

**Freedom of the Portuguese Press during the transition  
period (1987-99) in Macau**

**By Clara Gomes**

**Submitted for the degree of MA in Mass Communications, Centre  
for Mass Communications Research, University of Leicester  
December 2000**

## **Acknowledgements**

I thank Jim McKenna for his orientation and for his patience in understanding the need to postpone the due date of this dissertation, due to the fact I moved from Macau to Portugal.

My gratitude also goes to my interviewees, that so kindly shared with me their lived experiences and their insights on the topic of this study.

I also thank Diná and Elsa, of G.C.S., the Macau government information bureau, that helped me find and photocopy many of the articles I needed for this research.

## **Abstract**

The topic of this research is: "Freedom of the Portuguese press during the transition period (1987-99) in Macau".

The topic was approached in a critical political economy perspective through communication policy research and interviews.

By researching this topic the student aimed to understand how the concept of freedom of the press - which is here defined - applies locally; to research into private and public policies towards the press; to unveil control and pressure practices coming from political and economic powers and check how these influence the journalistic practice and, in the end, the text. The researcher also aimed to get an insight into broader social and political implications of press freedom in the territory. The author concluded the transition period created a cultural, political and economical frame that, tended to exacerbate the existing tendencies towards press control as well as clashes between press and power.

The researcher has been a journalist for 12 years, eight of them in Macau, as well as a television programmer for one year and a lecturer of Communications in the local University for three years.

# **Contents**

## **Introduction**

## **Theoretical Perspective and Methodology**

### **Chapter 1:**

#### **Defining press freedom**

##### **1.1. The concept**

Press freedom nowadays: conglomeration and self-censorship

##### **1.2. Brief passage on the history of press freedom in Macau**

Note on Hong Kong

### **Chapter 2:**

#### **The Portuguese press in Macau during the transition period**

##### **2.1. Overview**

##### **2.2. The press laws**

##### **2.3. Propaganda and patriotic journalism**

Millions spent in propaganda

The “good” Portuguese

##### **2.4. Fear, access and advertising**

The fear of talking and limitations to access

A dependency on advertising

Private advertising

##### **2.5. Censorship and self-censorship**

High self-censorship

##### **2.6. Life threats**

##### **2.7. Ownership: sponsorship and lobbying**

##### **2.8. Libel cases**

*Gazeta Macaense*: an exemplary case

##### **2.9. The future**

## **Conclusion**

## **Bibliography**

## **Introduction**

After 450 years of Portuguese rule, Macau was handed over to the People's Republic of China (PRC) on December 20, 1999. With the unique statute of "Chinese territory under Portuguese administration" since the Joint Declaration, signed in 1987, the city was always a sort of colony with an unrepresentative system expressed in the Estatuto Orgânico (a sort of Constitution) and liberally administered. Chinese pressures were always felt throughout history and through the transition years, Xinhua, The New China News Agency, functioning as a diplomatic representation, was said to be a shadow government.

There are two 'presses' in Macau: one in Chinese language and another of Portuguese expression. They have totally different characteristics and very seldom the interests of their professionals touch.

The Chinese newspapers are controlled by the PRC in various degrees, be it directly by companies owned by the government or by businessmen with interests in China. Most newspapers feature daily columns that, in those years, used to criticize the Macau Portuguese government measures, usually in tune with the Chinese side of the Joint Liaison Group or with certain business interests.

Portuguese newspapers were, and are, owned by the church, businessmen and lawyers and the pressures resulting from ownership vary from paper to paper. During the transition there were newspapers that were directly connected with the government and others that could be considered opposition.

The government tried to exert pressure over the press through personnel contacts, official advertising and by obstructing access to official sources.

The difference between Chinese and Portuguese press is also reflected in the number of cases against journalists for accusations of abuse of Press Freedom investigated by the Public Prosecutor's Office (PPO) of Macau. During four years (1991-1995) 24 cases were against Portuguese newspapers, only two against Chinese newspapers and one against a newspaper from Hong Kong (Reis, 1998). This discrepancy between the number of cases - many resulting from government officials judicial complaints - concerning the two 'presses' is related to the fact that Portuguese newspapers had more credibility (they were freer, in a Western way) and had influence in Portugal, where the criticized officials political careers would continue, after Macau's transition. This difference between the way the government treated the two 'presses' also had to do with its caution to avoid creating conflict with the Chinese population and, above all, conflict with the PRC government for which most Chinese newspapers are but mouth pieces.

Studying freedom of the press in Macau is a task as much interesting as difficult. The traditional friendship and balance in Luso-Chinese relations was at stake when matters that had been on the agenda for years needed to finally be solved. The latest political games showed a radicalization of positions. The social unrest motivated by the rise in triad crime and the Asian economic crisis, added to the picture. In this scenario, there may have been a greater tendency of both government and private interests to influence the press.

In terms of press laws, the existing legislation was, and is, scarce and vague and was used very effectively against the Portuguese journalists, together with a justice system that depended directly from the executive political power, the governor.

As for the Portuguese press, it was taken for granted by the journalists themselves that most newspapers would close before or soon after the handover. A single newspaper was considered enough after the Portuguese political interests in the territory ceased.

A group close to the government even formed the "only newspaper that will remain after the hand-over" as the editor in chief of *Jornal Tribuna de Macau*, put it. An assumption that irritated the competition. When the researcher wrote this lines, in the end of 2000, there were still four Portuguese newspapers in Macau: *Clarim*, *Ponto Final*, *Macau Hoje* and *Jornal Tribuna de Macau*.

From what was said before it is clear there are two different presses in Macau. I focused on the Portuguese press since it would be very difficult to undertake a thorough research concerning the Chinese press. The first reason for this is that it would be quite difficult to find someone who revealed who its real owners are. Second, the majority of the editors and other staff does not speak other language than Cantonese, which would have meant hiring a translator, for which the researcher did not have the funds. Third, being freedom of speech such a delicate topic and knowing the local mentality, most of the interviewees would not accept an interview. Therefore, the aim of this project was to investigate only into the existing press freedom and controls over the Portuguese newspapers during the late transition period in Macau. However, because both 'presses' exist in the same space and time and may influence each other in terms of news values and ethics, I tried to find as much information about the Chinese press as possible. This allowed me to make some comparisons that may shed light into the main focus, the constraints on the Portuguese press.

In this study there are few references to the audiovisual media since these are 50.5 % governmentally owned, which creates limits to their freedom. Both the professionals and the public do not expect Teledifusão de Macau (T.D.M.) to air dissonant voices or to be a space for investigative journalism. TV and radio were, however, used to establish some comparisons.

## **Theoretical perspective and methodology**

### **Theoretical framework**

Political economy was the theoretical framework adopted to research this topic since it allows an holistic approach in examining media organizations in their role as economic forces and relating them to other structures in society (Mosco, 1996, p.142). Political economy is concerned with the historical process that leads to the present and the role of state invention, and so is applicable to the investigation of press freedom in Macau. Its interest in social change makes it the more suited to the historical context of the territory.

It is also able to show the link between the economic-political structure and media content and the effect of that on discourse in the public domain (Golding and Murdock, 1997). However this is problematic in Macau given the different outlooks on public interest. As we will see, the government's defence of a patriotic journalism collides with the local press agents' idea that they should work as a watchdog of power.

In Western theory, press freedom is accepted as in the public interest and studies are focused on exposing its limits through the analysis of media structures, policies and practices (McQuail 1997, Curran, 1997).

However, in Asia, where many authoritarian regimes have developed successful economies, press freedom is not always seen as in the public interest. In certain regimes, like Singapore or China, press freedom may be seen as a tool used by opposition to government and a threat to political order (Ruan, 1990).

The press in Macau must be seen in this context, especially if we consider the proximity of the hand-over during the period studied. The question is whether press freedom is a universal concept, as seen by most western countries and United Nations bodies, or a concept that changes from society to society, like Asian governments argue.

In Macau, although the Press Ordinance is based on the Portuguese one, the Portuguese government acted in a similar way to many Asian governments defending a different press freedom concept for the territory in the name of patriotic values. Political economy can offer insight into this relativist-universalist debate through its analysis of international relations. Nevertheless, its tendency to focus on power relations within capitalist societies may mean it needs a push from cultural studies in order to better understand the dynamics of identity and nationality divisions in social organization (Mosco, 1995, p.161). However this would require another study of the Portuguese press in Macau, maybe focusing more on the audience and applying theory of reception. That was left for another occasion, but there are references in this work to the identity of the population of Macau, especially the Portuguese speaking community, taken from anthropological and sociological researches.

## **Methodology**

To approach this topic I used two research methods: a communication policy research supported by a critical political economy perspective, and interviews.

To find data for this topic it was necessary to research the recent history of media legislation in Macau, to analyse some recent cases of press restriction, e.g. libel cases, to analyse journalism practices and newspaper policies and the effects of the changing political and social framework in Macau.

Communication policy analysis examines how policies in the field of mass communications are generated and implemented as well as their repercussions and implications in the field of communication (Negrine, 1998).

Communication policy research opens a wider field for exploration. Instead of merely using a content analysis study or a single survey, policy research allows us to draw conclusions from the findings of many. In the case of Macau, since there is few research, some Hong Kong studies developed around the 1997 handover were also used for theoretical comparison.

However, this method has its limits: using previous research data limits the material to questions asked before (Wimmer and Dominick, 1995, p.21)

Thus, what the researcher decided was to go further and ask her own questions through interviews with agents involved in the media process and research of primary documents.

Nevertheless, such proposal could not be taken further without the conscience of some limitations and difficulties.

To begin with, research for basic information was bound to be a difficult task, since Macau is a non-representative system, where the accountability of public officials is low and public documents are not always accessible.

Second, it was predictable that, in such a period, many people would be reluctant to commit themselves publicly to such a sensitive topic.

As referred before in relation to the Chinese press, it would also be difficult to convince Portuguese media staff, and specially government officials, to give information about such a sensitive topic.

There was also another shortcoming in relation to policy analysis: although it is supposed to be the exploration of a coherent package of ideas and strategies, these policies are usually not a comprehensive well thought set of statements but a dispersed one. Policies are often not easy to identify, they may have unintended consequences and sometimes they are contradictory in themselves (Negrine, 1998, p.98).

To overcome these difficulties it seemed necessary to triangulate the findings, by using different sources to cross-check stories and to question the material. This was done by interviewing different sources and/or by finding documentation that backed up a claim.

With their shortcomings and their strengths, these two methods, policy research and interviews, complement each other through corroboration and deepening perspectives. Nevertheless, the material on itself might lack perspective. So, conclusions from information obtained in this way were drawn using a political economy theoretical framework. The fact this is concerned with the real world means theory and empirical research can work together.

One example of this is Chan, Lee and Lee studies of the impact of the Hong Kong transition on journalists (1992, 1996). They combined a survey of journalists' attitudes with a political economic perspective on China's position on media after the handover to draw their conclusions.

Investigating press freedom in the Portuguese press of Macau required an historical perspective to gain insight into the present. This involved the examination of economic, political and cultural forces at work not only in the present but also in the recent past.

## **Chapter 1: Defining press freedom**

There is a large body of work on the concept of press freedom as applied to Western societies (McQuail 1991; Demac and Downing, 1995; Barendt, 1995). As for Macau, the concept is found in the Press Ordinance (1990) and, vaguely, in some historical research of Manuel Teixeira and in Rola da Silva (1991,1992). There is no academic research into this topic in the territory, which may be explained by the fact all academic institutions are governmentally owned. However, there is a course thesis presented in Portugal by the correspondent of the local paper *Ponto Final*. It was not published but I had access to it (Menezes, 1999).

Although there is almost no research in Macau, since the Hong Kong transition to China created similar concerns in terms of freedom of the press, it was useful to consult those studies. The press in the two territories has quite different characteristics, but the analysis of the constraints of the press in an Asian setting with a Western law (British law) shed some light in understanding the constraints of a Western press under Portuguese law in an Asian setting.

### **1.1. The concept**

The concept of press freedom emanated from Europe, where, in the 17<sup>th</sup> and 18<sup>th</sup> centuries, it was already a public matter. It was a distinct organising concern of the European and North American worlds that did not develop from within any other civilisation (Keane, 1991, p.7). In these, printing was either banned (Ottoman Empire, Arabic countries), apolitical and tightly censored by the state (Japan) or just a tool to enhance the power of bureaucrats (China, where the first newsheets in the world appeared in the early 18<sup>th</sup> century).

Revolutions, both in France and North America, but also in other countries (e.g. Liberal Revolution in Portugal, in 1820) brought a climate of greater political participation that was attained through the existing publications, and so, in a complementary way, it brought a greater demand for press freedom. From these times comes the close connection between politics and the fights for democracy and press freedom.

The political ideals of the French Revolution influenced most European countries, especially those that were invaded by Napoleon and, throughout the 19<sup>th</sup> century, claims for press freedom spread in a context of demands for wider liberties in general. These demands came with the fact that only in that century publication began to be a mass media and their power recognised by both political leaders and the people in search for more democracy. Before that lay a period in which the press was irregular, distributed in a small scale and usually written by and to an elite. In Europe, the first flyers with news appeared in Venice, and were sold by one *gazeta* (coin of that time that gave name to the later newspapers). The first form of the modern newspaper appeared in Germany in the beginning of the 17<sup>th</sup> century. In 1626 the first Portuguese gazette was formed and in 1631 the first French one was published (Crato, 1992, p.32). The English 'currants' came only later and were strongly controlled by the government. In the societies that had a strong centralised government the non-controlled press appeared quite slowly. It progressed faster in societies where the central authority was weaker (De Fleur cited by Crato, 1992, p.30.)

In general the appearance of gazettes was related with the appearance of a class well connected with power, the bourgeoisie and its capitalist ideals. Later, especially with the French revolution, the ideals of democracy and, concomitantly, of public opinion

and press freedom, were developed. In Portugal, after the French invasions in between 1799 and 1816, 91 periodicals appeared. With the liberal revolutions and the introduction of universal suffrage in 1820, circulation doubled and censorship decreased and was even abolished by decree. It was also in those times (1839) that the first workers' newspapers, carrying socialist ideas, were born in that country (Crato, 1992, p.35)

In England, during the 19<sup>th</sup> century, the introduction of advertising seemed to bring independence from the press in relation to the government and parties. It would depend less on political subsidies and bribes and it could spend more money on news gathering instead of relying mainly on official sources. Nevertheless, the press did not become a fourth estate of society. On the contrary: with the creation of parties in England there was an inter-penetration between these and commercial journalism: proprietors were often members of parliament and national newspapers were subsidised by party loyalists (Curran and Seaton, 1995, p.12).

Instead of being a watchdog of government and politicians, the press became inextricably tied to both. As Boyce pointed out, the credibility of the press "lay in its apparent independence from the party machine, although its natural position was that of being part of the political machine", just like a politically committed and attached organ (Negrine, 1989, p.25).

Government control and censorship remained a constant in England on the ground that freedom of the press was a threat to security and stability of the state. A position that was contested by several theorists since Milton's *Areopagitica* (1644). Milton's view that the press should be free from the state was based on the idea that censorship and control resulted in the loss of Truth. To choose between truth and falsehood, individuals had to have access to both (Negrine, 1989, p.24). He affirmed that the virtues of individuals must be developed and tested by engaging contrary opinions: "that which purifies us is trial and trial is by what is contrary" (Keane, 1991, p.12). Other writers expanded on these theories, creating an image of the press as an educational medium, with the role of a watch dog and the power of a fourth estate representing public opinion and defending the public interest.

Yet, there was a gap between the utopian ideals of freedom of the press and a limited circulation, harassed and corrupt press. (Keane, 1991, p.35).

The standard interpretation of freedom of the press, harbours a nostalgia for the early ideal of a modern public sphere as defined in Habermas' *Strukturwandel der Öffentlichkeit*. The early defenders of the concept assumed that political power is the main 'external' threat confronting individuals who are otherwise naturally capable of expressing their opinions, ignoring in this way the existence of self-censorship. (Keane, 1991 p.35-6).

Under pressures like stamp laws and press taxes, seizing and state censorship it is understandable that "the freedom of speech or of the press" (as stated in the USA's First Amendment) developed as a negative concept. Its defenders fought for a press free of prior external restraint and subject only to government enforced laws that ensured the same freedom to all individuals.

To clarify, let us define first this negative concept and distinguish it from a positive definition.

Negative conceptions of the right to freedom of expressions (or of the press) prohibit state intervention/censorship in public communication processes. All that this does, however, is ensure that public communication is free from state interference. It does nothing to ensure that the existing opportunities to communicate are then evenly

available to all members of that public (such as the 'public sphere' idea would require).

In contrast, a positive approach to freedom of expression like wise encapsulates the idea of freedom from state censorship or public communication, but also goes beyond this to include, as and where necessary, some form of state (regulatory) activity that will create conditions in which the means and opportunities for public communication are made more evenly available to all members of the public.

Within the negative concept, the media are viewed as a passive or neutral conduct of information failing to represent the ways in which they pre-structure or bias the receptions of opinions by the individuals. Thus, this concept failed to recognise that information is not an ideal Truth, but a series of codes subject to interpretation by subjects that are themselves shaped by this codes. This 'information flow' paradigm did not acknowledge that media's story telling is shaped by institutional routines, technological tricks, recipe knowledge and that individuals themselves, acting within this context voluntarily restrict and confine their expressions (Keane, 1991, p. 37-8). The early modern view of freedom of the press did not consider the censorship that comes from within, neither that self-censorship is not a characteristic of dictatorships but of any political system: when our jobs, careers, security or family are at stake we zip our lips.

Another critique to be made to modern negative theories of press freedom is the lack of consideration to the question of access. Habermas' theory of the public sphere based on the Greek *agora*, where everyone could communicate face to face and peacefully deliberate about matters of general concern, Jacques Necker likening of *opinion publique* to a high law giving tribunal or Thomas Paine's idea that licentiousness should be defined not by government but by the public at large, forget that, time, space, geography and different levels of literacy do not allow an equal access to the mass media.

Therefore, only some have access to the media; which brings us to the question of representativity. The early defenders of press freedom failed to see that the media could never act as transmission belts of opinion and that they, as intermediaries, would always be threatened by irresponsible and unaccountable communication. The problem of how to render (non-elected) media representatives accountable was ignored by those in favour of a free press because they transferred the belief in a face to face communication to a market based media model. In the days of small scale enterprise media the decentralised market competition seemed the right antidote against political despotism. They failed to see that communication markets do not ensure universal access to the press. Otherwise, they restrict liberty since there is a tension between the free choices of citizens expressed in the public good, and the free choices of the private property investors seeking to out compete the others in the production of a commodity called mass newspapers.

The classical views about a free press based on a negative concept failed to see that the 19<sup>th</sup> century struggles did not inaugurate a new era of press freedom; rather they introduced a new system of press censorship more effective than anything that existed before. "Market forces succeeded where legal repression had failed in conscripting the press to the social order" (Curran and Seaton, 1995, p.9).

An assertion that applies to nowadays press freedom. Or lack of it.

## Press freedom nowadays: conglomeration and self-censorship

The First Amendment of the USA, states that “congress shall make no law (...) abridging the freedom of speech or of the press”. This Amendment, of which Americans are so proud, is said to be a constitutional guarantee for freedom of the press, allowing, through the free market, "a formidable check on official power" (Barendt, 1993, p.6). Yet, that seems to show too much credulity on a constitutional law that is so vague, leaving freedom for the good intentions of politicians and the forces of the market. And still, as Downing and Demac demonstrate, it does not ensure protection from governments interference and censorship (1995, p.112-27). Neither does it ensure the existence of a press free from internal controls, self-censorship and promiscuity resulting from a too close contact between journalists and politicians, as Herman showed (1995, p.77-93).

Not more than seven years after the publication of the Constitutional Amendment (1791) the Congress passed a sedition act permitting prison sentences and fines to anyone criticising the government. In this last decades governments have used similar forms to control the media. Reagan and Bush administrations gave authorisation for federal agencies, such as the FBI and CIA, to classify information retroactively, violating the spirit of the Freedom of Information Act, FOIA, (1966) that allowed for such checks on government as the Watergate scandal.

Leaving aside the negative concept of freedom of the press we can find other constraints on the American media that limit actions and words of the press agents and the form, focus and content of the news. Herman analysed these constraints and defined them as the political economic filters of mass media messages.

The size and ownership constitute the first filter. Basically this means that since the 1980's there was a tendency for deregulation and media concentration, with acquisitions by corporations with interests in other fields. The media began to work as profit-making machines integrated in market strategies and away from responsibility to the democratic process.

The pressures coming from concentration are a world wide reality nowadays. The example of the battle between the British newspaper *The Observer* and the multinational conglomerate Lohno, illustrates this point. In 1984, the chief executive of the corporation told the editor of the publication not to run a story on atrocities committed by the Zimbabwe army, country from which the company derived 15 million pounds in profits. The printing of such article threatened to damage the already strained relationship between Lohno and the government of that country. The editor run the story anyway but the corporation withdrew advertising from its own newspaper and if it did not fire the editor was only because *The Observer* would loose credibility and that would be bad publicity for the corporation. (Curran, 1997, p.88). This is a story with a good ending since usually the results are not so positive for the newspapers. However, it is also a story that illustrates Herman's second filter: the advertising license to do business. Last century, advertising seemed to be the insurance for newspapers independence and so, for freedom. But is it nowadays?

In the USA newspapers derive 75% of their revenues from advertisers, magazines 50% and broadcasters 100%. In that country, advertisers, which often are big corporations, usually select among specific media on the basis of criteria that are politically and culturally conservative. On television that is obvious: *The Day After* (1983), a TV fiction about the impact of a nuclear war, had all the advertisers cancelling their options of spots around the broadcasting time of the program. (Herman, 1995, p.84-5)

Herman analysed another filter: sourcing. In the American press, 60 percent of the news result from public relations releases.

The mass media have an intimate relationship with the power structure, both local and national and with business corporations and trade groups because of cost factors and mutual interests. Their stories are usually deemed newsworthy and they are considered to be credible sources, which reduces investigative expense on the part of the media. Thus, government and corporations shower the media with stories carrying their own perspectives. They have a privileged access to the media and, through personal relationships, threats and rewards, can coerce and influence journalists (Herman, 1995, p.85-6)

From the context of sourcing we can understand how the close relationship between power, big business and the media influences the process of news making and the mentality of the journalist. America Rodriguez analysed the control mechanism of news making in Canada, the USA, Britain and Mexico, coming to the conclusion that promiscuity with power and self-censorship are the biggest threats to freedom of the press nowadays. As journalists covering Washington socialise with their sources, the politicians, they also tend to share their views. The same happens with journalists that cover a certain beat, be it police or a political party. Thus, self-censorship resulting from the newsmakers own comfort with the status quo, desire of career advancement or just the wish to keep their jobs, is one of the factors that contributes the most to keep journalists in line nowadays. (Rodriguez, 1995,p.128 and p.146)

Government and business propaganda is another way to ensure the attention of the media and a way to sell their perspectives. A government propaganda system is far more credible and effective in putting over a patriotic agenda than a censorship system would be. The USA government is an expert in this, but nowadays you find such technique in many other countries, including European democracies (e.g. Britain during the attacks on Iraq in December 1998).

## **1.2. Brief passage on the history of press freedom in Macau**

The modern press was introduced to China through the Macau Jesuits in 1588. It was destined to the printing of religious publications. However, the first newspaper only saw the light of day on September 12, 1822 after the Liberal Revolution in Portugal. The *Abelha da China* was the first modern newspaper not only in Macau but in all the Far East. "Until the beginning of the century, besides the *Beijing Gazette*, there wasn't another periodic publication in China. The newspaper, as an informative and public opinion orientation medium, as we know it today, only appeared in 1822", says the sinologist Ramon Lay Mazo (1990, p.39-40).

*Abelha da China* was founded by Liberals but when the Conservatives assumed power again, a year later, it was closed and its editor, Friar António São Gonçalo de Amarante had to leave Macau becoming the first victim of repression and lack of press freedom in Macau (Pinto, 1993, p.6).

Dozens of newspapers appeared and disappeared throughout the 19<sup>th</sup> century, usually with a short but polemic life and through their pages both liberals and conservatives, monarchic and republicans, priests and anti-clerical men, fought for their ideas. Many ended by the wish of the governors of Macau, others, just by lack of stamina of their editors (Fernandes, 1999, p.34).

One of those newspapers, the *Echo Macaense*, was the first bilingual newspaper of Macau. It was founded and edited by Francisco Hermenegildo Fernandes on July 18, 1893 . Its pages in the language of Confucius where used by a friend of the editor,

Sun Yat Sen, the man responsible for the creation of the Chinese Republic, to criticise the archaic regime of the emperors. Some months later with the separation of its newsrooms, the first Chinese newspaper of Macau would be born, in line with its Portuguese version (Pinto, 1993, p.12).

Many newspapers were published in Portuguese across the Far East. In his work *The Portuguese press in the Far East*, Monsenhor Manuel Teixeira states that there were 25 titles in Hong Kong, one in Canton, five in Shanghai, two in Singapore, one in Malaca, one in Japan and 14 in Hawaii. In the beginnings of Hong Kong, in the middle 19<sup>th</sup> century, the newspapers of the British colony were printed in Macau. (quoted in *Oriente Impresso*, 1999, p. 5). During tougher censorship times, Hong Kong would be used as the printing place for opposition newspapers that, then, would be sent to Macau.

The first Macau daily, *A Voz de Macau*, headed by Domingos Rosa Duque, began publication in 1931 and went on until the death of its founder. It was the first newspaper with such continuity: it was only closed during seven months, in 1945, because of three bombs the Japanese blasted at the door of the daily (they never occupied Macau but had a strong presence there) - a threat against the editorial line of *A Voz*.

Censorship was an institution as old as the press itself and it was accepted by this. Newspapers would even publish the news of the appointment of new officials of the Censorship Commission. According to Jack Braga, in his book "Primórdios da Imprensa em Macau", the territory was only free from censorship between August 11, 1843, when it was abolished by the government, and 1844, when it was reintroduced by the governor, according to instructions from Portugal. It was abolished again for a brief period of time after the implementation of the Republic in Portugal, in 1910. (Pinto 1993, p.10)

During some periods, censors did not have to act because there simply were no newspapers in the territory.

One of the most well known acts of censorship in Macau was not related to the press but to a book, "Historic Macau", by Montalto de Jesus. In 1926 the governor ordered all the second edition copies to be recalled and the police went to do it door by door. Many people refused to give the books in and hid them. In those days China's nationalism was becoming stronger and, because the book proposed the internationalisation of Macau under the Society of Nations, it was considered a threat to the sovereignty of Portugal by the local government. More than that, the book had quite an independent and researched view of the history of Macau - for instance of the way the British often betrayed the Portuguese in these corner of the world - that was probably not welcomed by officials. It was so undesirable that its Portuguese re-edition only saw the light in 1990 (Montalto de Jesus, 1990).

In terms of the press, the first victim of the Portuguese fascist regime (1926-1974) in Macau was the newspaper *O Petardo*. When Tamagnini Barbosa, the first governor of the dictatorship, arrived in December 1926 there was only one newspaper, tamed by the regime. So, as it had happened before, an irreverent voice, *O Petardo*, appeared in Hong Kong. However, in February 1929, the head of Victoria Printing Press, which printed the biweekly, informed the editor that "for secret motives" his company could not go on printing the publication. Later, the house of the editor was raided by the Hong Kong police, and documents from Macau were found, giving rise to a series of persecutions there. The editor of another newspaper, *O Diário de Macau*, that had been closed by the new governor and had been involved in the creation of *O Petardo*,

was taken by the police during Christmas Eve and sent to exile in Timor (Pinto, 1993, p.14).

During most of the fascist decades censorship in Macau was guided by a legal document of 1937, regulating freedom of the press in the colonies. It stated that all publications should be subject to previous censorship to avoid the perversion of public opinion in its function as a social force and to defend it against all the factors that would confuse the public in terms of the truth, justice, morals, good administration and common good and to avoid attacks on the fundamental principles of society. It also forbade detailed narration of certain social and political crimes like the ones committed by people under 18 years of age, abortion, homicide, robbery, etc. The governor had the power to suspend the publications if this rules were infringed. In 1946 a new law made it even more difficult for the press: if a publication crossed the line the government could nominate a representative to censor within that journalistic enterprise and, on top, this one would have to pay his salary (Pinto, 1993, p.10).

The blue pencil men (the colour used by the Censorship Commission to cut the articles) were people without much education and they would cut anything, what took the journalists to be very careful, so they would avoid having to remake pages in the late hours of the night.

The Chinese press tried to denounce the cutting of certain articles by leaving blank spaces in the pages, like some newspapers used to do in Portugal. Yet, that practice was soon forbidden. However, after the "1,2,3" in 1966 - a communist campaign in Macau during the Cultural Revolution that almost overthrew the Portuguese government - the Chinese newspapers stopped being censored although they would show the pages to the Censorship Commission every day, as the law stipulated. Since those days, a differentiation was felt in the government's attitude towards the Chinese and Portuguese press. While the first was not censored, the second was. Leonel Borralho, the editor of *Gazeta Macaense*, was banned for three days to the island of Taipa by governor Silvério Marques because of an article criticising the government.

One week after the Revolution that brought down the fascist regime in Portugal (25/4/74) censorship was officially abolished in Macau.

Still, it was precisely after the end of the kingdom of the blue pencil, that censorship made one of its most notorious victims.

In August 1974 the Censorship Commission gave place to an ad-hoc commission to control the press, radio, theatre and cinema which objective was to care for the principles of the new order. The *Notícias de Macau* was given a heavy fine by this commission for publishing an erroneous information about the wife of the governor, putting an abrupt end to the 30 year old newspaper that had been facing a severe financial situation.

The days after the 25th of April or Carnation Revolution were of political turmoil. The Macanese society was divided in two different groups: Centro Democrático de Macau (CDM) and Associação para a Defesa dos Interesses de Macau (ADIM). The first, close to the Portuguese Socialist Party, was headed by Neto Valente and the second, dedicated to right wing ideals, was headed by Carlos Assumpção. They were both lawyers and both founded newspapers to spread their ideologies: CDM opened *Democracia em Marcha* in November 1974 and ADIM began *Confluência* in March 1975. Later, both groups would give rise to professional projects, respectively *Tribuna de Macau* and *Jornal de Macau*, both in October 1982. Soon the two newspapers would stop being enemies to fight on the same side against governor

Almeida e Costa, maybe the most unpopular governor with the press during this last decades.

The 1980's brought political controversies and scandal: governor Carlos Melancia was dismissed after an accusation of corruption resulting from an investigation of a newspaper from Portugal, *O Independente*. During this decade there was also an economic surge and, with it, the existing newspapers became more professional with the import of journalists from Portugal. LUSA, de Portuguese news agency, opened a delegation in Macau (heavily supported by the local government) and T.D.M.-television began broadcasting on May 1984.

In 1987, when the Joint Declaration between China and Portugal was signed, marking the handover of Macau to December 1999, the transition period began. By then, there were many Chinese newspapers, several Portuguese, T.D.M., comprising a radio and a television station with both Portuguese and Chinese channels, and delegations of LUSA and the New China News Agency (Xinhua).

### **Note on Hong Kong**

In Macau, although apparently there is not as much press freedom as in Hong Kong, fears of tougher control by the incoming Special Administrative Region (SAR) government arose during the transition period. "The status of freedom of expression is not ideal in Hong Kong, but in Macau it may become even worst", wrote Man Kuo, colonist of the Macau daily *Si Man* (30/8/98).

In Hong Kong, however, faith in media's future was placed in China's need to set a good example if it is to bring in Taiwan later (Chan, Lee and Lee, 1992). The same feeling existed in Macau: since the eyes of the world were focused on the territory just recently, and Taiwan is on the horizon, the PRC may just keep the same level of control it already has over the Chinese press and avoid interfering with the Portuguese press. To aid to the confidence of the journalists in Macau, Hong Kong is going through a post hand-over period with apparently no big pressures from the government on the press (although there may have been an increase in self-censorship and the focus of editorial agendas moved from politics to economics and entertainment).

Safeguards for media freedom may only be possible if people stand up for it. This idea was examined in a preliminary survey looking at Hong Kong audience's attitudes towards freedom of speech and control (Martin, Wilson and Cheang, 1994). Its results show one in four people did not believe journalists should always be protected from control, even if they ranked freedom highly. In Macau the results of a similar survey would probably show an even more conformed public, as Catarina Mok and Albert Chu discovered in a documentary on why Macau people don't express their opinions or fight for their rights (1998).

Another study that sheds some light on the relationship between government and newspapers and how that affects media freedom, is Lee and Chan's investigation into Hong Kong government management of the news (1990). They found that the government kept a liberal policy towards media due to its own close and wide ranging control through the Government Information Service (GIS).

During the transition period the Gabinete de Comunicação Social de Macau (G.C.S.) had the same task as the GIS. It supplied a large proportion of news items - resulting from press releases from government departments - to the media and it had a sophisticated lobbying system to enlist journalists' help with publicising policies and influencing public opinion. However, it did not interfere with editorial decision

making, so media seemed to be in control of themselves (we will analyse G.C.S.'s actions further on).

Many of the draconian Hong Kong colonial media laws, were brought to the public's and researcher's attention during the run up to the hand-over with the fear they might be resuscitated by the communists (Clarke and Hamlett, 1996, Li, 1995, Moriarty, 1994). In Macau, the press law, inspired in the Portuguese equivalent, assures freedom and independence. However, newspapers seldom invoked it and even when they did, the lack of independence of the justice system did not allow for those guaranties to be put in practice. The same may go on happening after the hand-over. A comparison with the media system of Hong Kong would be of some interest to a broader study that focused also on the Chinese media of Macau. After all, the Hong Kong Chinese newspapers and magazines sell more in the territory than the local ones. However, that would be the subject of a different research project.

## Chapter 2: The Portuguese press in Macau during the transition period

### 2.1. Overview

Table 1 - Portuguese Press in Macau, March 1998

NAME	PERIODICITY	OPENED	CIRCULATION (1)
<i>Jornal Tribuna de Macau</i>	daily	01-06-1998	1.300
<i>Macau Hoje</i>	daily	02-07-1990	2.000
<i>Futuro de Macau</i>	daily	08-01-1994	2.000
<i>O Clarim</i>	weekly	May 1948	1.500
<i>Ponto Final</i>	weekly	30-09-1992	1.500
<i>Revista Macau</i>	monthly	1988	5.000

(1) The information is from the media themselves. There is no organised control (Menezes, 1999)

**In the beginning of 1999 there were three Portuguese dailies, seven Chinese dailies, two Portuguese weeklies, nine Chinese weeklies; T.D.M., comprising a TV channel in Portuguese, one in Chinese and a radio station with two channels in both languages; *Revista de Cultura*, publication dedicated to sinology, publishing academic studies edited by the Cultural Institute of Macau; *Revista Macau*, with more generalist topics about the territory and the Portuguese presence in Asia, a private publication commissioned by the government; and a delegation of LUSA, the Portuguese news agency, that since 1991 received 16 million patacas (around 1.250 million pounds) per year from the government, that also paid its rent, in exchange for a free service to all Macau media.**

As we saw previously, after the economic boom of the middle eighties and the attention of Portugal towards Macau - due to the polemic governance of Almeida e Costa and the scandal surrounding governor Carlos Melancia in 1990 - local Portuguese businessmen, lawyers and politicians, began investing in the press. Thus, the creation of Portuguese publications did not arise from the forces of the market but from other personal, economic or political interests.

"Already included in the Guinness Book of Records as the most densely populated territory of the world, Macau could also be included as the city where the highest number of newspapers is published for the lowest number of readers", wrote João Fernandes (1999, p.35)

In a population of around 450'000, there were never, at any given time, more than 10'000 people speaking the language of Fernando Pessoa (Fernandes, 1999, p.35).

In 1993, when there was a rising number of civil servants arriving in the territory, there were five dailies, four weeklies and three magazines in Portuguese language for a universe of six thousand probable readers (Gomes, *Ponto Final*, 22/10/93). However their individual circulation numbers would never go beyond three thousand copies (*Macau Hoje* 20/5/93).

According to the official statistics, no more than 2.8 percent of the population spoke Portuguese in 1999. They were served by a TV channel, a radio channel, five newspapers, two magazines and a delegation from the news agency LUSA.

Gabinete de Comunicação Social (G.C.S.), the government information department, recognised - for its own sake - that "this singular multiplicity that translates in one of the higher reading rates in Asia and the world, signifies a big dynamism by the private entrepreneurs but also an open policy for the support and stimulation of the media (by the government)" (G.C.S., 1997, p.7).

Nevertheless, the director of G.C.S. is known to have said to some journalists that "the newspapers in Macau do not correspond to forms of public opinion but to private interests without economical viability" (Menezes, 1999, p.131).

The same went for Chinese newspapers. Vitor Chan (the head of the Journalists Club then and the G.C.S. director after the handover) said that "there are too many titles in the Portuguese and Chinese press for such a small market. I think it would be better to invest on the quality not the quantity" (ibidem).

The circulation of the Portuguese media revealed the same artificial existence. Even the two English language newspapers edited in Hong Kong, the South China Morning Post and the Hong Kong Standard, had more readership in Macau than the total of the Portuguese press: 20.000 newspapers arrived from Hong Kong every day (Camões, 1997).

In fact, the real circulation numbers (see table) were never controlled by the government information department and even the numbers their editors revealed are known not to be exact - although advertising was never dependent on circulation, they would never reveal they sold less than the competition.

Advertising came mostly from the government departments and judicial announcements that, in most cases, would not cover the total expenses of publication. There were few private Portuguese companies in Macau, and so, few advertised in the press. The owners always had to support the part advertising did not cover (see 2.4). In 1999 the cost of a newspaper (in between dailies and weeklies) varied between 200 and 300 thousand patacas (15'500 and 23'250 pounds) a month depending on the number of journalists (*Futuro de Macau*, 19/5/93). Newspaper owners admitted a loss of between one to two million patacas (77'525 to 155'000 pounds) a year (Pinto, 1993).

The Portuguese newspaper had some specific characteristics: usually it had a small newsroom with in between two to five journalists (expatriates, earning more than their Chinese counterparts because of that factor); a small number of pages, many of them dedicated to opinion and gossip columns (often a row with other newspaper); most of its news came from LUSA; it had reduced circulation and few advertisements (most coming from official government departments); most of them were property of lawyers, a class that enriched with the economic boom (most of their clients were land buyers or speculators) and it had a readership that was comprised of the administrative and political elite.

The content of Portuguese newspapers derived in great part from administration services and officials, having the journalists and these a close interpersonal contact. The Portuguese press had a tradition of critique towards the political power although

during most of the transition period some newspapers would align with the government, or a faction of it, while others would be in opposition. As for the Chinese press, it was close to Beijing and would seldom listen to administration officials due to language barriers. In this last years the Chinese opinion makers would criticise all the government policies they did not understand and praise the approach of the handover that would, apparently, solve every problem.

## 2.2. The press laws

In legal terms there was- and there still is - freedom of the press in the territory, as all the interviewees of this research admitted. As in other aspects, press wise, Macau is a non-regulated society and anyone is allowed to create a newspaper as long as it complies with the basic requirements established in the Press Ordinance published in 1990.

It resembles the Portuguese press law and assures freedom of the press, freedom of access to sources of information and guarantees professional secrecy. It also defines that anyone aggrieved by a written text has the right to response, denial, rectification or explanation in the same newspaper.

This ordinance also makes a reference to crimes of abuse of press freedom and remits them to the common law (a similar law for broadcasting was published in 1989). It can be considered quite an advanced law for Asia.

Besides, Macau underwrote several United Nations pacts connected with Political and Civil Rights that can apply to media matters.

However, what the law previews does not correspond to the day-to-day reality of the Macau mass media. Several of those Press Ordinance rights are not in fact assured. In terms of access to information, as we will see in more detail in 2.4, and according to our investigation, there was never a single journalist using the Ordinance to demand this right.

The Press Ordinance previews the creation of a Press Council, that would be important to enforce some of the proposals of the former, and guarantee, to both the citizens and the journalists, that complaints would be heard, as well as being a mediator in disputes. However, after a decade of discussions, the Council has not come to existence. The Journalists Club (which members are mainly Chinese, although there are some Portuguese) opposed the composition of the Council in which a political elite, close to power, would be over-represented (Chan, *Futuro de Macau* 9/8/96).

In its 1997 report about the territory, Amnesty International feared that "freedom of expression could be at risk" since the governor proposed "the Council should be presided by a judge and should include three members of the Legislative Assembly, elected members, as well as members designated by himself " (Menezes, *Ponto Final*, 10/1/97).

There would be exactly "two members designated by the governor" and "three members of society, from the cultural or communications fields, of recognised merit, elected by the other members" of the Council, according to the last draft of the executive's proposal, from 1996.

The Journalists Club elaborated a Code of Ethics and a Statute of the Journalist and created a section inside the Club that receives complaints from the public. They considered that the initiative for the formation of a Council should come from the civil society not the government ( Mok, *Va Kio*, 18/4/97).

After all, the Press Council was never approved by Macau's Legislative Assembly.

Another law concerning the press that was quite polemic was one that, in fact, should have been quite welcomed: a decree from 1987 that sets a subsidy, for every newspaper, of 12 thousand patacas (930 pounds), for production costs. However, the two last Portuguese newspapers that demanded the so called «paper subsidy» did not get it due to a very special interpretation of the law by the government, that ended up in a complaint to the ACCCIA – the high commissioner against corruption and administrative illegal acts (see 2.5).

### **2.3. Propaganda and patriotic journalism**

G.C.S., the government information department, was the public institution in charge of giving technical support and advice to the government, for instance, when draft proposals concerning press matters are being prepared (Decreto-Lei nº 20/88/M). It also has the responsibility to give support to local and foreigner journalists in accessing sources, and other forms of support, for instance, through the daily mailing to local Portuguese newspapers of the translation of the Chinese press and articles published in Portugal about Macau.

This last attribution gave rise to complaints in the local press some years ago. Local newspapers complained they were not receiving the clippings that were critical of the Macau administration published in Portugal (Reis, 1998).

Afonso Camões, the director of G.C.S., explained that it was up to the Missão de Macau (the representation of the local government in Lisbon) to select that information and sent it to G.C.S., that would then photocopy it and fax it to the local press, excluding his department from that responsibility (Camões, my interview). Visits from foreigner journalists or journalists from Portugal were also a sensitive topic. They were not given many chances to contact local press people. For instances, in 1994, when a group of journalists from Porto visited the territory, their schedule, organised by G.C.S., was so heavy they did not have the time to meet with former colleagues working in Macau.

Another criticism: the government information department did not allow free-lance journalists to register: either they presented a letter from an editor confirming they were journalists or correspondents of a specific publication or they had no legal way of getting a press card to enabled them to work in Macau (Reis, 1998).

Although it did not always give the best support to the media, G.C.S. was not considered by the editors and journalists to exert direct censorship over the newspapers ( according to my interviews). However, it incarnated the official policy for the press.

Because there was never in the territory a competitive media market, the role of the government support was more important than in other places (e.g. Hong Kong). Television and radio would not have been viable and LUSA - which received 16 million patacas a year plus rent from the government - would have had a much smaller news room, without that support. This allowed for government interference in the affairs of these media (see examples in 2.5).

However, as the press was private, such control had to be exercised otherwise. Thus, while the Press Ordinance and official discourse proclaimed the importance of press freedom, the government practices were quite different from those good intentions. More than G.C.S., the governor himself was an example of the contradiction between official statements and actions. " I want to affirm to you my agreement and solidarity towards these values (the promotion of freedom of the press through free access to information, of the free transmission of news, the free publication of newspapers, the

free expression and the exchange of view points and information) and I can assure you that you will find in Macau all the conditions for their fulfilment", said governor Rocha Vieira during a lunch with the press in 1996 (Menezes, 1999, p.153).

Good intentions that were contradicted by actions since the governor never gave an interview to the local newspapers.

"An authority that for over six years refuses to give interviews institutes an absolutely anti-democratic and authoritarian practice", said Carlos Alberto Fernandes, vice-president of the Journalists International Federation (quoted by Pinto, *Ponto Final*, 3/1/98).

It is true that Rocha Vieira gave some interviews to foreign and Portugal media, but the journalists that wrote them had usually a more general and less focused knowledge of the realities of the territory. " It would be unimaginable for a public figure in any democratic country to refuse to expose himself to the population's democratic scrutiny through the press. What happens with the governor (...) creates a serious threat to the democratic scrutiny of the population of Macau" (ibidem).

### **Millions spent in propaganda**

This lack of democratic openness was shown not only in actions taken towards the press but in other areas of local politics. Nevertheless, the image of Macau projected by the media of Portugal was quite innocent and optimistic. The editors of those publications were directly contacted and oriented by G.C.S. or the governor's press adviser, jumping over the local correspondents. Those editors were frequently invited by the government to come to Macau to cover certain events (e.g. airport opening) or just for a visit (in between some days and several months) with paid expenses (accommodation, flights). This is information the researcher knows from her own experience as the correspondent of the Portuguese weekly magazine *Visão*, for over six years.

The fact several correspondents for Portugal press worked for the governmentally owned T.D.M. - radio and television channels - did not help freedom of the press. Those would not voice criticisms since they had their jobs at stake.

With all this constraints, few correspondents working for the local press sent news to Portugal about the real Macau. The positive version was sold to Portugal by the government's propaganda organ, G.C.S., sometimes at a higher price than just a trip to the territory.

That is exactly what happened when five special supplements about Macau (paid for by the government) appeared in the highest circulation Portuguese weekly, *Expresso*, after what the Legislative Assembly demanded to know the amount of the investment. The figure that came out outraged public opinion: over six million patacas (465'000 pounds). The articles in the supplements were quite passive and only journalists working for governmentally controlled institutions (e.g. T.D.M., G.C.S.) were invited to write them.

### **The 'good Portuguese'**

Those journalists were between what Salavessa da Costa, the under-secretary for Tourism and Information considered 'good Portuguese'. "More than journalists Macau needs patriots", heard a journalist from him, a much talked about expression. In the same line, Afonso Camões, head of G.C.S., declared to the newspaper

*Comércio de Macau* that "the Portuguese journalists in Macau should not dissociate the fact that, before being journalists, they are Portuguese" (February 1992).

To *Tribuna de Macau* he said it in a different way: "more than journalists we need militants of the national design" (Lopes, *Tribuna de Macau*, 10/07/92).

This idea of a patriotic journalism that goes against the pure idea of journalism itself (the truth has no nationality) was always present throughout the last governor's administration.

Some journalists, like Rocha Dinis, editor in chief of *Tribuna*, admitted the difficulties of being a journalist in Macau and the intermingling of this condition with that of being a Portuguese citizen: "I assume there are real constraints to the activity of a Portuguese journalist (...). Each Portuguese in Macau is thus transformed in a kind of 'permanent ambassador', a 'cultural agent' of the Portuguese existence in the world, which may be a stimulating challenge but also a constraint since there is a national dimension that contends with the pure journalistic reality" (1994, p.4).

Some journalists would succumb to the appeals of the government officials about a patriotic necessity and submit their journalistic skills and ethics. Specially those in the government media, like TV and radio, constantly threatened and pressed from above. However, others would not do so. During the transition period several newspapers kept being critical. During Melancia's governance, Carmona e Silva created three newspapers with the sole objective of attacking the socialist governors. There were even two attempts against the editor's life, which did not stop him (see 2.6).

Through out transition some journalist and newspapers, in between constraints and appeals to their patriotism, kept a free speech. These motivated some well talked about comments, like the one an under-secretary made, referring to reporters: "there are Portuguese that do not deserve to be in Macau" (Menezes, 1999, p.143).

Some representatives of the power structures in the territory went even further. It was the case of Farinha Ribieras, president of the High Court of Macau that, in 1995, after being the origin of several lawsuits against the press, wrote a text called "The Press of Macau and the Courts" which fell in the hands of the journalists and was widely quoted. In it he wrote: "Some of the Portuguese media in Macau, with its readers, seem to be made of small 'criminal associations' of bigger or smaller dimension, depending on the universe of receivers of each newspaper and on the group or economical lobby that supports them" (Reis, *Gazeta Macaense*, 10/7/95).

This comment was made despite most Portuguese newspapers identified with the Portuguese administration. It was directed specially at one of them, *Gazeta Macaense*, that the judge managed to sink, in co-ordination with the governor, using the undemocratic legal system of Macau (see Libel Cases, 2.8.).

This patriotic feeling, used by power in its policy of media constraint and castigation, also had its reverse: close to the handover, in times of much visibility of the territory, it was considered better to hide confrontations between government and press. That is what moved the last under-secretary for Security, Manuel Monge, to withdraw a court complaint against *Macau Hoje*. According to João Severino, editor of that daily, "In the final phase of the transition it would create a bad image to have Portuguese against Portuguese" (my interview).

## **2.4. Fear, access and advertising**

### **The fear of talking and limitations to access**

This patriotic stance, that distinguished the bad from the good Portuguese, served often to condemn all those that disagreed with government policies, not only journalists, but many in the Portuguese community, especially civil servants. In their jobs they felt pressures from above and some were even fired.

As the journalist Carlos Morais José put it: "The people in the community themselves exert self-censorship since any criticism may cost them their jobs" (my interview). He is one of those that know from experience what he is talking about: in 1992, when working for the administration's Cultural Institute he criticized the government's cultural policy in the pages of *Ponto Final*. He was fired (*Ponto Final*, 22/05/92). Like him, several other people that worked for the Rocha Vieira administration and dared to criticize it - and specially if they did it in the open or through the press - suffered pressures and ended up not getting their contracts renewed (e.g. Isabel Morais, teacher in the Portuguese school and representative of Amnesty International as well as another teacher that wrote editorials for *Comércio de Macau* in the early 1990's).

In 1994, a worker of the government Finance Department wrote a complain letter to *Ponto Final*, where I worked at the time, denying what she had told me on a telephone interview, conversation from which I had taken very careful and complete notes. I ended up learning from a source of that department, that her superior did not like her affirmations and that she had been 'scolded'. Putting the my journalist's ethics at doubt was easier and less dangerous than assuming her own words and loosing favour or even her job.

Other journalists in Macau had similar experiences.

In 1991, in the beginning of Rocha Vieira's administration, *Ponto Final*, then a daily, dedicated an issue to the 'fear' that ruled the civil servants world. This 'fear' made access to information a hard task for those trying an investigative, honest journalism. However, access was easier for those journalists working for media with editorial policies closer to the government's propaganda, like T.D.M. and some newspapers. "The administration did not allow access to information. It was a way to centralize power: even the under-secretaries received orders not to give interviews" (Ricardo Pinto, my interview).

According to the present editor of *Ponto Final*, obstructing or screening access to sources was the best way for the government to control the press: "Journalism is only possible because journalists have personal contacts with administration members" (Pinto, my interview).

Rocha Dinis opposed this criticism, considering it was newspapers fault if they never used the Press Ordinance to take government sources to court. He threatened once one of them with that law and it worked – he got the information he wanted (my interview).

João Severino, editor of *Macau Hoje* once complained to the Public Prosecutor's Office, (Ministério Público) about not being given information by the Health Department, but his complaint was filed (my interview)

However, taking the government to court would have been expensive and time consuming for the newspaper. Would the revelation of the withdrawn information, in the public's interest, compensate? And was not the civil servant allowed, as a citizen in his own right, to refuse an interview?

"Invoking access to information would be falling in the hell of hierarchic appeals. Even if the appeal passed in the local administrative court it would be sent to the Administrative Court in Portugal where it would take three to four years to be answered" (Reis, my interview).

As seen above, the right to information law was not an effective tool for the press during the transition years of Macau.

## **A dependency on advertising**

According to Frederico Rato, owner of *Ponto Final*, "The press in Macau rarely survived by its own means. That is why it was so easy for the political power to strangle some journalistic projects" (my interview).

Advertising was scarce and usually not enough to support the newspapers, specially the Portuguese ones.

In these, we found three kinds of advertising: the government one (the most important in terms of revenue), the official court's announcements and some private business advertisements.

As Rocha Dinis put it: "Those ads are prestige advertising, not consume one, just a way for those businessmen to help the newspaper" (my interview).

The newspaper headed by this editor, *Jornal Tribuna de Macau*, published, in 1999, a series of monthly thematic supplements paid by several government services. These, rose criticism in the rest of the press and reinforced the belief that that daily was just a voice for the government.

Rocha Dinis denies any inequalities in the way the government distributed its advertisements through the Portuguese press and said that, through those supplements, his newspaper saw a way to be economically viable and, so, independent (my interview).

However Ricardo Pinto counterpoints: "Some newspapers that are supported by the administration end up losing credit in the eyes of the public" (my interview).

Several years ago, an official governmental dispatch was issued determining that advertisements should be distributed equally by all the press. Nevertheless, this did not seem to happen. Several editors revealed that advertisements from certain departments were withdrawn, after their newspapers published articles about those departments.

An example is a fax that was received by mistake in *Ponto Final*: it was an information from a superior officer in a certain government department explaining that advertising would only be sent to that weekly if there were superior orders to do so. All the other newspapers received their ads as usual (Ricardo Pinto, my interview).

In 1999, the editor of *Macau Hoje* faxed six government services asking how much they spent on the advertisements sent to each newspaper in Macau. He never got an answer (Severino, my interview).

Several years before, the previous editor of *Macau Hoje*, Meira Burguete, was told by the under-secretary for Communication, Salavessa da Costa, in the presence of witnesses, that many Chinese businessmen asked him advice on which newspapers they should announce in - an obvious message to the editor of the daily about the advantages of complying to government views (Reis, my interview).

Besides the fact the Chinese press was never sued, in terms of advertising there was also discrimination between the two presses. João Severino gives the example of *Ou Mun* (the largest circulation Chinese newspaper, pro-Beijing) that was paid 50 thousand patacas (3'876 pounds) for every quarter page advert – much more than any other publication and high above the Portuguese ones. According to this editor *Ou*

*Mun* was also given a propriety by the government in 1993, in quite an obscure deal (my interview).

## **Private advertising**

Although there are very few big companies in Macau, during this period some newspapers had contracts with these, which announced regularly on their pages. *Macau Hoje* had a contract with Stanley Ho's S.T.D.M. - the company that owned the gambling monopoly. "Once I reproduced some news published by the Hong Kong magazine *Next*, stating that Stanley Ho had connections with the illegal casino boats in the former British colony. After, I received a very angry call from someone connected with him and almost saw his adverts withdrawn. Also, as announcers, privates are even more dangerous than the government because sometimes they have connections with the underworld" (Severino, my interview).

*Ponto Final* had an advertising agreement with Fundação Oriente (a foundation that received one percent of the gambling revenues), but after one of the paper columnists, Carlos Morais José, wrote an editorial criticising that institution the adverts were suspended and the journalist prosecuted (see 2.8). According to Frederico Rato, one of the owners of the weekly, "Fundação Oriente liked us because we are an independent newspaper, but then they got angry at us precisely because of the exercise of that independence" (my interview).

*Ponto Final* had similar problems with the bank B.N.U. and the Cultural Centre of Macau, after publishing articles that accused the institutions of irregularities or, even, in the case of the Centre, of corruption (Rato, my interview).

## **2.5. Censorship and self-censorship**

Although access and advertising were control instruments in the hands of the government they were not the only ones. Censorship in the governmentally dependent media (T.D.M. radio and television and LUSA), a more generalised self-censorship resulting from the climate of fear referred in 2.4 and other kinds of pressures, were also present in the everyday life of the media in Macau during the transition period. Pressures were exerted in different forms, from a convincing or complaining talk on the telephone, a threat to withdraw advertising or, even, a life threat.

In 1993 *Tribuna de Macau* published an article on freedom of the press. In this, Júlio Pereira, assistant of the ACCCIA (the commission against corruption) referred that he would not like to be a journalist in Macau, "a small environment where pressures are felt much more than in Lisbon, for instance". He also affirmed that, "the formal mechanisms permit freedom of the press but I doubt that it exists in all the newspapers or for every people that have the necessity to express themselves" (Lopes, *Tribuna de Macau* 10/7/93).

"The administration has an absolute control over radio and television, exerting also an enormous pressure in LUSA", stated in the same article Ribeiro Cardoso, former head of the Portuguese Journalists Union and, by then, journalist of *Comércio de Macau*.

"Some members of the government, like Salavessa da Costa, the under-secretary for Communication, treat the journalists of Radio Macau as their civil servants", affirmed João Paulo Menezes, assistant to the editor in that station (ibidem).

In the same line, Jorge Silva, editor of T.D.M. television news declared that, "professionals know exactly how far they can go" and also that, "there are warnings from the governmental area and the under-secretaries about what we do" (ibidem). According to the referred *Tribuna* article, journalists from LUSA would accompany the members of the government, with expenses paid, every time they went on a mission abroad. This happened, although the news agency had correspondents in those countries.

Comparing the administration of Carlos Melancia (1987-1990) with that of Rocha Vieira (1991-1999), Ribeiro Cardoso declared that journalists had easy access to the first one, which had a better understanding of the journalists work, while the second one exerted a centralised control over the governmental media, under the idea that if the government paid, those media should be at its service. Nevertheless, in the same 1993 article, the referred under-secretary for Communication denied any interference in the journalists work in general (ibidem).

The censorship inside T.D.M. and subservience of LUSA continued through out the years with constant episodes coming out of the newsrooms.

Although radio and TV are not the object of this research, what was said previously serves to illustrate the political ambience and the government's attitude towards the media in general.

However, censorship was not only felt in the governmentally controlled media.

In the referred 1993 *Tribuna* article, Ribeiro Cardoso revealed that the under-secretary for Communication had told him he felt very irritated when negative news about Macau were published in Portugal.

Although some correspondents were working for T.D.M, and so, under control, others were not. However, these were often approached in an attempt to influence their news. More devious than that: the responsible for the official communication channels tried to influence the editors in Portugal not to accept certain topics from the correspondents or to request only passive news from them. The government sponsored flights and accommodation to editors and journalists from Portugal to write about Macau. Quite often, in those news and reports, there was not a single line written by their correspondents, the ones who knew the depths of Macau's realities (knowledge the researcher got from her own experience as a correspondent).

In an editorial Rocha Dinis wrote "(...) correspondents of the media from Portugal receive frequent warnings, many times not even about what they wrote but about the meaning they (the government agents) put into it" (*Tribuna de Macau* 10/7/93).

The journalists and specially the editors of the newspapers were also subject to regular pressures from the government through the telephone (Severino, my interview)

According to Severo Portela, editor of *Futuro de Macau* the pressure came from the environment itself, "an authoritarian ambience set up by the Rocha Vieira's administration in which government officials would say 'if you give a negative perspective in your article, next time I will not talk to you'" (my interview).

There were also pressures exerted on to the families of journalists, like threats concerning the renewal of the contract of their spouses if they worked for the administration. This threats, in some cases, were executed (Portela, my interview).

In terms of financial pressures, besides the referred unequal distribution and bans on advertising, there was also a case concerning a "paper subsidy" that revealed the government discriminatory policy.

An under-secretary for Communication ruling (Despacho 122/GM/91) introduced some changes on the rules for the official subsidy for production costs or "paper

subsidy”, attributed to all newspapers since 1987. From these, only the ones that had existed for at least three years “at the date of publication of the ruling” would receive 12 thousand patacas (930 pounds) every month.

The principle was good: it meant newspapers had to prove they had the means and public support to last. However, the problem was that G.C.S. interpreted the text quoted above as meaning that only the newspapers that had been published for over three years in 1991 would receive a subsidy. Which meant that the ones who later got to be published for over three years would not get it.

When *Ponto Final* and *Futuro de Macau* (inconvenient, opposition newspapers), which only got to their third anniversaries several years after 1991, asked for the subsidy, G.C.S. denied it to them. After a complaint to the ACCCIA, the anti-corruption commission, this gave reason to the newspapers and denounced the dubious writing of the text of the ruling and the misinterpretation of the law by G.C.S., which violated point 58 of the Press Ordinance. That point forbids the discrimination on any support given to the press of the territory. The anti-corruption organ also advised G.C.S. to pay the subsidy to the two newspapers (*Ponto Final* 4/12/98).

Even after the ACCCIA report, the government refused to give the subsidy to the two newspapers. An attitude Ricardo Pinto explains: "Since government officials had a difficulty in accepting any kind of criticism, they had a resentment towards *Ponto Final*" (my interview).

## **High self-censorship**

For several years the USA State Dept Human Rights Report has been referring that, although the law in Macau provides for freedom of the speech and of the press, journalists practice self-censorship (1996,1997, 1998).

In a comparative study between the Macau and Hong Kong press, João Paulo Menezes concluded there was self-censorship in the territory under Portuguese administration.

He came to this conclusion after finding seven factors in Macau's society: an excessive weight of the public sector; a tendency of power structures to control information; a Portuguese community economically dependent on the local powers; a Portuguese press in economical deficit; the defence of a 'patriotic journalism' or of a contention journalism; a Chinese press reverent to the People's Republic of China and the admission of self-censorship by the journalists in a survey conducted by the author (1999, p.166)

For the survey, Menezes sent questionnaires to 45 Portuguese journalists in ten newsrooms and decided he would have to receive 50 percent of answers for the result to be valid. Since only 30 percent of the journalists answered, he considered the study not valid but, still, an interesting indicator. Of the professionals that responded, 77 percent answered that, as it happened in Hong Kong, self-censorship was also a problem in Macau and 84.5 percent answered that they thought their colleagues practiced some kind of self-censorship (1999, ps.165-166).

Some journalists even admitted to some kind of self-constraint. João Fernandes, editor of *Jornal de Macau* and later of *JTM - Jornal Tribuna de Macau*, besides being a member of the government's Consultation Council (that gave advice to the governor) said: "I voluntarily self limit myself because, even when you disagree with the government's positions, you should disagree in a Portuguese perspective" (my interview).

"I do not always write what I want in terms of the timing or the strength of the words (it is the only thing where I commit self-censorship) but I think there is no reason for journalists to practice self-censorship in Macau", admitted Rocha Dinis, editor of *Tribuna de Macau* and later of *JTM* (my interview).

João Severino commented these admissions of self-constraint in the following way: "Journalists and newspapers that were never inconvenient received a lot of money from the government" (my interview).

## 2.6 Life threats

Although during the transition years there were no death victims in cases relating to freedom of the press, there were threats, assaults and even attempted assassinations. Some years before the Joint Declaration (1987) for the handover of the territory, in 1983, *Tribuna* published an 'open letter to the governor' by the editor of *Correio de Macau*, a pro-government newspaper, denouncing the "daily interference" of the under-secretary Roque Martins in that publication. The next day the car of the editor of *Tribuna* was blown up. A week later *Correio de Macau* was closed and its equipment seized.

During the governance of Almeida e Costa (1981-1986), the Judiciary Police spied and filmed a dinner of the supporters of the president of the Legislative Assembly, with which the governor had a disagreement. Father Albino Pais, the editor of the church owned *O Clarim*, was questioned for hours on the Judiciary Police headquarters after publishing a piece of news about that dinner (Reis, my interview).

Carmona e Silva was involved in another example of how violence was used to restrain the press. During three years the lawyer, that wrote and published critical texts against governor Carlos Melancia, was assaulted twice, with a knife, escaping from death in extremis the second time. Carmona e Silva did not relate this attempts to his professional life as a lawyer, insisting that their cause could only be his opposition to the governor (*Macau Hoje*, 30/7/90).

In the same way, João Severino suspects that a fire that broke out in his home was of criminal origin and due to some articles he wrote (my interview).

## 2.7. Ownership: sponsorship or lobbying

As said previously newspapers in Macau depend on their owners. Advertising only covers part of the expenses and most Portuguese newspapers live on their owners sponsorship.

This fact always gave Macau newspaper owners a larger possibility of interference in their destinies, if compared with publications somewhere else, like Portugal, for instance.

Most of them were lawyers and represented certain businessmen or groups with specific economic and social interests.

This said, it does not seem strange that, as we saw previously, newspapers were several times accused of being at the service of those owners and administrators interests.

Carmona e Silva, lawyer and journalist, admitted he created three newspapers (*Oriente*, *Comércio de Macau* and *Macau Hoje*) with the purpose of opposing the socialist governors (they were appointed by the socialist President, Mário Soares) since he was a social democrat. However, after he sold the publications, that party

purpose was less clear in their pages. The same went for other newspapers. They may have defended some interests, but these were not directly connected with the party politics of Portugal. Nevertheless, most were connected with local pressure groups (*Macau Hoje*, 30/07/90).

As expected, all owners and administrators I talked with denied their interference in the making of the news. This can only be known through the words of the editors and journalists that worked in their newspapers.

Sometimes, pressures did not come directly from the owner. Since there was a consonance of opinion with the editor, it would be this one himself, in an act of censorship inside the newspaper, to convince the journalist to drop a topic that might hinder the owner's businesses or to order the journalist to cover a story connected with the administrator's interests (the researcher went through both pressures while working in a local daily).

On the other side, an extreme example of interference coming directly from the owner is the case of *Gazeta Macaense*, one of the oldest newspapers during the transition period, connected with the Macanese community and very critical of the government in its last days (see 2.8).

Its administrator, José Manuel Rodrigues fired the journalists in July 1995 and tried to close the newspaper invoking it had lost quality and its initial purpose. However, the editor, Paulo Reis, stated that the administrator had always agreed with the publication's editorial line, but recently had tried to save a certain member of the government from criticisms in the newspaper. Condition to which the editor did not agree and that originated the lay off (*Futuro de Macau* 24/11/95).

According to Paulo Reis, "the owner asked me to stop criticising the under-secretary Jorge Rangel because he was working on a deal with him that, if it came out right, would also be 'good' for me" (my interview).

Some time after closing the publication, Rodrigues was invited by the governor to be one of the appointed members to the Legislative Assembly... The facts speak for themselves.

However, not only political interests moved the owners. Creating a publication that could voice the opinions of the public and could be a forum of discussion was the objective of at least some of them.

Frederico Rato and Francisco Gonçalves Pereira, lawyers and partners, picked up the daily *Ponto Final* and transformed it in a weekly. "The daily did not have much financial possibilities so it was easy for the power structures, not used to be put at stake, to strangle it", stated Rato. The daily had been sued by the director of the government's Finance Department in 1992 (see 2.8) and, shortly after, it closed. Rato and Gonçalves decided then to use the same name and, in a slightly different line, to create a newspaper that was independent from the local lobbies of S.T.D.M. (Stanley Ho's company), the church, the *opus dei*, the triads and any economical pressure groups. They also wanted a publication that had objective information, was critical, and a vehicle for the local public opinion. "A publication that allowed a contention of the exercise of power", as defined one of its owners (Rato, my interview).

Ricardo Pinto, the present editor, says he was never subject to any censorship by *Ponto Final* owners and that, often, the newspaper published topics that somehow interfered with the interests of the lawyers office, although he was never told off by them (my interview).

Manuela António and Rui Afonso, owners of *Futuro de Macau*, were two lawyers that represented several business interests. He was also a member of the Legislative Assembly. Manuela António stated she supported the newspaper because of the

interest it had for the Portuguese community and the important role the press plays in any society (my interview).

Severo Portela, the former editor of *Futuro de Macau*, admitted to have had conversations with the owners about the topics in the newspaper, but stated it was his decision whether it would cover a subject or not (my interview).

*Comércio de Macau* a weekly that closed in 1993 was owned by an economical industrial group, Interfina, that in those years had strong interests in the territory, specially in the construction sector. When those interests were over so was the publication, which shows that, in some way, *Comércio* was a front for Interfina. In some cases the journalists bought the newspapers. Thus, whatever censorship there was, it was exerted by them. *Tribuna de Macau* that belonged to Neto Valente and *Jornal de Macau* that belonged to a group of Macanese businessmen, were joined by Rocha Dinis and João Fernandes (the respective editors) in a sole publication, *Jornal Tribuna de Macau*. Both journalists state they were never pressured by the owners previously, since their views coincided.

After being sold by Carmona e Silva, the daily *Macau Hoje* was owned by its editor, Meira Burguete, and his family. Nowadays, it is owned by its editor João Severino but in between there was a period when it belonged to a retired colonel, owner of a security company and former director of police. "Then, I had great difficulties since I could not offend the people connected with the interests of the colonel", admitted João Severino (my interview).

## 2.8. Libel cases

It may be abusive to say that libel cases were typical of the transition period in Macau. As said previously, they were present through out the history of the local press. However, during this period, maybe because of its political significance, the cases were more polemic than ever.

During the governance of Almeida e Costa (1981-1986) there were several libel cases, many against *Tribuna de Macau*, whose owner, the lawyer Neto Valente and the editor, Rocha Dinis, assumed themselves as opposition to this governor. The newspaper even published a cartoon of the governor sitting in the toilet...

However, most of the cases would be solved by extra-judicial agreements. It is interesting to notice that during the governance of Rocha Vieira(1991-1999), that appointed the owner as a member of the Legislative Assembly, *Tribuna* would be considered a pro-government publication.

During the governments of Pinto Machado (1986-1987) and Carlos Melancia (1987-1990), the ones that finally brought the spirit of the 1974 Portuguese Revolution to the territory, there was freedom of the press. There were rare libel complaints and if there were any pressures inside the government media (television and radio), they did not seem to come from a government strategy but from specific editors or administrators (Reis, my interview)

However, in 1991 the number of libel cases began to rise, which coincided with the arrival of governor Rocha Vieira.

In between 1991 and 1995 there were 24 lawsuits for abuse of press freedom. In nine of them, the judge-president of the High Court, Farinha Ribeiras, was the plaintive. Besides the judge, most of the other cases were connected with administration officials. It was the most disturbing period in terms of freedom of the press in Macau's history (Correia, *Ponto Final* 17/3/95).

Some of the most polemic cases in this period happened after a High Court (Tribunal Superior) was installed in the territory (previously the appeals were sent to the high instance courts in Portugal). This court, that had the last word in the processes, tended to condemn the journalists.

This fact cannot be disconnected from the justice system of Macau in which the judges were appointed by the governor.

A letter signed by 17 Portuguese journalists was sent to president Mário Soares in June 1994, alerting for the necessity to maintain the justice system of the territory bound to Portugal. In this text it was said that breeches in the system allowed for confrontation between agents of the judicial system and journalists. It also emphasised that the judges were designated by the governor, that, by refusing to nominate the "less favourable" magistrates, could propose others that gave guaranties of "a better adaptation". According to the journalists letter, what in Portugal was a mere exercise of freedom of expression, in Macau was considered systematically as "a crime of abuse of press freedom and a motive for defamation, libel and slander suits" (1994).

One of the cases that showed the differences in the treatment of libel cases by the Macau courts and the Portugal ones, was a case against *Ponto Final*, when it was still a daily in 1992. In the article "Millions flying" the newspaper accused João Roberto, director of the administration's Finance Department, of causing the government to loose three million patacas (232'575 pounds) (*Ponto Final*, 26/6/92).

The director of the Finance Department accused Paulo Aido, the editor, of libel. On March 1994, this one was condemned by the local court to a two year suspended prison sentence and to give to the plaintive a compensation of 80 thousand patacas (6'202 pounds).

The editor's lawyer lodged an appeal to the High Court, and in December of the same year this admitted that all that the journalist had written about the Finance Department was true. Still, the court considered the journalist guilty of offending the honour and good name of the civil servant and condemned Aido to a compensation of 15 thousand patacas (1'162 pounds).

In the opinion of many journalists and jurists, if this case had happened in Portugal, an article that said the truth would not have been the subject of a complaint and its author would surely never be sentenced for slander.

Another exemplary case happened later, after *Ponto Final* became a weekly. In 1992, the newspaper published a letter from a reader criticising the activities of several members of the security forces, military man like the governor, general Rocha Vieira (11/12/92).

Lages Ribeiro, the under-secretary for Security sued the publication and the editor, Pedro Correia. The Public Prosecution Office, tried to make the journalist reveal the name of the reader since the letter was signed "from an identified reader". This happened, even though, better then the journalists, the public prosecutors knew the Press Ordinance allows the journalists to keep the identification of their sources to themselves...

Although Pedro Correia did not agree with the opinion of that reader, he resisted all pressures from the public prosecutors. In December 1993, Macau's court condemned him to four months suspended prison for two years and to a compensation of 15 thousand patacas (1'162 pounds) to the under-secretary that complained. Correia's lawyer appealed of this decision to the High Court, but this just confirmed it. The lawyer's appeal to the Constitutional Court in Portugal did not pass in the High Court. A protest sent directly to the Constitutional Court still awaits an answer (Correia, *Ponto Final* 17/3/95).

After the president of the High Court, the under-secretary for Communication, Salavessa da Costa, was the second champion of the legal complaints against the press during this troubled period.

However, three court cases involving Salavessa da Costa against *Macau Hoje* ended up being solved with extra judicial agreements implying the publication of rectification and excuses in the pages of that daily.

Another member of the administration that sued several publications was the director of G.C.S., the government information bureau. In January 1993 Afonso Camões acted judicially against *Ponto Final*, *Gazeta Macaense* and a daily from Portugal, *Público*, contesting the way an investigation to his department, done by the ACCCIA (the anti-corruption institution) was reported in those newspapers (Correia, *Ponto Final* 17/3/95).

### ***Gazeta Macaense*: an exemplary case**

Most of the court cases involving libel cannot be disconnected from the lack of independence of the courts in Macau. And in none of them was it as obvious as in the case of *Gazeta Macaense* versus the judge-president of the High Court, Farinha Ribeiras.

It all began with an article, "This judge is amazing!", published May 17, 1994 in *Tal & Qual*, a weekly from Portugal. In this article the journalist Ribeiro Cardoso wrote about several professional attitudes of Farinha Ribeiras that had been polemic amid his pairs and the local press.

In between the contested acts of the judge-president was a Provision number 9 in which he forbade Macau judges to talk to the press without his consent. Another criticism was connected with a letter he wrote to the governor, demanding a grandiose palace of justice be built. In the same letter he made very undemocratic considerations about the Chinese government. However, some time latter, he seemed to have changed his opinion about Beijing, the article went on, since his vote in a collective of judges was decisive to extradite suspected criminals to China - a very polemic decision, that, according to several law experts, violated the Constitution of Portugal (Ribeiro Cardoso, *Tal e Qual* 13/5/94).

Some days later, after *Gazeta Macaense* re-printed this article, Farinha Ribeiras sued this newspaper. He also complained judicially against *Tal & Qual* but the Macau court refused the accusation from the Public Prosecution Office because it did not have the legal capacity to prosecute a newspaper in Portugal. Although the plaintive could have sued in that country, he did not do so. Probably because the public prosecution in Portugal would not find substance to charge the journalist.

Note that this judge-president was the same that wrote a document denouncing the Macau journalists as a "group of criminals" (see 2.3).

In the end, Paulo Reis, the editor of the newspaper that simply reproduced that article, was asked by the court to pay a bail of 15 thousand patacas (1'162 pounds) to wait trial in freedom - a situation without precedent in Macau's press history.

Later, in 1995, he was sentenced to sixty days in jail, suspended for two years, and ordered to give a compensation of 30 thousand patacas (2'325 pounds) to the judge. His lawyer appealed to the High Court, which decided, in May 1996, the previous sentence should be kept. It is interesting to notice that in those days, the plaintive, Farinha Ribeiras, was the president of that precise court (the High Court had only five judges and any three would be in charge of any case).

An appeal to the Constitutional Court, in Portugal, followed. In 1999 that court considered the decision of the Macau court constitutional, thus, the initial sentence was not changed (Pinto, *Ponto Final* 28/2/99).

*Gazeta Macaense* was the object of 38 complaints by the judge Farinha Ribeiros, related to as many texts written by Paulo Reis and Ramos André and published between May 4 and June 1, 1994. From those, seven texts were considered to "wound the judge's name" by the Public Prosecution Office (*Ponto Final* 10/2/95).

In its 1997 Macau report, Amnesty International (AI) considered the possibility of adopting conscience prisoners related with freedom of the press. If Paulo Reis' sentence for reproducing the article of *Tal & Qual* was confirmed and carried out, AI would consider his adoption as a conscience prisoner (Menezes, *Ponto Final* 10/1/97). The same report denounced that if the composition of the Press Council went as proposed by the government, AI feared that freedom of expression would be at risk. Another section of that report considered that the basic law did not guarantee the conditions for judges to exercise their job in conformity with the United Nations basic principles, since they could be exonerated before their mandates and before their retirement. This dependency of the judges on the executive power is intimately connected with many of the libel cases that took place in Macau during the transition period (Menezes, *Ponto Final* 10/1/97).

Amnesty International itself would be the object of a libel complaint by Farinha Ribeiros, the first ever such case against this institution. In a 1994 interview to *Futuro de Macau*, Pierre Robert, investigator of AI, criticised the High Court of Macau (presided by Ribeiros) for authorising the extradition of three alleged Chinese criminals caught in Macau, referring that the court would have fallen to Chinese pressures and questioning its independence. The newspaper also published an AI report about the same subject. Extradition to China, in cases that could be sentenced with a death penalty or life sentence, was considered illegal and unconstitutional by many Portuguese jurists and penologists and, in the end of all this polemic, the decision of the High Court would be quashed by the Constitutional Court.

Severo Portela, editor of that newspaper, and Pierre Robert were accused of libel only in January 1999, three months before the case prescribed, although Farinha Ribeiros had announced in 1994 his intention to proceed legally. Many analysts thought the Public Prosecution Office would not accept such a case, classified by the president of the Portuguese section of AI as "grotesque and laughable" (Reis, *O Independente*, 26/2/99). However, knowing the Macau justice system, everything seems possible. The case is still pending.

## 2.9 The future

What future can there be for the Portuguese Press of Macau? With such a politically dependent justice system, freedom of the press will probably have the same obstacles as before, although during the year of 2000 there was no major interference of the power structures with the press. The Chinese press kept being a mouth piece of Beijing and, while during the transition period it criticized harshly the government, nowadays it just tends to praise the new executive.

As for the Portuguese press, it will have serious difficulties surviving although in the end of 2000 there were still four newspapers.

Previously to the handover it was generally admitted that the permanence of the Portuguese press was important for the survival of that culture and language in the Asian enclave. However two aspects may hinder this objective: the lack of

economical resources and the lack of a Portuguese audience that can also be translated in a lack of advertising.

The fact that in the end of 1999 the Joint Liaison Group failed a proposal from the Portuguese side determining that judiciary announcements should be published in both official languages – as it happened before – cut a big source of revenue for the Portuguese newspapers, since those announcements may be published in Chinese newspapers only.

Throughout the transition, the lack of support by the government to the Portuguese investors and the creation of incentives for the Portuguese to leave, instead of creating conditions for their presence in the territory, diminished the number of readers and announcers. “In 1992 there were 3.500 Portuguese students in Macau. In 1999 there were 800. In the face of this, the Portuguese press is finished” (Reis, my interview). In 1999, G.C.S. proposed the creation of a newspaper with government support - “I do not think there should be four or five newspapers but only one. Journalists should negotiate with government and come together to form only one newspaper” (Camões, my interview).

Due to their political and editorial differences, the project of joining the Portuguese newspapers did not happen. Besides, who would determine the editorial criteria for this single publication? Rocha Vieira’s administration?

“There should have been a big newspaper with over ten journalists spread all over Asia, where there are Portuguese communities, like Japan, Malaca, Goa... it did not happen because owners invested in provincial newspapers defending their small interests, while the government invested millions in only one medium, the state news agency, LUSA” (Morais José, my interview).

The government policies, as well as the cultural, social, economic and political constraints of the transition period determined what will become of the Macau press in the next years. That can be the object of a future study.

## **Conclusion**

Can we say there was freedom of the press during the transition period in Macau, in the sense defined previously? Considering the documentary research and all the interviewees of this study, in a legal way, there was. However, most of them report constraints from several sources that reveal that, in practice, freedom of the press was quite relative - a condition resulting from the economical and political context that characterised that period.

The government was responsible for most of those constraints, through the control of its own civil servants, creating a climate of constraint, through restricting access to sources and the distribution of advertising and last but not least, through a patriotic stance that presupposed journalists would be defenders of the national design, even against their professional ethics.

The control on freedom of the press resulted in a great deal from the politic and administrative choices of the governor(s) that were given extensive powers by the Estatuto Orgânico (Macau's mini constitution). Rocha Vieira, the last governor, maintained a strained relation with the local press, never giving an interview and supporting his cabinet members' legal actions against the press, while investing public funds in propaganda in Portugal and internationally.

Although the Portuguese government left a quite advanced law to protect press freedom, it did not leave the example - the example of a non-interventive democratic government that not only protects the press freedom by law but also respects its importance as a constructive critic.

This democratic deficit was also present in the lack of independence of the justice system, with judges being appointed by the governor and defending the government policies. The numerous libel cases - and convictions - during Rocha Vieira's administration, particularly in the times of Farinha Ribeiros as president of the High Court, are an example of that.

However, constraints on the press were also a consequence of the lack of economical independence of the Portuguese press, with a substantial part of newspapers' advertising coming from the government and a dependency on its owners, (ownership) which interests were not always coincident with the public interest (representativity).

Last but not least, the journalists own cultivation of sources and intimacy with power members (sourcing), due in part to a difficulty in accessing sources through a clear administrative process, may have taken them to share politicians views and save them from criticisms in certain cases.

Through out the history of the press we saw how politics and the press have a close connection. In a non-representative system where there is no judicial independence it would be difficult to find a free press.

The end

## **Bibliography**

- Barendt, E. (1987) Freedom of Speech, Oxford University Press
- Barendt, E. (1993) Media Law, Dartmouth: Aldershot
- Camões, A. (1997 Jul.) A liberdade de morder no cão, *Revista Macau*
- Chan, J. and Lee C.C. (1991) Mass Media and Political Transition: The Hong Kong Press in China's Orbit, Guilford Press
- Chan, J., Lee C.C. and Lee, P. (1992) Fighting Against the Odds, *Gazette Vol. 50*
- Chan, J., Lee C.C., and Lee P. (1996) Hong Kong Journalists in Transition, Chinese University Press
- Chan, V. (1996, 9 Aug.), Victor Chan em discurso breve, *Futuro de Macau*, p.6
- Clarke, J. and Hamlett T., (1995)"Freedom of Expression in Hong Kong during and after the transition to Chinese Sovereignty" in Free Speech Yearbook, Macay, J (ed) South Illinois University Press
- Comércio de Macau*, (1992 Feb.)
- Correia, P. (1995 Mar. 17) Processo, logo insisto, *Ponto Final*, p.2-3
- Crato, N.P. (1992) Comunicação Social:a imprensa, Lisboa: Editorial Presença
- Curran, J. ( 1997) Mass Media and Democracy Revisited, in Mass Media and Society, London: Arnold
- Curran, J. (1997) "Mass Media and Democracy: a Reappraisal" in Mass Media and Society, Curran,J and Gurevitch, M (eds), London: Arnold
- Curran, J. and Seaton, (1995) Power Without Responsibility, London: Routledge
- Decreto-Lei nº 20/88/M, *Boletim Oficial de Macau*
- Demac, D. and Downing, J. (1995)"The Tug of War over the first amendment" in Questioning the Media, Thousand Hoaks: Sage
- Demac, D. and Downing, J.(1995) "The Tug Of War Over the First Amendment" in Questioning the Media, Downing J, Mohammadi A., Mohammadi A. S., (eds) Sage.
- Despacho 122/GM/91, de 29 de Julho, *Boletim Oficial de Macau- Suplemento no.30*, p.3423-5
- Fernandes, J. (1999) Oriente Impresso, Macau: G.C.S.
- Futuro de Macau*, (1995 Dec. 24) Relações Azedas, *Futuro de Macau*, p.9
- G.C.S. (1997, Jan.), internal document, not signed, about the perspectives for the press after 1999.
- Golding, P. and Murdock, G. (1996), "Culture, Communications, and Political Economy" in Mass Media and Society, Curran J, Gurevitch M, (eds) London, Arnold
- Gomes, C. (1993, Oct. 22) "Imprensa: o princípio do fim?" *Ponto Final*, p.8-9
- Herman, E. (1995), "Media in the US Political Economy" in Questioning the Media, Thousand Hoaks: Sage
- Hsiao, C.C. and Yang, M.R., (1990) "Don't Force Us to Lie: The Case of The World Economic Herald", Voices of China, Lee CC (ed) Guilford Press
- Keane, J. (1991) The Media and Democracy, Oxford: Blackwell
- Lay Mazo, R. (1990) "A Imprensa na China" in Revista de Cultura, Macau: Instituto Cultural de Macau, p.39-59
- Li, D. (1995) "Freedom of the Press" in From Colony to SAR, Cheng J and Lo S (eds) Chinese University Press
- Lopes, G. (1993 Jul.10) Pressões, autocensura e outras coisas que tal, *Tribuna de Macau*, p.2-3
- Macau Hoje*, (1990 Jul. 30) O senhor oposição, p.3

- Macau Hoje*, (1993 May 20) Jornais multiplicam-se no interior do território, p.9
- Man Kuo, (1998) *Si Man* (headline not translated)
- McQuail, D. (1997), Mass Media in the Public Interest: Towards a Frameworks of Norms for Media Performance" in Mass Media and Society, Curran J, and Gurevitch M (eds) London: Sage
- Menezes, J.P. (1997 Jan.10) AI pede alterações à Lei Básica, *Ponto Final*, p.2
- Menezes, J.P. (1999) academic research for a M.A.in Journalism graduation thesis, not published.
- Mok, C. (1997 Abr.18) Conselho deliberativo de imprensa, *Va Kiu*
- Mok, C. and Chu, A. (1998) "Why are Macau people silent?", audiovisual documentary.
- Montalto de Jesus, (1990) Macau Histórico, Macau: Livros do Oriente
- Morais José, C. (1997 May 4) A fundação orienta-se, *Ponto Final*, p.13
- Moriarty, F. (1995) "The Media" in The Other Hong Kong Report 1994, Chinese University Press
- Mosco, V. (1996) "The Political Economy Tradition of Media Research" Module One:Unit 4 Notes, University of Leicester
- Negrine, R. (1989) Politics and the Mass Media in Britain, London: Routledge
- Negrine, R. (1998) "Policy and Archival Research" in Mass Communications Research Methods, University of Leicester
- Pinto, R. (1993 Aug.) "Comunicação: dois séculos de expansão, *Revista Macau*
- Pinto, R. (1998 Oct.3) Entrevistas não obrigado, *Ponto Final*, p.2-3
- Pinto, R.(1999 May 26) Caso ressuscitado, *Ponto Final*, p.14
- Ponto Final* (1992 Dec. 11) Letter to the editor: Militares: até quando?, p.32
- Ponto Final* (1992 Jun.26) Milhões a voar, p.4-5
- Ponto Final* (1992 May 22) A culpa foi do macaco, p.4-7
- Ponto Final* (1995 Fev.10) Gazeta: 38 textos ofendem juiz, p.8
- Press Ordinance of Macau (1990), Lei no. 7/90/M de 6 de Agosto, *Boletim Oficial de Macau*, no. 32, p.2939-48
- Reis, P. (1995 Jul. 10) Farinha Ribeiras desilude e perde oportunidade de esclarecer, *Gazeta Macaense*
- Reis, P. (1998) Dossier Macau, [www.terravista.pt/aguaalto/2088/press01.html](http://www.terravista.pt/aguaalto/2088/press01.html)
- Reis, P. (1999 Fev. 26) *O Independente*, p.4-5
- Ribeiro Cardoso, A. (1994 May 13) Este juiz é um espanto, *Tal & Qual*, 7-8
- Rodriguez, A. (1995) "Control Mechanisms of National News" in Questioning the Media, Thousand Hoaks: Sage
- Rola da Silva, H. (1991) Imprensa Chinesa, Macau: G.C.S.
- Rola da Silva, H. (1992) Informação Portuguesa de Macau, Macau: G.C.S.
- Ruan, M. (1990) "Press Freedom and Neo-Authoritarianism: A Reflection on China's Democracy Movement" in Voices of China, Lee C.C. (ed) Guilford Press
- USA State Department Human Rights Report (1996, 1997, 1998)  
[http://state.gov/global/human\\_rights](http://state.gov/global/human_rights)
- Wimmer, D. and Dominick, J. (1995) Mass Media Research: An Introduction, Belmont California: Batsford

## Interviews

António, Manuela (former owner of *Futuro de Macau*) on Dec.1999

Camões, Afonso (head of G.C.S., the government communication department) on  
Oct.1999

Fernandes, João (editor of *Jornal Tribuna de Macau*) on Oct. 1999

Morais José, Carlos (journalist) on Nov. 1999

Pinto, Ricardo (former T.D.M.-TV journalist, editor of *Ponto Final*) on Aug. 1999

Rato, Frederico (owner of *Ponto Final*) on Jan. 2000

Reis, Paulo (former editor of *Gazeta Macaense*) on Dec.1999

Rocha Dinis, José (editor of *Jornal Tribuna de Macau*) on Oct. 1999

Severino, João (editor of *Macau Hoje*) on Nov. 1999

Portela, Severo (former editor of *Futuro de Macau*) on Jan. 2000