

MEDIA REPORTING AFTER THE OLYMPICS: HRIC CONVERSATION WITH JOCELYN FORD

NEW REGULATORY CLIMATE FOR FOREIGN JOURNALISTS

HRIC: As a foreign journalist based in Beijing, what is your general assessment of the impact of the 2008 Olympics on China? Perhaps we can start with your views of the temporary *Regulations on Reporting Activities in China by Foreign Journalists During the Beijing Olympic Games and the Preparatory Period* being made permanent—literally at the last minute before their expiration date on October 17 this year.

Jocelyn Ford: I think that the Olympics made these new regulations possible. I don't think that they would have happened—at least not this soon—without the Olympics. So I would like to say that the Olympics were important for the foreign media.

I've spoken to some officials about this, who have said, you know we never would have gotten all the other ministries who don't make this a priority around the table had it not been for the Olympics. The Foreign Ministry, in general, has been supportive, so I do think that the Olympics were an important impetus.

We're very glad that they kept the forward momentum by extending the temporary regulations beyond October 17, 2008. If you read the fine print, there were two points that I think were missed by most journalists, but are important to note. One was

On December 4, 2008, HRIC spoke with Jocelyn Ford, chair of the media freedoms committee at the Foreign Correspondents' Club of China, and a freelance journalist.

that it is now written in the regulations that "China adopts a basic state policy of opening up to the outside world, [and] protects the lawful rights ... of foreign journalists." This may sound like an empty statement, but this is their stated policy. And in fact, last week's editorial in the *People's Daily* said that China should become more

open.¹ So, I do think that there have been signs of improvement and a change in attitude. Of course, we will try our best to use this to our advantage and act in accordance with this policy of openness.

Another point is that there appears to have been a rhetorical shift. Under the old regulations for foreign journalists, there was more of a sense that the authorities were trying to control us, while the new regulations emphasize they're trying to facilitate our ability to do our job. So these are two small improvements that I don't think many people have picked up on, but

I think the rhetorical shift and spirit are important to note.

HRIC: Do you think the rhetorical shift was meant for international consumption or does it really reflect a policy shift?

JF: For us it is a significant difference that we no longer need to get approval when we go out to the countryside and we don't feel the need to

sneak around quite as much as we used to. Freedom of movement for us is important so that we can do our work. Of course, when we report on stories the govern-



Photographers working at the men's basketball game between China and the U.S. at the 2008 Beijing Olympics on August 10, 2008. Photo credit: Lucy Nicholson/REUTERS

ment feels are sensitive, it's still prudent to be as discreet as possible.

HRIC: What have you found to be the really “sensitive” areas?

JF: Topics like AIDS, protests, demonstrations . . . I'd

like to mention that some journalists have been more favorably surprised by openness on stories that used to be off limits. For example, one reporter said he was welcomed to do interviews at the deadly mudslide in Shanxi that took place last summer. The Chinese journalists were there as well, in the beginning.² But it's a case-by-case situation. I think

VAN DE WEGHE INCIDENT

REUTERS STORY—EXCERPT

After interviewing several representatives of AIDS groups on Thursday, [November 27, 2008,] Belgian journalist Tom Van de Weghe and his production team from Flemish public television VRT were beaten and robbed of cash and equipment by 12 men recruited by authorities in Henan province, a VRT spokesperson said. . . .

Source: “Belgian TV news crew beaten in China,” Reuters, November 29, 2008, <http://ca.reuters.com/article/entertainmentNews/idCATRE4AT08920081130>.

ASSOCIATED PRESS STORY—EXCERPT

According to the journalists' account, assailants pulled members of the crew from their vehicle, beat them and took their notes, money and other equipment.

“We thought they were going to kill us, they were acting like animals who lost control, it was a complete chaos, we were crying,” said Tom Van de Weghe, a reporter with Flemish public broadcaster VRT who was allegedly targeted along with a colleague and an assistant.

Van de Weghe said he was hit twice on the head and that villagers identified the attackers as men who worked for the local officials.

Source: “China denies alleged attack on foreign journalists,” Associated Press, December 3, 2008, http://www.breitbart.com/article.php?id=D94REE300&show_article=1.

XINHUA'S ACCOUNT—EXCERPT

An initial investigation has found that three Belgian journalists involved in a dispute in a Chinese AIDS village in Henan were not attacked but were only jostled, a provincial government spokesman said on Wednesday. . . .

The dispute took place three days before World AIDS Day, said Wang Yuejin, spokesman of Henan's foreign affairs bureau.

“As far as we know, there was no violence,” said Wang. He said the team had gone to Zhoukou and Shangqiu cities for field investigations. . . .

The AIDS patients demanded tapes and memory cards, saying that they contained information that might affect their public image, Wang said. At that point, said Wang, there was some jostling, after which Van de Weghe handed over the tapes and cards.

Source: “Official: Belgian journalists ‘not attacked’ in China AIDS village,” Xinhua News Agency, December 3, 2008, http://www.chinadaily.com.cn/china/2008-12/03/content_7268337.htm.

SELECT “REPORTING INTERFERENCE” INCIDENTS

Summaries of cases highlighted by Jocelyn Ford in December 4, 2008, conversation with HRIC.

KASHGAR, XINJIANG PROVINCE: TWO JAPANESE JOURNALISTS BEATEN UP BY PARAMILITARIES

August 4, 2008: A pair of Japanese journalists in Kashgar to cover attacks on the police were beaten and detained by Chinese paramilitary forces. Masami Kawakita and Shinji Katsuta were both accredited reporters, but were forcibly removed from the street, suffered injuries, and their equipment was damaged.

BEIJING: REPORTER TACKLED AND KICKED BY THUGS AT ILLICIT DETENTION CENTER

September 10, 2007: Reuters correspondent Chris Buckley was tackled to the ground and assaulted by a gang of thugs while following a story about petitioners being detained in Beijing. The attackers took his notes and camera, held him down, and called the police. Buckley was not able to leave or reacquire his possessions until the police arrived and let him phone the Foreign Ministry.

Source: Foreign Correspondents Club of China, “Detentions and Harrassment,” <http://www.fccchina.org/harras.htm>.

that some message is getting through to some local officials.

HRIC: What message is getting through? What message is intended?

JF: That local officials are supposed to try to control the message, but do it by letting the foreign journalists in, as opposed to completely blocking them.

I do believe the State is trying to turn the situation

around. For example, they are trying to educate and guide local information officials through internal circulars. It would appear that they are moving in the direction of “guided opinion.” Of course, I’d much rather see them educate officials on the benefit of being open. But at least this is a step in the right direction.

Every country, every democratic country, has “spin doctors,” and though journalists don’t like to be spun, working around this is part of the game. And in the case of China, being able to get an official viewpoint is a good thing. In fact, some foreign journalists have been pleasantly surprised at landing interviews with local officials. They *should* tell us their views. But for some officials, if they’re not told what they can say, they’re still afraid to speak to us.

“INTERFERENCE” INCIDENTS

HRIC: So do you feel free to interview whomever you wish?

JF: As the Chinese saying goes: “When there’s a policy from officials above, there’s a counter-policy by officials below.” We are now free to travel. But the concern is that our sources are not free to speak to us. This is our number one concern: that instead of controlling us, they’re trying to control our sources with subtle or open threats. We had one reporter describe how in Xinjiang, the schoolchildren were told, “If you see a foreign reporter report them to us!” So they’re teaching children to police foreign correspondents.

I wasn’t in China during the Cultural Revolution, when the neighborhood committees were very strong and informed on people to the authorities. But it would appear that that’s the technique being used now. So, the concern is that the authorities are becoming more sophisticated in the methods they use to monitor and interfere with our reporting. We cannot do our job if local officials, police, or unidentified goons are following us, intimidating everybody we speak to and videoing everything we do and say.

In other cases, when we show up in a community, the authorities will say we are not allowed to be there, which I don’t think they have the authority to say.

HRIC: Do you have a sense that these incidents are increasing after everybody packed up and went home at the end of the Olympics?

JF: To the best of my knowledge, nobody is collecting any accurate statistics about the number of what we call “interference” incidents. But I can say that we’re seeing the same types of interference incidents that we saw before and during the Olympics.

I don’t think it is important to know the exact number of incidents. It is important to understand the trends. If you have lots of reports of harassment of sources, and a handful of serious incidents of violence against reporters or sources, there is still a serious problem with the free flow of information and media openness.

HRIC: What does the government say about these incidents?

JF: The government says it is educating local officials, but that China “is a large country, and it’s hard to train,” and that is partly true. But when we alert them that on separate occasions foreign correspondents have been roughed up or intimidated covering the same story in the same village, they should be able to identify who they need to educate. If they were serious about training people, they would have gone to that community and taken action, and we would not see repeat attacks. And they would insist that goons or people who appear to be affiliated with government attacks on foreign correspondents are brought to justice. This has not happened. The government has a hotline, but it is not always helpful. Sometimes it goes unanswered. Other times the official does not have adequate understanding of the regulations.

SELF-CENSORSHIP

HRIC: How much do you self-censor? Are there things that you just don’t even think about trying to cover because of sensitivity?

JF: Most journalists consider what might happen to their sources. Rather than self-censorship, I think it’s more of not putting sources in harm’s way, unless they are willing to take the risk. Responsible journalists try to make sure the source is informed about the risks and

the benefits, and respect the source’s decision. For example, I spent a lot of time following a woman whose Chinese father was on death row. She believed the court proceedings were flawed, and that he confessed under torture. I said, “I’ll be a fly on the wall, and if you don’t want something [to get] out because you think it will jeopardize his life, I will respect your opinion.” Sadly, he was executed in November.

BELGIAN JOURNALISTS ATTACKED IN NOVEMBER 2008

Reporter Tom Van de Weghe, a cameraman, and an interpreter were robbed and beaten by thugs on November 27, 2008, in Zhoukou and Shangqiu in Henan Province during a filming trip there for a story on AIDS. See sidebar on page 27 for the difference between news and official accounts.

HRIC: What was your reaction to the attack on the Belgian film crew by thugs in Henan Province?

JF: It’s extremely disturbing that this sort of thing can happen and then you’ll have a Xinhua news report saying that it didn’t happen. The report said they were not attacked, but were only “jostled.” It appears as if this kind of reporting is being used to justify intimidation and interference. I’m concerned that China is becoming more adept at spin and information control. And the concern is that its word will be given the same weight eventually, because its credibility has improved in some areas. Its image around the world, perhaps through the Olympics, has improved.

HRIC: Can they just confiscate equipment or other materials from journalists?

JF: No, supposedly they’re not allowed to do that, according to Chinese law. And so we’re hoping that by educating foreign correspondents with a “know your rights” campaign, and also educating the local officials, we will see better enforcement or observation of the regulations for foreign correspondents. The Chinese government has campaigns encouraging everybody to abide by the law. However, this strategy—to push for better enforcement—could backfire. Authorities could start nitpicking and block us on the basis of other

obscure or irrelevant laws or regulations we've violated. When we're out reporting, we don't want to have to call a lawyer! The rest of the world needs to continue paying attention, however, to whether the spirit of the regulation is being observed.

LOCAL GOVERNMENT VIGILANTISM

HRIC: How prevalent is thug violence against journalists and who do these thugs work for?

JF: For journalists, this is not new, it's happened before. We don't have evidence, but it would appear that the thugs are working in cahoots with the local government. The disturbing part is that the Foreign Ministry has said, if you have problems, report them to us. But when we do report serious cases, it makes no difference. We have had several incidents of violence where there is no prosecution as far as we know, no full investigation of any criminals.

There was an underground prison on the outskirts of Beijing, and in 2007, two journalists were beaten up by thugs or threatened by thugs there. In Xinjiang, there was an

REGULATIONS ON FOREIGN JOURNALISTS REPORTING IN CHINA

On January 1, 2007, the temporary *Regulations on Reporting Activities in China by Foreign Journalists during the Beijing Olympic Games and the Preparatory Period* went into effect, with a planned expiration date of October 17, 2008.¹ The Beijing Organizing Committee for the Olympic Games (BOCOG) issued supplemental regulations on May 10, 2007.² These regulations promised new freedoms for foreign journalists, including:

- Anyone can be interviewed as long as the journalist obtains prior consent from the subject.³ (Previously, journalists needed permission from the relevant state supervisory bodies.⁴)
- Journalists with valid visas can freely travel throughout the country, except in Tibet.⁵ (Previously, journalists' activities were restricted to the scope of their registered business operations and news coverage plans.⁶)

Upon the expiration of the regulations on October 17, 2008, the Chinese government issued a new set of media regulations that included the freedoms set forth in the expiring regulations—without any sunset provision.⁷

Notes

1. Regulations on Reporting Activities in China by Foreign Journalists During the Beijing Olympic Games and the Preparatory Period [北京奥运会及其筹备期间外国记者在华采访规定], issued by the State Council [中华人民共和国国务院], promulgated December 1, 2006, and effective on January 1, 2007, <http://www.fmprc.gov.cn/eng/zxxx/t282169.htm>.
2. "Service Guide for Foreign Media Coverage of the Beijing Olympic Games and the Preparatory Period," May 10, 2007, http://en.beijing2008.cn/upload/Service-Guide-en/Service_Guide_en.pdf.
3. See footnote 1, Article 6.
4. Administrative Regulations Governing Foreign Journalists and Resident Foreign News Agencies [外国记者和外国常驻新闻机构管理条例], issued by the State Council [中华人民共和国国务院], promulgated and effective January 19, 1990, abolished on October 17, 2008, Art. 15, <http://vip.chinalawinfo.com/newlaw2002/slc/slc.asp?db=chl&gid=4570> (Chinese).
5. See footnote 2.
6. See footnote 4, Article 14.
7. Regulations of the People's Republic of China on News Coverage by Resident Offices of Foreign News Agencies and Foreign Journalists [中华人民共和国外国常驻新闻机构和外国记者采访条例], issued by the State Council [中华人民共和国国务院], promulgated October 17, 2008, and effective on the same day, http://www.gov.cn/zw/gk/2008-10/17/content_1124261.htm.

attack on a Japanese journalist whose ribs, I believe, were cracked. [See sidebar on page 28 for summaries of both incidents.] And in the AIDS area in Henan province, I know other NGOs and Chinese journalists have been beaten up. If the government is serious, they would go to those places and make sure that doesn't happen again to anybody. But those things are not being investigated. They are not being pursued, and this is a very big problem.

LEGAL PROTECTION

HRIC: Does the law protect foreign journalists?

JF: China is moving in a more legalistic direction, and we are hoping that the officials will follow the law.

Unfortunately, we have not found that this has been the case. From what I understand, one could file a lawsuit against Chinese authorities, for example, for violating administrative procedures when they confiscate journalists' video tapes without following proper procedures, such as giving a receipt. However, to the best of my knowledge, no journalist has ever done so.

I think the onus is now on us to improve our legal knowledge so that we can use the law to protect ourselves. However, there are certain risks with that. I am aware of at least two journalists whose visas were held up, who'd had run-ins with the police in which police conducted an illegal search and seizure of journalist materials, or used excessive force. They might have been in a position to bring an administrative lawsuit against officials. One can imagine if they had done so, they or their news organizations might have faced other types of harassment. They eventually got their visas.

JOURNALISM IN CHINA: CHALLENGES

HRIC: What's the reaction of your Chinese journalist friends to this whole initiative of saying, "Look, we're going to try to educate ourselves about our rights, so when these things happen to us, you can't take this from me, because according to such and such law, you have to have a search warrant to take these things?" Or are they cynical, are they saying, "Good luck!"?

JF: Well, there's a certain amount of cynicism. But the Chinese journalists do not have the restrictions that we face in terms of freedom of movement. They have other restrictions.

HRIC: What are the most important issues that Chinese journalists face in doing their job?

JF: I think professionalism in journalism is extremely important. I worked for China Radio International for one year in 2001. I thought that I was going to find censorship being the big issue. And for me, a big eye-opener was the lack of professionalism, lack of news values, lack of ethics. And now we're seeing that some journalists are very aggressive, are willing to take risks, and do have sharp news values. There are lots of ethical violations. We saw that during the Sichuan earthquake. Journalists, you know, had a lot more freedom to roam around, and they were doing things that journalists really should not be doing, like completely disregarding the feelings of survivors they were interviewing. So I don't think State intervention is the only problem with journalism in China. There is a lack of a professional news environment and training. And I think there's a lack of discussion. I would be hopeful if there was more discussion of the role of media in society.

HRIC: We regard freedom of the press as fundamental to a civil society. How do the Chinese journalists with whom you've come into contact view it?

JF: There are those who really get it and are very frustrated, and think they should quit journalism because they cannot write important things. There are very brave people who try to walk the line. And there are people who are in it for the commercial value—some reporters blackmail companies or sources and say they'll report a scandal unless they are paid. There's a whole gamut.

Another important point—and it's a good time to bring it up—I do feel that the wall between foreign journalists and Chinese journalists has been coming down. In the past Chinese journalists often told me they were warned not to speak to us. I'm not saying that doesn't happen anymore, but I think that, for example, the recent outreach by the All-China Journalists Association [a state-run professional organization] to foreign

journalists is a positive sign. They did a survey and said they want to know how to serve us better.

One employee told me they have a fresh mandate. “How can we open up to the world? What does that mean for us?” I think it can move in a positive direction. And it’s something that we should take advantage of.

WHO SHOULD PLAY GOD?

HRIC: What are the differences in opinion in terms of the role of the media in society?

I sat down with a lawyer who was very much in the free press orientation. At the end of our conversation, she said something that I thought was important for us in the West, especially Western journalists, to appreciate. She said, “Oh, but of course, with the financial crisis, Western governments are also controlling what’s written in the media so it doesn’t get worse.” And I said, “Uh, wait a minute, maybe you don’t understand our concept of ‘free media’ that we were just talking about all afternoon.”

At the end, in a nutshell, it boiled down to a 15-second conversation where she got it, and I got it. I said, “No, we believe that nobody should play God in information control. We don’t think there’s one person who’s so saintly and smart that he or she can improve all of society by controlling information. Your view is that there is that sort of person.” And that’s a basic philosophical difference, which I personally think is not only related to the Communist Party. I believe it is partly what people have been taught. There is the traditional view of the benevolent official who can manage the country, and we don’t want chaos. And a lot of people believe that. It’s reinforced by the Communist Party. Whatever its roots, I believe that it’s fairly deep-seated. When I hear that view coming out not only from her mouth, but from other people, I think that this is really an important issue to explain to Westerners who want to see a free media in China. I think there are a lot of people in China who really, honestly, do not understand our concept of a free media. And I think it’s a good time for that conversation to happen.

Here’s another example of one official’s view of the role of the media in a China that’s open to the world. Toward the end of the Olympics I had a conversation with an official in charge of media control. He told me he understands the West, his son is studying in the U.S., and we should “agree to disagree.” He said the successful staging of the Olympics “proves that we got it right, right?” His conclusion was that the government-guided media is the way to go. He thinks society is better off because of it.

GOING FORWARD

HRIC: What do you see in the near future in terms of genuine freedom of the press in China?

JF: China is in flux. As it opens to the world, and its people are exposed to other ideas, I think there will be greater pressure on the government to loosen its controls. I would like to think China is more confident after the Olympics, and that means it can allow its people more freedoms. However, the financial crisis could cause a major backlash. If the government fears widespread unrest, it might decide to opt for old strong-arm methods, to keep society under control, including media crackdowns. But in the long run, I think China will continue to become more influential globally, and will become more open, though on its own terms. What those terms are will depend in part on pressure from countries around the world.

Notes

1. “Orientation and path of reform & opening up entirely correct,” *People’s Daily*, December 3, 2008, <http://english.people.com.cn/90001/90780/91342/6545553.html>.
2. See “The Shanxi Mudslide: Field Notes by Reporter Huang Xiuli,” *EastSouthWestNorth*, September 9, 2008, http://www.zonaeuropa.com/20080915_1.htm.
3. “FCCC Launches Know Your Rights Campaign for Foreign Correspondents,” *Foreign Correspondents’ Club of China*, August 8, 2008, <http://www.fccchina.org/what/statement080808.html>.