

Myanmar Press Council: Legitimacy Requires Independence

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A dinner was hosted by the military regime running Myanmar recently for the new members of the Myanmar Press Council (MPC) who were appointed after the previous members resigned from their positions following the 1 February 2021 coup. This Note highlights international standards governing the formation of bodies which regulate the media, such as the MPC, and examines the situation of the MPC since the coup.

Media Regulators: International Standards

Ideally, regulation of the media, and especially the print media, should be done on a **self-regulatory** basis, meaning that the media takes it upon itself to ensure that its members act ethically by creating a professional, non-governmental oversight body. The State should not be involved because its influence could compromise press independence.

If a country does establish a media regulator by law, international law sets out some minimum conditions for this to be legitimate:

- **Independence from the government and political parties should be guaranteed**
 - Any regulation of the media must be done by bodies which are fully independent of the government. While the government may have its own communications teams to share information, the media need to be free to act independently to report the news and share public interest information. Media regulators should never exert political pressure on the media.
 - A media regulator should therefore have protections for its independence, especially from political influence. For example, the law should prohibit the appointment of members with political connections and protect members from retaliation.
- **Members should be experts appointed with limited government influence**
 - Appointments should be transparent and have opportunities for public input.
 - Media representatives should have a significant role in selecting members.
 - A single political or government actor should not have control over deciding on members. Instead, various stakeholders, such as civil society and professional groups, and/or a mix of public entities, should be involved in appointments.
- **It should support media freedom**
 - While a media regulator should promote media professionalism, based on a published code of conduct reflecting international standards, it should never sanction the media for content which is critical of the government.
 - Media regulators should also have a mandate to promote media freedom.

The Myanmar Press Council: Legal Requirements

The MPC was established by the 2014 News Media Law and has a role to resolve disputes with the media as an alternative to legal dispute resolution, such as through criminal charges against journalists. The News Media Law states that the Myanmar Press Council:

- Is responsible for performing its tasks independently
- Can receive complaints about the media and engage in conciliation proceedings
- Members are appointed by the President but must be proposed by:
 - The speakers of the Pyithu Hluttaw and Amyotha Hluttaw
 - Representatives of media and writing communities
 - Representatives of civil society and academic communities

While the News Media Law could have stronger protections for the MPC's independence, it clearly envisions an independent Council. This has been the case with previous appointments of members, who were robustly independent of government.

The Myanmar Press Council under the Military Regime

In the months following the February coup, members of the MPC [resigned](#), citing an inability to continue supporting media freedom. Since then, the military has appointed new members.

The new Myanmar Press Council cannot be relied upon to act independently. The current chair and vice chair [both have strong military ties](#). While the military [claims](#) Council members have been selected by members of appropriate media communities, there is no evidence of genuine consultation with the independent media. Rather, the military has acted to target and close independent media outlets.

It was clear already back in February that the military regime was not going to allow the MPC to do its work independently. At that time, the Ministry of Information [directed](#) the MPC that journalists should avoid certain “incorrect words” surrounding the coup. This is grossly inappropriate; it is up to the MPC, and not political actors, to set and apply professional standards. And this was a clear attempt to try to force the media to align with military messaging.

The MPC cannot be legitimate, and cannot do its job properly, if it is not independent. It should not be acting as an enforcer for the military regime but as a supporter of media freedom.

Further Reading

- Briefing Note on Independent Regulation of the Media in English (<https://bit.ly/31jfskv>) and Burmese (<https://bit.ly/3xWL2k9>)
- Briefing Note on the Print Media in English (<https://bit.ly/31nPB8Y>) and Burmese (<https://bit.ly/3G8qx6z>)