Media Systems, Access to Information and Human Rights in China and Vietnam

Robert W Vaagan

Dr Philos. (University of Oslo), Associate Professor, Department of Journalism and Media Studies, Oslo and Akershus University College of Applied Sciences. Vice Chairman (2009–12) of the National Council for Media Studies and Co-Chair of the joint working groups on media and press issues in Norway’s human rights dialogues with China and Vietnam. E-mail: Robert-Wallace.Vaagan@hioa.no.

Abstract: In Norway’s human rights dialogues with China and Vietnam, working groups on the media were introduced in 2010 in which access to information (ATI) is one of several issues under discussion. This article outlines the media systems of China and Vietnam before considering recent ATI legislation in both countries. China’s OGI Directive and Vietnam’s draft ATI law affect both the media and the possibilities of fostering better informed citizenships. Finally, the two media systems and ATI laws are linked with the broader issue of the universality of human rights. A multidisciplinary and multimethod approach is used, drawing on comparative media theory, international relations and human rights studies and using content analysis of legal conventions, websites as well as participatory observation in the human rights dialogues. The analysis suggests that although Chinese and Vietnamese media remain under Communist party control, the forces of globalisation, commercialisation and increased internet penetration are weakening party control of the media, thereby strengthening the principle of universality of human rights. ¹

Keywords: Media; China; Vietnam; Transparency; Globalisation; Human Rights.

I. Comparing Media Systems

With the collapse of the Soviet Union in 1991, the influential ‘four theories’ study of the press² lost one of its four components: Soviet communism. Yet this conception of the press as a mouthpiece of the party had been imported by and survives in the five remaining Communist states: China, Vietnam, North Korea, Laos and Cuba. Today there are few comparative paradigms of media systems that seem appropriate to analyse and compare media in China and Vietnam; the

¹ An early version of this article was presented at the Norwegian Media Researcher Conference, Ålesund, 28-29 October 2010. I would like to thank the two anonymous NJHR reviewers for helpful comments and suggestions.

² Frederick S Siebert, Theodore Peterson and Wilbert Schramm, *Four Theories of the Press* (UIP 1956).
‘four theories’ study lacked a model of development in which the media can assist in promoting social change. Several paradigms are limited to Europe or Western Europe and North America. David Kang has argued that the historical East Asian international system of which the national media forms an integral part, is marked by the three principles of hierarchy, status and hegemony that sets it apart from Western analytical categories. The fledgling UNESCO Media Development Indicators (MDIs) may, if fully implemented from 2012 as a global, annual survey, become a framework for much comparative media research. One broad conceptual model that is useful in our context covers the global media business, distinguishing between a ‘market model’ and ‘public sphere model’. This dichotomy is applicable to China and Vietnam, where market forces have led their Communist parties to adapt to globalisation and marketisation, joining WTO from 2001 and 2007, respectively. In Table 1, this model is expanded to include a column for the Communist Party (CP) conception of the media. In addition, I have added a row for the link between media and human rights and another for the provision of access to information (ATI). The model summarises key characteristics of the media systems globally and in China and Vietnam. The monopoly of power in CP systems has a strong bearing on all aspects of life, including human rights, freedom of expression and freedom of the press and media.

---

6 David C Kang, *East Asia before the West: Five Centuries of Trade and Tribute* (CUP 2010).
### Table 1: Media characteristics in three models

<table>
<thead>
<tr>
<th>Characteristics</th>
<th>Market model</th>
<th>Public sphere model</th>
<th>Communist Party model</th>
</tr>
</thead>
<tbody>
<tr>
<td>How is media conceptualised?</td>
<td>Private companies that sell products</td>
<td>Public resources serving the public</td>
<td>Instruments and voices of the CP</td>
</tr>
<tr>
<td>Primary purpose of the media?</td>
<td>Generate profits for owners and stockholders</td>
<td>Promote active citizenship via information, education, and social integration</td>
<td>Disseminate CP decisions</td>
</tr>
<tr>
<td>How are audiences addressed?</td>
<td>As consumers</td>
<td>As citizens</td>
<td>As citizens, consumers and CP members</td>
</tr>
<tr>
<td>What do the media encourage people to do?</td>
<td>Enjoy themselves, view ads, and buy products</td>
<td>Learn about their world and be active</td>
<td>Respect and be loyal to CP policies</td>
</tr>
<tr>
<td>What is in the public interest?</td>
<td>Whatever is popular</td>
<td>Diverse, substantive, and innovative content, even if not always popular</td>
<td>The CP represents the public interest</td>
</tr>
<tr>
<td>Media, including social media, part of human rights?</td>
<td>No, media access and use including social media are taken for granted as market issues</td>
<td>Yes, access to and active use of media, including social media, are human rights issues</td>
<td>Yes, access to and free use of media, including social media, are human rights issues</td>
</tr>
<tr>
<td>What is the role of diversity and innovation?</td>
<td>Innovation can be a threat to profitable standardised formulas. Diversity can be a strategy for reaching new niche markets</td>
<td>Innovation is central to engaging citizens. Diversity is central to media’s mission of representing the range of the public’s views and tastes</td>
<td>Both are potentially dangerous if they conflict with CP rule and threaten CP conception of harmonious society</td>
</tr>
<tr>
<td>How is regulation perceived?</td>
<td>Mostly seen as interfering with market processes</td>
<td>Useful tool in protecting the public interest</td>
<td>Necessary tool to maintain CP control and rule</td>
</tr>
<tr>
<td>Media ultimately accountable to</td>
<td>Owners and shareholders</td>
<td>The public and government representatives</td>
<td>CP</td>
</tr>
</tbody>
</table>

---

11 Adapted from Croteau and Hoynes (n8).
In the study on access to information in 122 countries by Relly & Subwarhal (2009), the data is from 2006 and none of the five CP countries are included. It follows from Table 1 that we would also expect CP systems to allow ATI but only to the extent that it serves party interests. This is what has been happening in China since 2008 and may set a pattern for Vietnam and the remaining CP systems. Their motives may be mixed: partly to emulate China, to attract investments, to accommodate international agencies such as the WTO, and maybe partly to assimilate technological developments and media globalisation with growing citizen expectancies of ‘the right to know’.

Many analysts have noted that the political structures of both China and Vietnam can co-exist successfully with globalisation and WTO membership and are receptive to market-induced changes. The booming Chinese economy over the last 20 years and China’s new status as the world’s second-largest economy has invigorated the Chinese CP where a ‘universalist’ faction is vying for power with an ‘exceptionalist’ faction. The former believes that China must eventually converge on democratic norms while the latter insists that China must preserve and perfect its authoritarianism. Vietnam has made steady economic progress and joined WTO in 2007 after a decade of negotiations. These factors suggest that while their economies are changing, their political structures may prove much more resilient to change in the near or medium future. Human rights, freedom of expression and the prospects for media pluralism and freedom, as well as a more investigative and critical press are not likely priorities either in China or Vietnam as compared with continued economic growth under CP guidance and control.

In CP systems policy is formulated in 5-year cycles between Party Congresses. Prior to the 11th congress of the Vietnamese Communist Party that took place in January 2011 there was uncertainty whether the draft ATI law would be given

<table>
<thead>
<tr>
<th>Characteristics:</th>
<th>Market model</th>
<th>Public sphere model</th>
<th>Communist Party model</th>
</tr>
</thead>
<tbody>
<tr>
<td>How is success measured?</td>
<td>Profits</td>
<td>Serving the public interest</td>
<td>Serving the CP</td>
</tr>
<tr>
<td>Provision for ATI</td>
<td>Yes, if useful to attract investments</td>
<td>Yes, if useful to assist the public, press and media</td>
<td>Only if serving the CP</td>
</tr>
</tbody>
</table>

12 Henning Kristoffersen, *Det nye Kina. Kinesisk handel, kultur og politikk* (Universitetsforlaget, Oslo 2008); Gainsborough (n 10).
the green light. A 30-page Government decree signed by Prime Minister Nguyen Tan Dung on administrative violations in the press (ie violations not judged serious enough for penal liability) from early January 2011 left no doubt that the government (and its Siamese twin the CP), remains in full control of all aspects of the media.\textsuperscript{14} As for China, the 18th Congress of the Chinese Communist Party (CCP) scheduled in 2012 could be a watermark in the power struggle between the Universalists and Exceptionalists and will also be an occasion to take stock of media developments and the OGI Directive. As argued by Shirk (2011), the media landscape in China is changing and the controversy over China’s censorship of Google highlights ambivalence within the CCP regarding information freedom.\textsuperscript{15} In a report dated June 2011, Amnesty International deplores China’s more severe crack-down on human rights lawyers since 2009.\textsuperscript{16}

The Chinese and Vietnamese constitutions of 1982 and 1992 respectively, both guarantee freedom of expression. But these formulations are proscribed by other constitutional formulations, laws or state of emergency strictures. In China a revision of the State Secrecy Law effective from 1 October 2010 embraces the entire ICT sector and is designed, for example, to secure ‘unified thinking’ on the internet and rooting out cyberdissidents.\textsuperscript{17} If investigated under the provisions of this law, many ordinary rights such as entitlement to a lawyer, are waived. Also, the definition of what constitutes a state secret can be made retroactively.\textsuperscript{18} In Vietnam the State Secrecy ordinance of 1991 and the Press Law of 1999 (which, eg does not allow privately owned media) counteract the constitutional freedoms cited. The Vietnamese Ministry of Information and Communication is considering revisions of The Press Law to include e-newspapers and financing of media agencies, but this will not alter full state ownership or affect the ‘duties’ of journalists in terms of ‘social responsibility’.\textsuperscript{19}

\textsuperscript{15} Susan L Shirk (ed), Changing Media, Changing China (OUP 2011).
\textsuperscript{17} Kristoffer Rønneberg, ‘Kina beorder sensur’ Aftenposten (Oslo, 30 June 2011).
Despite ideological and structural affinities, Sino-Vietnamese relations have had their ups and downs with unresolved territorial issues concerning the Spratly and Parcel islands in the oil-rich South China Sea. Historically, the little dragon Vietnam has a history of 1,000 years living in the shadow of its big dragon brother. Nonetheless, 2010 had been designated as ‘the year of friendship’ in Sino-Vietnamese relations, and China is Vietnam’s main trading partner. They frequently exchange politicians, and Vietnam can benefit from following developments in China, including the Chinese OGI Directive.

Media in China

The All-China Journalist Association (ACJA) lies under the Ministry of Propaganda and was established in 1937. The ACJA has 223 local journalist associations with more than 550,000 members. Chinese journalists are mostly state-employed information workers while editors are invariably appointed by the CP. Accordingly, the press and media are not Western-style ‘fourth estate’ watchdogs. Rather than question state and party decisions, they disseminate party decisions and rarely engage in investigative and critical journalism. Yet critical voices are reported in Chinese media. The Southern Weekend in Guangzhou, the daily Beijing News and the journal Caijin have all reported critically on social cultural and to some extent also on political issues. But there are many taboos: minorities, freedom of religion, Falun Gong, Tibet/Dalai Lama and criticism of the Communist Party.

CNN and BBC transmissions were cut in China on October 8, 2010 when the Nobel Peace Prize winner, Chinese dissident Liu Xiaobo, was announced. Chinese media condemned the decision and cancelled several high-level political meetings with Norwegian officials. China also deterred 17 countries from attending the award ceremony in Oslo Town Hall on December 8, although not the King of Norway.

---

20 The ‘watchdog’ and ‘fourth estate’ roles of the press and media in Western democracies mean that the press and media in their coverage exert a level of control regarding the legislative, executive and judicial branches of the state.


In China the responsibility of the journalist, editor, press and media in promoting social harmony is paramount. Many Chinese journalists acknowledge that there is (still) only limited scope for investigative and critical journalism, freedom of expression and editorial independence. No policy change can be expected until after the next Party Congress scheduled in 2012. Yet it would be fallacious to conclude that the media scene in China is static. The CCP, while presenting a unified public appearance, does have internal divisions including views on handling the media and press. In the absence of elections and polls, the CCP regards the blogosphere as a barometer of public opinion and uses particularly social media such as Sino Weibo and Renren, the Chinese equivalents of Twitter and Facebook, as alarm bells to alert the centre to problems at lower and local levels.23

In a recent study of the Chinese OGI Directive, international transparency standards were seen as an important inspiration in the drafting process but not in the final OGI Directive. The Chinese government appears committed to allowing a gradually stronger protection of the peoples’ right to access information. Lack of compliance with international standards is ascribed to fear of too rapid change, and a firm belief in gradual reform, consistent with the Chinese authorities’ conception of social harmony and stability.24

Little is known about the extent to which Chinese journalists use the OGI Directive to gather material for published stories. A recent study argues that although the media do not yet use it, they report and comment enthusiastically on the many cases where individual citizens, (retired workers, farmers, artists, motorcyclists, dog owners, displaced homeowners, professors, lawyers and other professionals) and the Chinese environmental protection community exercise their right to file OGI requests and to take the government to court if they are refused. Some government websites have special OGI columns, leaders’ mailboxes and chat room functions which, despite not being well-organised, do reflect the government’s strong backing of E-government. Even the CCP talks about ‘open Party affairs’ and has set up a press spokesperson system and a website, and refers in official pronouncements to ‘people’s right to know’.25

23 Shirk (n 15) 19.
The same study concludes that the widespread and assertive citizen utilisation of OGI bodes well for the future development of a more open and responsive Chinese government and realisation of the Chinese people’s right to know. Specifically, (1) a wide variety of citizens and groups across the country are using the OGI regulation; (2) that many Chinese citizens are obtaining information from their government; (3) that the demand for greater government disclosure is beginning to have an impact on changing government policies; and (4) there is still important work lying ahead to develop China’s fledgling access regime. Globalisation and commercialisation have been essential for promoting increased government transparency in China. The commercial centre Guangzhou Municipality in Guangdong province in 2003 became the first government in China to adopt OGI provisions, and China’s commercial capital Shanghai has the longest track record of information disclosure performance since it passed its local OGI legislation in 2004.

Media in Vietnam

The Vietnam War that ended in 1975 has had a lasting effect on Vietnamese society. The *Doi Moi* (reform) policy introduced in 1986 initiated a process of socio-economic development and also integration with the global community, not only economically but also politically. Vietnam has over the last decades signed a number of international treaties and joined regional and global organisations such as the APEC, ASEAN and WTO. The reform process has also led to the adoption or revision of thousands of laws and legal documents, including ratification of most of the core human rights conventions as noted later in Table 2. In 2008, while Vietnam was member of the UN Security Council (2008-2009), Vietnamese authorities decided to consider an ATI law. In this process several international organisations and bilateral partners have assisted Vietnam. In June 2009, the NGO Article 19 published detailed and critical commentaries on the draft law. Yet it is still uncertain whether the draft law will ever be passed. Further, in September 2010, the Vietnam Programme of the Norwegian Centre of Human Rights launched the first Masters degree program in Human Rights in

Vietnam, in cooperation with the School of Law, Vietnam National University in Hanoi.

As for the media, the conception and role of journalists, editors, press and the media is similar to what one finds in China.\textsuperscript{29} The draft ATI law does not explicitly mention the journalists, the press or media although terms such as ‘public interest’ and ‘right to know’ are used but not defined in precise terms. Clearly, the draft law in its present form falls significantly short of what one would hope for regarding independent media.\textsuperscript{30} After the 11th Party Congress in January 2011, the draft law lingers on, while as noted, penalties also for administrative press violations have been introduced.

The Vietnam Journalist Association which was set up in 1950, today numbers around 18,000 members. At the VJA Congress in August 2010, the chief editor of Nhan Dan (People) Newspaper, Dinh The Huynh, was re-elected as Chair of VJA. He is a member of the Party Central Committee and the Editor-in-Chief of The People Newspaper, the voice of the Communist Party of Vietnam. A carefully worded report by Vietnam.net on 12 August 2010 signals that some interesting changes may be underway:

At the Congress, the National Assembly Chair Nguyen Phu Trong emphasised that the Party and State always supports the creative efforts of journalists to contribute to Vietnam’s development. He praised the association’s achievements and called on journalists to uphold their patriotic tradition and take advantage of creativity and brainpower to fulfill all their targets. As the voice of the Party, the State, socio-political organisations, and the public, journalists need to encourage national unity and public involvement in the renewal process and in national industrialisation and modernisation so that Vietnam can achieve its goal of becoming a strong country with prosperous citizens living in a just, democratic, and civilized society […]. According to the NA Chair, it is essential for journalists to provide true and objective information and their dissemination of information must be accurate, timely and interesting to properly raise public awareness of Party and State policies and guidelines. […] In his speech, Dinh The Huynh highlighted the role of online journalism and


mentioned a big problem: journalists being hindered and even assaulted while practicing their job. To solve this problem, he said, assaults against journalists must be reported quickly and accurately on the media to make pressure on the authorities to quickly deal with such cases [...].  

One change that may have repercussions involves the agreement signed in 2010 between the World Association of Newspapers and Publishers (WAN-IFRA) and the VJA. The goal is to strengthen the capacity of Vietnamese media by providing support to the VJA’s existing media training centre (VJTC).  

II. Access to Information (ATI)

ATI laws vary but normally have provision for everyone’s ‘right to know’, including the media and press. The oldest ATI law is that of Sweden (1766) while in the UK, a Freedom of Information Act came into force as late as in 2005. In Asia, the Chinese OGI Directive took effect on 1 May 2008, whereas Vietnam started developing its ATI law in 2008. Since ‘the right to know’ is enshrined in §69 in the Vietnamese Constitution but not in §35 in the Chinese Constitution, Vietnam faces greater obstacles than China in formulating a consistent ATI law. At the 11th Party Congress in January 2011, with a gathering of around 1,000 delegates representing three million party members in a population of ninety million people, the fate of the draft ATI law was left undecided and the draft lingers on, waiting to be studied by appropriate bodies.

While only thirteen countries in 1990 had implemented ATI laws or regulations and/or standards for government transparency, the number has risen to at least 122, including China. Ideally, provision for ATI means not only the adop-
tion of a law or regulations, but also the presence of technological infrastructure and a service-minded bureaucracy that all combine to facilitate the efficient storage, retrieval and access of public records and information. Ideally, this is made available in either print or electronic form and usually free of charge to the inquisitive public, media and press. Yet legal provision is one thing, implementation quite another. ATI often turns out to be conditional and without an obligation of disclosure; systems for storage, retrieval and access are inadequate and bureaucracies can prove hostile to inquisitive citizens, potential investors and/or watchdog media and journalists. This state of affairs can be due to, for example, lacks of standards of accountability for civil servant conduct which in turn may encourage bribes in exchange for information. In several cases, for example in Zambia, ATI legislation is little more than a cover-up for controlling the press. The spread of ATI legislation cannot be equated with a spread of democracy.

Conditional legal provision is usually the case, as in Norway’s Freedom of Information Act of 1970. The main rule is an obligation of disclosure: ‘case documents, journals and similar registers of an administrative agency are public except as otherwise provided by statute or by regulations pursuant thereto’ (Chapter 2, §3). In 1982, the law was altered to include the rule of enhanced access to information: ‘where there is occasion to exempt information from access, an administrative agency shall nonetheless consider allowing full or partial access’ (Chapter 2, §11). The Agency for Public Management and eGovernment (Difi) reports a significant increase in access requests from citizens and the press after the establishment from 2010 of the ‘Open Post Journal System’, a unified and searchable electronic database for all public documents and correspondence.\(^{37}\) However, the Commission for Freedom of Information set up in 1971 by the Norwegian Press Association still finds bottlenecks, malfunctions and inconsistencies in the system that limit access for citizens and investigative journalists, and considers that the new database has not led to any increase in access.\(^{38}\) Norway’s Freedom of Information Act is still a compromise between the right of access to certain types of documents and the many exemptions for a wide range of documents on many issues: for example, internal documents (§14); externally acquired documents for internal matters (§15); internal documents of municipal

---

and county authorities (§16); certain documents regarding the Royal Court (§17); documents of the courts (§18); documents regarding the Sami parliament (§19); foreign policy (§20); national defence and security (§21); budget matters (§22); public bodies’ internal affairs (§23); control of crime (§24); appointments (§25); and finally exams and grades (§26). In Norway, some studies have therefore focused on the lack of government openness and transparency.\textsuperscript{39} This resonates with the situation in many countries with ATI legislation.

The turmoil from late 2010 surrounding Wikileaks has clouded its origin: government restrictions in most countries on ATI. In October 2010 when it was still possible to access the Wikileaks website, there were leaked documents from no less than 212 countries, including China, Vietnam and even Norway; Wikileaks quotes Time Magazine: ‘[Wikileaks] could become as important a journalistic tool as the Freedom of Information Act’.\textsuperscript{40} The material made available in October 2010 by Wikileaks relating to China and Vietnam included documents about the Chinese Green Dam censorship system dated 22 June 2009 and the Vietnamese order dated 27 August 2009 to block Facebook.com and VietTalk24.com and other sites.

The sharp increase in the number of countries with ATI legislation over the last two decades including many poor countries,\textsuperscript{41} has less to do with democratisation than with globalisation and the efforts of many governments to satisfy the information needs of foreign investors, or to handle increased transnational flows of capital, services, products and people, or to accommodate the growth of global media and a desire to stay abreast with technological advances such as E-government. To some extent, this also applies to China and Vietnam.\textsuperscript{42} For China, a wish to play a bigger global role and take part in international organisations also weighs in. In the follow-up to the World Summits on the Information Society (WSIS), China is taking part in the WSIS Forum and is involved in for example the United Nations University, China Academy of Telecommunication Research of MIIT and the Center for Electronic Governance at UNU-IIST. Vietnam, though, is not engaged in WSIS activities.\textsuperscript{43}

\textsuperscript{39} Finn Sjue and Arne Jensen (eds), \textit{Innsyn: slik kikker du byråkrater og politikere i kortene} (IJ-forlaget 2009).
\textsuperscript{40} Wikileaks (Sweden 2010) \texttt{<http://wikileaks.org/>} accessed 11 October 2010.
\textsuperscript{42} Relly and Sabharwal (n 36); Frank J Lechner and John Boli, \textit{The Globalization Reader} (Blackwell 2008).
ATI and the Internet

ATI is strongly affected by the Internet. Reporters without Borders rates both China and Vietnam among a dozen or so countries as ‘Enemies of the Internet’ and regularly reports on repressive measures against Chinese and Vietnamese netizens.\(^{44}\) Even so, and despite widespread censorship and self-censorship, internet penetration is rapidly increasing. The digital gaps found by Wei Song\(^ {45}\) in China will soon be, if present trends continue, a thing of the past, although new digital gaps in terms of broadband access are emerging. In June 2011, approximately 29.3 million (32.3%) of Vietnam’s 90.5 million inhabitants had internet access, compared with 485 million (36.3%) of China’s population of 1.33 billion.\(^ {46}\) Both the Chinese and Vietnamese authorities realise that when a third and more of their populations are netizens they expect easily available electronic information.

In a poll conducted in 2009-10 for BBC by Globescan among 27,973 adult respondents in 26 countries, including China (but not Vietnam), 79% of all respondents and 87% in China, regarded internet access as their ‘fundamental right’. Two-thirds of Chinese web users attach most value to the internet’s role as an information tool which is much higher than the world average of 47%. However, Chinese netizens are much less likely to use the internet for social networking. Only 26% enjoy using Facebook or MySpace compared with 51% on average. Chinese netizens are addicted and only 35% concede they could live without it compared with 55% globally. Forty per cent of Chinese netizens agree that the Internet should never be regulated by the government, and 29% see state censorship as their main internet-related concern.\(^ {47}\)

Whereas Chinese authorities are very sensitive about how the internet can affect public opinion, they are not averse to using the internet themselves. They consider blogs as a useful barometer for public opinion, especially the most popular bloggers such as Han Han.\(^ {48}\) In September 2010, the Ministry of Social Affairs


\(^{45}\) Wei Song in R Vaagan (ed) (n 21) 20-43.


\(^{48}\) Yonghua Zhang, ‘Blogs as a New Form of Public Participation in Mainland China’ in R Vaagan (ed) (n 21) XVII (3) 20-43; Stein Tonnesson, ‘Skarp kritiker’ Morgenbladet (Oslo, 15-21 October 2010).
published a report on the difficulties of financing future pensioners and vented the possibility of increasing the retirement age. The Ministry conducted several internet polls and in one of these 200,000 respondents objected to touching the retirement age. Wang Xiachu, Vice-Minister for Social Insurance, soon stated publicly that there were no immediate plans to increase the retirement age.49

The content underlying the increased internet penetration in China has until recently been mostly private and social. Thus Yonghua Zhang studied blog content of a few selected websites in mainland China and discussed the role of blogging in public discussion of issues of general concern. She found that by 2008 blogging in China was mostly private in nature, which made her draw a parallel with European coffee houses of the 17th and 18th-century.50 Cuiming Pang had a different focus, arguing that self-censorship is a key issue among young Chinese ‘virtual cosmopolitans’ who increasingly turn to the internet to communicate with other youths, inside and outside China.51 It should also be noted that the domination of private and social content has not been total; political content has been noticeable for some time. Simon Shen found that an anti-Japanese discourse was prevalent within the mainland internet community from April 2005 to March 2007, and that mainland ‘cybermen’ were playing an increasing role also in Hong Kong public discursive debate.52

Vietnamese authorities also see the usefulness of the internet although they remain apprehensive of what they view as possible misuses. The Vietnamese blogosphere and Vietnamese citizen journalism have since 2006 become active forces. In December 2007, for the first time in three decades, hundreds of young Vietnamese were allowed to protest in the streets of Hanoi and Ho Chi Minh City. Their protests, fuelled by citizen journalism and through the blogosphere, were not directed against their own government, but against China and concerned the two strategic archipelagos in the South China Sea which both countries claim. At least one Chinese government website was hacked with obscenities.53 In late

49 Torbjørn Pettersson, ‘For mange eldre kinesere’ Aftenposten (Oslo, 28 September 2010).
50 Yonghua Zhang (n 48).
2010, the Vietnamese blogosphere was replete with environmental concern over the building of two bauxite mines, one of which is being developed by Chinalco, a Chinese state-owned enterprise. Vietnamese environmentalist bloggers warned of a possible toxic spillage similar to what happened in Hungary in October 2010.54

Recent studies argue that increased internet penetration is leading to growing online activism and citizen journalism both in China and Vietnam.55 For the authorities and CPs, increased internet penetration raises expectancy among Chinese and Vietnamese netizens that their governments should keep abreast of international openness trends and provide more electronic information, not least in Vietnam where the ‘right to know’ – in contrast with China – is constitutionally enshrined.

Government Openness and Transparency

By 2008, the WTO had 153 member countries and 31 observer governments. China had joined the WTO in December 2001 and Vietnam in January 2007. For both, WTO membership conditions were a prime cause for adopting ATI. In the lengthy discussions with the WTO prior to joining, transparency was a key issue, and both applicants had to satisfy detailed demands regarding trade statistics and access to other types of government information. WTO requires members to make their trade rules as clear and transparent as possible. Many WTO agreements require governments to disclose their policies and practices publicly within the country or by notifying the WTO. The regular surveillance of national trade policies further stimulates transparency domestically and multilaterally.56 China’s entry into the WTO unleashed many new laws and regulations, all attempting to fulfil three goals: (1) protect China’s domestic industries; (2) prepare for foreign entrance; and (3) help make China’s legal environment more transparent. Part of this involved the telecom industry and informatisation efforts in the public sector. Specific commitments were made by China to facilitate for example joint ventures, venture capital, licensing, foreign investments, e-com-

55 Shirk (n 15); Horsley (n 25); Guobin Yang, *The Power of the Internet in China: Citizen Activism Online* (CUP 2009); An Nguyen (n 53); Gainsborough (n 10); Vennevold (n53).
merce and electronic advertising, internet access and the like, but always under government control. 57

Many scholars have noted the absence of a commonly accepted definition of government transparency. 58 One approach is the global competitiveness ranking of the World Economic Forum. 59 The 2010-2011 report by WEF ranked China as no 27, up two places, and that ‘the country continues to lead the way among large developing economies’. Vietnam is ranked as no 59, up sixteen places and rapidly improving its overall competitiveness. If we compare the elements that are seen to be impediments to doing business in China and Vietnam, ‘inefficient government bureaucracy’ is cited by 9% of the respondents for China but only by 3.9% for Vietnam. 60

If Vietnam emulates China, we can expect that the commercial south (Ho Chi Minh City) where the business activities of the city’s large ethnic Chinese population which accounts for around ten per cent of the total population compared with just over one per cent nationwide, 61 will play a leading role in promoting government transparency, and mostly for commercial reasons. This may have implications for the media, press and journalism in the sense that business news and financial journalism could be prioritised as opposed to political journalism. This contrasts with the situation in the Nordic countries for example, where business journalism until recently has been neglected. 62 If true, this strengthens the ‘market model’ in China and Vietnam discussed earlier.

An alternative way of considering ‘transparency’ is through Transparency International which monitors public and private sector corruption in countries around the world. Of 180 countries listed on the Corruption Perception Index, China is ranked as no 79 with a score of 3.6 out of 10, compared with Vietnam as no 120 with a score of 2.7. This means that while corruption is seen to be a serious challenge in both countries, the situation is judged as more serious in Vietnam. 63 Interestingly, this contrasts with WEF data shown above where cor-

60 Ibid.
61 Gainsborough (n 10) 27.
ruption is cited by 9.5% and the third worst obstacle for China, but only by 4.8% for Vietnam where it is not among the top impediments.

Selected Websites

To see the extent to which authorities in China and Vietnam are embracing ATI, government openness, transparency and interaction with citizens and the media, I enlisted the support of two Chinese and Vietnamese research assistants to do a simple content analysis in December 2010 of the websites of four key institutions in each country: the Ministries of Justice, Foreign Affairs, Environment and the Communist Parties. Of these, China’s Ministry of Foreign Affairs and Ministry of Environmental Protection have OGI columns, but not the Ministry of Justice (which has no English-language version) or the Communist Party. None of the Vietnamese institutions have developed ATI-columns. From this data I have included below only the CPs, partly for reasons of length and partly because they are seen as information-rich cases in our purposeful (non-random) sampling strategy.

We examined whether the local language and English-language versions of the websites included any use of or references to ATI (in China’s case also OGI), transparency or openness. We also checked if there were any references to articles 35 and 65 in the respective constitutions. Thirdly, we looked for interactive features (contact person, blogs, letters, opinions, hot line, RSS feeds, videos, podcasts) and also for blog archives and other material. Finally, we also considered traffic and use. While this analysis only provides an indication and needs to be expanded and followed up in further research, it is useful in the limited context of this article.

China

The CPC website has no less than eleven language versions: Chinese (simplified and traditional), seven minority languages (Mongolian, Tibetan, Uyghur, Kazakh, Korean, Yi and Zhuang), English, Japanese and Russian. While there are differences in content between the various language versions, (the Chinese versions are more developed and updated) there is no reference to OGI or article 32 of the 1982 Constitution in any of the languages. The English version provides news and activities of party and leaders, party work, theory and ideology. There

---

64 I am grateful to my Vietnamese and Chinese research assistants for their help with a content analysis of the listed websites as part of their MA studies 2010-2012 on the Human Rights Program at the Norwegian Centre of Human Rights, Faculty of Law, University of Oslo.

are RSS feeds, as well as videos and podcasts mainly on CPC history, including the collected works of Deng Xiaoping (but not Mao). The archival functions cover CPC history, previous leaders’ works, and CPC national conferences. The two Chinese versions have sections for party news, ideology, archives and online interactive. The last section contains features such as ‘7.1’ community, User’s voice, Pioneer forum, Red tribal, Hot topic, Online statistics and ‘Tell the truth to the Party’.

![Website of Communist Party of China (CPC)](http://cpc.people.com.cn/)

Figure 1: Website of Communist Party of China (CPC) 66

There are podcasts and video interviews with leaders, mini-blogs of leaders, expert forums and party-people dialogue. Based on Alexa internet averages, people.com.cn is ranked as no 33 in China and no 215 globally, it is visited more frequently by users who are in the age range 25-34, are college educated and browse this site from work.

Vietnam
The multilingual CPV website (Vietnamese, English, French and Chinese) is the online newspaper of the Central Committee of the CPV, and also serves as an electronic information database.

The various language versions are not fully consistent, for example advertisements only appear in the Vietnamese version and only the English version refers to interactivity with users. The site offers detailed information on a broad range of topics, from news to ideologies, activities of the Party and state, economics, social affairs, culture, science-education, foreign affairs, tourism, sports, and overseas Vietnamese, world news and Vietnam in foreign newspapers. None of the news items concerning ‘Vietnam in foreign eyes’ are negative. There are no references to access to information, transparency or openness, nor to article 69 of the 1992 Constitution. The ‘About Us’ section states that providing news and information for propaganda and education is one of the newspaper’s main responsibilities. The website lacks RSS feeds and podcasts, blogs, letters, but has audio, videos, photos, search and web link function, and even updated indicators for domestic stock indexes. Editor name and contact details for departments and hot lines are provided. The archival function prioritises ideology rather than news. Based on Alexa internet traffic statistics, it is ranked as no 1404 in Vietnam and no 211,623 globally, and cpv.org.vn is visited more frequently by users who are over 65 years old, have no college education and browse this site from school.

In conclusion, we can briefly note that the CPC and CPV websites are targeted at diverse domestic and international audiences and that especially in the

---

case of the CPC there are interactive elements and some information that in a sense offer audiences selected information. To some extent, they are accessed by domestic and international audiences. The CPC website does not refer to OGI nor to article 35 of the constitution, neither does the CPV website mention ATI nor article 69 of the constitution.

III. Human Rights

While reflection on human rights has a long history in many cultures, the starting point for current debate is the Universal Declaration of Human Rights (UDHR) (1948). From a media perspective, article 19 is crucial because it also affirms the whole chain of communication from sender to receiver and all types of media, including cyberspace:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. 68

Human rights have emerged as a key issue in international relations and in Western-led globalisation, leading for example to the International Criminal Court in The Hague. 69 Yet the UNDHR has primarily a moral, not legal, status and has subsequently been integrated into various international legal conventions and national jurisdictions. There is a noticeable resentment among many non-Western governments in the postcolonial era with the Western origin of the human rights doctrine. The universality of human rights, including article 19, has been challenged by many non-Western governments and authoritarian regimes who view the promotion of human rights by Western states, intergovernmental organisations and NGOs as neo-imperialism. 70

69 John Baylis, Steve Smith and Patricia Owens, the Globalization of World Politics: An Introduction to International Relations (OUP 2008).
In the 1990s, several Southeast Asian states asserted Asian values in opposition to what they saw as a concerted Western human rights campaign. The Bangkok Declaration of 1993, while reaffirming the universality of human rights and other principles, did reflect that Western ideas of human rights were seen as excessively individualistic compared with Asian emphasis of family- and Confucian-based harmonious collectivism, and also unsupportive of religion. Some also considered the West as morally decadent due to the growth of gay rights and the success of the feminist movement in fighting gender discrimination. The ‘Western human rights v Asian values’ debate lost some of its momentum in the new millennium but remains alive within ASEAN. The post 9/11 ‘war on terror’ and mistreatment of inmates in Abu Ghraib and Guantanamo Bay have rekindled resentment, especially Islamic, to Western and particularly American, hegemonic moralising on human rights.\(^{71}\)

China and Vietnam have acceded to most of the key UN and ILO human rights conventions listed in Table 2, but they have often made reservations (eg Chinese reservation regarding the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)) and/or refrained from signing the various optional protocols (eg the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) regarding the death penalty).

Table 2: Key UN and ILO conventions on human rights.\(^{72}\)

<table>
<thead>
<tr>
<th>UN conventions</th>
<th>China</th>
<th>Vietnam</th>
</tr>
</thead>
<tbody>
<tr>
<td>ICERD - Elimination of All Forms of Racial Discrimination (1965)</td>
<td>1981</td>
<td>1982</td>
</tr>
<tr>
<td>CEDAW - Elimination of All Forms of Discrimination against Women (1979)</td>
<td>1980</td>
<td>1982</td>
</tr>
<tr>
<td>CAT - Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984)</td>
<td>1988</td>
<td>-</td>
</tr>
<tr>
<td>ICRMW - Protection of the Rights of All Migrant Workers and Family Members (1990)</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

ILO conventions

<table>
<thead>
<tr>
<th>ILO conventions</th>
<th>China</th>
<th>Vietnam</th>
</tr>
</thead>
<tbody>
<tr>
<td>C29 Forced or Compulsory Labor (1980)</td>
<td>-</td>
<td>2007</td>
</tr>
<tr>
<td>C87 Freedom of Association and Protection of the Right to Organize (1948)</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>C98 Right to Organize and to Bargain Collectively (1949)</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>C100 Equal Remuneration for Men and Women Workers for Work of Equal Value (1951)</td>
<td>1990</td>
<td>1997</td>
</tr>
<tr>
<td>C105 Abolition of Forced Labor (1957)</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>C111 Discrimination in Respect of Employment and Occupation (1958)</td>
<td>2006</td>
<td>1997</td>
</tr>
<tr>
<td>C138 Minimum Age for Admission to Employment (1973)</td>
<td>1999</td>
<td>2003</td>
</tr>
</tbody>
</table>

\(^{71}\) Anne M Brown, *Human Rights and the Borders of Suffering: the Promotion of Human Rights in International Politics* (UMP 2009); Kang (n 6).
Also, China has signed but not ratified the ICCPR. In early 2011, Human Rights Watch credited China for developing its first national human rights action plan in April 2009, but criticised China’s ‘unkept promises’ to keep the public informed of government affairs, to guarantee citizen’s right of information, to develop the press and publications industry, to unblock channels to guarantee citizens’ right to be heard and to provide institutional guarantees for the legitimate rights of news agencies and journalists. Furthermore, strengthened media censorship was criticised.\(^73\) In 2010, Vietnam chaired the ASEAN Inter-Governmental Commission on Human Rights. Dismissed by critics as a ‘paper tiger’,\(^74\) the commission did agree on a five-year plan until 2015 to strengthen human rights in all ASEAN member states,\(^75\) including drafting an ASEAN Human Rights Declaration.\(^76\) It remains to be seen how committed ASEAN will be to safeguarding human rights in member countries such as Vietnam.

The dominant approaches in human rights studies have been natural law, the Lockean social contract, legal approaches and international politics.\(^77\) In our context we are particularly concerned with freedom of expression, the media, press and journalism.

The Chinese constitution of 1982, article 35, guarantees freedom of expression: ‘Citizens of the People’s Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration’.\(^78\) Similarly,

---


\(^73\) Human Rights Watch, Promises Unfulfilled An Assessment of China’s National Human Rights Action Plan (HRW 2011)


\(^75\) The Association of Southeast Asian Nations (ASEAN) has 10 member states: Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam.


\(^77\) Brown (n 71) 20.

the Vietnamese Constitution of 1992, article 69, states: ‘The citizen shall enjoy freedom of opinion and speech, freedom of the press, the right to be informed, and the right to assemble, form associations and hold demonstrations in accordance with the provisions of the law’. Yet as we have seen, other laws often curb these very freedoms, which is why many international agencies and watchdog NGOs criticise China and Vietnam for lack of freedom of expression. The governance indicators used by the United Nations Development Program (UNDP) include a ‘press freedom survey’ based on data provided by Freedom House and covering 194 countries worldwide. Of the three categories ‘free’, ‘partly free’ and ‘not free’, the press and media in China and Vietnam are seen as ‘not free’. Repressive measures by the authorities through 2010 in both countries are noted, including the jailing in China of Nobel Peace winner Liu Xiaobo. It could be noted here that the fledgling UNESCO Media Development indicators to be implemented from 2012 are structured around five categories of which the first concerns freedom of expression, pluralism and diversity of the media and the third concerns media as a platform for democratic discourse. This may cause problems of implementation in several countries with authoritarian or Communist Party systems like China and Vietnam.

Echoing the ‘Western human rights v Asian values’ debate, Chinese authorities generally reject Western and international interference in Chinese domestic affairs although they do maintain human rights dialogues with many countries. China often invokes ‘inciting subversion of state power’ or ‘state secrecy’ laws to jail dissidents. In April 2008, Hu Jia, 34, a Buddhist Chinese dissident outspoken on Tibet and other sensitive topics was jailed for three-and-a-half years for ‘inciting subversion of state power’ and for criticising the ruling Communist Party. Similarly, the activities of the Charter 08 group, including jailed Nobel laureate Liu Xiaobo, whom Chinese authorities consider to be criminals, are heavily censored. The State Secrecy Law has been revised and expanded, effective from 1 October 2010. Like China, Vietnam also disapproves of Western and international interference in domestic affairs but nonetheless has deemed it necessary to conduct human rights dialogues with several Western countries. A major chal-

79 Ibid.
The challenge ahead is the harmonisation of all the laws initiated since the introduction from 1986 of the *Doi Moi* (reform) policy, including the need to harmonise its Press Law of 1999 with its ICCPR obligations.\(^8^2\)

**Norway's Human Rights Dialogues with China and Vietnam**

Several Western governments – the US, the EU, Canada, Australia and Norway – conduct human rights dialogues with a number of countries, including China and Vietnam. Norway currently maintains such dialogues with China, Vietnam and Indonesia. The main Norwegian objective is ‘to improve the human rights situation in the dialogue partner countries, by forging links between actors at various levels. Contacts at political level are a key element in the dialogues. Equally important is to facilitate network building between the countries’ civil service, judicial system, academia and NGOs’.\(^8^3\) The meetings are held annually at a political level and involve experts on law, minorities, the labour market and from 2010 also the media. In early 2010, the Ministry of Foreign Affairs appointed the author as Co-Chair of the new joint Sino-Norwegian working group for ‘Media Freedom and Responsibility’, and also as Co-Chair of the new joint Vietnamese-Norwegian working group entitled ‘Access to Information: Citizens’ Rights and State Accountability and Responsibility’.\(^8^4\) According to documents obtained through Wikileaks, we now know that there had been some disillusionment among Norwegian diplomats after the 12th round of the Sino-Norwegian dialogue in Norway in December 2009.\(^8^5\) This proved true at the 13th round that

---

\(^8^2\) Huong (n 30).


\(^8^4\) These are the views of the author based on personal notes and observations from the human rights dialogue meetings in 2010, but also on the joint protocols and other internal documents from the dialogue meetings. The documents are kept at the Ministry of Foreign Affairs and may be exempted from access under the Freedom of Information Act since they are internal documents (§14) concerning Norwegian foreign policy (§20). A brief account in Norwegian is available in Stig Nøra and Robert Vaagan, ‘Menneskerettigheter i Kina’ *HiO-nytt* (Oslo 21 June 2010) <http://www.hio.no/Aktuelt/HiO-nytt/Arkiverte-nyheter/2010/06/Menneske-rettigheter-i-Kina> accessed 10 January 2011. See also Robert Vaagan, ‘Ytringsfrihet i Asia’, *HiO-nytt* (Oslo 31 May 2011) <http://www.studentparlamentet.no/Aktuelt/HiO-nytt/Arkiverte-nyheter/2011/05/Ytringsfrihet-i-Asia> accessed 20 August 2011.

took place in Beijing in June 2010 which was marked by differences in the working groups on the situation of prisoners, minorities and the labour market. In the new working group on ‘Media Freedom and Responsibility’, frank exchanges led to agreement to work together on ethics, access to information, the internet and journalist training. As a first step, the code of conduct of the Norwegian Press Association was translated into Mandarin.\textsuperscript{86} Cooperation was temporarily suspended in late 2010 by China’s reaction to the Norwegian Nobel Committee’s decision to award the 2010 Nobel Peace Prize to inmate Liu Xiaobo. The Sino-Norwegian human rights dialogue remained suspended through 2011 and many other high-level contacts have been broken off by Chinese authorities. Business contacts, though, have been much less affected.

The 8th round of dialogue with Vietnam was held in Hanoi in November 2010 and was also marked by differences in the working groups on the issues of fair trial and presumption of innocence and on gender equality. In the new working group on ‘Access to Information: Citizens’ Rights and State Accountability and Responsibility’, exchanges were marked by conflicting conceptions of the media, press and journalism. When asked about the draft ATI law, Vietnamese representatives emphasised orally that they really did not need an ATI law since Vietnamese citizens already enjoyed such access under existing laws. This may have suggested uncertainty as to whether the draft ATI law would be given a go-ahead at the Party Congress in January 2011. Nonetheless, exchanges of experts and training sessions in cooperation with the Vietnam Journalist Association agreed to continue.\textsuperscript{87} The 9th round took place in Oslo in October 2011. Briefly, the discussions were judged as successful by both sides. In the ATI group, the UNESCO Media Development Indicators were discussed as well as transparency and media coverage to combat corruption. In both dialogues, ATI has proven an important issue, and Norway has shared its experiences with its Freedom of

\textsuperscript{86} The other Norwegian members were (in alphabetical order) Prof Guri Hjeltnes, Norwegian School of Management (BI), Odd Isungset, Chairman of the Press Complaints Commission, The Norwegian Press Association; Director Frode Rekve, Norwegian Institute of Journalism; Journalist Eva Stabell, Norwegian Journalist Union/Norwegian State Broadcasting Corporation and Dr Elin Sæther, University of Oslo. The Chinese delegation was headed by Mr Zhu Weifeng, Deputy Director General, General Administration of Press and Publication and the other members were Mr Xiong Chengyu, Prof and Director, Center for New Media Studies, Tsinghua University; Mr Yu Xiaohui, Deputy Chief Architect and Director, Department of Policy and Economic Research of Chinese Academy of Telecommunications Research, Ministry of Industry and Information Technology; Ms Li Yuanuyuan, China Radio International and Ms Chen Xuan, Professor, School of Communications, Renmin University.
Information Act (1970) and how the Norwegian ‘watchdog’ press and media use their right of access under this law to inform the public.

Questions have been raised in parliament by the opposition about the cost and utility of the human rights dialogues. But the Labour-led majority coalition argues that the dialogues are worthwhile continuing. Neither The All-China Journalist Association nor the Vietnam Journalist Association took part in 2010 in the human rights dialogues. However, in October 2011 a representative from the Vietnam Journalist Association was included in the Vietnamese delegation. The Chinese and Vietnamese view is that informing citizens is one thing, but the media, press and journalism represent the unified voice of the state and party and must assist in maintaining social harmony and progress consistent with party policy. 88 For Norwegian media professionals, this is ‘lapdog’ and not ‘watchdog’ journalism, and inconsistent with the provisions of press freedom in the Chinese and Vietnamese constitutions. The question therefore arises whether China’s OGI Regulation and Vietnam’s draft ATI law – if and when passed – may alter this picture.

IV. Conclusion

China and Vietnam are among the five remaining states with CP rule which shapes their media systems. While CP leaders in China and Vietnam may have different views on how best to develop their countries in a globalised economy, it

87 The other Norwegian members were (in alphabetical order) Ann-Magrit Austenå, Secretary General of Norwegian Organization for Asylum Seekers and former President of the Norwegian Union of Journalists; Deputy Secretary General Gunnar Ekeløve-Slydal, Norwegian Helsinki Committee; Senior Adviser Sissel C Motzfeldt, Agency for Public Management and e-Government; Professor Helge Rønning, University of Oslo; Director of International Programs and Siri Skåre, Norwegian Centre for Human Rights. The Vietnamese side was headed by Prof Dr Pham Huu Nghi, Editor-in-Chief of State and Law Review, Institute of State and Law; Vu Thu, Head of Science and Training Department, Institute of State and Law; Dr Le Mai Thanh, Head of International Law Department, Institute of State and Law; Tran Van Bien, Researcher, Institute of State and Law; Nguyen Linh Guaing, Head of Human Rights Study Department; Do Dinh Luong, Director of Information Centre, Ministry of Justice; Tuong Duy Kien, Centre for Human Rights Research, Ho Chi Minh National Academy of Politics and Public Administration; Nguyen Tuan Khanh, Researcher, Institute of Scientific Inspection; Nguyen Thi Hanh, Officer, Ministry of Justice; Nguyen Thi Vy, Journalist, Communist Review and Nguyen Duc Minh, Head of Economic Law Department.

is unlikely that the CP in the short and medium term will relinquish authoritarian control over the media and press. This applies especially to social media. Both countries are members of the WTO and experimenting with a mixture of the market model and public sphere model in which the CP defines and controls the role of the market and public. The scope and use of ATI will also ultimately be decided by the two CPs. China’s OGI Directive and Vietnam’s draft ATI law suggest awareness that citizens have a right to know and that the media can play a controlled role in disseminating officially sanctioned CP news. In the case of China, the OGI regulation is being used by ordinary citizens and the media and press report on this although they themselves do not yet use it actively for investigative reporting. In Vietnam, we still need to see the passing and implementation of an ATI law. In China the OGI Directive originated in Guangzhou, and then spread to Shanghai before becoming national. Commercial interests prevailed. If Vietnam emulates this pattern, the commercial south (Ho Chi Minh City) will spearhead the promotion of government transparency, but mostly for commercial and not political reasons. In consequence, business news and financial journalism may take precedence over other types of journalism. Based on the websites of selected Chinese and Vietnamese institutions there is still considerable scope for ATI, government openness and transparency. China and Vietnam have both acceded to most of the key UN and ILO human rights conventions, although implementation remains inadequate. In Norway’s human rights dialogues with China and Vietnam, the Chinese OGI Directive and Vietnamese draft ATI law are important topics in the new joint working groups on the media. The two laws are emblematic of an international trend of increased government openness and transparency which is driven mostly by globalisation and commercial concerns.