priority, and urges the international community as a whole to bring pressure on the SLORC for their prompt implementation:

— to release immediately and unconditionally all people detained for the peaceful expression of their political views or opinions, including writers, journalists, students and others, as well as Aung San Suu Kyi and other political, community and ethnic minority leaders;

— to repeal or amend all laws restricting freedom of expression and the right to information, including the Printers and Publishers Registration Law of 1962, in order to guarantee to all people in Burma, including members of ethnic minorities, full protection of their rights to freedom of opinion and expression, as set down in Article 19 of the Universal Declaration of Human Rights;

— to ensure, through the removal of censorship and other constraints on the free flow of information, that the necessary conditions exist in Burma for the establishment of free and independent print and broadcast media, including in ethnic minority languages;

— to remove all restrictions on freedom of movement, association and assembly, including the 1908 Unlawful Associations Act, and to guarantee full protection for these rights in accordance with the requirements of the Universal Declaration;

— to halt all offensive military operations, to allow humanitarian assistance to victims of war, resume its ceasefire "in the name of national unity", and to promote genuine peace talks to resolve the long-running armed conflicts which have affected the country;

— to begin a process of "substantive political dialogue", in accordance with clause 5 of the UN General Assembly Resolution on Burma (A/C.3/49/L.43) of 2 December 1994, "with Aung San Suu Kyi and other political leaders, including representatives from ethnic groups, as the best means of promoting national reconciliation and the full and early restoration of democracy";

— to reinstate all teachers, academics and other state employees dismissed or removed from their jobs for the peaceful expression of their views or beliefs;

— to ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and to bring Burmese law and practice into full conformity with these international human rights standards.

APPENDIX

WRITERS AND POLITICAL ACTIVISTS IMPRISONED FOR THE PEACEFUL EXPRESSION OF THEIR OPINIONS

According to government figures, over 2,100 prisoners have been released since April 1992 when Gen. Than Shwe replaced Gen. Saw Maung as the SLORC Chairman. Many of these prisoners were detained for political reasons, but no official list of names has been published. The following is a selected list of political prisoners still reported to be in detention in early February 1995 after being arrested on charges which ARTICLE 19 believes were intended to prevent freedom of expression.

Aung San Suu Kyi: 49-year old academic, author, Nobel Peace prize laureate and General-Secretary of the NLD, detained under house arrest since July 1989 under the 1975 State Protection Law. The period for which she has been detained without trial under this law has already been extended by the SLORC from three to five years, and military officials have reportedly said that, despite recent meetings with SLORC leaders, this could be extended indefinitely. A mother of two boys, she has been allowed increased visits in the past two years from members of her family.

Khin Zaw Win (Kelvin): dentist, former UNICEF worker and Masters student at the University of Singapore, arrested July 1994 and sentenced to 15 years' imprisonment under the 1950 Emergency Provisions Act, 1908 Unlawful Associations Act, 1923 Official Secrets Act and for currency and customs offences. In 1992, he attended the UN Rights of the Child conference in China.

Kyi Hla: NLD supporter and book distribution agent, arrested in September 1990 and was subsequently sentenced to a seven-year jail term for publishing materials deemed critical of the government.

Kyi Maung: retired army colonel and acting NLD leader, who led the party to victory in the 1990 election, arrested in September 1990 and sentenced to a 10-year jail term on treason charges to which another 10 years may have been added.

Ma Thida: 28-year-old short-story writer and surgeon at the Muslim Free Hospital in Rangoon, arrested in August 1993 and sentenced to 20 years' imprisonment under the 1962 Printers and Publishers Registration Law, 1950 Emergency Provisions Act and 1908 Unlawful Associations Act. Nine fellow defendants and NLD supporters, including the MP-elect **Kyi Myint**, also received the same jail terms.

Maung Tun Tun, **Maung Soe Naing** and **Maung Nay Yein Kyaw**: ABFSU members, arrested in June 1992 and sentenced to 10 years' imprisonment for distributing anti-government protest leaflets.

Min Ko Naing (Paw U Tun), ABFSU chairman and third-year Rangoon University zoology student, arrested March 1989 and reportedly sentenced by military tribunal to 15 years' imprisonment (now reduced to 10) for breaking SLORC Martial Law Order No: 2/88. He was

twice visited by US Congressman Richardson in Insein Prison in 1993 and 1994 and, although there were signs of improvement, he was still reported to be showing signs of previous torture and ill-treatment.

Min Zeya, 36 year-old ethnic Mon, Rangoon University law student and chairman of the All Burma Students Democratic Association, arrested several times in 1988 and 1989 before being sentenced to eight years' imprisonment, probably under the 1950 Emergency Provisions Act, in June 1990 in Insein Prison.

Myo Myint Nyein and **Sein Hlaing**, publishers arrested with the well-known poet, Min Lu, in 1990. After international publicity and some domestic pressure, Min Lu has since been released, but both publishers are still serving seven-year jail terms under the 1950 Emergency Provisions Act.

Nay Lin, high school student and student union organizer, arrested December 1992 for putting up posters calling for Aung San Suu Kyi's release and sentenced to seven years' imprisonment.

Nay Min: lawyer, arrested in October 1988 and sentenced one year later to 14 years' imprisonment (now reduced to 10) under the 1950 Emergency Provisions Act, for possessing anti-government literature and "sending false rumours" to the BBC during the democracy uprising.

Nyi Pu Lay: 42-year-old satirical writer and artist, arrested December 1990 in Mandalay and sentenced to 10 years' imprisonment under the 1908 Unlawful Associations Act for alleged contact with "illegal organizations". He is believed to be held in Thayet Prison.

Ohn Kyaing: ex-*Botahtaung* newspaper editor and NLD MP for Mandalay SE, arrested September 1990 and subsequently sentenced to 17 years (later reduced to 10 years) on what are believed to have been treason charges.

San San Nwe: NLD supporter and writer in her early 50s, arrested August 1994 and sentenced to 10 years' imprisonment under the 1950 Emergency Provisions Act, the 1898 Code of Criminal Procedure and the 1908 Unlawful Associations Act; her daughter, **Ma Myat Mo Mo Tun**, who was arrested at the same time, received a seven-year term under the first charge.

Sein Hla Oo: 58-year-old ex-editor of *Botahtaung* newspaper and NLD MP-elect for Insein, sentenced along with another MP, **Khin Maung Swe**, to seven years' imprisonment under the 1950 Emergency Provisions Act and 1898 Code of Criminal Procedure in October 1994 for "spreading false information". A former film critic and 1988 winner of the D J Jefferson Award from the East-West Center in Honolulu, in 1993 both he and Khin Maung Swe were released by the SLORC from earlier 10-year sentences with hard labour (believed reduced from an original 25 years) imposed on them in 1990 under the Penal Code for "withholding information relating to High Treason".

Tin Oo: 69-year-old retired army general and founding chairman of the NLD, sentenced to three years' hard labour in 1989 to which another seven years were later added at a trial by a second military court on exactly the same charges. He is known to be in poor health. When visited in Insein Prison in November 1993, he told the UN Special Rapporteur on Burma that one of the

charges against him was that he had been "inciting the entire population for democracy and human rights".

Win Tin: 64-year-old former editor of the *Kyemon* and *Hanthawaddy* daily newspapers and central committee member of the NLD, arrested July 1989 and initially sentenced to three years' imprisonment under Section 216 of the Penal Code, to which another 11 years appear since to have been added. One of Burma's best-known writers and journalists, he was Vice-Chairman of Burma's Writers Association at the time of his arrest. In poor health and suffering from spondylitis, he was wearing a neck-brace when visited by Congressman Richardson in February 1994.