Tug of War over China's Cyberspace

A Sequel to

Journey to the heart of Internet censorship

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Introduction

Since the last report on internet control, ___[1], was published by CHRD and Reporters without Borders (RSF) in October 2007, the cat-and-mouse game between the government and Chinese internet users has intensified.

Over the past two years, the Chinese government has devoted great resources to strengthening its system of internet censorship, already one of the most advanced in the world. The Chinese government now seems to tie its success in internet control to regime survival. "Whether we can cope with the internet", Hu Jintao warned at a study session of the Politburo on January 23, 2007, "affects the development of socialist culture…and the stability of the state"[2]. Hu called on fellow cadres to "control the power of leading the public opinion on the internet, raise the standard of leading and strive for the art of guiding, and actively make use of new technology to step up the propaganda dynamics in order to form the mainstream public opinion." [3] Hu's comments came as authorities were gearing up for the key events of the 17th National Party Congress of October 2007 and the Olympic Games of August 2008.

Government agencies and departments lost little time in responding to Hu's order. Between 2007 and 2008:

- They adopted measures to control online magazines, mobile phone text messages, internet address registers, blog service providers and internet video companies.
- They deployed the "110 cyber police" to patrol web portals.
- They considered plans to establish an internet regulatory commission, eventually deciding against it.
- They invested in research to study new measures of controlling the internet.
- They issued regulations on sources of articles and implemented a point system to punish internet providers for infractions.
- And they established an "internal third-party monitoring system" intended to hand much of the responsibility for internet control to commercial websites.

In addition to these bureaucratic mechanisms of control and censorship, the government continues to persecute individuals for exercising their freedom of expression on the internet.   Internet users were detained, convicted of crimes and imprisoned, often for as little as posting a call for a protest march or exposing the extravagant expense of a government building.   Simply posting a comment or reproducing an article was sufficient cause for investigation.   Blogs and articles that expressed criticism of or opposition to anything related to preparations for the Olympic Games, the government's handling of the Sichuan earthquake, or the milk powder scandal, and those discussing and supporting _,were especially targeted.[4]

Within the wider context of media control, it is not only the internet on which the Chinese government concentrates its efforts.   CHRD's recent report, _____finds that "…the Chinese government continues to employ a wide and complex web of regulations and techniques to ensure that the media"s primary purpose is to 'follow the principles of the Party'." The traditional media tend to be capital-intensive and owned by companies clearly based in a particular location, making them easier to control. This holds true for the larger internet companies as well, and the government employs similar means to control them.   At the same time, there are many smaller internet organizations and individual internet users and bloggers who are able to one extent or another to circumvent the mechanisms of control.   The government's strategy is to use the "big fish"–the major internet companies–to keep the "small fish"–individual and organizational users of the services of the large internet companies–under control.   The government's strategy works quite well in general, but at times it is unable to stop quite a large amount of information which the government might prefer to suppress from spreading widely on the internet.

Because of these dynamics specific to the internet, it continues to prove a difficult medium to control, even for an increasingly powerful authoritarian state well-versed in surveillance and censorship. Generally, Chinese internet users appear to be getting more adept at exploiting the cracks in control which exist. In the past couple of years, we have observed an unprecedented rise in online citizen journalism in China.[6]The most well-known

cases of online activism discussed in this report include:

- reporting on the Chongqing "nail house", one homeowner's stand against forced demolition,
- the organization of resident opposition to the construction of a chemical plant in Xiamen,
- the exposure of slavery in brick kilns in Shaanxi Province,
- commentary on the fake south China tiger, and
- the online petition for political reform, …

Users also challenged the legality of internet control by suing internet service providers for closing and blocking websites and blogs. The legal challenges were invariably unsuccessful because courts, pressured by political interests, either refused to take the cases or ruled against the plaintiffs, but the prospect of legal challenges by internet users to internet companies' compliance with government directives regarding internet control may eventually lead to changes in the behavior of internet service providers.

The tug of war between netizens and the government has recently resulted in the phenomenal popularity of the "Song of Grass-mud Horse" (草泥马之歌). The lyrics of the seemingly innocent children's song contain made-up names, the pronunciation of which closely resembles swear words. The song is a response by netizens to the government's latest campaign to purge the internet of obscenity. It can be considered a collective act of resistance, its ridicule an implicit criticism of the government's attempts to censor the internet.

So who is winning this war over China's cyberspace? This report aims to answer this question through examining the government tactics to exert control over the internet and netizens' strategies to navigate the official obstacles in the past two years. It outlines specific measures taken by the government to target different types of internet media as well as its general effort to tighten internet surveillance. It exposes new government measures turning commercial internet companies into tools of control and propaganda. It chronicles acts of internet control during important events, such as the 17th Party Congress and the Olympics. It analyzes successful cases of internet activism around China and legal challenges attempting

to hold the authorities and companies accountable for their infringement of the rights to freedom of expression and information. The report's appendices also include cases of punishment of internet companies, closures of websites and blogs and incarceration and harassment of internet journalists by the authorities documented by the author and CHRD in 2007 and 2008.

At the end of this report, CHRD urges the Chinese government to:

- Enact laws to implement the constitutional guarantee of freedom of expression;
- Conduct a constitutional review of current administrative regulations that impose restrictions which unduly infringe on freedom of expression;
- Ratify the International Covenant on Civil and Political Rights (ICCPR);
- Stop using commercial websites as tools of censorship and propaganda;
- End immediately the subjugation of freedom of expression to the Party"s interests;
- Conduct a constitutional review of government organs and GONGOs whose primary functions are to censor and monitor freedom of expression on the internet;
- End the practice of using laws to punish individuals for exercising their freedom of expression, especially on the Internet.

This report is a sequel to ____, published by CHRD and RSF in October 2007. Similar to that report, this current report is based on a Chinese study by an internet professional who has had access to the inside workings of the censorship agencies.

I. Government Efforts to Control the Internet

There have been two main recent developments in government efforts to control the internet.

The first is the issuing of a plethora of directives by various agencies to control particular types of internet media, organizations and usage, including online magazines, website registrations, interactive forums and bulletin board services (BBS), blogs, and video websites. This development reflects an understanding on the part of the government of the

different uses and functions of the internet and the need for corresponding mechanisms of control specifically targeting the different uses and functions.

The second main development involves government efforts to turn major commercial websites into tools of censorship and propaganda.   This development reflects an understanding on the part of the government that a relatively small number of major commercial websites exert a disproportionately large influence in the cyberspace because of the large numbers of viewers they attract.   Gaining effective control over these websites means gaining control over a significant portion of the internet. This development also reflects a realization on the part of the government that it does not have the capacity to police the internet on its own.

In this respect, such efforts are an extension of a long-standing government strategy of enforcing censorship largely through promoting self-censorship in an era in which large swaths of the media do not fall under direct government control.   The government has to utilize diverse forms of enforcement in order to coerce compliance, including website closures, fines, firings and demotions.   It counts on the motivation to increase profit outweighing any motivation to promote honesty in the commercial arena.

Along these lines, another trend is the increase in attempts by the government to transfer policing duties to various sectors of the industry, formulating "self-discipline conventions" such as the "Blog Service Self-Discipline Convention," the "Convention on Self-Discipline of the Internet Domain Name Registration Service Industry," and the "China Internet Audio-Visual Program Service Self-regulation Convention."

A. Regulatory bodies responsible for internet control

There is a large number of national Communist Party (CCP) and government agencies and departments as well as a small number of "government organized non-governmental organizations" (GONGOs) more or less run by the government which are responsible for controlling the internet.

The national Party organs include:

- the Publicity Department of the CCP Central Committee (中共中央宣传部); and
- the Party Internet Bureau (网络管理局).

The national government organs include:

- the Internet Management Bureau of the State Council Information Office (网络管理局);
- the Public Information Internet Security Supervision Bureau of the Ministry of Public Security (公共信息网络安全监察局);
- the Audio-Visual, Electronic and Internet Publishing Department of the General Administration of Press and Publication (音像电子和网络出版管理司);
- the State Administration of Radio, Film and Television (SARFT) (国家广播电影电视总局);
- the Ministry of Industry and Information Technology (MIIT) (工业与信息化部); and
- the China Internet Network Information Center (中国互联网络信息中心).

The main national GONGO used to control the internet is the Internet Society of China. It is supervised by the Party Internet Bureau, MIIT, and Internet Management Bureau.

Figure 1: National and local party and government agencies responsible for internet control

Special emphasis needs to be placed on the role of Beijing Party and government organs in controlling the internet. Most of the major national commercial websites[7] and internet service providers are based in Beijing, and their supervision is the responsibility of these organs. The Beijing Party and government organs have therefore played an especially crucial and active role in policing the internet.

The Beijing government organs responsible for control of the internet include:

- the Beijing Municipal Internet Publicity Management Office of the Beijing Municipal Information Office under the Beijing Municipal Government (北京市网络宣传管理办公室); and

- the Beijing Municipal Communications Management Bureau under the Beijing Municipal Government (北京市通信管理 局).

While the Beijing Municipal Internet Publicity Management Office is formally a government department, it is also instructed by the Beijing Municipal Publicity Department and the Party Internet Bureau.   Also worth noting is that because Beijing is such an important area of national security concern, the Beijing Municipal Government receives substantial oversight directly from the State Council.

The main GONGOs based in Beijing which are used to control the internet are:

- the Beijing Association of Online Media (BAOM 北京网络媒体协会); and
- the Beijing Internet News and Information Council (北京网络新闻信息评议会).

BAOM is supervised by the Beijing Municipal Internet Publicity Management Office and the Internet Society of China (中国互联网协会). The Beijing Internet News and Information Council is supervised by BAOM.

Regional and local Party and government organs throughout China have identical duties to those of corresponding organs in Beijing, which they fulfill with varying degrees of zeal and effectiveness.

The various Party and government organs have overlapping responsibilities and jurisdictions with regard to internet control. These appear to have developed in a rather piecemeal fashion as a reaction to the rapid development of the internet.   To some extent, it appears that different organs have taken individual initiatives to control the internet as a perceived need arose.

In comparison to the system of regulatory bodies responsible for control of the more traditional print and broadcasting media[8], the bureaucratic system of internet control is less coherent and comprehensive.   On the one hand, the system's effect is to "catch internet users and companies coming and going." That is to say, if illicit use or material slips through one part of the web of control, it will be caught by another.   Internet companies and organizations

are caught in such a complex thicket of permits and licenses that if need be, the government can always find an infraction.   On the other hand, such a patchy system allows savvy users to manipulate it towards the end of disseminating views and information that otherwise would be censored.   With its nexus in Beijing, the system has a stranglehold on the major commercial websites based in the capital, but its effectiveness outside of the capital is spotty and varies depending on the strength and vigilance of provincial and local organs.

There were signs in 2007 that the government was considering creating a central internet regulatory agency, the Internet Regulatory Commission.

In early March, during the annual sessions of the National People"s Congress (NPC) and the Chinese People"s Political Consultative Conference (CPPCC), Zhu Lijun (朱立军), vice president of China Netcom and an NPC delegate, submitted a proposal which suggested, "Apart from a separate supervisory department for media content, our country should unify the regulatory body for the internet, and the networks of telecommunications as well as of radio and television should be regulated by a unified agency."   When news of the proposal was made public, there was strong negative reaction among internet users, who made their views known on the internet.   On March 20, 2007, the Hong-Kong-based and Chinese-government-funded ̣newspaper reported, "The State Council clarified it had no intention to set up an Internet regulatory commission." It was commonly believed that Zhu's proposal represented the government's position and was a means for the government to test public feeling.   According to this view, once the government perceived a generally hostile reaction from the public, it decided the time was not opportune to go ahead with its plans.

B. Efforts targeting particular types of internet media and services

1. Online magazines

On April 18, 2007 at "China"s First Internet Magazine Publishing Industry Forum," officials of the Audio-Visual, Electronic and Internet Publishing Department outlined new regulations for online magazines.   Whereas previously internet content providers (ICPs) needed only to obtain an ICP license[9] from the MIIT, they henceforth needed an online publishing permit as well.   In order to obtain the online publishing permit, they must first seek

approval from GAPP and then, once they receive approval, make an application for the online publishing permit to MIIT.[10]

2. Domain name registration services

On July 24, 2007, at the request of the China Internet Network Information Center[11], a GONGO, six internet domain name registrars – CE Dongli, HiChina, Xin Net, Guangdong Huiyi, Xiamen Chinasource and MainOne – initiated a code of practice to govern their operations, the "Convention on Self-discipline of the Internet Domain Name Registration Service Industry."[12] A total of 40 internet domain name registrars jointly signed the convention.   Another 193 companies joined in the pledge later.

3. Interactive forums and bulletin board services[13]

Beginning in July 2007, MIIT started performing rigorous checks on the domain name registration, servers and websites of BBS, a form of interactive forums. They demanded that all internet forums be registered and have stand-alone servers.   According to MIIT, each server can only have one BBS site and it must be placed in the computer room of a company certified by the Communications Management Bureau. The server must first have its domain name registration approved by MIIT. The forum that it runs must be managed by designated personnel who can be contacted by any and all relevant authorities around the clock. All bulletin boards must have a moderator, who must moderate at clearly stipulated regular hours. Moderators have to provide their particulars and contact phone numbers to the authorities. All members of the forum must use their real names in registration.

Issuing from these directives, operations to rectify the BBS led to the closure of upwards of a thousand BBS forums. According to the official website chinanews.com.cn, on January 20, 2008, China Central Television (CCTV) reported that 339 "illegal" websites involved in "piracy", many of which were bulletin board services, were shut down during a nationwide crackdown between August and October 2007.

4. Blogs

On August 21, 2007, 14 blog service providers, including ⎯Online, Sina, Sohu, NetEase, TenCent, MSN China, Qianlong and Hexun signed the "Blog Service Self-Discipline Convention."[14] The convention was drafted by the Internet Society of China, a GONGO.

Article 3 of the convention requires blog service providers to "observe the law, be honest and self-disciplined, and consciously safeguard the national and public interests." "National and public interests" are vague, undefined categories often invoked by government and Party authorities to restrict freedom of expression and information.

Article 9 promises on behalf of blog users that they will "consciously abide by the relevant laws and regulations of the state on internet information services, be civilized in using the internet, and not disseminate pornographic or obscene materials or other unlawful and harmful information." "Unlawful and harmful information" is similar to "national and public interests"—a catch-all category which in practice translates into "anything the government doesn't like."

Article 10 says, "As to blog service users who violate the service agreement, blog service providers should at once urge the users to amend the entries, delete the related unlawful and harmful information directly or even stop providing service to those users."

5. Video websites

Warning that video websites would face increased restrictions came as early as March 28, 2007, when the Beijing Internet News and Information Council, a GONGO, held its first meeting of the year. Officials at the meeting raised the problem of video websites that did not sufficiently restrict "harmful" content uploaded by users and demanded that the offending sites rectify the situation.

In April 2007, the Internet Management Bureau ordered a clean-up of video websites.

On May 9, 2007, the Beijing Internet News and Information Council instructed two sites, UUSee.com[15]and ZOL.com.cn[16], to make public apologies for supposed breaches of undefined regulations.

On December 29, 2007, SARFT and MIIT jointly issued "Regulations on the Administration of Internet Audio and Video Program Services."[17] The regulations stipulate that only units wholly or partially owned by the state can provide internet audio and video services and those units must obtain a permit[18] from SARFT and MIIT. According to the regulations, the government-approved companies must report "problematic" videos to the government. The regulations entered into effect on January 31, 2008.

On February 22, 2008, eight official internet media organizations (Online, Xinhuanet.com,China.com.cn, CRI Online, CCTV.com, Youth.cn, Ce.cn and Cnr.cn) signed the "China Internet Audio-Visual Program Service Self-regulation Convention"[19] in Beijing. The convention aims to create "an [internet] audio-visual service environment that is healthy and orderly."   It requires its signatories to set up an "internet audio-visual program information storage system." Through this system, internet companies can notify each other when certain audio-visual information "violates Chinese laws and regulations", so that it can be promptly deleted.

To monitor video content, the web administrators of video websites have to watch every clip, a huge burden on website operators. The increased restrictions and control, together with the blocking of YouTube, has frightened investors away from investing in video websites in China, seriously undermining the development of the industry.

In addition to the above new regulations, it is important to note that existing government regulations, such as the "Regulations of the Administration of Internet News Reports"[20], require that all internet media be run by organizations registered with or recognized by the government and that the qualifications of such organizations be subject to regular inspection. This has made it impossible for individuals or unregistered groups to publish independent information on their own websites without risk of penalty. When authorities deem published information "sensitive", they can use the "Regulations of the Administration of Internet News Reports" as well as the new regulations described above as justification to close down or

block such "unregistered" websites.

C. Measures to tighten internet surveillance efforts

1. Internet surveillance volunteers and the "50-cent gang"

The Public Information Internet Security Supervision Bureau under the Ministry of Public Security[21] is responsible for monitoring and controlling "sensitive" information. Every day, the "cyber-police" in the Beijing Municipal Public Security Bureau"s Public Information Internet Security Supervision Bureau[22] blocks a large amount of "sensitive" information on Beijing"s major commercial websites. However, the rapidly increasing traffic means that these cyber-police alone are inadequate in censoring China's cyberspace.

More human resources are needed to police the internet, and recently authorities have begun enlisting private citizens to aid them in their efforts. According to a May 14, 2007 report in ̲the capital had at that time 181 "volunteers" scrutinizing the internet. These "internet surveillance volunteers"[23] started their duty on August 1, 2006. They were recruited by BAOM under the direction of the Beijing Municipal Internet Publicity Management Office.[24]

Each volunteer is required to report 50 items of "harmful" information each month, replete with URL addresses and snapshots of the websites for BAOM to confirm and verify. ̲reported, "Through the internet surveillance volunteers, the public harmful information hotline, and so on, a pioneering and effective mechanism of national importance for managing internet information and monitoring society has begun to take shape." As of April 10, 2006, 12,000 cases of "harmful information" had been reported by the internet surveillance volunteers".[25]

With the success of the "internet surveillance volunteers", BAOM, again under the instructions of the Beijing Municipal Internet Publicity Management Office, began hiring individuals who are commissioned to post messages that positively "guide public opinion" beginning at the end of 2006. These "internet commentators" (网络评论员) are popularly known as the "50-cent gang"[26] (五毛党), because they are reportedly paid 50 cents per message posted. They work in a surveillance center run by the Beijing Municipal Internet Publicity Management Office. They are specialized according to the type of internet service

they monitor-- web portals, forums and blogs. Each major commercial website is monitored by one to three commentators.

There is some evidence that similar surveillance schemes have been implemented in other parts of the country. For example, on March 29, 2007, the Internet Administration Leading Group and the Municipal Publicity Department of the CCP of Taizhou City in Zhejiang Province jointly issued a "Work Plan for Organizing and Building a Contingent of Taizhou Municipal Internet Commentators."[27] The plan requires the official municipal website, www.taizhou.com.cn[28], to set up a team of commentators and play the leading role in "guiding public opinion" on the internet. It asks the __, __and __to provide the personnel to form the backbone of the commentators" contingent for the website. The Taizhou internet commentators are appointed by the newspapers to a one-year term. Their published columns are paid according to a standard rate scale for internet correspondents. It also asks staff from the main propaganda-related offices in Taizhou, such as the Municipal Publicity Department of the CCP, to serve as commentators.

In yet another example, on July 12, 2007, __published a barely noticed news item disclosing that the Shandong city"s Education and Sports Bureau had formed a team of internet commentators of over 100 members. The commentators were to post positive comments online and actively follow up to promote positive public opinion and to lessen and even eliminate the impact of negative public opinion as well as to safeguard social stability.

2. The internet 110 cyber police

In August 2007, two harmless-looking virtual police "appeared" on many government, e-commerce and news websites as an initiative of the Jiangxi Provincial Police to tackle internet pornography. Reportedly, the virtual police were available 24 hours a day and responded immediately to requests or reports of "criminal activity" from internet users.

Less than a month later, on September 1, 2007, the Beijing Municipal Public Security Bureau (PSB) introduced the "Capital"s Internet 110 Cyber Police"[29], a team of cyber-police named after the emergency telephone number in China, 110.   Their icons, bearing close resemblance to those used by the Jiangxi Provincial Police, first appeared on web portals

such as Sina and Sohu. An online system of reporting "illegal content" was put in place, and one no longer needed to go through the trouble of phoning the police. By clicking on the icons, users are directed to an online form where they fill in details of the problematic webpage. By the end of December, this cyber-police system was available in all websites based in Beijing. Similar systems are now in place across the country.[30]

3. Government investment in research on controlling the internet

The government has invested substantial resources and effort into research that it hopes will help it to determine how best to control the internet. Between January 24 and June 30, 2007, Xi Weihang (席伟航), the executive deputy director of the Beijing Municipal Internet Publicity Management Office, led a "Study of Measures to Administer Beijing Municipal Internet Publicity."[31] The study covered the following seven major issues:

- Measures for the Civilized Administration and Use of the Internet in Beijing Municipality[32];
- News and Information Administration Systems of Local Key News Websites and Major Commercial Gateway Websites in Beijing Municipality[33];
- Influence of Internet Commentators on Net Users and the Psychology of Net Users[34];
- Trends of Internet Development in Beijing Municipality[35];
- Coordination Mechanisms of the Beijing Municipal Internet Publicity Management Office[36];
- Legislative Work on "Measures of Beijing Municipal Internet Publicity Management" (provisional title)[37] ; and
- Development of New Internet Technology and Internet Business.[38]

The topics investigated were indicative of the authorities' wide-ranging concerns about the internet, including administrative measures to control the internet, developing technologies of control, effective means of propaganda, and the operations of websites.

The study's overall objectives were to "investigate and research the essential data of websites in the Beijing Municipality; the publishing, release and administration of news and information as well as personnel training systems of the city"s major commercial gateway

sites; the feasibility of local legislation on internet publicity administration and so on." The proposal went on: "[One of] the difficulties of research is collecting statistics, as the Internet in the Beijing municipality is developing rapidly… But since internet publicity administration is a brand new, increasingly important job, the study itself is pioneering, especially that of…the operating administration models of commercial web portals."

After the conclusion of the study on June 30, 2007, the results were compiled into a publication, _____. The publication was one of the fifty-seven studies deemed "important subjects" for study and distribution for local governments, CCP organs and schools.[39]

The "Measures of Beijing Municipal Internet Publicity Management" was also drafted as planned but it has not been made into an official administrative document yet.

D. Turning commercial websites into tools of censorship and propaganda

The proliferation of private commercial websites has posed challenges to government control. Especially leading up to and during the periods of the 17th National Party Congress in October 2007 and the Olympics in August 2008, authorities were nervous that commercial websites were not sufficiently heeding their instructions. While efforts to control commercial websites were undertaken throughout the country, Beijing was especially targeted since many of the major national commercial websites are located there. Three days after Hu Jintao gave his address on the importance of using the internet to "guide public opinion" (see Introduction), on January 26, 2007, Xi Weihang (席伟航), the deputy director of the Beijing Municipal Internet Publicity Management Office, made clear the government's impatience with the insufficient zeal and timeliness of commercial websites in carrying out government instructions and stressed that the government would have much less tolerance in the upcoming period:

"Since our office was set up and began exercising administrative jurisdiction over the registered internet media in Beijing, we have always interacted very well with you [website companies]. Various online media organizations have given us great support and cooperation in carrying out our work… But recently, I can say frankly, the foundation and the atmosphere of such cooperation and harmony have been greatly damaged. For example, our instructions

have been defied and the regulations are not being followed. The campaign of "running the internet in a civilized manner" faces resistance. The problem is very serious. Our office cannot tolerate it any longer."

A point system was enacted in order to enforce government orders and punish the websites that failed to carry them out. An "internal third-party monitoring mechanism" was established at all major commercial websites. The cumulative effect of these efforts has been to shift the burden of monitoring and censoring the internet to commercial internet service providers and websites. In addition, the systems to control who can publish which news from which sources have had the effect of turning commercial websites into propaganda tools of the state, spreading positive news about the Party and the government and "guiding public opinion." Commercial websites were also expected to actively promote the government concept of the "harmonious society." In 2007 and 2008, the Beijing Internet Publicity Management Office carried out publicity activities such as "online auditorium" (网上大讲堂) and "Olympics auditorium" (奥运大讲堂) which commercial websites were expected to carry, and they did.

1. The point system: penalization for non-compliance

Frustrated by previous efforts to control commercial websites, Xi Weihang (席伟航), at the same January 26, 2007 meeting during which he made his intimidating remarks, backed up his words with a specific threat, announcing a new point system to the websites:

"From now on the [Beijing Municipal] Internet [Publicity] Management Office will intensify the check-up and will record the situation of the execution of orders. We will not over and over again inform and urge you what you should do. We will have our own little book to keep the record. [If you] make a mistake, a point will be deducted. For example, from the first day of the check-up, we will give you websites 100 full points each. When a website gets only 30 points left, it has to be closed down, and we will settle a score with the site. In addition, [our] office will also specify that the website has to replace the editor-in-chief, chief inspector, deputy inspector, chief editor, etc. We will build up a list of names and circulate a notice to various websites that they cannot hire the dismissed people anymore in the future."

On March 1, 2007, the point system began its pilot phase. During the first week, from March 1 to 8, with the exception of Qianlong (千龙, www.qianlong.com), all 20 other major commercial websites[40]supervised by the Beijing Municipal Internet Publicity Management Office had points deducted.[41]

The following examples indicate the way in which the system worked:

- TOM lost six points for "reprinting three articles, 'The path toward parliamentarization of the NPC and China"s political reform"[42], "Causes of the Dazhu incident in Sichuan"[43] and "Nobody bothers about the party committee personnel changes upon the end of office term, that leads to tragedy.""[44]
- Sohu received a seven-point deduction because it "failed to control its article sources as it still quoted stories from ___."[45]
- Ifeng.com lost one point for "breaching the rule on article sources – it brazenly used content sourced from Deutsche Welle; the content is in poor taste."

When the point system"s pilot ended on June 30, 2007, the Beijing Municipal Internet Publicity Management Office found the results satisfactory and officially enacted the system from July 1. Originally, a periodic appraisal of the websites was to have been conducted annually, but it is now being done quarterly.

The system is not only one of censorship, but also of propaganda. In addition to being penalized, websites are rewarded when they cooperate with the Internet Publicity Management Office by publishing special reports and features in lines with the Office's agenda, or when the reports on information circulating on the Internet and on public opinion they provide have been adopted by the Office. For each approved action taken, 0.1 point is rewarded. However, points are deducted if websites are delinquent in carrying out orders regarding publication of "positive" material issued by the office.

In order to clarify expectations, the Internet Publicity Management Office issued two documents regarding timeliness of compliance, "Time Requirements for Handling Publicity Reminders by Levels"[46] and the "Explanation for Revising the Time in Handling Publicity Reminders by Levels (Level One)"[47]. The latter divides "reminders" into four "levels" according

to urgency.   They give an indication of the extent to which the Internet Publicity Management Office attempts to micromanage the websites:

> Level 1. When we provide a specified link, delete the article within five minutes.

> Level 2.   When we provide a headline and a source of article, delete the article within 10 minutes.

> Level 3. When we ask you to release an article, release the article within five minutes.
> Level 4. When we ask you to reposition an article, reposition the article within 10 minutes.

2. Stricter enforcement of regulations on sources of news articles

The Internet Publicity Management offices are most intent on preventing commercial websites from evolving into news sources in their own right and gaining a footing as independent media. At a training session in September 2006, Peng Bo (彭波), deputy head of the Internet Management Bureau, said, "Internet [websites] are not the media; you have no right to report news." When TOM and the China Consumers" Association jointly organized an event billed as "The Top 10 Rights Defenders" On February 16, 2007, the Beijing Municipal Internet Publicity Management Office declared, "Internet media are not suitable to appear in the capacity of co-organizer." On February 22, the office made a statement on the cooperation between commercial websites and the traditional media which said, "When commercial websites and the traditional media work together, the websites should set their position to provide "network support," "technical support" or "network platform." Do not manifest the role of independent media."   In other words, commercial websites should not misconstrue themselves as news sources, nor should they even republish news from unapproved news sources. But because of insufficient government enforcement capacity, internet media can often skirt these regulations if the news they publish is not "sensitive," and many internet media do regularly reproduce news from non-official sources.   In doing so, they are always at risk of being penalized.

From the beginning of 2007 onward, the government stepped up enforcement of the regulations on news sources. In early January 2007, one of the highest authorities, the State Council Information Office, held a special meeting with Beijing-based commercial websites to emphasize the importance of regulating sources of news articles.

On April 30, 2007, the State Council Information Office released a list of "Approved Media News Sources."[48] The list is divided into two categories, traditional media[49] and official internet media.

The second category, official internet media, consists of:

- 11 websites of central news units including _Online and Xinhuanet;
- 5 websites of ministries and commissions - the Ministry of Foreign Affairs, the Ministry of Health, the Ministry of Commerce, the Ministry of Finance and the National Development and Reform Commission;
- and 31 key news websites in various provinces, autonomous regions and municipalities such asEnorth.com.cn, Chinajinlin.com.cn and Eastday.com.

While the approved list implies that all sources of news not on the list are unapproved and that therefore news from those sources cannot be reproduced, there is no document clearly stipulating which news sources are deviant. Various government organs have, however, on occasion singled out particular news sources as unapproved.   The term, "non-standard news source," was first used on May 8, 2006 by the Beijing Municipal Internet Publicity Management Office in a directive labeling ____a "non-standard news source."   Since then, the office has regularly issued directives identifying other non-standard news sources.   At its regular Friday meeting with the major commercial websites, the Beijing Municipal Internet Publicity Management Office has repeatedly stressed, "The content of __, __, __, and _magazine are not allowed to be quoted."[50] Significantly, these are among the most independent-minded periodicals in China.   The office also classified __and _, two other relatively daring news sources, as "nonstandard," banning websites from carrying their articles.

Even though official websites occasionally reproduce articles from some of the above periodicals, this practice is forbidden for commercial websites. On February 2, 2007, Chen Hua (陈华), deputy director of the Beijing Municipal Internet Publicity Management Office, declared,

"When selecting the types of commentaries…they [the commercial websites] must maintain sensitivity. Although Xinhuanet and 一Online [official news sources] sometimes also carry articles from media like the 一一, commercial websites should not do so, especially when the writers or the persons written about are figures such as Li Rui (李锐) and He Weifang (贺卫方)."

3. The internal third-party monitoring mechanism

Since its establishment on November 21, 2005, the Beijing Municipal Internet Publicity Management Office has required each website based in Beijing to set up a special unit to conduct surveillance. Different websites give the unit different names. For example, Bokee calls its unit the "monitoring division" (监管部), and ifeng.com's is the "quality control division" (质检部). The main function of the obligatory unit is to monitor the interactive information, such as posts, blogs, comments and messages posted by net users, to delete "sensitive" information, and to block the ID [the identity of user] and IP [address] of the offending user.

Some websites did not follow the instructions of the Beijing Municipal Internet Publicity Management Office in setting up this unit.   In particular, some established the unit within their news department rather than separately and autonomously. In order to spell out the exact requirements of the unit and ensure that all websites understood, on May 25, 2007, the Beijing Municipal Internet Publicity Management Office issued the "Explanation of the Tasks of the Website Internal Third-Party Monitoring Mechanism."[51]

It reminds, "Outside the news center [editorial department], each website has to set up a separate unit or working group parallel to the news center. The unit has to be led by a person of no lower rank than company director or department-in-charge who will report directly to the editor-in-chief." The "Explanation" lays out in much greater detail than previously the six main functions of the "internal third-party monitoring mechanism"

1. to closely cooperate with the first "notifier" [website's liaison between website and Internet Publicity Management Office] to jointly ensure orders are received and executed; the first "notifier" is still the first person contacted by the Municipal Internet Publicity Management Office with instructions;

2. to internally monitor and supervise immediately whether all related channels receive the administration orders passed on by the first "notifier";

3. to internally monitor and supervise whether all related channels execute the orders conveyed by the first "notifier";

4. to cooperate and communicate with related channels within the website that are beyond the scope of responsibility of the first "notifier";

5. to increase the assessment content [the amount of information reported to the Internet Publicity Management Office about the website's compliance] of the website"s third-party monitoring mechanism under the publicity appraisal system of Beijing"s key websites to reward the good and penalize the bad;

6. to take part in related training organized by the Internet Publicity Management Office;

7. and to put forward suggestions to the Municipal Internet Publicity Management Office at any time.

The office issued the "Explanation" with special concern toward ensuring that news related to the upcoming 17th Party Congress in October 2007 would be properly "regulated." After the Party Congress, the office emphasized that the mechanism was to be a permanent fixture of each website's administration. On January 23, 2008, it convened the "Meeting of Persons in Charge of the Website Third-Party Monitoring Mechanism."[52] At the meeting, it required that each website make the internal third-party monitoring mechanism permanent.[53]

Overall, commercial websites, especially those located in Beijing, generally complied with the regulations, and in this regard, it could be said that authorities' efforts to control them were quite successful. Amidst the swirl of regulations and directives, commercial websites saw it

as in their own interest to "play it safe."

Commercial websites that did not execute the orders from higher authorities to control their sites" content or were found in breach of the rules were penalized. In most cases, the failures of the commercial websites to comply with regulations appeared to be lapses or misunderstandings, as opposed to systematic disregard for or attempts to circumvent the regulations.

There are no clear, publicly available regulations regarding punishment of websites for infringement of administrative decrees. Therefore, the punishments meted out, including closures, fines, firings and demotions, appear to be arbitrarily determined, on a case by case basis, according to the judgment of the officials involved.[54] For a list of cases of punishment of commercial websites, please see Appendix A.

E. Control during "political sensitive" National Events

2007 and 2008 contained two major events of particular concern to the government in terms of control of information and promotion of the government's perspective. The first was the 17th Party Congress of the CCP, held from October 15 to 21, 2007, in Beijing. The second was the Olympic Games, also held in Beijing from August 8 to 24, 2008. The government began planning for the control of the internet in relation to these events many months in advance. From the government perspective, they were key challenges, and the government adapted old and created new administrative mechanisms and techniques of control to address them. The government regarded the 17th Party Congress as a "test run" of sorts for the 2008 Olympics, and it was used to perfect mechanisms and techniques that could be employed for the Olympics. Many of these, in turn, were employed on a more general basis afterwards. After the events, the innovations in control appeared to become permanent and systematized, as in the case of the "internal third-party monitoring mechanism." In this respect, the events, beyond their many other significances, can be regarded as milestones in government efforts to control the internet. Similar mechanisms of control were implemented when the Chinese government grappled with unexpected national events such as the Sichuan earthquake, the Sanlu milk powder scandal and the release of ...

The following indicates the scope of the control, the nature of the planning and preparation, and the invasiveness of the various regulations, directives and orders issued by government regulatory and oversight agencies.

1. The 17th Party Congress

At the Party Congress, important decisions regarding appointments to key Party positions are announced. In the lead-up to the Party Congress, any information regarding these decisions is regarded as a "state secret." "Rumors" regarding personnel changes in particular are not countenanced. Public speculation is also forbidden. On past occasions, the government has arrested and convicted journalists on the charge of "revealing state secrets" for their work in covering the Party Congress.

Efforts to control the internet centering on the 17th Party Congress of October 15 to 21, 2007, began in early 2007. On March 16, 2007, Chen Hua (陈华), the head of the Internet Management Office of the Beijing Municipal Internet Publicity Management Office, clearly articulated his office's views:

"The content related to the 17th Party Congress has to be scrutinized thoroughly, with particular regard to the personnel arrangements…if [we] indulge civil society [in its pretensions to] determine the jobs and the seating arrangements [i.e., power relations], if the Western media and foreign hostile forces can wantonly fabricate public opinion and contradictions and sow dissension - if such circumstances happen - the 17th Party Congress will not be able to convene smoothly…The Internet is an important political line of defense and everyone must be positioned [to defend it]. Do not allow any related posts or blogs to appear on the web. Any speculation about the personnel arrangements has to be removed at once. At the same time, corresponding technology should also be prepared. If there is a situation, we will find out who is to blame and the website concerned will also be held responsible. To effectively stop and block articles from overseas websites, [domestic] websites must not post their stories. Do not set up voting on sensitive topics. Candidates for the 17th Party Congress, the electoral system, related personnel and so on are all sensitive topics."

Soon afterward, Xi Weihang, the deputy executive director of the Beijing Municipal Internet Publicity Management Office, emphasized three stipulations in a speech[55]:

1. The topic of personnel changes is banned.

2. Interactive sites have to strictly block information about the congress published by overseas media.

3. The technology of oversight has to be strengthened in order to deal with harmful information in a timely manner.

On August 14, 2007, the Beijing Municipal Internet Publicity Management Office called a meeting on the mobilization of internet administration for the 17th Party Congress. It was attended by editors-in-chief and first "notifiers" of the major commercial websites. After the meeting, two months before the Party Congress, the Beijing Municipal Internet Publicity Management Office initiated a "wartime administration mode." All staff members were forbidden from taking leave or making business trips and were ordered to remain vigilant for any "harmful" information related to the 17th Party Congress. The office exhorted all websites to keep a close watch on all content about the Party Congress. The websites could only republish articles provided by Xinhuanet or _Online and were prohibited from using "ambiguous" headlines. They also were ordered to step up oversight of interactive features such as blogs and forums.

On September 28, 2007, half a month before the opening of the Party Congress, the Beijing Municipal Internet Publicity Management Office again summoned editors-in-chief of all websites to a meeting. At the meeting, the office conveyed its "Views Concerning the Internet News Publicity Work of the Party"s 17thNational Congress"[56] issued by the Internet Management Bureau. Soon afterward, each website was required to submit its "Proposal for 17th National Congress Publicity Management"[57] and its duty roster[58]from October 9 to 30, the period spanning the 17th Party Congress. The "Views" stipulated the precise required contact information of all staff on duty as well as editors-in-chief and first notifiers which the roster was to contain and that the staff on duty had to hold sufficient authority so as not to impede, delay or otherwise adversely affect execution of orders. During the Party Congress, editors-in-chief

were required to be available 24 hours a day.

As early as March 2007, the Beijing Municipal Internet Publicity Management Office found information and speculation concerning possible personnel changes at the Party Congress on the internet with the use of commonly available search engines and also noted that blogs carried views and information on the issue. The office promptly called for a special meeting[59] to discuss how to deal with "harmful" information related to the 17th Party Congress and to notify websites of the following three requirements:

1. Requirement for search engines: Regarding some relatively common nouns, such as leaders" names and so on, eliminate the "harmful" information and direct the search to the key news websites run by the central government. As for particularly obvious special nouns, such as "political stars of the Communist Youth League faction," "new members of the Politburo Standing Committee," and so on, searches for them should produce no results.

2. Requirement for blogs: As for blog articles that carry sensitive phrases, if [the website is] capable, vet the articles before releasing them. If problems still emerge, [the website] has to bear the responsibility. If the articles cannot be examined first, simply intercept them all. If a blogger who posts political rumors about the 17th NPC is identified and located, please contact that specific blogger. [Website] monitoring departments must not issue general regulations to all registered users regarding the 17th Party Congress.

3. Speculative news and information about the 17th Party Congress distributed by overseas media are all classified as political rumors and harmful information of the first degree. They must be blocked in every section… they are mostly intended to split the political team of the CCP Central Committee, to confuse and poison people"s minds…and so on. Websites must not obtain or reprint the content of those articles. If any website fails to follow this instruction, it will face the punishment of closure or suspension of service.

For the purpose of filtering, the Beijing Municipal Internet Publicity Management Office released 10 batches of key words related to the 17th Party Congress, on March 20, June 4 and 29, August 14, September 17, and October 8, 9 and 10.

Days before the opening of the 17th Party Congress, the Beijing Municipal Internet Publicity Management Office threatened all websites that if any editor did not follow orders and made a mistake, it would not only sack him immediately but also ensure that his professional career was finished.

During the Party Congress, the Beijing Municipal Internet Publicity Management Office directly deleted emerging negative information and set up key-word filtering to block items. It also issued orders to websites to disseminate government information and "publicity" about the Party Congress. Each website deleted on a daily basis a large number of print media stories, blog articles, forum posts, and negative comments made by internet users. Websites were required to send one member of their monitoring staff each to work at the Beijing Municipal Internet Publicity Management Office so that it could have direct control over the sites and ensure that its orders would be executed immediately. Once the monitoring staff received an order, they had to either carry it out themselves or send it back to their websites for implementation.

On October 15, 2007, the day of the opening of the 17th Party Congress, an editor at TOM recommended nine articles for placement on the front page of the website"s news center.[60] The proposed headlines exasperated officials at the Beijing Municipal Internet Publicity Management Office who told the internet monitoring staff from various websites working at its offices, "The above is done by a TOM editor! Particularly the lead story–"Party building: Corruption is still quite serious."[61] The officials immediately ordered that the editor be sacked.

The authorities were not only concerned with censorship of the internet but also with using commercial websites for propaganda purposes. On August 17, 2007, the Beijing Municipal Internet Management Office requested that all commercial websites place a special topic on "welcoming the 17th Party Congress" on their home pages as well as on the front pages of their news sections and relevant thematic pages. The office stipulated that the topic be presented in an eye-catching manner, recommending a red banner, and that websites give prominence to official reports about the preparatory work of the 17th Party Congress. When running news about how various places around the country were celebrating the 17th Party Congress, the websites were to give prominence of place to the series of reports run by and

its online version as well as Xinhua and its website.   Major decisions and measures taken by central authorities to solve people"s livelihood problems were to be vigorously publicized. During the period of the 17th Party Congress, orders to publish certain articles and information were given daily.   Many observers regarded the 17th Party Congress as marking a turning point in the government's use of commercial websites for propaganda purposes.   Honed during the 17th Party Congress, similar methods were employed during the 2008 Olympic Games.

2. The Olympic Games of August 2008

Starting on January 1, 2007, rules governing foreign journalists were relaxed for the period leading up to the Olympic Games and also during the Games.[62]   After the Games, as the changes were about to expire in October 2008, they were extended.   This gesture was intended to demonstrate to the world that the Chinese government would keep the human rights promises it made when bidding for the Games and also to show China's gradual relaxation of controls on reporting and the government's good faith in promoting a more open society.

However, about ten days after the government announced its relaxation of rules for foreign journalists, the Beijing Municipal Internet Publicity Management Office demanded in mid-January 2007 that all websites obtain the office"s approval before accepting any interview by foreign journalists.   The office said, "No website can accept a foreign journalist"s interview without authorization. The website must communicate with the Internet Publicity Management Office beforehand. In regard to unavoidable questions, opinions must be unified before [the interview]." The directive was one of the first in a long line which sought to ensure that the commercial websites maintained the discipline demanded by the government in disseminating news related to the Olympics and in controlling expression of opinion on the sites.   The following is a sample of such directives.

April 13, 2007: "[To] all websites: Recently, Guo Baoshun (郭宝顺), a villager from Beijing"s Shunyi district, disseminated information on the internet about the so-called 'problem of legality regarding the appropriation of land for the construction of the Shunyi Olympic Rowing-Canoeing Park.' His opinion is at variance with objective reality. Please do not carry

reports about this matter. Interactive sections should not propagate or discuss it and the related content should be erased."

July 2, 2007: "[To] all websites: Do not report on the fire at Peking University"s Olympic table tennis stadium. Delete any stories that have been posted. Please make searches for the following keywords return no results: 'Peking University Gymnasium on fire,' 'Olympic table tennis gymnasium on fire,'…Remove any news related to the fire. The incident should not be broadcast or discussed on forums, blogs, follow-up posts or other interactive features. All related content must be deleted."[63]

August 6, 2007: "Level Two: Do not report the disturbance created by some foreigners in front of the office of the Organizing Committee for the Olympic Games this afternoon. Do not discuss the matter in interactive sections."

August 13, 2007: "To all websites: Please ferret out and delete the article 'One world, one dream and universal human rights – our appeal and recommendations to the Beijing Olympics'".[64]

In addition to previous lists of key words to be filtered, on July 30, 2007, the Beijing Municipal Internet Publicity Management Office ordered the filtering of key words specifically related to the Olympics: "In all interactive sections, please filter the keywords: 'Datun street office villagers whose land was appropriated,' 'Bird"s Nest and villagers whose land was appropriated,'…Strictly check all posts that contain these keywords. All search engines have to make sure that searches for the following keywords return with no results and [this measure is to be] maintained until September 1: 'Datun County"s displaced peasants,' 'Datun subdistrict office displaced peasants,'…"[65]

As the Olympics approached, the authorities stepped up its threat against unruly websites. On January 25, 2008, the head of the Beijing Municipal Copyright Department, Feng Junke (冯俊科), warned at a press conference that websites that created or propagated information that "distorted" the Olympics logo and its related pictures, words, music and movies violate the government"s intellectual property rights over the Beijing Olympics. Those websites that were unregistered would be closed down, while registered sites would be asked

to delete the objectionable content.[66]

During the Olympics, although the Chinese government temporarily lifted the blockade of the websites of several overseas media such as the British Broadcasting Corporation (BBC), many websites considered "politically sensitive" or "anti-China" continued to be firewalled, such as those of CHRD, Dajiyuan, 64tianwang.com and Boxun. At least one such website, ˍ ˍ(一周新闻), an online publication focusing on forced evictions and citizen actions to defend civil rights, was even reportedly attacked during June and July 2008 due to the Olympics. In the last couple of years, a number of human rights websites have reported malicious attacks of unknown origin. Activists working with these websites suspect that this was the work of the authorities. (See Appendix B)

During the Olympics, Chinese internet users were subjected to even stricter censorship. For example, Xinwang Hulian (新网互联), an Internet Service Provider (ISP), released an "Urgent Notice Regarding the Safety of Information on Internet Sites" which states, "To ensure the safety of information on the internet during the Beijing Olympics and in accordance with requests from higher authorities, Xinwang Hulian will conduct a safety inspection of its sites…This inspection includes a review of websites" content…and expansion of the selection of keywords for censorship". Popular internet forums known for their political discussions, such as Tianyi, Tianya, China Reform Forum (中国改革论坛) and Xicihutong Ruisipinglun (西祠胡同锐思评论), took additional measures to restrict postings. Outspoken individuals who were active users of these forums were either barred from posting messages or had their messages blocked due to "sensitive" content.

3. The May 12 Sichuan Earthquake, the Sanlu Milk Scandal and ˍ

The mechanisms of internet censorship and control described above were similarly implemented as the government attempted to control public opinion in the aftermath of unforeseen national events like the Sichuan Earthquake and the Sanlu milk powder scandal, as well as the release of ˍBlogs and websites commenting on the Sanlu milk scandal, such as online publication ˍˍˍ(中国农产品市场周刊), or on ˍ, such as blog portal bullog.cn (牛博网)ˌ were closed by the internet authorities. A couple of weeks after ˍwas first released on the internet on December 9, major search engines including Google.cn, Sina and Baidu, blocked

and deleted the vast majority of articles commenting or even mentioning the public petition. (See Appendix B)

It must be stressed that although some heralded China's "openness" in the immediate aftermath of the earthquake, as many Chinese journalists were able to report on the disaster independently, the authorities resumed tight control over the media by harassing and detaining individuals whom they considered "troublemakers" only days after May 12. The earthquake, one of the most devastating natural disasters in modern China, generated an unprecedented amount of civil society activism both online and offline. Individuals who previously had no history of dissent, such as Liu Shaokun (刘绍坤) and Zeng Hongling (曾宏玲), became vocal online critics of the government's handling of the quake and were punished for speaking out. In addition to Liu and Zeng, veteran online activist and director of the human rights website, Tianwang Human Rights Center (www.64tianwang.com), Huang Qi (黄琦), also fell victim to the official crackdown. Huang was apprehended on June 10 and has been detained for his online reporting and giving interviews to foreign journalists about protests staged by families of schoolchildren who died in the earthquake.

The criminal punishment of individual internet activists is a regular method used by the Chinese government and it usually focuses on two types of users: those who post articles critical of the government on popular websites or overseas websites and those who use the Internet to mobilize actions such as demonstrations and public petitions. Criminal charges against these individuals include "leaking or possessing state secrets", "inciting subversion of state power", "spreading rumors" or "defamation". Please see Appendix D for a list of cases of detentions, arrests and convictions of internet users.

II. Efforts Which Expand Freedom of Expression and Information by Internet Users

Although the government has expended considerable resources in attempts to keep the internet under tight control, it cannot fully exert its will in the face of a combination of advanced and ever-developing internet-related technologies, their many different uses and applications, and the sheer number of people in China now using the internet on a regular basis. There are few people consciously and explicitly campaigning for greater freedom of expression and information on the internet or campaigning directly against government efforts to control the

internet, but the ways in which some individuals and smaller organizations use the internet and struggle for their individual rights have also had the indirect effect of expanding freedom of expression and information on the internet.

In spite of government efforts to make certain bureaucratic organs of the state responsible for censorship of the internet and use of the internet as a tool of state propaganda, many of the government's efforts are reactive or in relation to particular events, providing internet users with windows of opportunity.   For example, after an unanticipated incident occurs which the government wishes to be presented in the media according to its own version, internet publicity management offices issue orders requiring major commercial websites to filter key words and to delete and block certain information and views about the incident.   Yet there is often a lag time between the occurrence of the incident and the issuing of such orders, and it is in that period that information seeps out, often from individual users.   In cases which particularly capture the attention of a large number of internet users, this short period can be sufficient for wide dissemination.   In a few cases, this has a snowball effect, with websites and more traditional media picking up and disseminating the news.   At that point, it can be too late for the internet publicity management offices to clamp down.

In cases in which government authorities take preemptive control measures, ordering key word filtering and self-censorship by commercial websites, savvy internet posters and searchers are both able to circumvent key word filtering through creative wording, while website editors may not consider certain information and views "sensitive" enough to be removed, and allow them to be disseminated.   Again, in certain cases, this may allow for a sufficiently long "incubation period" for a particular item to take on a life of its own.

While government authorities appear to have quite solid control over major commercial websites, there exist hundreds of thousands of small websites based in locations where internet publicity management offices are not as zealous or effective.   These websites often operate with greater freedom and independence, and much information and many views displeasing to the authorities originate from them.

Overall, government efforts to control the internet seriously affect general internet discourse, especially on a wide range of political, social and economic issues, and in this

respect, can be considered effective and damaging to freedom of expression and information.   While government authorities may not be able to ensure that the only information and views available on the internet are those that are in line with official versions, the number that evades their control, especially on key issues, is in the minority.   Still, the sheer number of internet users, types of information and communications technology, and amount and diversity of information available have to some extent forced government authorities to become more tolerant, and the government appears to be adopting the strategy of limiting strict controls to a number of key events, incidents, figures, issues and uses, some of which would include Party Congresses, the history of CCP rule, direct challenges to CCP power, top political leaders, the Olympics, Falun Gong, Taiwan, Tibet, Uighur rights, and use of the internet for any kind of organization of events, groups or even opinion independent of state control.

A. Four case studies: using the internet to break news stories and to organize

The following are four case studies of instances in which internet users arguably broadened freedom of expression and information in the face of government efforts to control them.   The cases also illustrate some of the issues and dynamics involved in the cat-and-mouse game of internet control. In reviewing the four cases below, it should be noted that all four were initially of local or provincial significance, occurred outside of Beijing, and gained national attention through the internet.   In this respect, issues and incidents which do not implicate national or politically well-connected authorities and leaders and occur at a remove from the centers of power are more likely to be able to find the space for dissemination on the internet.

1. The Chongqing nail house

On February 26, 2007, a post titled "The most stubborn nail house[67] in history"[68] appeared on the internet. The content of the post was a photo showing a lone small two-storey house in the center of a 10-meter-deep pit at a construction site. The house was situated in Chongqing and belonged to a couple holding out against the forced demolition of their home.   All of the other surrounding houses had already been demolished.   The post was circulated on various major online forums, and the print media began to report the case,

in turn arousing the attention of the general public.

On March 23, the Jiulongpo District People"s Court in Chongqing Municipality set a deadline by which the house should be demolished, and the case became the most popular topic discussed on online forums--A post[69] on the "cat898"[70] forum attracted almost 10,000 feedback comments within a day. Individual internet users did not simply consume information and comment on the incident.   Bloggers disseminated eye-witness reports and were key actors in the spread of information. They helped to keep the case in the public eye even after the traditional media lost interest and decreased coverage of the issue.

On March 28, a 26-year-old blogger, "Lovely Angry Youth Zola" (可爱愤青 Zola), whose real name is Zhou Shuguang (周曙光), travelled to Chongqing and started to report the incident on his blog. His first report, "I am in Chongqing"s Jiulongpo investigating the case of the most stubborn nail house"[71] was posted shortly after 3 p.m. The post had more than 5,000 hits that very day. During his week-long stay in Chongqing, Zhou posted more than 10 articles on his blog.

When the owner of the nail house, Wu Ping (吴苹), struck a deal with the land developer over resettlement compensation, Zhou began a web broadcast at 8 p.m. on April 2 from an internet bar nearby to report on the demolition. He took videos and recorded sound bites with his cell phone and uploaded them onto his blog. His amateur perspective gave his reports a fresh, original, grassroots edge that appealed to many viewers. At 11:30 p.m. that day, he released an online album of 81 photos of the demolition process that captured the final moments of the "most stubborn nail house."

The incident was so influential that it is credited with producing a new crop of "online citizen journalists" who use the internet as their platform to independently gather and disseminate information on public incidents. A great amount of the first-hand information on the "nail house" incident was released by such netizen journalists. On March 22, a netizen journalist in Chongqing who identified himself as "Streaking Dog"[72] posted on-the-spot updates of the nail house via his cell phone to internet users nationwide. Another blogger known as "Tiger Discusses the Way"[73] began reporting on the incident on March 24.

Zhou himself was the most popular of the reporters and became known as "China"s No.1 citizen journalist." He has since reported on several other controversial events, such as the Xiamen PX incident (see below). "Citizen journalists" are considered illegal by the Chinese government since they do not possess accreditation as journalists. They are often subjected to official harassment and intimidation. A large number of journalists imprisoned in China are citizen journalists. (See Appendix D)

Chongqing"s nail house was hailed by netizens as "a landmark incident" of 2007.[74] Government officials, however, were less enthusiastic about the incident and the reporting on it. The Beijing Municipal Internet Publicity Management Office issued a number of orders to Beijing-based commercial websites regarding the case. Some examples include:

March 24, 12 p.m.: "Concerning the matter of Chongqing"s nail house, commercial websites must not pick up the story again. Related special reports have to be withdrawn. Do not reproduce news and commentaries of this sort. There should not be any recommendations of or links to the news in forums and blogs either. Cease all follow-up comments on related posts on forums. Let us stress once more, special reports [on this issue] must be thoroughly erased."

March 24, 2 p.m.: "Regarding the case of Chongqing"s nail house, pick up no more stories and delete all special reports; commentaries and blogs should not be disseminated. Forums and blogs should not recommend the news. All posts should be blocked from having follow-up comments. Withdraw the background and do not carry out guest interviews [on the topic]."

April 2, 8 p.m.: All websites have to reproduce the latest report about the nail house incident run by the Cqnews (www.cqnews.net), titled 'Nail house case settled, both sides reach deal over clearance.'"[75]

April 3, 5 p.m.: "Concerning the demolition of the Chongqing nail house, websites should not reproduce or edit new news items, reports or commentaries. Do not do any follow-ups or reviews. Blogs and forums cannot recommend or post links to this sort of article. Posts that focus on the topic have to be erased without delay. Any post criticizing the handling or the

results of the incident or instigating troubles over the case has to be blocked and deleted without delay."

However, these orders were insufficient to prevent the dissemination of new information regarding the popular case. Zhou's blog for example, managed to evade the authorities' censorship for a while.

2. Demonstrations against the Xiamen PX project

On May 29, 2007, a mobile phone SMS was circulated amongst the people of Xiamen City, Fujian Province. It read,

Xianglu Group has started its investment project (of paraxylene, or PX) in Haicang district. If this highly toxic chemical is produced, it will be like exploding an atomic bomb on the whole island of Xiamen; the people of Xiamen would have to live with leukemia and deformed babies. We want to live, we want to be healthy! International organizations regulate that projects of this sort have to be developed at least 100 kilometers away from a city. But this project is just 16 kilometers away from us, Xiamen! For the sake of our next generations, send group text messages to all your friends in Xiamen after reading this!

Via SMS, QQ groups, MSN and BBS, the people of Xiamen organized a "strolling protest"[76] on June 1 and 2. An estimated 10,000 people took part each day. Residents demanded that the Xiamen municipal government stop, rather than just delay, the building of the PX project. By the end of 2007, the government agreed to stop the PX project. ___named the Xiamen residents "people of the year" in 2007 and declared, "[The residents'] action will help China open the door to modern civil society,"

Internet users Bei Feng (北风)and Linghu (令狐) reported the protests live on both days on the Bullog website, a website favored by dissidents and those critical of the government, with the use of mobile phone SMS and the internet. Blogger Lian Yue (连岳) repeatedly commented on the incident on his blog. In the articles "Xiamen citizens do it this way"[77] and "Xiamen citizens do it this way?"[78], he encouraged the people of Xiamen to express their disagreement "with their feet."

The Beijing Municipal Internet Publicity Management Office issued two instructions separately on May 30 and June 1, ordering websites not to reproduce any reports on the story, to erase articles that had already been posted, and to stop all related discussions in forums, blogs and other interactive features. However, by then it was already too late, as news of the protest had already reached many residents of Xiamen.

The Xiamen authorities were alarmed. There is evidence to suggest that the, immediately after the protest, authorities were designing measures to tighten freedom of expression on the internet to prevent similar incidents from happening again. On July 3, 2007, Tian Feng (田锋), deputy head of the Xiamen Municipal Bureau of Commerce, disclosed that drafting of the "Measures of Administration and the Handling of Harmful and Unhealthy Information on the Internet in Xiamen City"[79] had started in mid-June. The regulation, he said, would be announced and implemented by the municipal government soon. Tian said the measures required that real names (names on users' official identity cards) be used both for registration and publication of a post online. Tian said, "Since the incident of opposing the PX project, the government considers that it has to take control over the content on the internet."

Later, Lin Congming (林聪明), deputy chief of the Publicity Department of the CCP Xiamen Municipal Committee, denied that the drafting of the new internet regulations had any connection to the PX project. But, he said, according to the measures, "the people who organized and incited opposition to the Xiamen PX project" would have been punished under the new regulations.

At the time of writing, the administrative regulation has not yet been promulgated.

3. The Shanxi brick kiln slavery scandal

On June 5, 2007, "Naughty old man of central plains" (中原老皮), whose real name is Xin Yanhua (辛艳华), posted a message on a forum in Henan Province, http://bbs.dahe.cn, titled, "The road of evil "dark people"! Children have been sold to Shanxi"s black brick kilns, 400 fathers weep tears of blood crying for help."[80] The post was picked up by many websites. At the "End of the World Talk"[81] on www.tianya.cn, the post attracted more than 580,000 views

and over 3,000 responses in just six days.

However, Xin was not the first to break the story. As early as May 9, Fu Zhengzhong (付振中), a reporter with City Channel of Henan Television, obtained the first news regarding the disappearances of children. By June 11, Henan Television had re-broadcast Fu's report 21 times. Over 1,000 parents contacted the City Channel to look for their children. However, local police in the area of the brick kilns were decidedly unhelpful to the parents. Other traditional media were either not keen to publish parents' appeals for information for their missing children, or published such appeals but received very little response.

It was the posts by Xin that caught the attention of the whole country and eventually that of the rest of the world. The strong outrage and condemnation expressed by netizens all over the country nudged the reluctant local government into action. Internet users who read her posts also launched a "blue ribbon" campaign to help the missing people and to arouse public concern over the issue. Even after the authorities concluded their crackdown on the kiln owners and operations, internet users continued to monitor the situation. In his blog, internet user "Iamv," called for the public to help find kiln slaves who went missing again after having been rescued. Iamv succeeded in discovering leads to the whereabouts of several missing kiln workers.

The Beijing Municipal Internet Management Office issued five directives to commercial websites regarding the scandal. They attempted to curtail public discussion of the scandal as well as "guide the public opinion" in favor of the government's handling of the affair:

June 14, 7 p.m.: "Level One[82]: To all websites: Concerning the incident of Shanxi"s brick kilns, reproduce the items about how the central and the local governments seriously investigated and dealt with the matter. Do not overly dramatize in the headlines the details of how the workers were abused in the brick kilns; delete parts of the photos and articles that excessively illustrate the miserable conditions. Remove harmful information that tries to attack the party and the government over the incident from the interactive features."

June 15, 11 p.m.: "Level One: Regarding the Shanxi brick kilns affair, all websites have to increase the dynamics of positive publicity, report more on the vigorous measures taken by

the relevant central and local authorities, block follow-up comments posted on the related news reports, and step up the administration of forums, blogs, instant messaging and other interactive features and tools. Delete as soon as possible any harmful information that tries to attack the party and the government using the incident as a pretext."

June 22, 6 p.m.: "Level One: To all web portals: In the reports about the news briefing of the Shanxi brick kiln incident, please allow follow-up posts on the news and send special personnel to manage the posts and to strictly block and erase harmful viewpoints that attack the party and the government."

June 26, 7 p.m.: "About the reporting of the Shanxi brick kiln incident, all websites must follow and execute the orders below before 7 a.m. tomorrow: 1. Withdraw related reports and special topics from the website"s home page and the news front page. 2. Apart from the news about the case"s investigation issued by central key news websites that can be placed in the website"s home page and the news front page, all other sources of follow-up reports have to appear under the domestic news column. 3. When reproducing the related news, just carry individual stories and do not open follow-up posts or link to previous reports and special topics. 4. The front pages of interactive features shall no longer recommend the latest news and commentaries about the brick kilns. 5. Be strict with the deletion of information that is biased, extreme, critical of the Party and the government, or organizing collective action."

July 6, 6 p.m.: "Level Three: Concerning the reports of the Shanxi brick kiln incident, do not post any more new articles or produce any reviews. Interactive features should not take initiative to set up the topic for discussion, guide any discussion or make recommendations."

4. The Shaanxi fake tiger photo scandal

On October 12, 2007, the Shaanxi Provincial Forestry Department publicized photos of a rare South China tiger taken by hunter Zhou Zhenglong (周正龙). The species is endangered, and its habitat threatened by human encroachment.

That day, "Rickshaw Puller"[83], an internet user, reproduced the news and the photos onwww.xitek.com, a photography forum. By the evening, voices questioning the authenticity

of the photos began to emerge. "Woodpecker in the Forest"[85] posted the following comment: "The photos look like they have been Photoshopped." The next day, "Hongdu Swordsman"[86] said, "Anybody can figure out the size of the tiger based on the size of the leaves [in the photos].. If the photos are genuine, the tiger is about as big as a rat."