

Liberdade da Imprensa portuguesa durante o período de transição em Macau

*Freedom of the Portuguese press during the
transition period in Macau*

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Abstract: *The object of this communication is Freedom of the Portuguese press during the transition period, in Macau from 1987 to 1999. I was a journalist in Macau from 1991 to 2000 (newspapers, radio, television and correspondent of magazine Visão) as well as a Communication Sciences lecturer in the local University (1996-1999). This paper stems from an update of a Master's thesis pursued for the University of Leicester, UK (2001), never published. The topic was approached in a critical political economy perspective through communication policy research and interviews with editors, journalists and other agents in the communication process. The objective was to understand how the concept of freedom of the press applied 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 influenced the journalistic practice. I concluded that 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 local government was responsible for most of those constraints, through the control of its own civil servants, through restricting access to sources and 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.*

Keywords: *freedom of the press; censorship; ownership; libel; transition of Macau.*

Resumo: O objecto deste capítulo é a liberdade de imprensa em Macau durante o período de transição, de 1987-1999, com foco na imprensa portuguesa. Esta investigação resulta de uma actualização de uma tese de Mestrado para a Universidade de Leicester (2001), nunca publicada. A investigadora foi jornalista em Macau de 1991 a 2000 (imprensa, rádio, televisão, correspondente da revista *Visão*), bem como docente de Ciências da Comunicação na Universidade de Macau (1996-1999). O tópico foi abordado numa perspectiva crítica de Economia Política dos *media*, através de investigação de políticas de comunicação e entrevistas com editores, jornalistas e outros actores e agentes no processo de comunicação. Os nossos objectivos foram o entendimento de como o conceito ocidental de liberdade de imprensa se aplica localmente; investigar as políticas privadas e públicas em relação à imprensa; revelar práticas de controlo e pressão provenientes dos poderes políticos e económicos e analisar de que modo estas influenciam a prática jornalística. Concluímos que o período de transição criou um enquadramento político e económico que tendeu a exacerbar as tendências preexistentes para o controlo da imprensa, bem como os choques entre a imprensa e o poder. A administração local foi responsável pela maioria desses constrangimentos através do controlo dos seus funcionários, do controlo no acesso às fontes e da distribuição de publicidade oficial e, por último mas não menos importante, através da disseminação de uma visão patriótica que pressupunha que os jornalistas deveriam ser defensores do desígnio nacional, mesmo contra a sua própria ética profissional.

Palavras-chave: liberdade de imprensa; censura; propriedade dos média; difamação; transição de Macau.

Introduction — an overview

After 450 years of Portuguese rule, Macau was handed over to the People's Republic of China (P.R.C.) on December 20, 1999. With the unique statute of “Chinese territory under Portuguese administration” since the Joint Declaration, signed in 1987, the city was 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, in 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 P.R.C. 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 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.

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 a corruption 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 numbers 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).

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 GCS, Afonso Camões, is known to have shared with some journalists that “the newspapers in Macau do not correspond to forms of public opinion but to private interests without economical viability” (Meneses, 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).

In 1993 the production costs of a newspaper varied between 200 and 300 thousand patacas a month, depending on the number of journalists. Newspaper owners admitted a loss of between one to two million patacas 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 (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 opposition.

Table 1
Macau Portuguese Press — March 1998

NAME	PERIODICITY	OPENED	CIRCULATION
Tribuna de Macau	daily	01-06-1998	1.300
Macau Hoje	daily	02-07-1990	2.000
Futuro de Macau	daily	08-01-1994	2.000
O Clarim	weekly	02-05-1948	1.500
Ponto Final	weekly	30-09-1992	1.500
Revista Macau	monthly	1987	5.000

Source: Gomes, C. (2001). Freedom of the Portuguese press in Macau during the transition period 1987-99

Later, in the beginning of 1999, there were three Portuguese dailies, seven Chinese dailies, two Portuguese weeklies, nine Chinese weeklies; TDM 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 commissioned by the government and a delegation of LUSA, the Portuguese news agency, that since 1991 received 16 million patacas per year from the government, that also paid its rent, in exchange for a free service to all Macau media (the circulation numbers are from the media themselves).

State of the art

There is a large body of work on the concept of press freedom as applied to Western societies (McQuail 1997; Demac and Downing, 1995; Barendt, 1987). As for Macau, the concept is found in the Press Ordinance (1990) and, vaguely, in some historical research of “Monsenhor” 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 B.A. dissertation presented in Portugal by a correspondent of the local paper *Ponto Final*, João Paulo Meneses (1999). It was not published but I had access to it.

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).

Political economy is concerned with the historical process that leads to the present and the role of state intervention, 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 & Murdock, 1997). However, this is problematic in Macau given the different outlooks on public interest. As we will see, the government’s defense 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.

Methodology

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

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 was few academic research, some Hong Kong studies developed around the 1997 handover were also used for theoretical comparison (Clark & Hamlett, 1995; Chan et. al., 1996).

However, this method has its limits: “using previous research data limits the material to questions asked before” (Wimmer & 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.

The press laws in Macau

In legal terms there was freedom of the press in the territory, as all the interviewees of this research admitted. As in other aspects, Macau is press wise 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 one and assures freedom of the press, freedom of access to sources of information and guarantees professional secrecy. It defines that anyone aggrieved by a written text has the right to response, denial, rectification or explanation in the same newspaper.

It 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.

However, what the law previews did 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, according to our investigation, there was never a single journalist using the Ordinance to demand this right during the transition period.

The Press Ordinance previews the creation of a Press Council, that would be important to enforce some of the proposals of the former, and in general guarantee, to both citizens and journalists, that complaints would be heard, as well as being a mediator in disputes. However, after a decade of discussions, the Council had 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, 1996).

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” (Meneses, 1997, p. 2).

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, 1997).

The Press Council was never approved by Macau’s Legislative Assembly during the transition period.

The ‘good Portuguese’

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 they are journalists they are Portuguese” (*Comércio de Macau*, 1992, p. VI).

To *Tribuna de Macau* he said it in a different way: “more than journalists we need militants of the national design” (Lopes, 1993, pp. 2-3).

This idea of a patriotic journalism that goes against the pure idea of journalism itself (the truth has no nationality) was always present in 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” (1993, 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.

Through out the transition years some journalist and newspapers, in between constraints and appeals to their patriotism, kept a free speech. These motivated comments like the one an under-secretary made, referring to reporters: "there are Portuguese that do not deserve to be in Macau" (Meneses, 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 press and was widely quoted. In it he wrote: "Some of the Portuguese media in Macau, with its readers, seem to be made of small 'associations of criminals' 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, 1995, p. 2).

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. And I do not mean journalists only, but many in the Portuguese community, especially civil servants. In their jobs they felt pressures from above and some were 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" (Gomes, 2001, p. 26). He is one of those that know what he is talking about: in 1992, when working for the Cultural Institute he criticized the government's cultural policy in the pages of *Ponto Final*. He was fired (*Ponto Final*, 1992a).

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 an 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 TDM and some newspapers.

“The administration does not allow access to information. It is a way to centralize power: even the under-secretaries received orders not to give interviews” (Ricardo Pinto as cited in Gomes, 2001, p. 26).

According to this 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” (Ricardo Pinto as cited in Gomes, 2001, p. 26).

Rocha Dinis opposed this criticism, considering it was the newspapers fault if they never used the Press Ordinance to take government sources to court. He threatened once one of them with the law and it worked — he got the information he wanted (Gomes, 2001, p. 26).

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 (Gomes, 2001, p. 26).

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 (Paulo Reis as cited in Gomes, 2001, p. 27).

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” (Gomes, 2001, p. 27).

Advertising was and is 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” (Gomes, 2001, p. 27).

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

Rocha Dinis denied any inequalities in the way the government distributed its advertisements through the Portuguese press and said that his newspaper saw a way to be economically viable and, so, independent, through the supplements, and just took it (Gomes, 2001).

However, Ricardo Pinto counterpoints: “Some newspapers that are supported by the administration end up losing credit in the eyes of the public” (Gomes, 2001, p. 27).

Several editors revealed that advertisements from certain departments were withdrawn after their newspapers published articles criticizing those departments.

An example is a fax that was received by mistake in *Ponto Final*: it was an information from a high 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 as cited in Gomes, 2001).

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 (João Severino as cited in Gomes, 2001).

Censorship

Although access and advertising were control instruments in the hands of the government — as they still may be — they were not the only ones. Censorship in the governmentally dependent media (TDM radio and TV and LUSA), generalised self-censorship resulting from the climate of fear and different kinds of pressures were also present in the everyday life of the media in Macau during the transition period. Pressure was exerted by different forms, from a convincing 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 “. 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, 1993, pp. 2-3).

“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 Meneses, assistant to the editor in that station (Lopes, 1993, pp. 2-3).

In the same line Jorge Silva, editor of TDM 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” (Lopes, 1993, pp. 2-3).

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 administrations of Carlos Melancia with that of Rocha Vieira, 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 under-secretary for Communication denied any interference in the journalists work in general (Lopes, 1993, pp. 2-3).

The censorship inside TDM and subservience of LUSA continued through out the years with constant anecdotal reports coming out of the newsrooms.

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 TDM and so under control, the others were approached in an attempt to influence or criticise their news. Even more devious than that: the agents responsible for the official communication channels tried to influence the editors in Portugal to refuse certain topics or to demand only passive news from the correspondents. The government paid flights and accommodation to editors and journalists from Portugal to write about Macau. In those reports often there was not a single line written by their correspondents, the ones who knew the depths of Macau reality (information I got from my own experience as a correspondent portuguese magazine *Visão* for over six years).

In the 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” (1993, p. 25).

The journalists and specially the editors of the newspapers were also subject to regular pressures from the government through the telephone (João Severino quoted in Gomes, 2001, p. 29).

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’” (Gomes, 2001, p. 31).

There were also pressures exerted on the families of journalists, like threats concerning the renewal of the contract of their spouses when they worked for the administration. These threats, in some cases, were executed (Severo Portela quoted in Gomes, 2001, p. 29).

Ownership: sponsorship or lobbying

As said previously newspapers in Macau depended mostly on their owners and administrators. Advertising only covered part of the expenses and most Portuguese newspapers lived on their administrators 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 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*, 1990, p. 3).

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 newsrooms.

Sometimes pressures were not coming 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 (both happened to me in one of the newspapers where I worked).

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

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 propose. 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*, 1995, p. 9).

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" (Gomes, 2001, p. 32).

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 dead 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 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 STDM (the company of the casino magnate Stanley Ho), 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 (Frederico Rato as cited in Gomes, 2001, p. 33).

Ricardo Pinto, the editor, says he was never subject to any censorship by *Ponto Final* owners and that, often, the newspaper published topics that some how interfered with the interests of the lawyers office, although he was never told off by them (Gomes, 2001, p. 33).

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 (Gomes, 2001, p. 33).

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 (Severo Portela quoted in Gomes, 2001, p. 33).

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 was the property of 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 were the same.

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 (Gomes, 2001, p. 33).

Libel cases

It may be abusive to say that libel cases were typical of the transition period in Macau, since they were present through out all 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 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 (that appointed Neto Valente to the Legislative Assembly), *Tribuna* would be considered a pro-government publication.

During the governments of Pinto Machado and Carlos Melancia, the ones that finally brought the spirit of the 1974 Portuguese Revolution to the territory, there were less constraints on the press. There were rare libel complaints and if there were any pressures inside the public media (TV and radio), they did not seem to come from a government strategy but from specific editors or administrators (Gomes, 2001).

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, 1995, pp. 2-3; Gomes, 1993, pp. 8-9; Gomes, 1994, pp. 9-10).

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” to the territory. 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” (Ribeiro Cardoso, 1994, pp.7-8).

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 (*Ponto Final*, 1992b).

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.

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.

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 when *Ponto Final* was a weekly. In 1993, the newspaper published a letter from a reader criticising the activities of several members of the security forces, military man like general Rocha Vieira (*Ponto Final*, 1993).

Lages Ribeiro, the under-secretary for Security sued the publication and the editor, Pedro Correia. The Public Prosecution Office (PPO) tried to make the journalist reveal the name of the reader since the letter was signed “from an identified reader”. This happened, even though, 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 PPO. In December 1993, Macau’s court condemned him to four months suspended prison and to a compensation of 15 thousand patacas to the under-secretary that accused him. 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 awaited an answer in 1995 (Correia, 1995).

After the president of the High Court, Farinha Ribeiras, 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 *Macao 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 GCS, 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 ACCCIA (the anti-corruption institution) was reported in those newspapers (Correia, 1995).

I myself was called to the ACCCIA in 1994 when *Ponto Final* published one of my reports about nightlife in Macau. Some club and bar owners accused officials of the Tourism Office — that gave the working permissions to clubs, bars and restaurants — of demanding bribes or back handing. For hours the agents of that institution tried to extract from me the names of the interviewees that had given me the information on background. Although their intentions may have been good — to track down corruption in that government institution — I was obliged to invoke my right of non-disclosure of sources as by the journalists statute and code of ethics. They told me that probably the Tourism Office would prosecute me and my newspaper. However, that never happened.

Conclusion

Can we say there was freedom of the press during the transition period in the sense defined previously? Considering the documentary research and all the interviewees of this study, the answer is yes, 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 fear, 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* (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 quite an advanced law to protect press freedom, it did not leave the example — an 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 official policies. The numerous libel cases — and convictions — during Rocha Vieira's administration, specially in the times when Farinha Ribieras was 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 criticism.

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

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