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an der Universität zu Köln

Olexiy Khabyuk, Manfred Kops (Eds.)

Public Service Broadcasting:
A German-Ukrainian Exchange of Opinions.

Results of the Conference
on October 20th, 2010 in Cologne, Germany

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Public Service Broadcasting: A German-Ukrainian Exchange of Opinions. Results of the Conference on October 20th, 2010 in Cologne, Germany¹

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Welcome Remarks

Manfred Kops: Good morning to all participants of this conference, and good morning and welcome to the delegation from the School of Journalism at the National University of Kyiv-Mohyla Academy, with whom we already had a short informal meeting last night. So once more and more officially I welcome you today at our University, in this impressive hall, called „Alter Senatssaal“. The conference today is part of a program called „Introduction of Public Service Broadcasting as a Means of Supporting Democracy in Ukraine. A German-Ukrainian Exchange of Opinions“ which is supported by the „Deutscher Akademischer Austauschdienst“, DAAD, and the Federal Foreign Office. We are very grateful for this support.

Let me first say some sentences about the purpose of this project. It might astonish you that an Institute for Broadcasting Economics deals with public service broadcasting and public communication at all. But there are several reasons that explain why we traditionally have done research in this field. The first explanation is a purely historical one. You might know that for a long time in Germany broadcasting only existed in the form of public service broadcasting – which is quite different from most economists' viewpoint that the market is the best way to provide goods, and also quite different from most economists' belief that a public, non-market provision is only justified if the market cannot serve. In contrast to this view, until 1984 the first and only way to provide broadcasting programs was public service broadcasting. From what I just said it is clear that the concept of public service broadcasting has been in conflict with mainstream economic theory. However, it was connected to economic theory by a special economic school, called „Genossenschaftswirtschaft“ and „Ökonomie öffentlicher Unternehmen“. This branch of public sector economics has a long tradition in Germany. It has specifically discussed the pros and cons of market provision against public provision of goods such as public infrastructure and public services, e. g. postal services, the supply of electricity and water, and the provision of educational or cultural institutions.

Mainstream economics was in contrast to these ideas. And as the technical as well as political framework changed over the years, the voices of economists became louder, insisting that commercial broadcasting should be allowed, at

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least in addition to public service broadcasting. As a result, the first commercial TV broadcasters went on air in Germany in 1984/1985. Right from the beginning, their programs were very successful, and the revenues and market shares of these commercial broadcasters increased rapidly. At the same time, public service broadcasters, having been monopolists for many years, lost large market shares, and maybe they also lost part of their influence on public communication and on society. Today commercial and public service broadcasters in Germany are almost equally important with regard to revenues and market share. We call this co-existence of public service broadcasters and commercial broadcasters the „dual order“.

In this dual order, state broadcasters – as a third possible type that is common in many countries – do not exist. This can be explained first and foremost by historical reasons, as state broadcasters in the „Third Reich“ were mainly a means of propaganda, paving the way for the aggressive and insane politics of the Hitler regime. But it can also be explained by the strong influence the allied forces and later also the German Constitutional Court had on the redesign of the German media order after the end of World War II. These institutions, also influenced by the experience of the role of the media during the Third Reich, believed and consistently emphasised that the state was not a good provider of mass media. In post war Germany, state broadcasting has thus never been an option, although there have been attempts to establish it. This is an important difference from many other countries that have a „triple order“, with public service broadcasters, commercial broadcasters, and state broadcasters.

In general, the co-existence of public service broadcasters and commercial broadcasters in Germany is widely accepted. Still there are permanent struggles about the relative importance of these two columns of the dual order. For instance, there are disputes about the (high) societal obligations of public service broadcasters (their program remit) and the (lower) societal obligations of (and restrictions on) commercial broadcasters; and there also are many disputes about the volume of funding that should be available for public service broadcasters and commercial broadcasters. Similar quarrels should be familiar to you from Ukraine, with the difference that at present your dual order consists of state broadcasting and commercial broadcasting. I am sure that we will tackle the question of if, in the long run, the Ukraine state broadcasters should also be substituted by, or at least complemented by, public service broadcasters. This is one of the core questions of our conference.

I would like to mention another, very general reason why in Germany broadcasting economics traditionally has dealt with public service broadcasting: It is the belief that economics is more than market economics. Economics is not only about the maximisation of private welfare. Instead, it has to take into account that there are non-market benefits for the public, which also can increase private welfare, and thus a proper definition of economics also has to take into account these types of non-market benefits. To understand this, imagine a country with 1 million citizens, in which each citizen has an expensive car worth €50,000, and a second country, also with 1 million citizens, in which only every tenth citi-



zen possesses a car worth €10,000. If we compare the private welfare of these two countries, expressed by the market value of their cars, the first country, with a gross product of 1 million x €50,000 = €50 billion, seems to be much richer than the second one with a gross product of 100,000 x €10,000 = €1 billion. However, if there are no public roads in the first country, the benefit of the cars is zero there, whereas it may be high in the other country if it has sufficiently invested in public roads. So you need both components: the individual private one and the public one. From these chapters of public economics we can learn a lot – also for the design of media orders. In fact, external effects and public benefits are most important for the media: The term „public communication“ already indicates that the main purpose of the mass media is for public benefits, not for private ones.

Let me finally briefly mention a third reason for the relevance of public economics for media orders and media policy: We should realise that in a united Europe the different national media orders all have to compete with each other, which means they have to compete for acceptance by the European citizenships and by the European politicians who will decide about a common European media order. In the long run, this competition will become more intensive, and the pressure for harmonizing the national media orders of the member states will grow, especially if the European Commission enforces a common European solution. Thus, each country has to compete for the sympathy and support of the European citizenships. This also means that we as Germans with our dual order model will have to compete with other models, and we will have to campaign for our model if we want to preserve it in a united Europe. We will depend on the support for our model from other countries, and especially by the eastern European countries, also by Ukraine, if your country someday should become a member of the European Union.

These remarks should be sufficient for the beginning to understand our activities in the project we are doing with the National University of Kyiv Mohyla Academy. This DAAD project in general is attempting to strengthen democracy. We believe that one way to strengthen democracy is to democratise the mass media; in fact it probably is the most important and most efficient way to support democracy. And one way to democratise the mass media is to implement and foster public service broadcasting – which is independent from the state and from the market.

Pessimists might say that public service broadcasting can only come into existence at the end of the democratisation process. They might say that a society can only be successful in democratizing itself after it has managed to create a civil society which is capable of implementing public service broadcasting. On the other hand, we know that public service broadcasting itself is a very important means and step for democratisation. From that regard, the introduction of public service broadcasting should rather be at the beginning of the democratisation process. We thus face the well known hen and egg problem: Public service broadcasting is a central precondition for democratisation, but a democratic and strong civil society, on the other hand, might be an important precondition for the implementation of public service broadcasting.



The experiences in some countries show that this trap often might be overcome by external support only. Germany is a good example. After World War II public service broadcasting in Germany was strongly promoted by Great Britain, France, and the United States of America – the countries that occupied the Western parts of Germany at the end of World War II – and assisted Germany during the post-war reconstruction. For them public service broadcasting was considered to be a proper remedy against central and undemocratic political influences on the media, in their own countries and also in the democratic Germany which they wanted to install. Most Germans did not know public service broadcasting at that time, much less actively demand and strive for it. Thus they were lucky to be forced to accept a concept that, in retrospect, has proven an important factor for the stability and coherence of the German post-war society. Other countries have been comparably lucky – some were also occupied countries, others were independent countries that had the chance to observe and adopt positive experiences with public service broadcasting in their neighbouring states.

From this regard, the dialogue which is intended in our joint project first of all has the purpose to introduce and to explain the chances and advantages of our model of public service broadcasting as an option that your country might take into account on its way to secure and strengthen the freedom of the media and of opinion making. The purpose of our first conference, which took place in Kyiv in June, was mainly to explain the model of public service broadcasting to you. The second conference, which takes place today, wants to supplement this approach by discussing your opinions about the concepts we presented and explained to you at the first conference, and also to discuss your opinions about the most important problems in adopting elements of public service broadcasting in Ukraine. Thus we hope to be able to continue from the general to the more specific. We hope that more conferences follow, and that in the end we can deal with very concrete questions, like: „Which funding sources could be used for public service broadcasting in Ukraine?“, „How should the personnel of PSB be recruited?“, „Who should become members of its control boards?“, and things like that.

With this path in mind, we are a little sad to realise that the political development has not really changed for the better since we applied for this joint project. In fact, the conditions for the implementation of public service broadcasting in Ukraine have become worse, if I have observed the recent development rightly. I can frankly say that this raises the question if it still makes sense to think about the steps to implement public service broadcasting in Ukraine and to think about concrete operational questions when the opportunities of this concept are, in general, diminishing. I think we should observe the political development for a while before we decide this question. Although, with regard to the recent political changes, the DAAD has temporarily terminated the funding of our project, we are free to ask the DAAD to resume its support. But we could also decide that it does not make sense to go further now, also as there are other measures to strengthen democracy – measures that also could be promoted as part of the DAAD project, and



measures that, at the time being, might be more appropriate and might better justify the financial and personal efforts. We should leave this open at the moment, but we have to decide about it before the end of this year at the latest.

Our conference program contains three parts. You will find it in a printout in front of you, and I do not think I have to comment it in detail. Each member of the Ukrainian delegation will present a paper today and I ask everybody to introduce himself briefly when he or she presents his or her paper. The first part, which deals with the general situation of the media in the Ukraine, will be chaired by Dr. Olexiy Khabyuk. Dr. Khabyuk has organised the whole project, and he also prepared the conferences in Kyiv in June and in Cologne now. I am extremely grateful to him. As a native born Ukrainian, he is well informed about the history and the present situation of the media in Ukraine. This also explains why he has always pushed this project and has managed to convince us that this dialogue is important. I also would like to thank him for documenting the results of our cooperation. Dr. Khabyuk has already edited and posted all presentations and discussions from our Kyiv conference on our websites, and he will do the same for this conference in Cologne, too. This could be valuable for others who work in this field, both researchers and politicians. Even if we decide to terminate our project temporarily, all results till now will be published and available, and they can be used by others, and also by ourselves if we decide to continue our efforts later.

The second part of the conference today deals with the present chances to introduce public service broadcasting in Ukraine, with the attempts that have been undertaken in this direction already, and with the problems that you have to solve in doing so. This part will be chaired by Prof. Kvit, the President of the National University „Kyiv-Mohyla Academy“. We are very glad that he is with us here; he best knows the situation in Ukraine, and as far as I understand, he also is well known in Ukraine in discussions about politics, and especially about media politics. Prof. Kvit will stay at our Institute for several weeks, working on a book. I hope and I am sure that this cooperation will gain further results, maybe results which can be published and which will document that our joint project is valuable and successful.

In the third and last part of our conference, which will be chaired by me, we will discuss the main challenges for the Ukrainian media order. At the end of this part there will be a final discussion, chaired by Prof. Kleinsteuber. Most of you know Prof. Kleinsteuber, as he was a member of our delegation at the Kyiv conference. He is a specialist in international comparative analyses of media orders and communication orders, and he has a high reputation: probably he is the best known German academic in this field. He will arrive a little later as he is coming from Hamburg today.

I also would like to welcome Prof. Schiwy, whom you also might know from our conference in Kyiv already. Whereas Prof. Kleinsteuber is rooted in sociology and in communication theory, Prof. Schiwy is a lawyer, a specialist for media law and broadcasting law. He also has a long experience as a practitioner in the field of media. For instance, he was the director general of RIAS, the famous



public service broadcaster, located in Berlin, and of the Norddeutscher Rundfunk, one of the large public service broadcasters of the German ARD, located in Hamburg. Thus as a lawyer, Prof. Schiwy is the perfect counterpart and supplement to Prof. Kleinsteuber. In fact, his profession has always dominated and still dominates the discussions about media politics in Germany; I have already mentioned briefly that the Supreme Court has been extremely important for the development of the broadcasting order in Germany. From that regard I am also very happy to welcome Antje, also a lawyer, and also an expert for media law and a practitioner with a long experience in PSB. For instance Mrs. Pieper was the head of the Legal department of the WDR, the large public service broadcaster located here in Cologne, and she was member of the Medienanstalt Berlin-Brandenburg, the regional institution that controls and regulates all private broadcasters there.

So I am sure that we have assembled an excellent group of experts who will today continue the discussions we started in Kyiv, and I am sure that there will be good results at the end of the day. We have secured sufficient time for discussions with the time schedule of our conference. After each part, we will have discussions about the presented papers; and as mentioned already, at the end of the conference we will have a final discussion. But there should be even more opportunities for personal discussions, for instance during our coffee breaks and during the lunch break, or during our dinner after the conference. Everybody is invited to this meeting tonight, not only the members of the Ukrainian delegation, but also all participants from Germany and from other countries that are with us here. We will announce later when and where we meet tonight. It always is an important – and pleasant – part of such conferences to have an occasion for the informal exchange of ideas – a factor which also is reflected in the title of our project.

As I have already mentioned, such an exchange of ideas and of opinions only can be a beginning; it can never present fixed solutions. In fact, there are no fixed solutions for the design of media orders, as the societal, political, cultural and economic framework is different in each country. It is a matter for the people who are affected by their media orders to choose the solutions they consider best for their countries, taking into account the particular conditions there. Still these international discussions are very important in my view, as they widen the perspectives and the scope of alternatives which can be considered and evaluated. In this process, maybe mistakes from other countries should also be considered. This „learning from others“ is not a one-way road. We hope that it is valuable for our friends from the Ukraine who are searching for ways to secure and strengthen freedom of the media as an essential precondition for democracy; but we also know that it is valuable and important for the preservation and improvement of our German media order to study the media orders of other countries. The opportunities and challenges are to adopt these media orders in a very dynamic and ever changing framework.

We are very happy to have you here; thank you for coming. Prof. Kvit is so kind to say some opening remarks, too, before we start to work.



Serhiy Kvit: Good morning, dear colleagues. I think that Dr. Kops has given a very comprehensive explanation about the purpose of our conference. This is the second conference within our common project between the Kyiv Mohyla School of Journalism and the Institute for Broadcasting Economics of the University of Cologne, and maybe I can add something about this. Dr. Kops mentioned the discussions about public service broadcasting in Europe, and he said he hoped that later Ukraine will join to this discussion. Public service broadcasting in some European countries like Great Britain is now under risk and maybe the situation is much better in Germany. But in Ukraine the situation is different: we have a struggle for the establishing public service broadcasting and even for the freedom of speech. Most of the papers of the Ukrainian participants today are about these struggles.

Cologne is a beautiful city and I would like to say thank you very much to the Institute for Broadcasting Economics and to the DAAD for supporting our project here. I think we will have a good and interesting discussion and an enjoyable time, and maybe we will have a special statement at the end of our conference about the situation of the media in Ukraine. We can also give some advice to our government about establishing public service broadcasting in Ukraine. Thank you.



Part 1:
The General Situation of the Media in Ukraine

Serhiy Kvit¹

**Mass Communications of an Independent Ukraine,
in the Context of Normative Theories
and as an Evidence of Modernisation Theory**

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Keywords: modernisation theory, normative theories, post soviet area, Russian model, freedom of speech, Orange revolution, public broadcasting service, globalisation

Abstract

In his paper author considers such important issues of contemporary situation in Ukrainian mass communications, as role of civil society in Post-Orange Ukraine, media policy of a new Ukrainian government, influences of Russian authoritarianism, freedom of speech conditions, role of media NGOs in the development of the project of public broadcasting service in Ukraine. Serhiy Kvit mentions some changes in national media systems in the world during last decades after collapse of the USSR and with globalisation processes.

¹ Prof. Dr. Serhiy Kvit is the President of the National University of “Kyiv-Mohyla Academy” and Professor at Kyiv Mohyla School of Journalism. He is also the President of the Media Reform Center and is a member of the National Commission for the Development of Freedom of Speech.



Serhiy Kvit

Mass Communications of an Independent Ukraine, in the Context of Normative Theories and as an Evidence of Modernisation Theory

1. Introduction

At the former conference of the Institute for Broadcasting Economics, which was organised jointly with the National University of Kyiv-Mohyla Academy in Kyiv, I tried to discuss the history of the movement for establishing public broadcasting in Ukraine. Today, my intention is to describe day-to-day realities of mass communications in Ukraine, and the circumstances under which we want to implement this ambitious project. Investigation into change of mass communications in post-soviet, post-totalitarian and post-colonial Ukraine provokes special interest, aimed at developing an adequate understanding of the modern global world's dynamics. On the one hand, practical importance of this investigation considerably differs from mass communication studies in emerging states of Africa, Asia and Latin America too. From there we got more than sufficient proof of the total failure of the modernisation theory as a part of the strategy of western cultural, economic and media imperialism. On the other hand, we need to separate Ukrainian media studies from Russian or post-soviet investigations which disappoint researchers, media experts, politicians and journalists, and make them to reconsider existent normative theories, started by the well-known work by F. Siebert, T. Peterson, and W. Schramm „Four Theories of the Press“ (1956).

For changes in Ukrainian media sphere, which are in progress since the end of 1980-s, an umbrella term exists: „media reforms“. Unlike reforms in other fields, such as economics, science, education and public health, they seem to be more systematic and consistent. The term of „media reforms“ was implemented by the Media Reform Centre¹ under the School of Journalism² of the National University of „Kyiv-Mohyla Academy“³ since 2002. The Media Reform Centre was the first that started theoretical generalisation of the processes in Ukrainian mass communications, and after the Orange Revolution the first systematic research in Ukrainian media reforms was pursued here under the title: „Are the Changes in Ukraine's Mass Media Induced by the Orange Revolution Really Irreversible?“⁴ In 2004, the journalists' revolution was a part and the main

¹ The Media Reform Centre: <http://www.mediareform.com.ua/>

² Kyiv Mohyla School of Journalism: <http://en.j-school.kiev.ua/about/>

³ The National University of Kyiv-Mohyla Academy: http://www.ukma.kiev.ua/eng_site/index.php

⁴ PAVLENKO/KLYMENKO 2006



achievement of the Orange Revolution. Ukrainian media reforms allow taking a fresh look at the logic of the development of the whole post-soviet area.

First we will discuss Ukrainian mass communications in the context of distinct aspects of the critical theory and the modernisation theory. After that we shall move to the necessity of development and adjustment of the normative theories, taking into account the specifics of development in the post-soviet area states. Finally, we will put the Ukrainian realities into the context of global regularities of development of mass media and national media systems.

2. About Modernisation Theory

Assuming the main theories of mass communications in the emerging states, A. Singhal and P. Sthapitanonda discuss three development paradigms: Dominant, Dependency and Alternative.¹ The first one reflects the classical idea of modernisation, or westernisation, according to which these countries need to join the world dominant trend of the economical development. Media here get a role of an agent of social changes. The Dependency Paradigm is an antithesis to the modernisation perspective, and considers it as neo-colonialism. It is based on the traditions of the Frankfurt school, and encourages the countries resisting to the more developed „aggressors“ to close the ranks. The Alternative paradigm also appears as antithesis to the Dominant Paradigm, but demonstrating another, „pluralistic“ prospect. It emphasises that every region, society or social group must find its own way of evolution. First of all, such ideological missions are being actualised, as asserting of civil rights and peace fight, ecological and feministic movements in industrial countries, liberal and national movements in communist and emerging states. The demands to mass communications are: diversity, deinstitutionalisation, and locality.

Needless to remind that all three paradigms in some measure complement each other, and, at the same time, utopianism is their common disadvantage, as long as – according to A. Singhal and P. Sthapitanonda – there is no established definition for the term of „development“, and proper allowance for human and cultural factors was not made. So, there is no standard model, acceptable for everyone. Particularly, a globalisation phenomenon should be taken into account. Let's notice, that the mention of human and cultural factors not only disaffirm, but, from the other side, confirm the modernisation theory. Since we can suppose that there are post-colonial countries for which modernisation, or westernisation, would be advantageous. In this context, it is worth to pay attention to J. Curran's notice: „Nations have different languages, political systems, power structures, cultural traditions, economies, international links and histories. These find continuing expressions in the media of different nation states“.² Regardless of the fact that in the epoch of globalisation the age of national states seems to be becoming history, we cannot claim that a universal media system

¹ SINGHAL/STHAPITANONDA 1996

² CURRAN 2002, p. 183



is arising. Conversely, specifics of national media systems keep depending directly on needs and requirements of the societies in which that systems work.

The critical theory and its variations have a long tradition of denying the modernisation theory. On account of that, formulating the theory of cultural materialism, M. Mousseau writes that she proceeds from the assumption that social life is a reply on real-world problems of existence. „Cultural materialism highlights three layers in all social systems: the infrastructure, the structure, and the superstructure. The infrastructure is the base layer: the material conditions of human existence. How do people relate to their environment? How do humans produce and consume? The structure refers to a society’s social and political institutions. What sort of familiar and non-familiar associations, organisations, and institutions are found in the society? The final layer, the superstructure, is a society’s ideologies, paradigms, and values“.¹ So, the theory of cultural materialism disaffirms the modernisation theory.

If the modernisation theory postulates that political development and globalisation are results of the expansion of the Western culture and education, the theory of cultural materialism insists that the cause of the mentioned effects is infrastructure, but not superstructure. M. Mousseau emphasises on the principal difference between national and political culture: „... if we start with the superstructure, then it is difficult to determine what aspects of the „model“ culture a developing country should import. The shaving of the beard, the wearing of the Western hat, and, as missionaries have thought, „the singing of Western hymns‘ will not change political culture“.² That is why specifics of political, not national culture should be considered first of all. „The market civilisation of the present age originated in Western Europe by chance; it might just as easily have originated in twelfth-century Mali. But because it began in Europe, most everyone today confuses liberal political culture with „Western“ indigenous culture“.³ But these statements are not really obvious, and we can question them.

3. Freedom of Speech in the Post-Colonial Ukraine

For that purpose we need to go to Ukrainian experience. As we have already mentioned, Ukraine is a post-colonial and post-totalitarian country with hundreds-of-years experience of struggle for independence. Only in the 20th century independence of Ukraine was proclaimed, in the period of sanguinary battles, four times: in 1917 – in Kyiv, in 1939 – in Khust, in 1941 – in Lviv, and in 1991 – in Kyiv. Let us also keep in mind tens of millions of Ukrainian victims of two world wars, soviet terror and Holodomor (famine genocide). However, upraise of independent Ukrainian state on the shambles of Soviet Union (as well as preceding formation of new states on the African continent) the whole world took for a great surprise, not just a news. On the other hand, because of the

¹ MOUSSEAU 2002, p. 101

² Ibid, p. 119

³ Ibid, p. 120



European basis of Ukrainian culture, the educational level of Ukrainian citizens and their political culture, Ukraine cannot be relegated to the developing states. I omit purely economic indexes, as long as the modernisation theory appeals first of all to cultural, social and political standards.

The Orange Revolution in 2004 also witnessed Euro centrism in the development of Ukrainian mass communications. It became obvious, that Ukrainians have organic need in the freedom of speech. In the same time, journalists cannot be estimated as the most progressive and rushing to changes part of the Ukrainian society. Journalists' revolution was not a forerunner, but a consequence of the Orange Revolution, as long as freedom of speech was one of the main demands and needs of the Ukrainian people. „One of the most remarkable and momentous results of the Orange Revolution was the journalist revolution, when journalists of leading TV channels and print media refused en mass to carry out the recommendations of *temnyki*, distort information, and manipulate public consciousness – practices that were extensively applied during the 2004 presidential campaign. Practically within one day the image of the main TV channels, radio programs and print media underwent change“,¹ – the aforementioned research of the Media Reform Center says.

I would like to emphasise that the progress of mass communications, including first of all the principle of the freedom of speech and the concept of public interest, depends directly on the societies' needs. If a nation wants to have democratic state and freedom of speech, it will have them. But if things like that do not belong to the nation's list of priorities, it is impossible to explain their benefits from outside. Or, in case someone tries to do that, the discussion gets the tone of „you don't know what you really need“, and hence it does not make sense because of own obtrusiveness, and can be criticised as a kind of imperialism.

Most disappointments of western politics and media specialists about the possibility of democratisation of modern national media are connected with Russia and China. We know about the conflict of the Google Company and the Chinese government because of political censorship. Censorship in China has general support and cannot be impugned from inside. As for Russia, the freedom of speech became the main cause of freezing relations with Ukraine after the Orange Revolution. V. Putin uses a special term – „ukrainisation“ – as the most dangerous thing for his country, meaning first of all democratisation and freedom of speech. He is convinced that it would inevitably cause destruction of power in Russia.² Writing about the Orange Revolution, T.G. Ash and T. Snyder also noticed that it constitutes a menace to modern Russia. The authors mentioned a joke which was popular in Russia at the end of 2004: „Leonid Kuchma wrote a book called *Ukraine is not Russia*. Now Putin is writing a book called *Russia is not Ukraine*“.³

¹ PAVLENKO/KLYMENKO 2006, p. 81

² WITHOUT AUTHOR 2010

³ ASH/SNYDER 2005



In response to V. Putin's ludicrous statements that the West will never bring Russia to knees (in the sense of the modernisation theory realisation, and implementing standards of western democracy) the Czech journalist M. Putna published an article „Russia, down on your marrowbones!“. He writes that Russia itself must drop to knees, for all the wrongs it did to different peoples in the 20th century. Russia must apologise to Ukrainians for Holodomor which took 10 million lives, to Poles – for occupation and Katyn slaughter, to Lithuanians, Latvians and Estonians – for mass deportations, to Hungarians – for invasion in 1956, to Czechs and Slovaks – for intervention in 1968, to Afghans – for invasion in 1980, to Chechens – for the wars started in 1090-s. M. Putna also invokes Russian authority to drop to knees in front of its citizens for all the wrongs done after the Bolsheviks' putsch in 1917, including corruption and disrespect for person, and for its disability to provide worthy and free life to Russian people.¹

But we cannot prune down the situation, incriminating evil intent against people to the Russian authority. It can be stated that V. Putin's and D. Medvedev's political success (their levels of confidence normally go beyond 60 %) is directly connected to their efforts aimed at the centralisation of the state governance, and curtailment of political liberties, the liberty of speech first of all. For the large majority of Russian people, there are, unfortunately, more important things – strong state and empire greatness. Since, the political course of Putin-Medvedev should be considered not only as a complex of manipulations with mass consciousness of the Russian society, but also as a realisation of their electorate's wish to restore the empire, no matter how it will be called – Russian or Soviet. Under such circumstances the freedom of speech is being considered as an evil, threatening the realisation of the empire myth. According to Russian chauvinistic mythology the restoration is impossible without Ukraine, as long as Kyiv, „the mother of Russian cities“, is situated on the Ukrainian territory. That is why the main vector of Russian political, propaganda and information aggression is directed to Ukraine.

4. Development of Normative Theories of the Press

We have approached now the concluding issue, namely reconsidering or developing the normative theories of the press. F. Siebert, T. Peterson, and W. Schramm in their canonic work „Four Theories of the Press“ consider authoritarian, libertarian, totalitarian and social responsibility models. There are some more attempts to explore the list, taking into account the new world realities. For example, D. McQuail added some new models, like a professional model and an alternative media model.² The authors of the first book mentioned that „any theory of relationship of the mass media communication to the organised society of which it is a part is determined by certain basic philosophical assumptions (or conclusions, if you wish) about man and the state. For our purposes these ar-

¹ PUTNA 2007

² MCQUAIL 2010, p. 184



eas of assumption can be identified as follows: (1) the nature of man, (2) the nature of society and of the state, (3) the relation of man to the state, and (4) the basic philosophical problem, the nature of knowledge and truth“.¹ Today, the new methodologies and new models are emerging.

For example, J. Ostini and A. Fung, pointing out idealism and overestimation of the role of political economy in the „Four Theories of the Press“, propose: „Use the model incorporating journalistic values and state systems (...). This new model incorporates the dimensions of individual journalistic autonomy and the structures of state policy. It thus increases understanding of press systems and the societies in which these systems exist“.² The authors consider interaction of the authoritarian and democratic state systems with liberal or conservative (individual professionalisation or collective professionalisation) models of individual journalists' values (practices, common for a concrete state). They conclude that the media system of China can be defined as conservative-authoritarian, of Japan as conservative-liberal, of the USA as liberal-democratic, of Hong Kong as liberal-authoritarian.

How then can we estimate the mass communications of modern Russia? In his research „Lessons from Russia. A Neo-Authoritarian Media System“, J. Beker writes: „In the Putin era, the Russian state has increasingly interfered with media autonomy“,³ so „the Russian press under Putin can best be understood as a neo-authoritarian media system (...). Perhaps the bear example of neo-authoritarianism is in Zimbabwe“.⁴ The new Russian realities, indeed, indicate the return of the state to traditional authoritarian features: „Contemporary Russia shares much with authoritarian regimes past and present“.⁵ Since, „the state remains the most important threat to the emergence of democratic media systems“.⁶ We encounter an example when neither state nor society is interested in democratisation of the public sphere. The freedom of speech is not being considered as a value or as a technological tool for improving life standards. Corruption, which belongs to the list of the main typological characteristics of developing countries and post-soviet countries, seems to be more attractive. Just because that is an administrative tool people have already got used to.

The treat of corruption is in the first place in the modern world. After the Berlin Wall fell down, and owing to globalisation, we see an approach and interpenetration of practices of the Western World with its romantic set of liberal values, and of the states that want to improve their social and economical standards (mainly that is about political elites seeking for personal enrichment). Competition for attractive markets of China, India, Russia and Brazil inevitably causes

¹ SIEBERT/PETERSON/SCHRAMM 1956, p. 10

² OSTINI/FUNG 2002, pp. 54-55

³ BECKER 2004, p. 147

⁴ Ibid, pp. 149-150

⁵ Ibid, p. 159

⁶ Ibid, p. 158



corrupting of the Western business. When in Rome, do as the Romans do. The values of public sphere also are getting more and more relative, situational, and step by step turn into anachronism. When researching globalisation, we must also remember about globalisation of corruption. Because the freedom of speech does not belong to the Western tools being borrowed by post-soviet and developing countries.

Thereafter, the normative theories must cover the new realities and include to their typology not only criteria from the political economy field, but also more profound consideration of cultural priorities, which with necessity returns us to the modernisation theory. However, now it is seen not as a tool of neo-colonialism, but from the position of importance of superstructure for media systems typing. And it should be typing not through consideration of the dominating ideology, propagated by ruling elites, but through the in-depth study of value priorities working in certain cultures. In other words, the tool of freedom cannot be given from the outside. It can work only where people have inherent need in free media.

But the freedom of speech can be threatened by external factors. For all the post-soviet area, Russia is a negative centre of gravity for the development of all the civil liberties. Conceptually, it is being presented in such way: the Russian „sovereign democracy“ defends, allegedly, the values of the „Russian Civilisation“. It should be noted, that the sovereign democracy is consonant to strengthening authoritarianism with deviation to totalitarianism, suppression of oppositional movements and restoration de facto of the position of tsar (president). The concept of the „Russian world“ beyond Russia, from the Kremlin ideologists' point of view corresponds to two main criteria: presence of Russian-speaking population and „natural“ lack of will among this population to have the freedom of speech.

This concept is xenophobia-based, which can be illustrated with an article by I. Andreev „Russian Language as Shield and Sword“. The author points at Kyiv-Mohyla academy (KMA) as a danger to extension of the Russian civilisation to include Ukraine. The danger is that „teaching in the university is provided in Ukrainian and English. High-quality education in English enables to omit referring to Russian cultural found, which draws the development of all the progressive disciplines out of the stream of post-soviet science, and shifts it to the development of contemporary intellectual trends of the West. (...) KMA faculty members openly declare their „democratic“ orientation, which means, in Ukrainian circumstances, looking up to anti-Russian political forces“. ¹ By the way, the new political reality formed after V. Yanukovych's election win, predetermined the establishing of a journalists' movement „Stop the Censorship“ that started at KMA this year, on May 21.

¹ ANDREJEW 2006



5. Conclusions

The new post-orange political situation is difficult. On April 29, 2010, OSCE expressed its concern over the state of the freedom of speech in Ukraine in a special „Statement on mass media in Ukraine“. Here, in particular, violence and oppressions of journalists were mentioned. A Polish journalist, A. Eliaz, in „Gazeta Wyborcza“ writes about „The Doomsday of the Freedom of Speech in Ukraine“, pointing out the attempts to close a number of television companies. The author makes a dismal prognosis: „The freedom of speech on the banks of Dnipro will be limited to Internet, a few radio stations and newspapers. Ukraine is on the drift to Belarus and Russia with their authoritarian rules“. ¹ That is why cheery declarations of the Ukrainian authority about readiness to establish public broadcasting immediately are received with incredulity by the professional media sphere, all the more so taking into account that it is proposed to clarify the concept of public broadcasting first. The entire necessary conceptual and normative basis has been already developed. This work lasted since the middle of 1990-s.

So, we can come to the following conclusions. First, the post-colonial, post-totalitarian and post-soviet status of Ukraine is of a special kind, and Ukraine cannot be compared to developing countries. The main typological feature of Ukraine is the principal possibility to apply the modernisation theory. That accords with the statements that Ukrainian society needs freedom of speech and free press, as values and tools for the public sphere development.

Second, the globalisation process, dissolving successively the after-effects of the cold war and the terms of the bipolar world, induces reconsideration of the existent normative concepts of the press. The new reality makes us to keep in mind not only consistent patterns of political economics and the nature of person and society, not only the structure of the state politics and common journalists' practices, but also priorities and values that are common for some societies. These priorities and values are connected with elements of both political and national culture. The detailed study of them is important not only for the developing countries and countries with transition economies, but also for rich developed countries, as long as globalisation defuses typical for the period of cold war West's resentment over some practices of the „Soviet block“. What is proceeding now is not just proselytising of new members to the club of the Western World (meaning by that professional standards and democratic values), but a complex transfusion of cultures, causing some system changes in the West towards the compliance with dominating corruption practices of the countries for whose markets the Western countries compete. And there is a danger that the process will also permeate into the field of media and the freedom of speech.

Third, the post-soviet studies should be divided into studies of different countries in which societies have different needs: in democratic freedoms or authori-

¹ ELIASZ 2010



tarianism. Or, under other criteria, those becoming integrated into the world community, or not becoming integrated, on principle. Since, Russia requires a separate consideration of its striving to find a „special“ way of development for „Russian civilisation“ and „sovereign democracy“. And the fact that these euphemisms varnish plain aggressiveness, xenophobia and corruption should not be ignored. The question is in what measure the situation is caused by needs of the Russian society, and in what measure it is a result of manipulations of the political authority.

Finally, forth, there must be no talk of something like „Russian sphere of interests in the post-soviet area“, as long as that would mean total abnegating of democracy and restoration of the Russian Empire, where the most part of population is proud of the crimes committed by tsarist and soviet regimes, instead of repenting them. Under such circumstances, Ukraine, trying to develop a civilised public sphere, independent media and public broadcasting, meets a potent countering from the Russian „sovereign democracy“, which shows a strong dislike for the freedom of speech and the free market of ideas, because they threaten its authoritarian existence. The strengthening of Ukrainian independence depends on realisation of the above mentioned ambitious projects, and on consolidation of the society round the „discourse of freedom“.

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Diana Dutsyk¹

**Media Ownership Structure in Ukraine:
Political Aspects**

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Keywords: media ownership, media-holdings, political influence, media transparency, aggregation of capital

Abstract

The report is devoted to the analysis of media ownership in Ukraine, its structure, development and changes during 20 years of Ukraine's independence. During this period seven large media groups were formed, and these groups have a monopoly on the market. The author as well notes that media is not a core business for their owners. As a general rule most large enterprises have ownership in various industries and often regard press and TV not as a business, but rather as a tool to influence public opinion and protect oneself from the pressure of the state.

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Diana Dutsyk

Media Ownership Structure in Ukraine: Political Aspects

1. Introduction

The formation of the media ownership structure in independent Ukraine has been difficult and long-lasting process which has not finished yet. This process can be split into several stages that to some extent overlap with the presidencies of Leonid Kravchuk, Leonid Kuchma, and Viktor Yushchenko. First, national social and political media will be mentioned. These media are the main actors in the mass media sphere during periods of political activity through their influence on public opinion. The analysis of the media ownership structure in Ukraine is based on the information from open sources.

2. The Development of the Ownership Structure under the Presidency of Leonid Kravchuk

In Soviet times, all Ukrainian (as well as generally Soviet) media were under the control of the state and the Communist Party; the actual founders of print media were different structures of the Communist Party and the Komsomol. Additionally, media funding went through these structures. Radio and television were fully owned by the state and financed from the state budget.¹ Apart from that, the quantity of print media and broadcasters was limited. Therefore, in Soviet Ukraine there were only two TV channels and three radio stations. The quantity of central national newspapers also was insignificant. Some media democratisation took place during the Mikhail Gorbachev's *Perestroika*. In 1990 the law „On press and other media“ was adopted, which proclaimed freedom of speech, prohibited censorship and allowed founding of media not only by the party structures, but also by other organisations, public and private enterprises, and even by separate individuals.²

Independent Ukraine inherited the Soviet system of party media. Since then, other media has started to appear. First, some underground publications were legalised. This was the press that was published clandestinely by Ukrainian dissidents during Soviet (mostly during *Perestroika*) times. For example, the legendary and very popular Ukrainian newspaper from Lviv „Post-postup“ edited by Oleksandr Kryvenko (Ukrainian journalist who died in 2003) was created. Also, new media was often founded by various organisations or new Ukrainian parties. For example, the Ukrainian Republican Party under the leadership of a former dissident Mykhaylo Horyn' (newspapers „Ternystyy Shliakhh“, „Samosti-

¹ KULYK 2010, p. 180

² KULYK 2010, p. 185



yna Ukraina“) or the People’s Movement of Ukraine under the leadership of Vyacheslav Chornovil (newspaper „Chas“ which long stayed very popular). At the same time some state (i.e. former party) and municipal media came under the ownership of its staff. In the early 1990s, the Ukrainian parliament adopted a number of laws securing freedom of speech and democratic development of media.

3. The Development of the Ownership Structure under the Presidency of Leonid Kuchma

Thus, the transition from planned Soviet economy to free market forced media to find alternative sources of funding other than state ones. During the mid 1990s, big capitalists raised capital in different, not always legal, ways. This resulted in the formation of large financial industrial groups that concentrated substantial media assets under their ownership. This was the beginning of media resources concentration that continues until now. During that period the majority of Ukrainian media were founded that till present maintain their influence on politics and social life. For example, the weekly newspaper „Zderkalo Tyzhnia“ (1994), the daily newspaper „Den“ (1996), „1+1“ (1995) and „Inter“ (1996) TV channels, news website Korrespondent.net (2000) and news magazine „Korrespondent“ (2002).

But the advent of private capital into Ukrainian media had its negative aspects. Firstly, the media, like other business entities, worked according to shady schemes. Often the media were *de jure* owned by the staff, but *de facto* were under the influence of a businessman or a financial industrial group that provided the media with so-called „sponsorship“ assistance. Secondly, large owners who have had their own political interests or even the politicians themselves often viewed newspapers and television stations not as a business but rather as a tool to influence public opinion and a tool for protection from the state’s pressure. Experts and analysts call this the beginning of the „clan-isation“ or „oligarchialisation“ media period¹ and associate this process first of all with the then Prime Minister of Ukraine Pavlo Lazarenko (1996-1997), who was subsequently arrested in the U.S. and convicted of corruption. Thirdly, political parties have often started publications (first of all print media) specifically to use in their electoral campaigns, dumping the publications’ price on the market and artificially inflating circulation for free distribution. It put other media under unequal market conditions and made standard competition impossible. Fourthly, current authorities intensified pressure on Ukrainian media that was often carried out indirectly through pressure on the owners and their businesses.

¹ DUTSYK 2005, PICHOVSHCHUK/KONONCHUK 1998, KULYK 2010

4. The Development of the Ownership Structure under the Presidency of Viktor Yushchenko

There were expectations that the advent of foreign capital that had no political interests in Ukraine and viewed media solely as business would significantly improve the climate in media market. These expectations first and foremost relied on Western investments, since Russian capital had been on the Ukrainian market for long. Russians either have a share in influential publications such as the daily newspaper „Izvestiya v Ukraine“ or the weekly newspaper „Argumenty i Fauty v Ukraine“ and „Komsomolskaya Pravda v Ukraine“, or are the only owners, as in the case of the daily newspaper „Kommersant-Ukraina“ (the owner is a Russian businessman Alisher Usmanov).

With Viktor Yushchenko's coming to power, Western investors showed interest in Ukraine. Thus, for instance, the daily newspaper „Delo“ was launched with the participation of German (Handelsblatt Publishing Group publishing house) and Czech (Economica a.s. publishing house) investments. The first issue of „Delo“ came out in October of 2005. However, having worked on the Ukrainian market for some time, German and Czech investors were forced to sell their share of the asset to Ukrainian partners, particularly to the „Ukrainian investment newspaper“ represented by Ihor Liashenko. Corruption, difficult distribution conditions and also political instability were the factors that virtually made it impossible to turn any media into a profitable business. The coming of the Polish „Agora“ to the Ukrainian market of political and social publications also failed to take place (the company was negotiating the sale of one of the most influential Ukrainian political news websites „Ukrainska Pravda“). „Agora“ changed its tactics and decided to go into the entertainment niche, launching a number of narrowly specialised Internet game projects. It is important to note that Western investors in Ukraine (Burda, Edipress, Hashette and others) successfully work in the media entertainment sector, particularly in the market of glossy print media. But the share of Western investments in social, political and informational media is marginal, since this kind of activity is connected with significant political and economic risks.

Probably the only successful media holding with foreign (American) capital is KP Media (founded in 1995) owned by Jed Sunden. It includes a leading news magazine „Korrespondent“. This holding has managed to stay afloat on the Ukrainian market despite the fact that its owner was pressured by the authorities during Leonid Kuchma presidency. In 2000 Sunden was declared *persona non grata* in Ukraine.

Although media and their owners did not experience great pressure from the authorities under Viktor Yushchenko presidency, the process of redistribution of media and consolidation of media groups which began at the time of Leonid Kuchma continued. During this period the two biggest Ukrainian TV stations – „Inter“ and „1 +1“ changed their owners.

The change of ownership of the „Inter“ channel, which currently (information as of September, 2010) holds top position in the GfK Ukraine, did not go without a



number of scandals. This process which started in 2005 took place with the participation of leading Ukrainian politicians and major Russian businessmen and was a part of business arrangements related to the redistribution of assets and steel ferroalloy enterprises.¹ As a result of complex and opaque schemes, the channel came under the ownership of Valeriy Khoroshkovsky, who, under President Yanukovich, was appointed head of the Security Service of Ukraine. At some point Ukraine's Prime Minister Yulia Tymoshenko and her faction in parliament demanded an investigation of the circumstances of the change of the ownership of the most popular TV channel in the country. According to the conclusion of the Justice Ministry experts, the signature of the previous owner of the channel Ihor Pluzhnikov (who at the time of signing the agreement was very sick, stayed in a hospital and later died) might be forged. A special parliamentary commission even studied the issue. However, Khoroshkovsky kept control of „Inter“. This example proves once again that large media businesses in Ukraine cannot exist outside of politics and are under intense pressure from that sphere.

The owner of the „1+1“ (3rd place in the GfK Ukraine rating) also changed. In April of 2010 American company Central European Media Enterprises Ltd (CME) announced closing of the sale of 100 percent of its Ukrainian assets, including „Studio 1 +1“, „Cinema“, the Harley Trading Limited company, the beneficiary of which is Ihor Kolomoysky. Earlier this businessman bought the „1 +1“ shares of Boris Fuksman and Oleksandr Rodniansky, who created the channel.

It should be noted that while in the 1990s businessmen concealed that they own (or influence) media, in recent years the trend has changed. Most large media owners openly declare their media assets ownership. In addition, on December 10, 2008 the Ministry of Justice of Ukraine opened access to the State Register of print media and news agencies. One can get the following information on the Internet:² registration series and number, registration date, type of publication and information about the founders. Information about the founders and owners of electronic media (TV and radio) can be found on the website of the National Television and Radio Broadcasting Council of Ukraine.³ Guided by the Law „On television and radio broadcasting“ the National Television and Radio Broadcasting Council of Ukraine is required to provide information about the media owners. Yet it has only the information on direct founders and participants of broadcasting. This information is not enough to make a complete picture of media owners. The Media Law Institute, in its report on the status of transparency of media ownership in Ukraine, mentioned that the openness of information on Ukrainian participants of broadcasters does not remove the basic problem of transparency. After all, there almost always appear to be foreign companies in the ownership structure of broadcasters. „Most often those foreign companies are registered in offshore zones. This means that the legal mechanisms to find

¹ NAJEM/LESCHTSCHENKO 2008

² <http://dzmi.informjust.ua>

³ <http://www.nrada.gov.ua/ua/derzhavniyreestr.html>

out who founded these companies does not exist, because the information closure about founders of offshore companies is one of the principle activities of such companies“, reads the report.¹

5. Current Ownership Structures

Generally, seven major media groups can now be singled out in which the social and political media of Ukraine is concentrated.

State Media

Media owned by the state	National Television Company of Ukraine (First National Channel), National Radio Company of Ukraine (broadcasting on three channels in Ukraine and on one channel abroad), State Television and Radio Company „World Service „Ukrainian television and radio broadcasting“,, State Television and Radio Company „Culture“, Management of television programs of the Verkhovna Rada of Ukraine, Regional (oblast) state television and radio companies, „Uriadovy Kuryer“ newspaper (Cabinet of Ministers’ publication), newspaper „Holos Ukrainy“ (Verkhovna Rada’s publication), bulletins of different state institutions.
Notes	<i>First National Channel</i> is the only channel in Ukraine that covers 97 percent of the country’s territory. Formally it is subordinated to the Cabinet but in reality remains under the control of the Presidential Administration.
Political preferences	Vice-president of National television and radio broadcasting company Valid Arfush said that the First National channel should only cover the authorities favourably and „should support the authorities and the authorities should to know that the First National channel will always defend them“ (quote from Unian press agency on July 30, 2010).

Valeriy Khoroshkovsky Group. Mediagroup U.A. Inter Media Group Limited (founded in 2005)

Media that belong to the group	61 percent share of „Ukrainian independent TV corporation“ („Inter“ TV channel), 90 percent share of „Kino-TV“ („Enterfilm“ TV channel), 90 percent share of „Music-TV“ („Enter music“ TV channel), „K1“, „K2“, „Megasport“ TV channels, 60 percent share of „NTN“ TV channel, 90 percent share of „Ukrainian News“ information agency and other media assets.
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¹ NAJEM/LESCHTSCHENKO 2008



Notes	„Inter“ channel is the most influential private channel and keeps first place in the GfK Ukraine ratings. This channel broadcasts the political talk show „Big politics with Yevgeniy Kiselev“. The „Ukrainian News“ agency has worked in the information market of Ukraine since 1993 and firmly keeps its first position among major suppliers of business and political wire news about Ukraine.
Political preferences	As of 2010, „Inter“ channel does not hide its bias toward the current authorities; the news give positive coverage of President Yanukovich’s and the Party of Regions’ activities. Criticism is almost absent, yet there is criticism of the opposition.

Viktor Pinchuk Group

Media that belong to the group	„Novy“ TV channel, „ICTV“ TV channel, „STB“ TV channel, the daily newspaper „Fakty i komentariyi“, the weekly newspaper „Sobytiya i liudi“, the controlling share in the publication house „Ekonomica“: daily „Delo“, weekly magazine „Invest gazeta“ and other niche publications, Part of the share of music channels M1, M2, Part of the share in radio „Russkoe radio“, Hit-FM, Kiss-FM.
Notes	„Novy“ TV channel, „ICTV“, and „STB“ are the second echelon of channels and have equal positions in the top 10 channels, according to the GfK Ukraine ratings. „ICTV“ broadcasts the political talk show „Freedom of Speech with Andriy Kulykov“.
Political preferences	As of 2010, political preferences of Pinchuk’s group of channels are somewhat different. While news on „STB“ remains the most balanced among the rest of the news and has some criticism of the authorities, „ICTV“ news – on the contrary – is loyal to the authorities. Yet, in the „Freedom of speech“ program, both the authorities and the opposition enjoy equal presentation of different positions.

Rinat Akhmetov Group

Media that belong to the group	„Ukraina“ TV channel (99,93 percent share belongs to System Capital Management company), the daily newspaper „Segodnya“, the regional newspaper „Salon Dona i Basa“, News website „KID“ (http://zadonbass.org),
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Notes	<p>„Segodnya“ daily is one of the most popular newspaper and has the biggest circulation (106 000 copies)</p> <p>„Ukraina“ channel was initially created as a Donetsk-based company and later on grew to become a national one. As of 2010, the channel holds 5th position in the GfK ratings. This channel broadcasts the political talk show „Svodoba Savika Shustera“ [„Savik Shuster’s Freedom“]</p>
Political preferences	<p>News reporting on the channel is loyal to the authorities. In Savik Shuster’s talk show, positions of both the authorities and the opposition are present. Despite general loyalty to the authorities, „Segodnya“ can in some points be very critical, does not avoid controversial topics (which are often concealed by TV stations). Yet, it often publishes articles by odious politicians and journalists who criticise the Orange camp, the Euroatlantic course of Ukraine and some episodes from the history, particularly the OUN-UPA (Ukrainian Insurgent Army).</p>

Ihor Kolomoysky Group

Media that belong to the group	<p>„1+1“ TV channel, „2+2“ TV channel, CITI TV channel, TET TV channel, „Кіно“ TV channel, „Gazeta po-kievski“ daily newspaper, news magazine „Glavred“ and a group of websites: Glavred.info, VIP.Glavred, Stars.Glavred, Inozmi.Glavred, Sport.Glavred, Stolitsa.Glavred; News magazine „Profil“, „Novaya“ weekly newspaper, „Telekritika“ news website, Part of the share in the daily „Izvestiya v Ukraine“. Also „Privat group“ (owned by Kolomoysky) has a share in some print media in Ukrainian Media Holding, particularly, „Komsomolskaya pravda v Ukraine“ (51 %).</p>
Notes	<p>The group has been consolidated over the last several years. Final agreement of sale of „1+1“ channel was completed at the beginning of the year. The channel maintains 3rd place in the GfK Ukraine rating as of September, 2010. Also, this year an agreement was reached on the purchase of a number of print media operations from Oleksandr Tretyakov. „Glavred“ and „Profil“ belong to the top 5 major news magazines in Ukraine.</p>
Political preferences	<p>„1+1“ channel has refused to host political talk shows. Its news is mostly not critical towards the authorities. Most of the print and internet media give both the authorities and the opposition opportunity to speak out, and allow criticism against the authorities.</p>



Vitaliy Hayduk's and Serhiy Taruta's Group „Evolution media“

Media that belong to the groups	Newspaper „Ekonomicheskiye Izvestia“, analytical weekly „Kommentari“, magazine „Kyiv Weekly“, magazine „Expert-Ukraina“, news website „ProUa“, photo agency PHL
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Political preferences	Balanced policy. In all of its projects one can sometimes find stories critical of the authorities.

KP Media (Jed Sunden)

Media that belong to the holding	„Korrespondent“ news magazine, Websites: Korrespondent.net; Politorg.net; Novynar.com.ua, Afisha.ua, BigMir.net, Niche publications: „Ideas for home“ magazine etc.
Notes	„Korrespondent“ is the most influential news magazine and has the biggest circulation in its category. Portal BigMir.net has the biggest rating of on-line media in Ukraine.
Political preferences	„Korrespondent“ maintains balance in reporting political news, gives the floor both to the authorities and to the opposition, runs stories critical of the authorities.

Media that require special attention

News website „Ukrainska pravda“	The website was founded by Georgi Gongadze. Currently, the owner and the chief editor is Olena Prytula. This is the main Ukrainian internet publication (around 100,000 visitors daily). It is firmly opposed to the authorities. It should be mentioned that „Ukrainska Pravda“ was also critical of the members of the orange team.
Weekly newspaper „Dzerkalo Tyzhnia“	This is an influential newspaper with circulation of around 52,000 copies. Owners – the Mostovy family (father Volodymyr and daughter Yulia). It is very critical of President Yanukovich and the Party of Regions.
News magazine „Ukrayinsky Tyzhden“	Owner – ECEM Media gmbh (Switzerland). However, some experts suppose that its real owner is Ukrainian and is hiding behind offshore companies. Circulation – 30,000 copies. It is very radically against current authorities. It is openly sympathetic toward Yulia Tymoshenko.
5 channel	It belongs to Petro Poroshenko. This news channel generated its audience during the Orange revolution by offering alternative information. Both the authorities and the opposition are given the floor at this TV station. However, its commentaries can be critical of the authorities.



6. Conclusion

As it was stated above, media is not the main business for the mentioned businessmen. As a rule, the majority of large media owners own enterprises in different industrial sectors (refining, chemical, heavy machinery construction etc.) and, therefore, those businessmen are often loyal to the authorities in order to save their own businesses. This impacts editorial policy of the media. Apart from that, over the last several years media have been actively resold. This process will continue in the years to come under Viktor Yanukovych's presidency. Thus, the media ownership structure in Ukraine is not steady, but changes depending on the policies (more democratic or less democratic) of the current authorities of the time and on the abilities of media owners to find a compromise with those in power.

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Part 2:
Introduction of Public Service Broadcasting in Ukraine

Alexander Belyakov¹

**Public Service Broadcasting:
An Answer to Freedom of Speech Challenges in Ukraine?**

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Keywords: public service broadcasting, Ukraine, freedom of speech, mass media, journalism, censorship

Abstract

This article constitutes an attempt to analyse the perspectives of public service broadcasting (PSB) in Ukraine in the context of the latest freedom of speech challenges. The opportunity to establish PSB has emerged after the „Orange Revolution“ in 2004, but has come to life only in 2010. The optimism about independent PSB lasted for a few months in 2005, but then it disappeared. The article also presents a controversy in reporting versus repeating in journalistic work in Ukraine and the danger of this practice for PSB. The author discusses the current obstacles in the way of establishing truly independent PSB. An ex-

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planation will be provided for historical patterns, world trends, recent developments and perspectives of PSB.

Alexander Belyakov

Public Service Broadcasting: An Answer to Freedom of Speech Challenges in Ukraine?

1. Public Service Broadcasting: Global and Local

It may seem difficult for international researchers to understand why Ukrainian society has become so much involved in PSB discussion. Unfortunately, the world trend is not encouraging for PSB development. On one side, PSB continues to be citizen-oriented, representing diversity of access and response to cultural-pedagogic logic, reference to civil society and concern for social cohesion.¹ On the other side, experts are discussing different kinds of crisis that PSB has faced during the last decade: an identity crisis² or even death³ in the USA, a legitimization crisis in Canada,⁴ as well as a decline in the UK.⁵ Furthermore, the BBC is dealing with a leadership crisis and journalists went on strike in 2010.

As scientists state, until the 1980s the distinguishing feature of broadcasting in most of Western Europe was public broadcasting monopolies.⁶ PSB had not been replaced by commercial broadcasting. However, now dual broadcasting systems have developed in Europe. A new world order of broadcasting has been created, characterised by the coexistence of public and commercial broadcasting.⁷

PSB is challenged everywhere by growing expectations. It provides more choices in comparison with the commercial sector broadcasting, has original production by independent producers, ensures pluralistic, innovative majority and minority programming reflecting multi-ethnic and multi-cultural society, cares about national and European cultural heritage, provides impartial news, becomes a common reference and forum as stated in the Council of Europe goals, etc.⁸ However, it is also becoming open to market mechanisms in television, as many public service broadcasters are facing fiscal crisis. PSB itself is now a niche market.⁹ Both journalists and public are afraid that quality news and good journalistic values may be lost. Commercial broadcasting dominates over PSB.

¹ WIETEN ET AL 2000, p. 27

² WEBER 2002

³ LEDBETTER 1998

⁴ ATTALLAH 2000

⁵ TRACEY 1998

⁶ WIETEN ET AL 2000

⁷ HARRISON 2000

⁸ COUNCIL OF EUROPE 2004

⁹ WIETEN ET AL 2000, p. 55; COPPENS/SAEYS 2006



In this rather unfavourable environment for the PSB development, Ukraine presents a case of a struggle against the stream. However, Professor Hans J. Kleinsteuber has recommended during a German-Ukrainian exchange of opinions in Cologne to look rather at Poland, Georgia or even Taiwan than on the Western countries with a long history and established traditions of democracy. In fact, they have some problems with the PSB, but these kinds of difficulties differ completely from the current situation in the countries like Ukraine. The PSB development process may develop inappropriately, but also may become successful and motivating for other regions. The former USSR countries need a vision that PSB can open a new era in their national journalism, but it is hard to reach this vision without long-lasting democratic traditions.

Ukraine often faces problems of authoritarian pressures. The authoritarian communists have stayed in power as „progressive“ nationalists since independence of Ukraine. Under their rule, Ukraine has become a semi-democratic oligarchic state in combination with a market economy.¹ In this context, ownership of the mass media has a big problem. Ex-President Yushchenko found it illegal that 288 broadcasting licenses belonged to one person and 188 media licenses were given to one company.² Despite some challenges, Ukraine has wanted progress as a regional leader in transformation processes, even though its previous experience in these reforms was complex. The idea of PSB development was right, but it has been understood in own way.

Western scientists pay attention to a specific of the PSB in the region: „in former Socialist countries, there is still a widespread notion of public service broadcasting being a type of broadcasting which, while continuing to be a sort of official broadcasting, is controlled not by the government (or the Communist Party), but by the democratically-elected majority in the Parliament. In other words, those who hold the political power also control ‘public service’ broadcasting, the difference being that those in power today have democratic legitimacy“.³ In case of Ukraine, the function of control remains one of the critical issues.

One more essential problem is the lack of a clear definition of PSB itself. PSB founders have to find a commonly accepted interpretation or create their own. While studying the existing controversies, the author discovered that some disagreements arise from definitional differences. In this case, clarifying at least what Ukrainians expect from PSB and how they understand it may also serve as an important step in goal-setting. Some experts wish to see it as „community-based“, while others – as a „national“ or state phenomenon. It is obvious that we need solutions for the existing problem.

Andriy Kulakov from „Internews-Ukraine“ has studied all options and definitions, although he prefers using an English term „public broadcasting“ in his Ukrain-

¹ ÅSLUND 2007, pp. 25, 215

² INTERNEWS 2005

³ RUMPHORST 2003, p. 1



ian-language paper.¹ From his point of view, Ukrainians should review the word „*суспільне*“ in its' meaning „*public*“ as the best word describing PSB and translating this term into Ukrainian.² The additional difficulties arise from variety of translation of this term into Ukrainian. It has already been translated as „*public broadcasting*“ in documents of the Council of Europe, and as „*social broadcasting*“ in some legal acts of Ukraine. The local practice shows that the word „*public*“ is understood in two ways: as an attribute of the public itself and as a synonym for the „*state*“. As Ukraine has never had such a kind of broadcasting before, using of the old term „*public*“ does not help in understanding. The public and some broadcasters have difficulties in understanding the basics of the discussion, not to mention participating in it.

Taras Shevchenko, Director of the Media Law Institute, has accused representatives of the Council of Europe of extending the popularisation of the PSB term that has, from the beginning of the discussion, led to its misinterpretation. Shevchenko believes that the Council of Europe „failed to bring its key idea that the public service television standard is a way of reforming the state-controlled television to make it, as much as possible, independent from the state and to bring it to the service of citizens“.³ He makes an argument that PSB has to avoid a reference to public in its title, but rather use more appropriate words, such as „*Ukrainian*“, „*national*“ or „*people's*“.

However, Ukrainians already have Ukrainian National Television Company, which is the state television. It is also a national channel. The repetitive use of terms „*Ukrainian*“ and „*national*“ has not provided any new insight on how the very core of the subject has to be presented. The term „*people's*“ is closer to the essential explanation. However, it was misused during the USSR times and may carry the negative association with the past. This misunderstanding can be prevented by a nation-wide public relations campaign explaining the importance of PSB and the meaning of this term.

Despite shortcomings of the title and even definition, the main attention has to be paid to the broadcasting standards, values and media functions. Journalistic professional attitudes have enormously affected by the relationship between the mass media and politics during the last years. Partisanship has dominated over impartiality in media coverage in the past, which has created a need for independent broadcasting in the society.

¹ KULAKOV 2010, p. 98

² KULAKOV 2010, p. 111

³ SHEVCHENKO 2005



2. The Mass Media in a Relationship with Power

Ukrainian PSB is still facing problems with answering the classical question: „to be or not to be“ in the broad meaning of this point.¹ There are difficulties in establishing PSB as truly independent from the state. It is an on-going discussion on how independent from politics the mass media can be in Ukraine at this time.

Firstly, special attention should be paid to the diversity of literature concerning the relationship between the mass media and politics world-wide. Many Ukrainian problems are not new. Their different aspects have already been studied in other countries.² However, the quantity of scientific work does not guarantee improvements of quality in relationships between media and politics. Some experts have (see KENSKI 1993) already pointed the usefulness of literature on media and politics for policy studies.

The following discussion is based on an article by ELLIOTT 2004. She concentrates on a political perspective of objective standards in journalism that is also crucial for our discussion about the PSB standards in Ukraine. The media responsibilities for providing impartial information are growing with expectations to serve as educators to people. Sufficiently educated citizens will be able to govern themselves. Elliott stresses the special mission of the media. However, this position is idealistic, as the world of politics does not expect so much interventionism from the media side.

Elliott clarifies a difference in nationalistic journalism and patriotic journalism, comparing them to the difference between „reporting“ and „repeating“. Nationalistic journalism is what happens when coverage echoes authorities. Reporters repeat what the government spoon-feeds the audience, instead of reporting what really happens. A patriotic approach to covering controversial issues would include the wide-angle points of view. In this situation, a distinction between „reporting“ and „repeating“ is becoming essential.

As a result, a clear definition and distinction of the terms „journalism“, „reporting“ and „repeating“ is needed. Despite the wide use of the first two terms „journalism“ and „reporting“ as interchangeable, there is a distinction. It is especially clearly described by BOGART 1996, who stated that „journalism entails investigation, explanation and a point of view“. At the same time, he defines the term „reporting“ mostly as „nuts-and-bolts, no-nonsense information-gathering and packaging. Reporting wants just the facts“. However, reporting is usually distinguished from writing in general, by news judgment and journalism values. Repeating is mostly the act of doing or performing something repeatedly. Some journalists and politicians continue repeating the „truth“ misusing media as a propaganda tool.

¹ KHABYUK 2010

² GRABER 2000; SHEA 1999, BENNETT 2002; etc.



Leading researchers stress that „politicians are the ones who determinate national agendas“.¹ In case of Ukraine, politicians even try to indirectly govern the mass media, especially on the local level where the state TV and radio companies serve their needs. The political influence is very strong. Therefore, a free PSB creates a danger for politicians who are trying to influence broadcasting.

Some experts put stress on this issue in Ukraine: „With dismantling the state television and introducing an independent broadcasting, the convenient and secure rules of political existence in the media environment will disappear. This may have suicidal consequences for some politicians, as today in Ukraine the appearance of political leaders on state television, regional governors on regional state channels and heads of local state administrations on local state channels is often conditioned by political (not informational) necessity“.²

Media resources were actively misused by candidates from power during regional elections on October 31, 2010. The international observers criticised many undemocratic actions. The Ukrainian channels and even some news agencies (Interfax-Ukraine) were very selective in coverage, avoiding criticism and strong facts about some falsifications.

The local channels are too cautious in coverage of many events in the country including the protests of Ukrainian entrepreneurs against the latest version of the draft tax code on November, 22, 2010 in Kyiv. „The majority of the country’s main TV channels kept silent, and in the evening released skimpy reports about the entrepreneurs’ rally. Throughout the day only „Channel 5“ showed some information, there was a live broadcast on „TVi“, and in the evening Channel „1+1“ ran an in-depth story on the event. That was all. The rest of the TV channels practically ignored tens of thousands of people protesting on the country’s main square“, report some activists.³

Journalists Mark Rachevych and Yuriy Onyshkiv believe that the top officials create the culture of secrecy, taking as an example President Yanukovych, who „has only given one open press conference to journalists in the eight months he’s been in office. According to the October 29th issue of Korrespondent weekly magazine, only loyal journalists who toe the presidential line are allowed to accompany the president and ask him questions during in-country and foreign trips. And often requests for basic public information just linger and die“.⁴

It seems that the Ukrainian mass media still have problems to show unpleasant things about power. However, the role of media in other countries is also widely criticised: „Politicians complain about the media when they interfere (the CNN effect), and when they do not“.⁵ The relations between media and politics con-

¹ HOLM 2002, p. 457

² PEDERSEN VYUNYTSKA, 2010, p. 74

³ BOHDANOVA 2010

⁴ RACHEVYCH/ONYSHKIV 2010

⁵ HOLM 2002, p. 457



tinue to be controversial, showing lack of trust and credibility. Sometimes this politics of mistrust reminds us of the „Prisoner’s dilemma“.¹ Despite the discovery of many opportunities in agenda-setting, journalists continue to be dependent on power in many issues.

As many scientists explain, „we may find differential relationships between media use and political cynicism, trust and efficacy, depending on audience characteristics and the type and contents of different media outlets so that both developments occur simultaneously“.² Elliott does not seem to be aware of this controversial symbiosis of interests promoting mostly advocacy for „fundamental interests of citizen in mind“.³ However, it is true that journalists have to „provide citizens with a contextual understanding of their nation’s interest, as that is what is necessary for educated self-governance“.⁴

Nevertheless, manipulations still exist. In this situation, a distinction between „reporting“ and „repeating“ in presenting news is becoming more and more important, influencing the fortunes of whole countries. Ukraine serves as an example, where coverage has presented a confrontation between „reporting“ and „repeating“ in journalism until now. This tendency will without doubt affect the work of PSB, especially in an environment challenged by freedom of speech issues.

3. Heritage for Public Service Broadcasting and Its Influence

The Ukrainian Parliament adopted a law on public service broadcasting already in 1997. The discussion about the establishment of PSB has recent historical roots in Ukraine in the context of reanimation of political censorship by the former President Kuchma. Furthermore, pressure on the owners and managers of the mass media and murders of journalists has emerged on the political agenda. Some journalists have organised protests, but received little support from colleagues who have accused protesters of promoting their own media.

In 2002, the administration of the ex-President Kuchma also invented „*temnyki*“ (list of the topics). This word is difficult to translate to English, as the concept behind it is very specific and geographically limited to Ukraine. „*Temnyki*“ were secret instructions to media disguised as press releases about what to cover or not to cover and how to do it. Media that ignored them were often harassed. This case represented not just „repeating“ in journalism, but a „copy and paste“ approach in agenda-setting.

In 2002, the Parliamentary hearings „Society, Mass Media, Authorities: Freedom of Expression and Censorship in Ukraine“ commented on the situation of

¹ NEUSTADT 1997, p. 197

² DE VREESE/SEMETKO 2002, p. 617

³ ELLIOTT 2004, p. 29

⁴ ELLIOTT 2004, p. 29



freedom of speech stressing that television has become „*a condom for reality*“.¹ Many speakers found that limitation of the press freedom was damaging for the development of society. Therefore, a new independent mass media was urgently needed.

At that time (in 2002), according to the former President of the Ukrainian National Television Company (UNTC) Vadym Dolhanov, Ukraine was not ready to create public television. „There is no normal civil society in Ukraine and people’s financial resources do not allow them to pay for such television service. Thus, the role of public television is now carried out by the UNTC“.² According to experts, the old idea turnoff turning UNTC into a public TV station in fact implied turning of the First National channel into a company owned by parties and commercial structures.³ It would have been dramatic for the society, if it had happened at that time. UNTC was the only channel that covered all Ukraine and served as the only information source for some regions.

Citizens hoped that PSB will ensure the creation of a free mass media at least after the „Orange Revolution“. Ex-President Yushchenko has responded to this challenge, though in a specific way. The ex-President had appointed a politician, Taras Stetskiv, as the leader of state television. This person acted as an experienced manager and, though being new to the media business, he succeeded in organizing the 50th „Eurovision“ contest in Kyiv and its international broadcasting. Stetskiv has motivated experienced journalists to join state television and has re-organised its structure to prepare for its transformation into PSB. He was ready to start, but received no approval from ex-President Yushchenko, who changed his mind about PSB. Stetskiv accused the ex-President of obstruction of this development and left television in September 2005.

Victor Yushchenko appointed a new president of the state television Vitaly Dokalenko. He was tolerant of Yushchenko and critical about PSB. However, this has not damaged his reputation, as the old UNTC team was ready to stop the transformation after they protested Stetskiv’s initiatives. They were concerned about job security that provides benefits for state servants (including state housing, health services and retirement benefits). This is a controversy, as officials cannot be critical of the state. Journalists who are state servants cannot be impartial. The colleagues from non-state media also depend on their owners’ views and need incredible motivation for changes.

Ex-President Yushchenko heard the voices from UNTC, so he did not encouraged changes and preserved the old structures with loyal partners. He also responded to lobbyists who would use the PSB infrastructure to create a new kind of commer-

¹ YAKIMENKO/ZHDANOV 2002

² TELEKRYTYKA 2002

³ Ibid



cial broadcasting similar to „public“ television in Russia. Ex-President Yushchenko argued that „the new state needs new state-owned media“.¹

There had been no political will to stimulate development processes. Ex-President Yushchenko was unable to accept media independence in the context of increasing criticism about him. Yushchenko and his allies supported freedom of speech and used the idea of PSB so long as they could profit from it. As Olena Prytula, the editor-in-chief of the „Ukrayinska Pravda“, argued, „The most regretful, though, is that they don't have much understanding and are close to Kuchma in their understanding of journalism“.² Cooperation with journalists who protest against censorship should not be used as a means to come to power.

The critical voices in Ukraine have gained support abroad. Ann Cooper from the Committee to Protect Journalists has stressed that „lack of progress in transforming state television into a public broadcaster continues jeopardizing Ukraine's transition toward stability and prosperity. Without a free press to promote accountability, the country's judiciary, bureaucracy, and police and security forces will resist necessary reforms“.³

In this context, the donors' support of the media has also been significant. For example, Soros' contribution followed the statement that, „A public broadcasting service will help consolidate the freedom of discussions and the freedom of mass media, which are currently to a great extent present, however, without a PBS, will lack an organisational basis“.⁴ Unfortunately, international support can only contribute to the existing development, rather than replace or lead it. The lack of strong statements from ex-President Yushchenko was damaging for PSB. Furthermore, the unique environment for transformation in the society and time were lost. PSB, if implemented in 2005, would have been a powerful player not only in the mass media, but also in the whole society.

The Parliament hearings about public broadcasting on April 13, 2005 have already had the topic on slow adoption of the law „On Creation of a Public Television and Broadcasting System“ on agenda. The amendments to the Law „On Public Broadcasting“ passed its first reading in the Parliament on July 8, 2005, but after that the issue was brought to a standstill. Ex-President Yushchenko vetoed the law „On Appointing and Removing Leaders of State Television and Radio“. There was ambiguity about important procedures. Since then, the leadership of UNTC has also changed a few more times. After Vitaly Dokalenko, Vasyl Ilashyk was led the company in 2008-2010. The current leader, Egor Benkendorf, was appointed by the Cabinet of Ministers to this position and has been in office since March 18, 2010 facing enormous difficulties in introducing some changes.

¹ INTERNEWS 2005

² RESEARCH CENTER OF DONBASS SOCIAL PERSPECTIVES 2005

³ COOPER 2006

⁴ INTERNATIONAL RENAISSANCE FOUNDATION 2005



Walid Arfush, deputy head of UNTC, has often quoted in the Ukrainian mass media saying that he believes that First National Channel should support the current authorities. However, in his latest interview, Walid Arfush clarified his position on this issue: „When I said this, I meant that in the charter of our channel we are obliged to cover the different activities of the government. There are lots of private channels in the country that can criticise what the government is doing. But what I meant is that we are obliged to just show what they do, and let the people decide if it is good or bad“.¹ In another recent publication, Halya Coynash, a member of the Kharkiv Human Rights Group, called the First National a „Potemkin village“.² Historically, this term has been used to describe the attempts of the authorities to fool someone. PSB on UNTC may be exactly this case. At this moment, UNTC has 1780 employees. It developed a plan to lay off 800 employees on July 1, 2010, to work more efficiently. However, only 93 employees were fired.

The concept of creating and running the National Public Broadcasting Company of Ukraine (NPBCU) recommends that the heads of departments, correspondents, editors, journalists, directors and regional broadcasting companies secure a preference in employment at the NPBCU in case of signing the appropriate contract. Furthermore, the NPBCU, together with the State Broadcasting Commission, should, within a two-year transition period, solve the issues of employment of the existing workers, whose status has been set equal to the status of state servants³.

While conducting research on PSB, the author came across the alarming question of whether Ukrainian journalists working in the state television are really interested in creating PSB. Today we see that stakeholders implementing PSB in Ukraine may not necessarily be supported by the journalists and staff of the NPBCU. The case of UNTC shows how the old-fashioned broadcaster supported by conservative lobbyists opposes any changes in its structure and in the whole media system. In this context, it is important to remember that most of the media systems face similar problems in their transformation processes. As Kleinsteuber states, „Media systems develop a natural capacity for self-preservation, even if they find themselves in a state of complete reorganisation in certain phases of their development“.⁴

The President Viktor Yanukovich is critical of the previous power and its media politics in many ways. „Throughout the years of independence – from election to election – many politicians raised this topic, promised their voters to set up Public TV broadcasting. I did not promise. I am doing it,“ he said.⁵

¹ MARONE 2010

² COYNASH 2010

³ PRESS OFFICE OF PRESIDENT VIKTOR YANUKOVYCH 2010

⁴ KLEINSTEUBER 2004, p. 81

⁵ PRESS OFFICE OF PRESIDENT VIKTOR YANUKOVYCH 2010



Finally, Ukrainian power has a strong political will to implement PSB. Unfortunately, this is the only good news. This statement seems like a simple opposition to the previous leaders. Media experts and parliamentarians also recognise speculations with this step. Iryna Herashchenko, Member of Parliament, says: „I don't know any country where the president's administration creates public television. The state should only create the conditions for it“.¹ The political environment is changing, thus conditions for PSB creation are less favourable now. Furthermore, the power in place seem to use PSB as excuse for the growing number of critics in the country and abroad regarding media freedom. Taking into account that PSB is one of Ukraine's obligations to the Council of Europe, additional criticism about slow implementation should be avoided.

4. Public Service Broadcasting at the Start

The objective of PSB must be complete and impartial informing about current events. The single authority to run PSB must be the public, and its supervisory bodies have to be established on the ground of maximum representation of all social groups. It is possible to observe similar ideas in the prepared Law of Ukraine „On creation of the National Public Broadcasting Company of Ukraine“. It should be submitted to the Ukrainian Parliament before December 1, 2010.

The NPBCU Supervisory Council will be composed of a single representative from each category of public associations: educational, scientific, religious, sports, journalistic, human rights, business, youth, local governments, trade unions, national minorities, the disabled, and veterans of the Great Patriotic War. The most interesting case is with so called „other non-governmental public organisations“. The English web site of President Viktor Yanukovich contains a version of the text stating that non-governmental public organisations should unite no less than one hundred people². The Ukrainian version contains another number suggesting that non-governmental public organisations should unite no less than one hundred thousand people. In both cases, the participation issue reminds unclear.

The non-governmental public organisations, or even worse, pro-governmental non-governmental organisations with a small or too large number, limit space for public participation. The President's Administration has already denied membership to a delegate from the civic movement „Stop censorship!“ to the Public Humanitarian Council dealing with the public broadcasting project. This movement has initiated debate on the concept. The main conclusion: „any concept framework for the creation of public broadcasting in Ukraine is unacceptable without key conditions for ensuring independence: in financing, staffing decision-making and editorial policy“.³ The OSCE Representative on Freedom of Media, Dunia Miyatovich, stressed during her visit to Kyiv: „I suggested that the

¹ TELEKRYTYKA 2010

² PRESS OFFICE OF PRESIDENT VIKTOR YANUKOVYCH 2010

³ TELEKRYTYKA 2010



office of the OSCE Representative on Freedom of the media had a legal examination of the concept of creating a public service broadcaster, and later bill it-self. Public broadcasting is one of the options that we use when measuring the freedom of the media".¹

Unfortunately, media freedom monitoring has been rather disappointing. Many national and international experts observe a drastic decline. The Ukrainian channels „STB“ and „1+1“ have reported censorship. A court deprived frequencies for broadcasting of „Channel 5“ and „TVi“. Black Sea TV complained that the authorities wanted to close their political talk show, etc. For first time since the „Orange Revolution“, journalists disappear in Ukraine. Vasyl Klymentiev was the editor of a Kharkiv-based weekly newspaper „Novy Styl“ (New Style). He has been missing since early August. Anatoly Mohilev, the Minister Interior Affairs, believes that Klymentiev might have been killed for his journalistic activities. Konrad Schuller from the newspaper „Frankfurter Allgemeine Zeitung“ has reported that the Ukrainian security service is spying on him.² The state is interfering more and more in journalistic activities. Unfortunately, many problems challenging freedom of speech were not solved during presidency of Yushchenko (transparency of ownership, weak ethical standards, censorship by money, etc), and society has not paid enough attention to them.³ Journalists are already reporting about the return of old traditions, following Russia's lead. „Ukraine's news media are moving closer to Russian-style journalism, in which the Kremlin line is obeyed, at least by the major national TV networks“.⁴

Many international organisations (Article 19, International Media Support, Reporters without Borders, IREX, the International Press Institute, Transparency International and others) have already reported their concerns about the current situation with freedom of speech in Ukraine. The Parliament has responded to those conflicts and problems with new proposals. Draft law No.6447-1 introduces criminal responsibility for censorship in the mass media at the first reading. It suggests amending the Criminal Code with an article „Violations of Rights and Freedom of Literature, Artistic, Scientific, or Technical Creative Work, or Censorship“. According to this draft, censorship includes editing by bodies of the state power and local self-governments of journalist materials outside the editorial staff of the mass media.

One more problem: a work on the draft Law on Access to Public Information has showed difficult and slow progress. This draft law is awaiting its second reading. The law consideration has been delayed and has many times disappeared from the agenda of parliamentary sessions in October and November 2010. The Parliamentary Speaker Volodymyr Lytvyn has recommended the Parliamentary Committee on the Freedom of Speech have one more meeting

¹ EUROPEAN NEIGHBOURHOOD JOURNALISM NETWORK 2010

² KORDUBAN 2010

³ BELYAKOV 2009

⁴ FESHCHENKO 2010



on the draft law. At the same time, the draft law „On amendments to some legal acts on ensuring access to public information“ No. 7321 was proposed by the members of the Parliament Olena Bondarenko and Volodymyr Landyk (the Party of the Regions). The new document proposes other conditions as compared to the previous draft. In this context, the campaign for improved access to information may not reach its goals. The state is still limiting the information collection. Nevertheless, chairman of the Parliamentary Committee on the Freedom of Speech Andriy Shevchenko believes that the adoption of this law would create a „revolution in respect of officials and citizens“¹. There is also a hope that this bill would be adopted before the end of 2010.

Unfortunately, there are many ways to indirectly avoid the law in Ukraine. The case with „*temnyky*“ as a censorship tool shows that authorities may use their own law over the phone or by other methods, allowing them to avoid any kind of responsibility. Furthermore, there is one more way of dealing with censorship through simply avoiding controversial topics. Valery Bebik leads a working group responsible for proposals on what PSB should look like. His position is on insisting on dominance of educational components in broadcasting. Although this issue is important, it should not lead to underestimating political coverage.

5. Independent, But Paid by State?

One more problematic issue is appropriate funding of PSB. This issue is not yet solved, as no satisfactory solutions have been found. Core principles of the National Public Broadcasting Company of Ukraine include diversified sources of funding to avoid control and pressure on public broadcasting. In fact, the state will fund PSB from the state budget for at least the first two years. Later, a subscription fee will be charged. Some experts propose charging everyone, just adding this fee to the electricity bill. At the same time, the choice of financial sources may be indirectly influenced by many factors. The majority of the population is affected by inflation and economic instability. People may not agree to the introduction of a fee-based PSB, especially if everyone must pay without choice.

The improvement of the general economic situation should lead to the evolutionary growth of the media consumption. Eradication of poverty is among the most pressing developments that would have an effect on transition of the media in Ukraine. This is also number one of the United Nations Millennium Development Goals that has not yet been accomplished in Ukraine. It may be postponed until 2015, the last term for the achievement, since the country has failed to improve its economic situation. The United Nations Human Development Reports show that, while there has been substantial progress globally, Ukraine is actually falling further behind. At the same time that countries in Latin America and the Caribbean succeeded, the Commonwealth of Independent States ended the 1990s less healthy and with lower average incomes. Poverty has more

¹ FOR-UA 2010

than tripled, to almost 100 million people – 25 % of the former Soviet Union population.

The majority in Ukraine has relatively low incomes. Ukraine faced serious economic difficulties in the early 1990s: fiscal and monetary indiscipline led to 10,000 per cent inflation in 1993. This prolonged inflation followed by an economic depression has produced an even more rapid decline in real wages than the drop in GDP. As a result, inequality between labour and capital has increased, and some mass media have been closed. The average monthly salary in Ukraine has been below the poverty level for too long, and the shadow economy accounts for half the total GDP. Unemployment has forced about five million people to seek every possible kind of work abroad. Brain drain has caused losses in the well-educated population. Many journalists have changed their occupation. The number of people who are suffering from poverty is increasing. Solutions are needed not only from the national government, but from the international community as well. Authorities should not ignore even small changes in this dangerous process. The main driver of the inflation is pushing up food prices and prices of services officially up to 15 % (unofficially up to 50 %), even in 2010. Some experts predict that Ukraine will return to the conditions of the 1990s. Furthermore, the new tax code creates unfavourable environment for small and in medium-sized companies.

Poverty is not simply a matter of lack of income. Human poverty is a lack of access to the opportunities available to other members of the society as a result of social, political or other restraints or barriers. Media development is affected by poverty as well, therefore eradication of poverty will, in the end, help increase standards of journalistic work and support PSB. Otherwise, a PSB fee can cause protests from the poor population. People do not understand what PSB will bring. Ex-President Yushchenko said many times that there is a principle in citizens' behaviour: „If you follow the sausage, you will lose both freedom and the sausage“.¹ Unfortunately, he did not enough as President to ensure that Ukrainian citizens have both sausages (eradication of poverty) and freedom. Ukraine is still dealing with the consequences of the crisis in 2008-2009. If the economic situation does not improve soon, any concepts and steps in establishing fee-based PSB will be challenged.

6. Conclusion

One of the issues that finally emerged during the „Orange Revolution“ was creation of PSB. PSB is in crisis in many countries, but it has become the only hope in Ukraine. Unfortunately, PSB development is influenced by the attitude of the President and politicians, readiness of the society, positions and active support of journalists, etc. Political events and election campaigns are additional factors. Currently, the country has large number of broadcasters, but none of them

¹ YUSHCHENKO 2009



guarantees impartial coverage. Many opportunities and the time have already been lost in PSB development.

PSB's priority has to be impartiality versus existing partisanship. State broadcasting needs motivated management and a new generation of journalists for successful transformation into PSB. PSB creators should study international experience and find solutions for legal, structural, financial and even linguistic issues before launching broadcasting. The Parliament should play an active role in improving the PSB law. A clear definition, procedures and structure are needed. The public, and even some broadcasters, have difficulties in understanding the basics of the discussion, not to mention participating in it.

Society and especially its non-governmental sector should insist on wide participation in the NPBCU Supervisory Council and become watchdogs of PSB development in Ukraine. A nation-wide public relations campaign explaining the importance of PSB is also needed. There is a lack of studies on the attitudes of Ukrainians towards PSB. People barely understand the role PSB should play in society. As a result, the introduction of fees to finance PSB has a little understanding. Independent sources of PSB financing are needed. The introduction of fees is possible, but should be done with simultaneous improvement of people's living and working standards, and introduction of a transparent budget for PSB. Unfortunately, the recent media transition has also boosted media corruption supported by oligarchs. Society needs radical actions to combat it, not only in the media business, but in other spheres as well.

Without PSB, it will be difficult to solve one of the serious problems of Ukrainian journalism – violation of journalistic ethics at the time of growing commercialisation of the mass media and state influence. The alarming issues bring up the question of whether Ukrainian journalists and other stakeholders are really interested in creating PSB, and of which factors influence their impartiality. Journalists can barely get access to information, and face other serious problems.

Established international organisations could provide support for PSB development. World leaders and the international community should use their power to advise President Yanukovich about the necessity of fulfilling his promises and guaranteeing PSB's creation as a real tool for freedom of press. Otherwise, PSB will soon be dealing with the problem of how to survive on arrival. The question whether Ukrainians have independent PSB remains unsolved. In general, current developments may still create a satisfactory environment for PSB establishment in Ukraine. However, the planned start of PSB shows a dependence on the existing debates in politics and general situation in the country. As a result, the further research of these influential factors is needed.



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Legal Components of Public Broadcasting

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2. Freedom of Expression and Freedom of Press in the Young Ukrainian State	65
3. PACE Recommendation 1407 (1999) „Media and democratic culture“	69

Keywords: freedom, media, law, ownership, programme, public

Abstract

The Idea of public broadcasting has been on Ukraine's agenda for a long time. Back in July 1997, the Verkhovna Rada adopted the Law On Public Television System In Ukraine. The Law has laid the ground for public broadcast company foundation, establishing the main principles to be later developed in detail. Since then there have been few attempts to develop the situation according to the above mentioned Law, however, without success. There is a new wave of public discussion at the moment in Ukraine, which has been initiated by President Yanukovich's team, with the introduction of a totally new concept of public broadcasting. Latest initiative from opposition side undermines the current Law from 1997 principles, as no mechanism is offered to balance political interest and no wide public representation is secured, no independent funding is foreseen. Public broadcast development in Ukraine definitely depends on political will, as the primary responsibility rests with policy and law makers.

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Legal Component of Public Broadcasting

1. Introduction

Let us begin with a brief statement about the role of media in a democratic society, which is to keep people better informed of state policy and the decision-making process on public interest issues, etc. In a new democracy, media have an extra responsibility to provide citizens with civic education on the way public institutions operate and what democracy means in daily life, in order to foster different kinds of tolerance and promote civil society control over the operations of the government, and to integrate the society by agenda setting, forming public opinions and common sense. Moreover, such media also have the duty to introduce the country to the outside world (to foreigners), demonstrating the political and cultural diversity of their motherland.

According to John Lock – „*There is no freedom, if there is no law*“. In order to better understand the Ukrainian reality in the area of public broadcast efforts, it would be reasonable and fair to have a look at the Ukrainian legal framework in media field.

2. Freedom of Expression and Freedom of Press in the Young Ukrainian State

Liberal laws and the free-market economy are ideal factors for the media environment. Stable and media-friendly legislation is aimed at safeguarding freedom of speech and fostering professional development on the one hand, and supporting business operations in order to make money on the other. A well functioning legal system is able to deal with any illegal activity that prevents peaceful enjoyment of rights and liberties.

It is well known that laws exist not only to establish punishments for abusers. The law has the duty to set the rules, which have to be properly adopted and timely publicised in order to be known by the citizens and to enable them to foresee possible legal consequences depending on the situation. The law has the power to establish the grounds for any development, introduce policy principles, fix the frame and scope of authority, and establish consequences for any abuse.

After the declaration of independence on August 24, 1991, the young Ukrainian state faced the necessity of creating its own legal system. The very first law relating to media was the *Law On Information*,¹ which recognised information as a product of commercial activity and subject to ownership rights. This law provides a definition of confidential information and personal data, introduces the

¹ October 2, 1992



information request as a tool to collect information from state agencies, and specifies what can be qualified as the abuse of information (hate speech, war propaganda, incitement to violence, terrorist attacks, national security issues and threats to the territorial integrity, etc). The *Law On Print Press*¹ put an end to state ownership of the press and created the legal framework for profit-oriented publishing businesses. Individuals and legal entities, including foreigners, received the right to set up print media companies and to start commercial activity by means of newspaper/magazine publishing. Furthermore, this law proclaimed editorial freedom and protection of the sources of information. The *Law On Broadcast*² introduced the rules for broadcasting in Ukraine, antitrust measures against monopolies and protection of national producers. The National Broadcast Council³ was established as an independent body of 8 members nominated by the President and Parliament with the aim to deal with broadcasting frequency issues and to grant licenses on a competitive basis to those interested. The *State Secret Law*⁴ prescribed the criteria, policy and time-frames for the state secret (classified) information. The *Law On Information Agencies*⁵ provided legal grounds for the operation of information agencies and their international cooperation development.

The adoption of the *Constitution of Ukraine* on June 28, 1996 finalised positive legislative efforts for creation of an independent legal system within the first five years of independence. The Constitution fixed certain crucial issues for the young democracy: separation of power, political, economic and ideological plurality, censorship prohibition and responsibility of the state to its citizens. Significant improvement according to the European standards was achieved with the new *Penal Code* adoption.⁶ Libel and insult were removed from the list of the crimes. Ukrainian parliament agreed that criminal penalties are inappropriate for freedom of speech. A new concept of human rights and protection of human dignity, reputation and privacy was introduced by the new *Civil Code*⁷. From 2004 on, substantive legal culture has been in place to balance freedom of expression with the rights of other people. At the same time, amendments to the *Law On Information*⁸ regarding public interest issues have provided privileged support to private/family life related information, as well as the right for journalists to inform the public about nepotism, corruption and abuses of power committed by Ukrainian authorities and public figures.

¹ November 16, 1992

² December 21, 1993

³ See the Law on National Broadcast Council status, September 23, 1997

⁴ January 21, 1994

⁵ February 28, 1995

⁶ Became in force on September 2001

⁷ Became in force on January 2004

⁸ April 3rd, 2003



The Idea of public broadcasting has been on Ukraine's agenda for a long time. It seemed to be attractive first of all for media professionals who have been working under the state or media owner's pressure and sought independence. Back in July 1997, the Verkhovna Rada adopted the *Law On Public Television System In Ukraine*.¹ The Law laid the ground for public broadcast company foundation, establishing the main principles to be later developed in detail. The law states: „Public broadcasting is based on the wide representation of different strata of the society, which, through their representatives in the National Broadcast Council, provide for the implementation of the programmatic concept and control the financial and commercial activities of the TV or radio company. The programmatic concept of Public TV and radio broadcasting is periodically being reviewed taking into account the trends of social development and the safeguard of the right of citizens to freely receive, use and disseminate information.“

Such an institution was seen as a nationwide non-profit public-oriented media to provide pluralistic balanced information to the Ukrainian society. According to this law, the Public Broadcasting Company was to be established by the Parliament, to be funded by viewer's license fees and governed by the Public Council. The Public Council was supposed to be formed from civil society representatives and have exclusive authority to approve PSB editorial concept, safeguard programming according to approved concept, appoint top-level management and deal with a number of topics to ensure the independence of its operation. The Public Broadcast Company was supposed to have priority in license granting.

There have been a few attempts to amend the law to transform the state-owned UT-1 Channel into PBC – however, without success. President Yushchenko vetoed the adopted by Rada on March 12, 2009 a draft law on amending the Law On Public Broadcasting №4198 of 12.03.2009, which introduced a huge number of changes required for the implementation of public broadcasting in Ukraine, on the grounds of few provisions being non constitutional. It has to be mentioned here that there was a very good draft of amendments developed by members of National Commission on freedom of speech, but the Parliament did not manage to proceed.

There is a new wave of public discussion at the moment in Ukraine, which has been initiated by President Yanukovich's team, with the introduction of a new concept of public broadcasting. Honestly speaking, the concept has not been well thought through and some of its ideas contradict the entire Law of 1997. We should expect nothing good if the new draft is based on this concept.

The next step in public broadcast development has recently been undertaken by opposition MPs² who, on October 12, 2010, registered a new draft of the Law on Amendments to the Public Broadcasting Law. This draft seems to be even more controversial, as it offers a different approach in the PB governance

¹ July 17, 1997

² Andrii Shevchenko, Kaskiv and Suslov



area. According to this draft, the PBC has to be founded by government decision, Public Council members have to be appointed (9 out of 15) under submission of current Parliament fractions and 6 of them nominated by NGOs which have been registered to act as journalistic organisations or from a media-related field. No mechanism is offered to balance political interests and no wide public representation is secured. Finally, funding is supposed to be provided from a state allocation in a fixed amount of no less 0.05 % of the state budget in a specific year. Advertising and sponsorship are prohibited. Moreover, the Council will have no right to oversee program implementation, as such a function is seen by the authors of the bill as a censorship attempt.

To sum up, the question arises: Why has it taken so long for Ukraine to manage this business? Why have well-known essential features of public broadcasting such as independent funding, wide public representation to guarantee the representation of a great variety of interests and viewpoints, balancing forces in the Council and deep Council involvement in programming issues in order to secure public interests, etc. been neglected by Ukrainian authorities and are still not reflected in the law to make it Ukrainian reality? Why it is so difficult to proceed and to implement a world-class experience on public broadcasting in Ukraine? Lack of political will? Misunderstanding of the public broadcasting philosophy? Lack of public interest? In fact, the most active group in pushing this issue forward are journalists. They see it as an alternative to commercial and state-owned TV; a place where freedom of expression will be guaranteed.

The Amsterdam Protocol of the EU Treaty emphasises that Public service Broadcasters fulfil functions of essential importance for the state and society. PSB is directly related to the democratic, social and cultural needs of every society. Therefore, on the one hand, the organisation of public service broadcasters (PSB) lies, as the Amsterdam Protocol recognises, only within the competence of the member states. On the other hand, their organisational structure has to reflect the specific remit of those units as well as their independence from the state and state bodies. PSB in many countries like in Germany is a matter of society; the broadcasting institutions are seen as some kind of trustees for the society. Public broadcasting works to fulfil democratic, social and cultural functions and that is why there is a huge need in supervision by society.

There is a gross misunderstanding or illusion among Ukrainian media professionals regarding total freedom for journalists with PSB introduction. Unlike private broadcasting content, where the law is silent with the exception of preventing abuse or applying legal consequences after abuse has occurred, public broadcasting programming has to be governed by law in a way that its public remit implies standards and goals which – inter alia – public programmes have to follow.

3. PACE Recommendation 1407 (1999) „Media and democratic culture“¹

What is the Council of Europe policy in this area? Public service broadcasting (which should not be confused with state-owned media) has traditionally been considered as a guarantee that all segments of the public, including minority groups, are provided with programs that are impartial and varied, free of government or partisan interference, comprising information, education, culture and entertainment. In reality, though, PSB is often subject to political and economic pressures and to increasing competition from commercial broadcasting, which is becoming cheaper and more readily available due to new information technologies.

The Parliamentary Assembly of the Council of Europe has, over the years, adopted a number of recommendations which contain, among other things, important statements on public service broadcasting and the responsibility of the state for creating favourable legal, institutional and financial conditions needed for PSB to be able to perform its obligations. These are:

- PSB is directly related to the democratic, social and cultural needs of society, and also to media pluralism;
- The comprehensive mission of PSB is about a wide range of programming in order to address society as a whole;
- A suitable balance of entertainment, culture, spectacles and education; natural overlap with commercial broadcasting in popular genres – sport, comedy, drama, news and current affairs;
- PSB can legitimately seek to reach wide audiences;
- PSB is important in promoting new audiovisual and information services and new technologies;
- PSB organisations may legitimately compete on the market as long as public funding is not used to distort competition.

Public service broadcasting in Europe needs a clear direction and a framework for the proper implementation of its remit. Policy and the legal, institutional and financial framework should be developed on the basis of extensive analysis of contemporary circumstances. Media policy concerning PSB should serve the public and national interest, and not any sectoral political or economic interests.

PACE stated that the situation of fledgling PSB organisations in Central and Eastern European countries requires special effort. It is not enough to expect them to conform to general European standards. For instance, the appointment of members of a PSB supervisory body by parliament in an established democratic country with a highly developed political culture is a different process from the same procedure in an unconsolidated democracy. Appointment or nomina-

¹ <http://assembly.coe.int/Main.asp?link=http://assembly.coe.int/Documents/AdoptedText/ta99/erec1407.htm#1>



tion of members of broadcasting regulatory authorities and of supervisory and managerial bodies of PSB should, whenever possible be taken out of the hands of politicians and entrusted to civil society and professional bodies. Though in highly politicised societies this procedure is not without its risks, it reduces the direct power of politicians over PSB. The development of civil society and rule of law are the only elements of a democratic system capable of driving forward the consolidation of democracy and maturation of political culture. This applies to PSB as much (or even more) as to any other field of life. Equally important are efforts to assist the professional growth of journalists and other program makers.

Still, the primary responsibility rests with policy and lawmakers. Rephrasing John Mill we can state, that there will be no public broadcast in Ukraine until there is proper law.

Oleksandr Voitko¹

**Comparative Analysis of Approaches
to Public Service Broadcasting Implementation in Ukraine:
A Historical Perspective**

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2. Civil Society Approach versus Government Approach: Similarities and Differences	74
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Keywords: Ukrainian media, public service broadcasting, approaches to PSB implementation, comparative study, mass communications

Abstract

Public service broadcasting is very important media for every democratic society because it is independent, educational and gives equal informational possibilities for all social and ethnic groups. So, comparative research has been undertaken on two approaches to public service broadcasting implementation in Ukraine. In this study the government and the civil society PSB approaches were analyzed. The results show that the civil society approach provides a more concrete scheme of PSB implementation, financing and functioning than the governmental one. But, at the same time, the government approach meets the main requirements of PSB establishing and management.

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Comparative Analysis of Approaches to Public Service Broadcasting Implementation in Ukraine: Historical Perspective

1. Public Service Broadcasting Implementation in Ukraine: Preconditions

According to KOPS 2000, public service broadcasting includes radio, television and other electronic media outlets that receive some or all of their funding from the public and are intended for the public benefit rather than for purely commercial concerns. It is very important media for every democratic society because it is independent, educational and gives equal informational possibilities for all social and ethnic groups. Many western and eastern countries have already introduced it. Their people can use its advantages, such as high-quality educational, cultural and other TV programs for all social and religious groups. The Ukrainian government has made several attempts to introduce public service broadcasting but, despite all its importance, has failed to do so.¹

Many politicians have tried to establish public broadcasting in Ukraine since 1991 and have lost their opportunities. The first attempt at introducing public service broadcasting was made in Kuchma's epoch. Then in 1997 the law on public service broadcasting introduction was passed by the parliament.² It still is in force but has yet to be fully implemented.³ The perfect time to do it was the Post-Orange Revolution period. In spring of 2005 many media experts, journalists, deputies and government members started a new active discussion about establishing public service broadcasting in Ukraine. The „Public broadcasting“ Non-governmental Organisations' Coalition was created at that time. Its activists proposed different models for governing and financing of such broadcasting; for example: should its board of directors consist of authority representatives or NGO members; should it get revenues from a state budget or license fees directly from citizens? Finally, this group worked out the draft law „About Public Service Broadcasting“. According to it, public broadcasting was supposed to be created on the basis of the National Television Company (NTKU) and the National Radio Company (NRKU).⁴ But it hasn't happened. On 25. 12. 2005 this law was rejected by the parliament in the second reading. Paradoxically, „orange“ deputies did not vote for it.⁵ On 21. 02. 2008, the decree of Ukrainian

¹ ZDIORUK/HNATYUK 2008

² VERKHOVNA RADA 1997

³ ZDIORUK/HNATYUK 2008, p. 79

⁴ TOMENKO 2005

⁵ KURASHYNA 2005

President „About Process of Public Service Broadcasting System Creation in Ukraine“ was published. The government failed to implement it. The decree contained an order to produce an approach to PSB introduction within a year. The new draft law „About System of Public Service Broadcasting in Ukraine“ was proposed by the deputy Andriy Shevchenko in 2009. It was rejected by the parliament on 12. 06. 2009 under the similar circumstances as in 2005.

Civil society tried to accelerate PSB implementation in Ukraine by producing numerous appeals addressed to the president, the government and the parliament.¹ But politicians didn't take them into account. There was a lack of political willingness to introduce such theoretically independent media as PSB has to be.² So, the role of specialised NGOs and other representatives of public sector were reduced to discussions during round tables and other expert meetings.³ Their findings remained inside a limited circle of professionals and have never been applied in practice.

Despite all missed opportunities, public service broadcasting is still very important to our society and needs to be introduced. It is independent from the government, parliament and large business, so such media can help citizens to control these three institutes. Public broadcasting creates educational and cultural programs, unlike private TV and radio channels, which often ignore such content because of its unprofitability. Finally, this media can meet the demand of small ethnic and religious groups by providing special cultural coverage for them.

So, a comparative study of the civil society⁴ and the government⁵ approaches to PSB implementation in Ukraine is proposed in this research paper. The government approach is analyzed in two editions: before and after public hearings.⁶

2. Civil Society Approach versus Government Approach: Similarities and Differences

The approach of „Public broadcasting“ NGOs' coalition⁷ is considered as an example of a civil societal one. This organisation was created in 2005. From that time it followed a process of PSB introduction in Ukraine. The „Public broadcasting“ NGOs coalition produced many draft documents on the basis of European experience in this sphere that were proposed to the government as examples of PSB financing and management standards.

¹ ZVERNENNYA 2005

² SAMOKHVALOV 2009

³ ZAKUSYLO 2009

⁴ CIVIL SOCIETY APPROACH 2009

⁵ GOVERNMENT APPROACH 2010a

⁶ GOVERNMENT APPROACH 2010b

⁷ CIVIL SOCIETY APPROACH 2009



The approach of the Ukrainian Humanities Council is considered as an example of a governmental one. This structure acts in cooperation with the President Administration. It consults the government in the process of PSB implementation. The approach of the Humanities Council was changed after public hearings that proceeded from 02. 09. 2010 till 30. 09. 2010. So, within this comparative study it is analyzed in two editions.¹

General public service broadcasting principles and targets

The civil society approach (CSA) and the government approach (GA) are consentient within general principles of PSB functioning and its social targets. Both of them affirm that a public broadcasting company has to be independent from the state and the market, empower institutes of civil society, provide high quality and diverse media products for different social and ethnic groups, and increase educational and cultural levels of consumers. The main differences appear within administrative and financing models of CSA and GA (for an overview see tables 1 and 2).

Public service broadcasting bodies

According to CSA, the following PSB bodies should be created: the Public Council, the Administrative Council and the President. The Public Council consists of 30 members: 15 are appointed from the parliament, 15 members – from different non-governmental organisations. The Administrative Council consists of 15 members. They are elected by the Public Council among at least 5-year experienced media professionals proposed by different non-governmental organisations. The members of the parliament or the government cannot be the members of the Public Council and the Administrative Council.

The Public Council's main tasks are to provide general supervision, establish strategy of development, make decisions on medium-term financial planning, ensure monitoring independence in programming and adopt an annual report. Those of the Administrative Council are to elect the President and monitor him or her in all management activities; inspect accounts, calculations and writings, equipment and transactions; and make decisions on short-term financial planning. The President is elected among at least 10-year experienced media professionals. The President governs the public broadcasting company independently. He or she is solely responsible for the programming organisation and operations of the broadcaster; as well as ensuring that the programs comply with legal requirements.

Within GA it is proposed to establish only one PSB body – the Supervisory Council. The Supervisory Council advises and decides on all questions of fundamental importance for the broadcaster, such as election of the Director General or program strategy creation. But its tasks and powers are not clear enough. They are described only in broad terms. The Director General is identical to the President of CSA.

¹ GOVERNMENT APPROACH 2010a,b

Table 1:
The structure of PSB bodies

The civil society approach (CSA)	The government approach (GA)	
	Before public hearings	After public hearings
<ul style="list-style-type: none"> ▪ The Public Council, the Administrative Council and the President; ▪ The Public Council consists of 30 members: 15 are appointed from the parliament, 15 – from different non-governmental organisations; ▪ The Administrative Council consists of 15 members. They are elected by the Public Council among media professionals proposed by different non-governmental organisations; ▪ The President is elected by the Administrative Council. 	<ul style="list-style-type: none"> ▪ The Supervisory Council and the Director General; ▪ The Supervisory Council consists of members delegated by the President, the government, each parliamentary faction and different social groups. All civil society institutions have only one representative in the Supervisory Council; ▪ The Director General is elected by the Supervisory Council. 	<ul style="list-style-type: none"> ▪ The Supervisory Council and the Director General; ▪ The Supervisory Council consists of members delegated by the President, the government, each parliamentary faction and each non-governmental organisation, which reckons more than 100,000 members; ▪ The Director General is elected by the Supervisory Council.

Before public hearings, it was proposed that the Supervisory Council consists of members delegated by the President, the government, each parliamentary faction and different social groups. So, their number is non-constant and all civil society institutions have only one representative in the Supervisory Council. After public hearings, it is promised that every NGO, which reckons more than 100 thousand members, will delegate one representative in the Supervisory Council. But this number is non-constant too. On the other hand, the Humanities Council, which is the author of GA, does not provide an exhaustive list of such NGOs. In both editions of GA, there is a statement about a right of parliamentary committee to regulate all conflicts between NGOs during the Supervisory Council members' elections. So, the parliament can influence directly the civil society representatives within this process.

Public service broadcasting financing

In both approaches it is proposed to create Ukrainian public broadcasting on the technical basis of the National Television Company (NTKU) and the National Radio Company (NRKU). Now they are state broadcasters. After PSB implementation, it is considered to introduce a dual commercial-public broadcasting system.

According to CSA, the public broadcasting company has to be financed by the state budget, advertising and special tax revenues. Within one or two years the main part of PSB funds should be provided by government. During that time the share of license fees or special tax will be increased slightly. So, a gradual transition from state to public financing with minor advertisement part is proposed by CSA. But it is worth mentioning that clear percents of shares and transition

terms are not available within this approach. It is estimated that a period of transition could last for four years.

Before public hearings, the authors of GA proposed to finance public broadcasting company only by state and advertisement revenues. Some kind of voluntary donations was not mentioned in the document. After public hearings, the members of the Humanities Council propose to finance public broadcasting company by funds from the state budget and license fees. At this time, advertisement revenues disappeared. Transition time from governmental to public financing is set to four years, but its stages and proportions are also not described precisely.

Table 2:
The structure of PSB financing

The civil society approach (CSA)	The government approach (GA)	
	Before public hearings	After public hearings
The state budget; Advertisement revenues; Special tax revenues.	The state budget; Advertisement revenues.	The state budget; License fees revenues.

3. Summary and Outlook

CSA provides more concrete principles of the PSB bodies' creation and functioning. Its scheme with the Public Council and the Administrative Council is seen as more realistic and efficient than GA's one. The targets and rights of the Supervisory Council members are broad and not very clear. On the other hand, CSA proposes that NGOs' representatives should have a leading role in the PSB bodies, while GA gives it to the candidates delegated by the state. CSA identifies a concrete number of the PSB bodies' members, GA – supposes that it can be non-constant and changed within some time period.

Both CSA and GA accept a precondition that the license fee is the most appropriate kind of public revenue for such broadcasting company.¹ They propose a gradual transition from the state budget to license fees or special tax financing. But these two approaches are unclear about their terms and stages. The problem of PSB financing is very important and has to be studied in a more detailed way.

In sum, CSA includes a more concrete scheme of PSB implementation, financing and functioning than GA. Principles, described in CSA, are closer to the non-governmental and non-profit nature² of such broadcasting company. But after public hearings, many GA's statements were significantly improved. A law based on it can meet the main requirements of PSB establishment and management. On the other hand, GA can be developed in the future through the lenses of its concretisation.

¹ KOPS 2000, p. 8

² KOPS 2001

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Part 3:
Challenges of the Ukrainian Media Landscape

Anastasiia Grynko¹

**From State Censorship to Pressure of Money:
New Challenges for Media Transparency in Ukraine**

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Keywords: media transparency, freedom of speech, media practices in Ukraine, ethics of journalism, Orange Revolution, temnyky, pressures on media

Abstract

The paper reviews the transformation of non-transparent influences experienced by media professionals in Ukraine within the normative concept of media transparency. The author also discusses the professional role of journalists in light of these transformations. As the decision about coverage is often shifted to „higher“ level of owners and inter-organisational-level-negotiations, journalists loose their professional role in gate-keeping process, and news sources (government, political parties or business organisations) manipulate media organisation as a whole. In this situation the way journalists perceive, understand and interpret the practices in which they are involved and their roles in these practices become especially important, as does their ability to recognise the pressure and take an active position in counteraction against cases of non-transparency.

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Anastasiia Grynko

From State Censorship to Pressure of Money: New Challenges for Media Transparency in Ukraine

1. Introduction

Media independence and media transparency are still open to question in Ukraine. The state intervention into media practice comes from Soviet tradition of total control and media censorship. In independent Ukraine governmental pressures occurred through the practice of „temnyky“ (direct instructions on the topics for coverage widely used in 2003-2004), and since then, after the Orange revolution in 2004, direct political pressures has been partly replaced by owner censorship and „censorship of money“. Being owned by big business and learning to work in new market conditions, Ukrainian media remains a primary platform for political elites and business interests.¹ For most of them, the motivation to use media for influence supersedes business or private interests. Thus, as owners influence editorial policies, media are increasingly under their direct control.

Today government intervention into media content and policy as well as private pressures has become a threat to media institutions' integrity and media transparency. Public broadcasting that could become a positive example of independent and socially responsible media practice has not been established yet. In addition, media activists and civil society organisations are still lacking power and experience to defend media freedom; the mechanisms of professional self-regulation do not always work effectively.

This article provides an overview of pressures on media in contemporary Ukraine within the framework of the normative concept of media transparency.² The roles of media practitioners and development of professional journalism are discussed in light of transformations of influences on media in the country.

2. Media Transparency Concept: Types and Levels of Influence

The concept of transparency is critical in ethics of communication. The ideas of motion and visibility are central for transparency. In Latin „transparent“ means *trans* – „through“ and *parere* – „appear“; „transparency“ is translated as „visible“ „movement“. Patrick Plaisance explains that transparency addresses *content* of messages as well as *form* and *nature* of interactions.³ How do you know what you know? Who are your sources? How direct is their knowledge? What biases

¹ GROMADZKI ET AL. 2010

² KRUCKEBERG/TSETSURA 2004

³ PLAISANCE 2008



might they have? Are there conflicting accounts? KOVACH 2001 poses these questions as determinants of the Rule of Transparency.

Being primarily based on the notions of truth and honesty, media transparency is usually approached from a *normative* position: media practices are explored as ones which may or may not violate formally specified norms and professional standards.¹ KOVACH 2001 notes that disclosure of sources and methods, biases and conflicting accounts affect media transparency. Professional values, such as absence of any direct and indirect influence, are placed as a central condition of media transparency by the concept offered by KRUCKEBERG/TSETSURA 2004.

Media is considered to be transparent when: 1) there are many, often competing sources of information, 2) much is known about the method of information delivery, and 3) information about the funding of media or media productions is publicly available.² Non-transparency is defined as any form influence on editorial decisions that is not clearly indicated in the finished product of the media.³

Previous research around the world has identified that non-transparent media practices may be both direct and indirect influences. Direct influences are cash or other monetary payments for news coverage, as based on the research by KRUCKEBERG/TSETSURA 2003. Indirect influences include publication or production of materials in exchange for paid advertising, conflict of interests, when a journalist is employed by media and a company, institution, government, or public relations agency, pressure from the advertising departments of media on editors in regard to which news from which sources to cover, and financial and psychological pressure from news sources on the media to present the information that they desire.⁴

Journalists can experience both direct and indirect pressures in terms of which news to cover at three different levels. At the interpersonal level news sources can offer them money, meals, or products and services for their coverage.⁵ At the intra-organisational level, journalists can be asked by their editor, media-advertising department, or publisher to cover or ignore publicity activities.⁶ Finally, at the inter-organisational level, journalists can be forced to write or not to write news stories about certain companies or political parties because these companies have or do not have formal contracts with the media outlet to „provide informational services“.⁷

¹ TSETSURA 2005a, HARRO-LOIT/SAKS 2006, KLYUEVA 2008, TSETSURA/GRYNKO 2009, TSETSURA/ZUO 2009

² KRUCKEBERG/TSETSURA 2004

³ KRUCKEBERG/TSETSURA 2003

⁴ TSETSURA 2005b

⁵ LO/CHAN/PAN 2005

⁶ TSETSURA 2005a

⁷ KLYUEVA 2008

3. Journalism in Ukraine: Transformation of the Pressures

Escalating professional and public discussions on media transparency in Ukraine are usually referred to as autonomy from political and financial pressures, professionalism and maturity of Ukrainian journalism. Since Ukraine became an independent state in 1991, Ukrainian media has entered new era of transforming from an ideology-governed system to development and survival in new market conditions. „The heads of many journalists – and, indeed, our entire national informational space – are littered with vestiges of Soviet propaganda, on the one hand, and contemporary informational junk, pop culture, and bad taste, on the other“.¹

When the transition from state-owned to private hands was over, it became evident that it did not bring expected liberty. Marta Dyczok notices, „that many new media outlets were created for purpose of influence rather than to provide the public with information or generate profits“.² The Ukrainian slang word „dzhynsa“ was coined in 1996, when written-to-order articles started appearing. This pseudo-journalism was at its most brutal in 1999, during Leonid Kuchma’s second bid for the presidency. „Dzhynsa“ usually indicated corrupted journalism and mainly concerned direct (cash for news coverage) influences on journalists.

4. Government Intervention and „Temnyky“

At the end of 2001, the sources of influence were concentrated mainly in the hands of state authorities that started to use administrative power to influence media. Centralised censorship and so called „*temnyky*“ appeared. „Temnyky“ practice could be classified as indirect (non-monetary) influences that happened on an inter-organisational level. Specifically, the President’s Administration pressed media organisations with formalised instructions about frames for news coverage.

In 2003 Ukraine was placed 19 (out of 33 countries) and tied with Argentina, Mexico, and Taiwan in the global index of media bribery.³ Ukraine scored low on the perceived effectiveness of anti-corruption laws, professional education of journalists, existence of well-established and enforceable journalism codes of ethics, and free press and free flow of information.

The journalists’ revolution that started in October 2004 was directly connected with the political events in the country and united journalists who refused to accept pressures and work under political censorship. In October 2004, Ukrainian media communities initiated the action supporting the journalists of the 5th Channel, which was under the strong political pressure at that time. As a result, on November 21, the 5th Channel began broadcasting the events on Maidan [central square in Kyiv] where more than 20 thousand Ukrainians came to sup-

¹ IVSHINA 2008

² DYCZOK 2009, p. 21

³ KRUCKEBERG/TSETSURA 2003



port Yushchenko, a presidential candidate from the opposition. The protests were supported by international journalists' organisations.¹ Finally, the journalists' revolution caused the liquidation of centralised government censorship, but that didn't bring media independency.

5. „Censorship of Money“ and „Whole-sale“ System

After 2004 the problem of influence was shifted from direct government intervention to indirect influences intra-organisational – level relations between the media owner and journalists. Alexander Belyakov states that „censorship of money“ started from the 2000s when oligarchs or just advertisers manipulated media with the goal of making a profit.² SUMAR 2008 also writes about the „censorship of money“ that has changed government pressure in Ukraine and notes that the election campaign in 2007 was followed by a significant growth of paid-for media coverage“.

Ukrainian oligarchs who own media manipulate editorial policy according to their private interests and also allow manipulation by third parties if paid.³ Therefore, in 2008 the Media Sustainability Index evaluated media sustainability in Ukraine the lowest since 2001. Victoria Sumar claims that, „there used to be censorship by government; now it is censorship by money... Before, the censorship of the powerful was performed by the stick. Then those in power came to realise that the stick is too crude, and the journalists were starting to resist. So they started to exercise it with the carrot, as money is much more pleasant, and it is hard to refuse. But we should not forget: this is the same censorship“.⁴

An exploratory study of media transparency conducted in 2008 provided evidence of non-transparent practices in Ukraine and classified them within the existing framework of levels and types of media non-transparency.⁵ Indirect pressures that happen on intra-organisational were indicated as the most frequent types of influences. These influences mainly occur in the form of pressures from the owner and marketing/advertising departments that control editorial policy.

„Dzhynsa“ has moved on the inter-organisational level: journalists and even editors have become less involved in the decision-making process. Non-transparent influences have been transformed from „retail“ into „wholesale system“. „All agreements and payments between media and headquarters take place at the level of owners or, more rarely, of top managers. Journalists, having accepted payments, protest little and service the needs of politicians. Most principled journalists are squeezed out of the profession“, – claims Otar Dovzhenko.⁶As a

¹ LIGACHOVA/GANZHA 2005

² BELYAKOV 2009

³ BELYAKOV 2009

⁴ UKRAINE MEDIA SUSTAINABILITY INDEX (MSI) 2008

⁵ TSETSURA/GRYNKO 2009

⁶ UKRAINE MEDIA SUSTAINABILITY INDEX (MSI) 2010



result, business news as well as new from NGOs and information about social projects is simply ignored if it is not paid for.

6. Recent Events: Temptation to Control

According to the recent research conducted by the Democratic Initiative Foundation¹, although there is no formal censorship in the media it does exist „informally“. Media experts and activists state that governmental control is one of the main challenges of media transparency in the country today. Based on the monitoring of daily TV news, Ukrainian NGOs (Internews Network, Telekrytyka and the Mass Information Institute) find signs of biases in TV news and state that censorship policy is mostly aimed at forming a positive image of the government. In the report titled „Either praise or in no way“² NGOs conclude that Ukrainian TV Channels follow two main lines – produce positive coverage about authority and criticise opposition. A sociological poll conducted in September 2010 shows that 41 % of Ukrainians recognise the decrease of freedom of speech after the presidential elections compared to results in April 2010 when just 18 % of citizens believed that there was a problem with freedom of press in the country.³ According to another survey conducted by the Razumkov Center, more than 55 % Ukrainians agree that political censorship exists in the country.⁴

International organisations also express their concern about increase in press freedom violations. In the report of a fact-finding visit to Ukraine in summer 2010 titled „Temptation to Control“,⁵ the international organisation Reporters without Borders expresses concern about the increase in attempts to directly obstruct the media, including physical attacks on journalists and allocation of broadcasting licenses as a means of censorship: „acts of censorship that favour the new government have been growing steadily in the strategic broadcasting sector. In most cases, it has been the management itself that told staff not to broadcast certain stories or to eliminate passages critical of the government.“ The OSCE Representative on Freedom of the Media, Dunja Mijatovic has marked media „self-censorship“ as one of the topical problems of free media in Ukraine and mentioned that Ukrainian media tend to publish less critical materials about government.⁶ As EU Commissioner for Enlargement and European Neighbourhood Policy Stefan Fuele stated in a recent interview, the European Union looks to Ukraine improving on the situation with the freedom of expression in the country.⁷

¹ THE DEMOCRATIC INITIATIVE FOUNDATION 2010

² TELEKRITIKA 2010

³ SOCIOLOGICAL GROUP “RATING” 2010

⁴ RAZUMKOV CENTRE 2010

⁵ REPORTERS WITHOUT BORDERS 2010

⁶ VOICE OF AMERICA 2010

⁷ THE UKRAINIAN NEWS AGENCY 2010

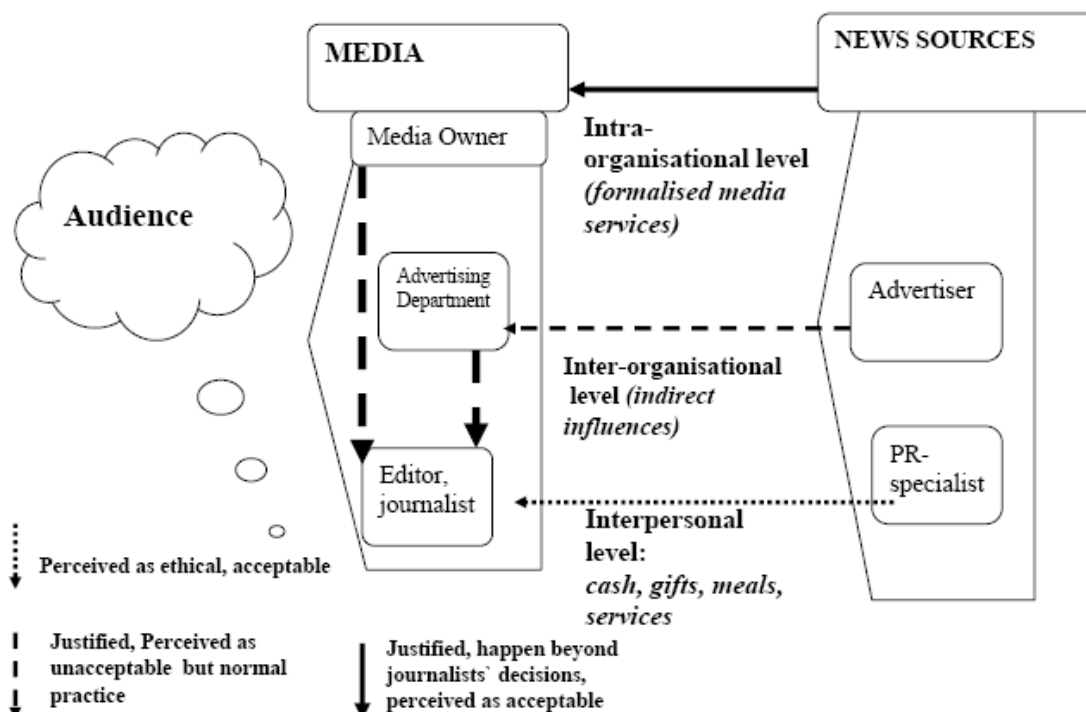


7. Ukrainian Journalists: Roles and Justifications

If one looks at the changing influences on media in Ukraine, the step-by-step transformation to inter-organisational-level influences becomes visible. It means that journalists are losing their role in the gate-keeping process; the decision about coverage is often made on the „higher“ level of owners or is a result of inter-organisational level negotiations, where news sources (government, political parties or business organisation) manipulate media organisation as a whole. In this situation, the way journalists perceive, understand and interpret the practices in which they are involved and their roles in these practices become especially important, as well as their ability to recognise the pressure and take active position in counteraction against the cases of non-transparency.

A recent qualitative study conducted in Ukraine has shown that journalists tend to perceive as normal (and acceptable) the practices that happen on the inter- or intra-organisational level and are beyond their individual decisions.¹ The study participants often justified their involvement in non-transparent practices by citing personal or organisational financial struggles, professional immaturity and undeveloped media market.

Graph 1:
Non-transparent Media Practices as Perceived
by Ukrainian Journalists
within the Media Transparency Normative Framework



Source: GRYNKO 2009

¹ GRYNKO 2009



Direct influences occurring on an interpersonal level (that are rare in conditions of media „self-censorship“) are mainly evaluated as unacceptable and non-transparent by media practitioner (see Graph 1). In this case journalists' attitudes stay in line with media transparency normative conceptualisation. Nevertheless, journalists feel less responsible for the practices of indirect influences on both intra – and inter-organisational levels. So, media practitioners tend to evaluate the non-transparent practices that happen on a „higher“, inter-personal level as more acceptable and ethical.

Therefore participants quite often perceive pressures inside the organisation (inter-organisational level) as normal and find the reasons to tolerate it. The study indicated the difference between the practices that are not transparent by their nature and the ways they are interpreted by practitioners. It primarily concerns intra-organisational and inter-organisational-level influences. Being non-transparent by the normative concept, these influences are perceived as acceptable and transparent on an individual level. Mainly they happen beyond practitioners' personal decisions, and that is why are rarely counteracted.

8. Conclusions

Discussing the freedom of press in Ukraine, DYCZOK (2009, p. 10) writes that „despite decades of communist rule, the desire for free speech and understanding its importance for democracy survived in this society“. However money pressure, journalists' apathy and lack of professional autonomy are the major risks for freedom and transparency of press today. „Journalists haven't realised their responsibility to the society; in recent years, most of them were busy increasing their wealth but not improving professional skills“, – stated Ukrainian journalist Vitaliy Portnikov in the Media Sustainability report.¹

Working under pressures that are usually beyond the practitioners' decisions, Ukrainian journalists are often lacking autonomy, intention and power to initiate reforms in the country. The non-transparency has mainly shifted to a „higher“ level (intra- and inter-organisational) and journalists become less and less involved into decision-making process. Moreover, they tend to justify some of the practices that happen beyond their decisions and participation perceiving them as normal and acceptable. It makes for new challenges for counteraction against media transparency in the country. Meanwhile media owners are just learning to work in market conditions and usually do not consider media transparency and media independency as essential for business success. It is hardly debatable that working in such conditions Ukrainian media still do not play the role of „agent of democratic change“ in the country.

¹ UKRAINE MEDIA SUSTAINABILITY INDEX 2008



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Standards of Media Coverage of Elections in Ukraine

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Keywords: electoral coverage, standards of journalism, paid-for coverage, media in transition, political communication

Abstract

The paper explores the standards of media coverage of elections in Ukraine, focusing primarily on the news TV programs. While providing a brief overview of the practices of electoral coverage by Ukrainian media throughout last decade, the paper specifically addresses the most recent presidential election campaign of 2009-2010 as a case study. The paper presents the results of news monitoring, outlining major trends in media coverage of election campaigns in Ukraine. The problem of paid-for coverage and its implications for the development of media system in Ukraine are discussed.

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Standards of Media Coverage of Elections in Ukraine

1. Introduction

The issue of electoral coverage by mass media is widely addressed by media and communication scholars, both in terms of conceptualisations and empirical research. This is largely explained by the fact that the mass media are viewed as important actors in the political life of societies and contribute to shaping public perceptions. The function of informing is broadly associated with the capacity to influence public opinion. This particularly concerns the role of media at election time, when the media are primary sources for information on campaigns, both in established democracies and societies in transition.¹ The electorate, as well as political actors, are highly dependent upon the election news coverage due to the flow of information.² Therefore, informing is largely considered in relation to possible influence on electoral behaviour. And although scholarship is still divided on the questions about the nature and effect of political information disseminated by media, few would dispute that unbiased election coverage is a prerequisite for fair and honest elections. Both scholars and practitioners are concerned with biased coverage of election campaigns because such practices undermine traditional functions of mass media in society.

Given that, analysis of election coverage by media has implications not only for the study of the media system of a country, but of the entire political system. Since media are at present a mainstream arena for political communication, election campaigns are a time when political communication reaches extraordinary levels. As political leaders and organisations try to influence voters to affiliate with their positions, it is media that have to provide balanced information to the audience. Thus, the way the media respond to political communication of competing actors has implications for the whole society, as well as political system.

In this respect, analysis of standards of electoral coverage by Ukrainian media reveals trends in the development of media system in Ukraine, on the one hand, and peculiarities of the country's transformation towards democracy, on the other hand. This is also important in the context of the topic of public broadcasting, because the whole essence of the public broadcasting concept is to provide the way for independent and unbiased media coverage. If Ukrainian media have a poor experience of unbiased coverage of elections, the introduction of public broadcasting service is likely to be affected by the embedded practices of biased journalism.

¹ DALTON ET AL. 1998, SEMETKO 2009

² STRÖMBÄCK/LUENGO 2008



Such factors that define journalistic principles and standards such as honesty, independence of opinion, fair judgement, and news values¹ are the basis for unbiased coverage of elections by media. They are also taken as criteria for analyzing journalists' materials covering election campaigns.

Below, the major peculiarities of Ukrainian media system in terms of independent coverage since the second half of the 1990s will be briefly outlined and then the findings of the news monitoring during the latest election campaign of 2009-2010 will be discussed.

2. Independence of Media Coverage in the Period of 1991-2008

After Ukraine became independent in 1991, the country's leadership declared the end of state censorship and confirmed the right to private ownership, which eventually led to the fast growing number of media, both press and broadcasting companies.² Within ten years the media system was predominantly privately held. However, it turned out that most private owners had very close links with political elites. This particularly concerned large television channels that remained mainstream sources of information.³ DY CZOK 2009 notes that one of the notable trends of Ukrainian media system of that time was that many new media outlets were created for purposes of influence rather than to provide the public with information or generate profits. Media scholars and observers generally agree on that Ukraine's political and economic elite quite effectively manipulated the mainstream mass media from the mid-1990s.⁴ In conditions of backsliding democracy, such imposed control over major media resulted in the biased coverage of political processes, events and actors, which evidently reached its height during election campaigns.

Thus, during the 2002 Parliamentary election campaign, the mainstream media was clearly biased in favour of the so-called party of power, the pro-presidential bloc „For A United Ukraine“ („Za Yedynu Ukrayinu“), while either excluding opposition parties or presenting them in a negative light.⁵ According to media observers, more than half the election coverage on television was devoted to the bloc „For A United Ukraine“, while the main opposition bloc „Our Ukraine“ received only 13 % of the coverage, most of which was negative in tone.⁶

¹ TSETSURA/GRYNKO 2009

² DY CZOK 2009

³ Ibid.

⁴ DY CZOK 2006

⁵ DY CZOK 2009

⁶ Ibid.

In 2004 the ruling elite strengthened their efforts to use media to win the presidency, embarking on a multi-dimensional „Stop Yushchenko“ project that incorporated media aspect. According to DYCZOK 2009, media part of the campaign used at least three tactics:

- 1) continued and expanded news censorship, including denying Yushchenko access,
- 2) discrediting Yushchenko in analytical and current affairs shows,
- 3) the use and abuse of advertising.

The ruling elite controlled the majority of key media either directly via *temnyky*, instructions to newsrooms on how to cover and present political news, or indirectly through loyal media owners and top-managers.¹ However, the Orange Revolution and subsequent change of elite brought transformation of relations between political actors, media owners, media managers and journalists.² The new ruling elite had lost control over privately owned media and many newsrooms switched to more balanced news coverage. Yet, the 2006 parliamentary election campaign marked a shift towards paid-for coverage.³ Media owners and managers started practices of selling news program time to different political forces. The 2007 parliamentary election campaign reinforced such practices with media owners becoming major actors who negotiated „media plans“ of coverage with major political forces and their headquarters.⁴ At the same time, disappointment with the results of the Orange Revolution contributed to the growing loyalty of journalists to cash for coverage practices, media analysts noted.⁵

3. Independence of Media Coverage during the Presidential Election Campaign of 2009-2010

Similar trends were observed during the recent presidential election campaign of 2009-2010, as shown by the monitoring conducted under the project of the non-governmental organisation Internews Network „U-Media“ (Monitoring of compliance with journalism standards and increasing media literacy of Ukrainian citizens) by Telekritika and Institute of Mass Information. The monitoring covered major news programs of the 8 leading TV channels, as well as four nation-wide printed publications (see table 1). However, news programs on TV are of particular interest in terms of standards of electoral coverage because news programs are supposed to be the least biased and most balanced in terms of providing information.

The monitoring showed that the practice of paid-for news was widely used by most leading TV channels during the 2009-2010 election campaign. Paid-for

¹ DYCZOK 2009, p. 22

² DOVZHENKO 2010

³ Ibid.

⁴ Ibid.

⁵ Ibid.



news, also known in Ukraine as „*dzhynsa*“, implies distortion of neutrality of information, creation of an obviously positive or negative image through violation of such standards as credibility of the news, balance of opinion, journalists' personal evaluation and judgment.¹ In most cases journalist materials that had traits of paid-for news were represented by short pieces of news about election campaign events of candidates, like meetings with voters, press-conferences, electoral tour events, electoral promises and statements of candidates etc.² Some TV channels (Inter and ICTV) even made special sections in news programs to cover such campaign events.³ News of this kind generally presents little or no news value at all. Moreover, the concept of balance is also violated because only one candidate's statement is represented.

Table 1:
The Number of Materials with Violations of Standards
as Evidence About Possible „Paid-for“ Status of the Materials,
in Major News Programs of Nation-wide TV Channels,
by Weeks of Election Campaign

Week	ICTV	„In-ter“	Novyi	First National	„1+1“	„Ukrai-na“	STB	Channel 5
19. - 24.10.2009	7	3	7	7	4	1	2	0
26. - 31.10.2009	12	4	6	5	8	3	3	4
2. - 7.11.2009	15	6	4	7	9	5	6	1
9. - 21.11.2009	Data absent due to technical reasons							
23. - 29.11.2009	17	18	9	7	9	8	5	0
30.11. - 5.12.2009	28	27	13	11	13	14	5	0
7. - 12.12.2009	33	26	14	15	11	9	7	3
14. - 19.12.2009	29	30	18	17	6	9	9	2
21. - 26.12.2009	30	32	21	19	18	9	10	7
28.12.2009 - 2.01.2010	Data absent due to technical reasons							
04. - 09.01.2010	20	21	10	8	7	12	-	10
11. - 16.01.2010	26	27	21	19	17	12	10	-
The number of materials	217	194	123	115	102	82	57	27

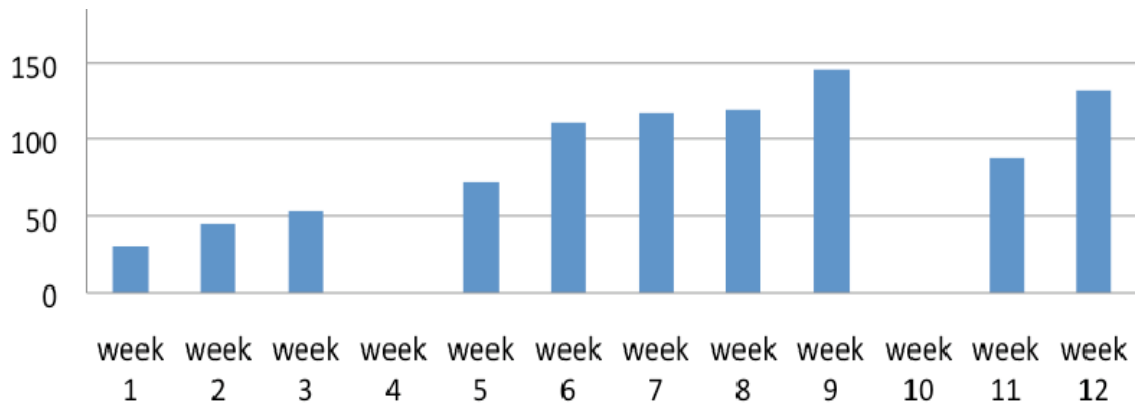
Source: TELEKRYTYKA/INSTITUTE OF MASS INFORMATION 2009-2010,
TELEKRYTYKA 2010

¹ KULIAS 2009

² DOVZHENKO 2010

³ DOVZHENKO 2010

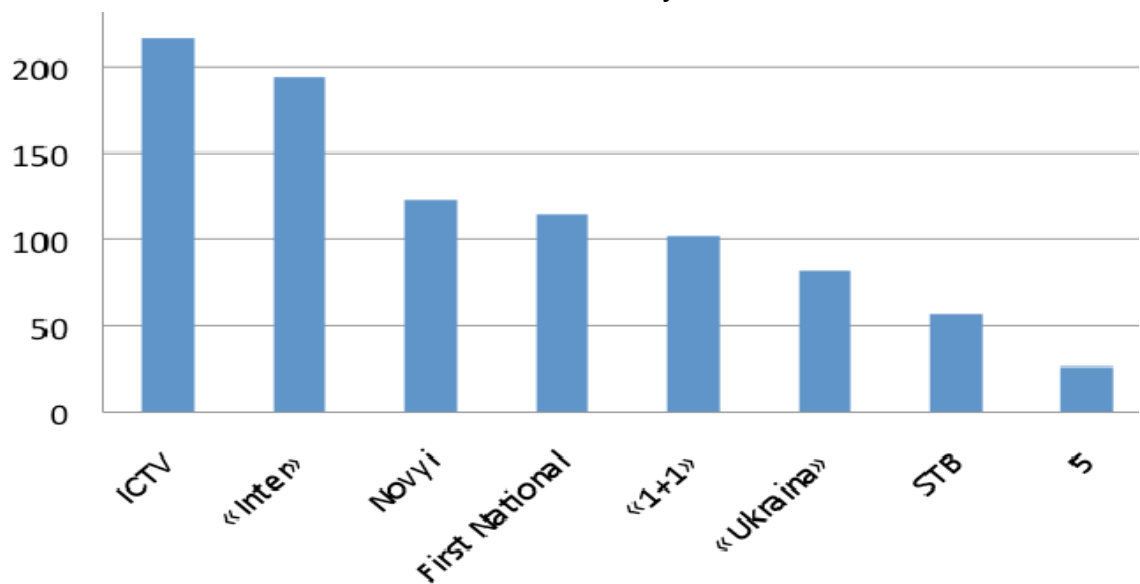
Graph 1:
The Number of Materials, by Week



Source: TELEKRYTYKA/INSTITUTE OF MASS INFORMATION 2009-2010, TELEKRYTYKA 2010

The graph 1 shows the trend of largely growing number of paid-for news in the course of the election campaign. Graph 2 shows the distribution of biased content on different TV channels.

Graph 2:
The Number of Materials, by TV Channel



Source: TELEKRYTYKA/INSTITUTE OF MASS INFORMATION 2009-2010, TELEKRYTYKA 2010

Another finding of the monitoring concerns the lack of journalists' critical approach to politicians. Sayings of politicians per se are considered sufficient for making news even when such sayings do not in fact make news.¹ Journalists frequently used materials provided by politicians' press-service, for instance,

¹ KULIAS 2009

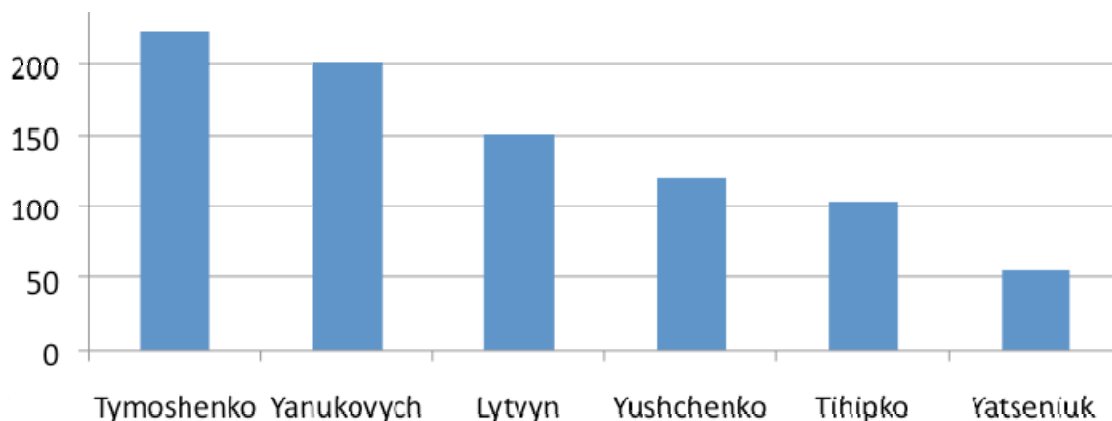


video. As a result, they simply reiterated what this or that politician said without bothering to check the facts and other aspects of the story. All in all, covered topics were frequently not newsworthy.

Media experts noted that 2009 election campaign marked a huge presence of paid-for news from competing candidates, thus contributing to the emergence of the so-called paid-for „pluralism“ in the news when different candidates can pay for presence in news.¹ In private communication, journalists admitted that channels' managers claimed that by providing coverage for cash to different candidates they secure some sort of pluralism and balance.

At the same time, the monitoring showed unequal access of candidates to the media (see graph 3). Most of the news pieces that had traits of paid-for news contributed to positive coverage of six main candidates (Tymoshenko, Yanukovich, Lytvyn, Yushchenko, Tihipko and Yatseniuk). There were a few instances of materials that had traits of paid-for news concerning some other candidates, but the activities of only six candidates were covered on a daily basis. The monitoring found a comparatively small number of examples of negative coverage among those news items that had traits of paid-for news.

Graph 3:
The Number of Materials, by Candidates



Source: TELEKRYTYKA/INSTITUTE OF MASS INFORMATION 2009-2010,
TELEKRYTYKA 2010

4. Conclusions

To sum up, the monitoring of TV news coverage of 2009-2010 election campaign revealed the growing trend towards cash for coverage news. Most of the observed news programs contained short news stories about election campaign activities of multiple candidates, although predominantly about 6 candidates out of 18 officially registered. Media observers pointed out that media owners and top managers stirred up massive cash for coverage practices during election

¹ DOVZHENKO 2010



campaign, while journalists remained largely loyal to such practices.¹ The informal claims of media managers that such approach provides for balance in news on election campaign demonstrates lack of understanding of journalist standards of covering elections.

The results of the discussed monitoring, as well as observations of media coverage of previous election campaigns, demonstrate that Ukraine's mainstream media largely violate journalistic standards of honest, transparent and unbiased coverage of election process, which definitely has implications for the development of Ukraine's media system towards high standards of journalism and hinders the overall democratisation process in Ukraine.

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¹ DOVZHENKO 2010



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Russian Influence on Ukrainian Media Discourse

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Keywords: Russian influence, Ukrainian media discourse, content analysis, news sources, news

Abstract

This study is devoted to the research of Russian influence on Ukrainian media discourse. The influence is explored through the analysis of news sources used by one of the most popular news web-sites in Ukraine on the example of media coverage of the resonant political event. Analysis done with the help of the content analysis instruments showed that at least one third of used sources are Russian media. This percentage is even higher for the press-review column where articles from other newspapers and magazines are presented. The existence of such Russian influence can be partly explained by peculiarities of historical, political and cultural situation. However, it can be called a potential threat or danger for the independence and objectivity of Ukrainian media.

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Russian Influence on Ukrainian Media Discourse

1. Introduction

Ukrainian media discourse is actively discussed nowadays, and there are some of its key characteristics that are debated. Among them is the idea of significant Russian influence on Ukrainian media discourse. The aim of this research is to study this influence and its scope on the example of coverage of resonant for both Russia and Ukraine events by the popular Ukrainian media.

Discourse is a practice that constructs the social.¹ The term discourse is one of the most used terms nowadays, and as it often happens in similar situations it leads to the blurring of its boundaries and strict definitions. Mary Talbot describes media discourse as a multidisciplinary field that is researched from different perspectives, and, hence, it can be defined in different ways depending on the theoretical paradigm used by the researcher.² CARPENTIER/DE CLEEN (2007), while studying the application of discourse theory in media studies, defined, according to Torfing,³ media discourses as the content of the discourses produced by the media. This approach to defining the phenomenon of media discourse is at the base of this research. Media are understood, according to Foucault, as a system of dispersion of discourses. Media are not passive retransmitters of reality; instead they (re)construct it, creating certain messages.⁴ It is important to study the content of these messages, the process of their creation as well as the sources of information used to create these messages.

2. The Structure of News Sources as a Possible Factor of Influence

The level of influence in social science is a variable that very often cannot be calculated properly. However, it is possible to make a suggestion about its existence. For example, „Promova“, in its research of 2008 South Ossetia War TV coverage, made a conclusion that Ukrainian journalists used a lot Russian sources of information, and it led to domination of the Russian point of view and can be called one of the elements of Russian media discourse influence on Ukrainian media discourse.⁵ Exploration of news sources is also used by Western scholars; for example, JANG 2006 studied news sources in order to conclude on the balance of war coverage. But, to the author's mind, it is not always

¹ Philips/Jørgensen 2000 as cited in CARPENTIER/DE CLEEN 2007

² TALBOT (2007)

³ Torfing 1999, as cited in CARPENTIER/DE CLEEN 2007

⁴ As cited in CARPENTIER/DE CLEEN 2007

⁵ BRYNDZA/BEZVERCHA 2008



easy to define the source of certain information in the Ukrainian TV news. This special feature of Ukrainian TV news coverage was described in the Monitoring of news quality made in 2009 by „Telekritika“ with media expert Igor Kuliash. He presented it as a criterion of news quality and formulated it as „The source of each fact in the news program should be mentioned“.¹

It may seem surprising, but the sphere where the majority of media tend to indicate the sources of information in Ukraine is Internet. Of course, it is not true for all media, but at least the most popular of them such as Ukr.Net portal,² Ukrain-ska Pravda³ or Korrespondent⁴ are doing it. Their traffic can be checked at the rate of Bigmir⁵, whose traffic counters are at the majority of Ukrainian websites.

For this research a Korrespondent portal⁶ was chosen because it does not simply retransmit news as Ukr.Net portal, and also it does not concentrate basically on Ukrainian political life as it is on the main page of Ukrains'ka Pravda. Korrespondent is trying to cover all spheres of life in both Ukraine and world. It has its own correspondents, and, at the same time, it uses different news sources such as news agencies, newspapers, TV channels and so on. Moreover, in the rate of bigmir,⁷ Korrespondent is at the first or second place among 1126 media.⁸ There are some languages versions of this portal, but the Russian one is significantly more popular than others, so the Russian version of the portal was chosen for this research.

In the last few months there have been lots of events connected with both Ukraine and Russia, because with new Ukrainian president Victor Yanukovich the number of meetings with his Russian counterpart as well as of the meetings of the Russian prime minister with the Ukrainian one has increased greatly. However, one of the first meetings, and consequently the one that received the majority of coverage, was held in Kharkiv in April, where agreements on the Russian Black Sea Fleet in Sevastopol were signed.

According to these documents, Ukraine received a discount in \$100 per 1000 cubic meters of Russian natural gas in exchange for the prolongation of the Russian Black Fleet basing at the military base in Sevastopol, Crimea, Ukraine. It will stay there for next 25 years with the possibility of prolonging this period for 5 more years. The President and government call it a big success that can save Ukrainian industry due to low gas prices; however, opposition regards it as a betrayal of national interests. These agreements are unofficially called

¹ KULIAS 2009

² www.ukr.net

³ www.pravda.com.ua

⁴ www.korrespondent.net

⁵ www.bigmir.net

⁶ www.korrespondent.net

⁷ http://top.bigmir.net/show/mass_media/

⁸ KULIAS 2009



„kharkivs'ki“ and are still discussed in Ukraine and in Russia. No less attention was paid to the accompanied fights, egg-throwing and smoke bombs that accompanied the process of ratification. These no doubt resonant events that are important for both Ukraine and Russia were chosen for the present research.

The period under investigation starts on April 21 where the signing of agreements took place and ends on May 5, which is one week after the ratification of the agreement by the parliament. After this date the number of news items about the agreements dropped significantly: for example, on May 2 there were no articles on this topic at all, and on May 3 and May 4 there were 2 and 1 materials, respectively, and all of them were the translations of the material from the foreign press.

The signing of the agreements on the Russian Black Sea Fleet and their ratification had important political, economical and symbolical meaning for both countries. Lots of Russian experts do not conceal that to achieve a prolongation of Black Sea Fleet basing that should have ended in 2017 was a question of saving country's face. It can be explained by the fact that certain Russian politicians still declare that Ukraine should be part of Russia, while others say that the Crimean peninsula was illegally given to Ukraine in the Soviet time; very often Sevastopol is called „a city of Russian sailors and of Russian glory“. Sevastopol is inhabited mostly by people who consider themselves Russian and whose welfare depends very much on Russian Black Sea Fleet.

That is why for Ukraine and for Russia these agreements had a very big symbolic and political meaning. Consequently, the way these agreements and their ratification were covered is very important, because these events were seen in a polar way by the Ukrainian government, Ukrainian opposition, Russian government, Western analysts etc.

3. Methodology

Content analysis was used for analysing the materials. All materials, despite their size or genre, that are in any way related to the signing and ratification of agreements between Russia and Ukraine and were posted at the website Korrespondent under the title „news“ during the period of investigation were chosen for the analysis. Sources of information in all cases were indicated by the editors of Korrespondent after the material itself. All materials were found manually in the archive of Korrespondent that is available at its website. All articles for each day of the researched period were looked through in order to choose those that are related to the mentioned above topics. A search option at the website is available, but after the preliminary investigation it was found that different ways of indicating tags is used (such as „fleet“, „Black Sea Fleet“ or even „Russian Black Sea Fleet“) in similar situations. That is why in order not to lose any material it was decided to perform searches manually. The period under investigation included April 21 – May 4 (14 days).

A priori coding, defined by STEMLER 2001 as the coding scheme with the categories established before the analysis starts, was used. Four categories were defined, they are: Conventionally Ukrainian media, Ukrainian media, Rus-



sian media, neither Russian nor Ukrainian media. „Conventionally Ukrainian media“ in this research are such media that were founded in Russia but have local offices in Ukraine, such as offices of news agencies „Interfax“, which is called „Interfax-Ukraine“, and „RBC“ which is called „RBC-Ukraine“. Consequently, „conventionally Ukrainian newspapers“ are such newspapers that are the Ukrainian editions (localised) of Russian newspapers. For example, „Коммерсантъ-Украина“ is the Ukrainian edition of „Коммерсантъ“. The „conventionally Ukrainian media“ along with the „Ukrainian“, „Russian“ and „neither Russian nor Ukrainian media“ are listed in the table 1.

Table 1:
Classification of the Media Sources

Conventionally Ukrainian media	Ukrainian media	Russian media	Neither Russian nor Ukrainian media
<ul style="list-style-type: none"> - „Interfax-Ukraine“ (Интерфакс-Украина) - „RBC-Ukraine“ (РБК-Украина) - „Коммерсантъ-Украина“ 	<ul style="list-style-type: none"> - Korrespondent Portal (Корреспондент.net) - „Delo“ (Дело) - „LIGABusinessInform“ (ЛІГАБізнесІнформ) - Magazine „Correspondent“ (Корреспондент) - „Обком“ („Обком“) - „Ukrainian News“ (Українські новини) - UNIAN (УНІАН) - „Weekly mirror“ (Зеркало недели) - ZAXID.net, - 5 channel (5 канал) 	<ul style="list-style-type: none"> - „Interfax“ (Интерфакс) - Lenta.ru - NEWSru.com - RIA „News“ (РИА Новости) - „Ведомости“ - Вести.ru - „Время новостей“ - Известия - „Коммерсантъ“ - „Московский комсомолец“ - „Независимая газета“ - Росбалт - Российская газета - The Moscow Times 	<ul style="list-style-type: none"> - Deutsche Welle - Global Post - Reuters - Rzeczpospolita - The Times - The Washington Post - The Globe And Mail

4. Results

The general amount of materials that were chosen for the analysis is 225. They were coded according the next coding system as shown in table 2. For the 1st and 3rd paragraphs, the general sum of all subparagraphs should be equal to the general amount of materials for the analysis – or 225. For the 2nd paragraph, it is less than the general amount of materials for the analysis or 225, because it deals only with narrow group of material such as material taken from newspapers and magazines. It was important to count them also in a separate way because they can show the analytical aspect of the media coverage that would be described more in the conclusions.

Finally, 2 major groups of the results could be received. The first one covers in general all period under investigation (see column 1 in table 2). The second group covers in a separate way 4 days from the period under investigation, they are: 21st of April, 22nd of April, 27th of April and 28th of April (see columns 2a - 2d in table 2).



21st of April and 27th of April were chosen because these are the exact days of two key events the coverage of which is researched here; these events are the signing of the „kharkivs'ki“ agreements between Russia and Ukraine and ratification of these agreements by Ukrainian parliament respectively. The author suggests that the greatest news coverage of these events was on those days. Whereas 22nd of April and 28th of April are the dates that are following the key events, and the author suggests that the greatest analytical media coverage of the key events was on those days. It can be also proved by the data: 22nd and 28th of April are the days with the biggest amount of material on the topic.

Table 2:
Results of the Investigation

	1	2a	2b	2c	2d
	Final results	April 21	April 22	April 27	April 28
1. Materials taken from Ukrainian or conventionally Ukrainian media:	166	14	24	35	13
- Materials taken from Russian media:	43	2	8	7	7
- Materials taken from Ukrainian or conventionally Ukrainian and Russian media:	5	2	-	3	-
- Materials taken from other than Russian or Ukrainian media:	11	-	1	-	3
2. Materials taken from the Russian newspapers and magazines:	27	-	7	2	5
- Materials taken from Ukrainian newspapers and magazines:	6	-	1	2	-
- Materials taken from neither Ukrainian nor Russian newspapers (magazines):	1	-	-	-	2
- Materials taken from conventionally Ukrainian newspapers and magazines:	8	-	-	-	-
3. Materials taken from media founded in Ukraine:	105	7	14	21	11
- Materials taken from conventionally Ukrainian media:	41	4	7	11	1
- Materials taken from Russian media:	42	2	7	7	7
- Materials taken from other than Russian or Ukrainian media:	11	-	1	-	3
- Materials taken from Ukrainian or conventionally Ukrainian and Russian media:	9	2	4	3	-
- Materials taken from Ukrainian and conventionally Ukrainian media:	17	3	-	3	1



5. Conclusions

Why was it necessary to divide Ukrainian and conventionally Ukrainian media? The latter have a very close relationship with main offices in Russia. It can be illustrated by the materials that are shared by all of them: there are the same materials on certain topics in Ukrainian editions and in Russian ones. This process of exchange can be mutual, and that is why when the events that concern both Russia and Ukraine are covered, the author can suggest that people who prepare media materials may align their materials with the requirements of both Russian and Ukrainian media markets. Under certain conditions it can influence the coverage in general. This suggestion should be researched deeper in order to be checked. That it why these media were not labelled as Russian ones and were in some cases (paragraph 1 of coding scheme, table 2) counted in the same group as Ukrainian ones: but it necessary to take into account that it is not yet clear whether they can be called Ukrainian media. In order to attract attention to this possible distortion the term „conventionally Ukrainian media“ was used.

In general, for the two-week period, there were almost 74 % of materials prepared by the Ukrainian or conventionally Ukrainian media, 19 % of materials prepared by the Russian media, 2 % of materials with mixed Ukrainian-Russian sources, and 5 % of neither Ukrainian nor Russian sources. It is possible to say that in 21 % or one fifth of all cases Russian media were among the sources, and in the majority of these cases they were dominant. It can prove the existence of Russian influence on media coverage of chosen events at the Russian version of Korrespondent portal (that is one of the most popular in Ukraine). The number „one fifth“ can seem even more significant if taken into account it is for media coverage of events that almost divided Ukraine, and dominant Russian position is supported only by part of Ukrainians.

If the situation with newspapers and magazines is looked at, then Russian media dominance will seem even more essential. Newspapers' and magazines' articles differ from general news materials by their more expressive language and analyticity. They usually bring experts' opinions to the audience and try to explain the importance and consequences of certain events. That is why newspapers and magazines are very important for analytic media coverage. In general, there were 12 % of articles from Russian newspapers and magazines, 3 % of articles from Ukrainian or conventionally Ukrainian newspapers and magazines, and 3.5 % of articles from neither Ukrainian nor Russian newspapers (magazines). Here the dominance of Russian origin information is obvious, and this dominance could seem even more momentous because it concerns analytical, not news, materials. So, again the events that almost divided Ukraine were analyzed at the Korrespondent portal mostly by Russian journalists. If to define the amount of material prepared only by the media founded in Ukraine, it will be even lower than half – about 47 %.

Finally, there are data for 4 separate days from the period under investigation (see table 3). The part of materials prepared by the Ukrainian or conventionally

Ukrainian media is about 74 % (that is general amount for the whole researched period) ± up to 4 %.

The only exception is 28th of April, the day following the ratification of „kharkivs'ki“ agreements by Ukrainian parliament, because the part of materials prepared by the Ukrainian or conventionally Ukrainian media on that day is lower – 57 %. It can be explained by higher percentage of materials from Russian or mixed Russian and Ukrainian sources – 30 % (earlier it was about 22 % or 24 %), as well as bigger part of materials from neither Ukrainian nor Russian media – 9 % (on previous chosen dates there were no such materials).

28th of April can also be presented as the final day of the process of elaboration mentioned above agreements between Russia and Ukraine. It was the first day after the agreements became fact: they were ratified by both parliaments. Thus, the analytical materials published on the portal on that day characterised in general the process of signing and ratifying these documents. That is why it is extremely important that on that day there was higher percentage of materials from neither Ukrainian nor Russian media, but also it is easy to notice that the part of materials from Russian and mixed Russian and Ukrainian sources is also bigger.

Table 3:
Distribution of Sources, in Percent

Date (April)	Ukrainian Media + Conventionally Ukrainian Media	Russian or Russian + Ukrainian Media	Neither Russian nor Ukrainian media	Russian Newspapers/ Magazines	Ukrainian Newspapers/ Magazines	Neither Russian nor Ukrainian Newspapers/ Magazines	Only Ukrainian founded media
21 st	77 %	22 %	-	-	-	-	39 %
22 nd	73 %	24 %	3 %	21 %	3 %	-	42 %
27 th	78 %	22 %	-	4 %	4 %	-	47 %
28 th	57 %	30 %	13 %	22 %	-	9 %	48 %

The results of this research prove that there is certain influence of Russian media on Ukrainian media discourse, since we have noticed that Russian media form a significant part of this discourse. It is much more difficult to define the strength of this influence.

Is one fifth of material prepared by Russian media in total amount of them too much or enough? Ukraine has common borders with other countries, not only with Russia. Not only in Russia are there media in Russian language; Russian exists also in Belarus and Moldova, both of which also have common borders with Ukraine and a common history, at least in the Soviet time; but their influence on Ukrainian media discourse can hardly be compared with the Russian one. Recently, Ukraine again declared its intention to integrate into European Union; however, the number of foreign (neither Russian nor Ukrainian media)



media materials cannot be compared with Russian media influence. The author can suggest that except mentioned above factors, there is probably an intention in Russia to have influence on Ukrainian media discourse. The best way to oppose it is to develop national media not only for news production, but also for providing analytics of high quality.

6. Possible Reasons of Russian Influence

Ukraine gained its independence in 1991 after the Soviet Union collapse. However, after almost 70 years of being part of the USSR, strong ties in different spheres with other post-Soviet republics remain. This is a consequence of the Soviet era approach when ties, connections and inter-dependence between republics were deepened, very often even in an artificial way. It could have been clearly seen on the examples of industry functioning, but the same approach was used in the social sphere. As a result, after the Soviet Union collapse, it took a lot of time and effort to establish the Ukrainian media system. During the USSR period, Moscow was considered to be the centre of all kinds' production, whereas other capitals of Soviet republics had a status of provincial ones. The researcher of Ukrainian media system Alla Shorina points at the vacuum in certain media segments that previously was filled in by Russian production-studios that were and probably are more influential and developed than their Ukrainian counterparts.¹ SHORINA 2007 concludes that this process was most obvious in television production. Such a situation can be regarded as one of the factors that make general Russian cultural influence stronger in Ukraine.

Ukraine has faced a serious lack of resources. First of all, it was a lack of necessary equipment as well as lack of human resources. Recently, it has been a very popular situation where young Ukrainian media professionals migrate to Moscow because of bigger amount of possibilities there. However, it is worth mentioning that in recent years one more direction of brain drain has appeared: so called Western countries.

Similar process took part both in television and press. There are lots of Russian newspapers that are available in Ukraine especially in Eastern parts. Also certain Russian newspapers created special Ukrainian editions such as „Komso-mol'skaya Pravda in Ukraine“ („Комсомольская правда в Украине“), „Arguments and facts“ („Аргументы и факты“) etc. The majority of them have been familiar to the Ukrainian audience since the Soviet time, and that has helped them to be popular.

However, in last 10 years this tendency has changed. As SHORINA 2007 indicated, a demand for national-oriented product appeared. It can be illustrated in the example of TV-shows that became very popular in the whole world. Among the most viewed shows in Ukraine are those that are made by Ukrainian production companies and studios with Ukrainian anchors and participants. In most cases, they do not have original Ukrainian formats, but they are adapted and

¹ SHORINA 2007



produced by local professionals. All these aspects can be united in the *professional factor* that causes Russian influence on the Ukrainian media system and on the Ukrainian media discourse as well.

SHORINA 2007 also pointed out at one more factor that facilitates the penetration of Russian influence in Ukrainian media system. It is a tendency to regard foreign and Russian as well media practitioners and their products as of higher quality than Ukrainian ones. SHORINA 2007 illustrated it on example of political talk-show „Freedom of speech“ („Свобода слова“, ICTV) with invited Russian anchor Savik Shuster that had extraordinary success, whereas before similar shows existed in Ukraine but with local anchors (such as „This is what I think“ („Я так думаю“), „1+1“). This factor of Russian influence can be seen as *underestimation of local media products*.

A very important factor that makes Russian influence on Ukraine stronger is the long common history, and, as a result, *cultural interdependence and interconnectivity*. It is obvious in the majority of spheres.

There is also a strong political influence of Russia that is fully reflected in media. On the one hand, media use certain news selection criteria among which relevance and proximity of country that is covered are among the most important. In 1965 Norwegian scholars Johan Galtung and Mari Ruge published one of the most influential and possibly the first of such level researches that deal with news criteria. Relevance as well as connection to elite nations were mentioned in their „Structuring and selecting news“.¹ According to these criteria, Russia should be one of the most covered nations in Ukrainian news. Later on the base of Galtung and Ruge research, new theories emerged whose authors tried to generalise or even to narrow their criteria. However, this classification is still considered to be a classical model; it does not always correspond to the present reality but serves as a benchmark for the further research. New approaches were developed, but all of them still include news selection criteria that can explain the great media attention to Russia in Ukraine.

For example, GOLAN 2006 defined, among others, such factors as „cultural affinity and the international location of nations within the hierarchy of nations or the world system“, as well as proximity, or physical distance. All of them can be applied in order to explain great presence of Russia in different discourses in Ukraine. WU 2003 was even more exact in placing geographical distance and population of country among the most important factors of news selection. In reality it is even sometimes difficult to define whether news about Russia is local or international. Finally, *wide media coverage of Russia* makes its influence more obvious.

One more very important reason that makes all the above-mentioned factors more powerful is the number of people in Ukraine that consider themselves to be Russian. The last population census was held in Ukraine in 2001. According

¹ Galtung/Ruge 1965 as cited in HARCUP/O'NEILL 2001)



to the data published by the State Committee of Statistics,¹ 17.3 % of Ukrainian citizens said that they were Russians, whereas 77.8 % of Ukrainian citizens defined their nationality as Ukrainian. The State Committee of Statistics also provided data on number of people who consider the Russian language as well as Ukrainian as their mother tongue.² 67.5 % of Ukrainian population consider Ukrainian as their native language, and 29.6 % of Ukrainian population regard Russian as native language. It means that almost one fifth of Ukrainian citizens should be interested in information about Russia, since they regard it as their motherland, and even more, almost one third of the Ukrainian population perceive the Russian language as their mother tongue. This also can reinforce Russian influence or at least create a friendly environment for its penetration. This factor can be defined as *national structure and language composition* of Ukraine.

Finally, one more factor is *the linguistic affinity of Russia and Ukraine*. In the majority of cases, people who speak Ukrainian can understand Russian and vice versa. It makes access to other country's media easy, and leads to bigger attention to them. It can often result in the exchange of information or even in informational dominance when one country relies a lot on the information from another country. In case of contradictive resonant events, it can lead to the distortion of media coverage.

7. Limitations and Delimitations

This research has certain limitations and delimitations. First of all, the same scheme of study should be applied to the researching of media coverage of events that do not have direct connections to Russia or Ukraine, preferably in some foreign country that is not a part of the so called Russia's sphere of interests. Also, there is a necessity to study the coverage of events in a country that is close to both Russia and Ukraine (such as Belarus, for example). And, finally, it is important to use this approach to study events that can be called internal for Ukraine. In total all these results can give us a general picture of Russian media presence in the structure of news sources in Ukraine. However, even present research indicates that there is certainly influence, which nevertheless should be further explored.

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Final Discussion

Chair: Hans J. Kleinsteuber¹

Prof. Dr. Hans J. Kleinsteuber: Ladies and Gentlemen, Mr. Kops asked me to head the final discussion. I will first mention a few opinions of mine, and then ask the speakers what they think about them. My first point is that I have got the impression, there is quite a pessimistic mood about the present situation in Ukraine. We are talking about a new President that attempts to restrain the freedom of press and attempts to manipulate the public. I am afraid I have to share your evaluation, Mr. Belyakov – who by the way took his master title from me in Hamburg. He even talked about the „death at arrival“ of the public service broadcasting system. I hope he is wrong, and I wish your country a better future in broadcasting. Times might become better again. Remember our situation in 1945, when Germany was in ruins and discredited after terrible years of dictatorship. We managed to establish a public broadcasting system that works decently well. So, I hope very much for you that better times will come for Ukraine as well.

The second point, I want to make, is we had quite intensive discussions about public service and how necessary it is. I agree with those that argue that the system does not work perfectly well. In fact, more transparency, more accountability, and other improvements are necessary for the German public service broadcasting. On the other hand, some of the better things that we have developed in Germany might have a chance to be adopted in Ukraine. I do not at all think that we know everything better here, and that you in Ukraine should adopt whatever you see here. That would not work of course. But I believe that it is worth being conscious of the experiences we have had with the introduction and improvement of public service broadcasting in Germany as well as in other Western countries. The public service broadcasting system works decently well there. From that position we can make some proposals, and thus you do not have to start from zero, from scratch. There are several issues, some of which have been raised by the presentations today, on which we have had our experiences; for instance: „How do we create more transparency and fight corruption among journalists?“, or „How do we handle the buying of advertisement time during election campaigns in a country where money is practically transformed into political power?“ or „How does one behave vis-à-vis large neighbouring countries that intend to influence our domestic media?“ These are some of the problems we had to cope with and countries might learn from.

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I already mentioned a further point: The German contribution to the idea of public service broadcasting which is controlled by a body independent from the state. It is the broadcasting council on top of the public service organisation, which consists of members of – as we say – socially relevant groups. That is certainly a German development. It was invented in 1946/47, at a time when Germany was occupied and totally dependent upon other powers. The proposal was made to the occupying forces, who accepted it. The concept has been in existence since that time, and it has worked quite well. Thus this is another element of our public service broadcasting system that might be worth regarding for adoption by other countries.

Well – these are just some of the ideas that I got when I listened to the different presentations. Perhaps I should ask the splendid speakers of our conference about their opinions on them; and perhaps we will even be able to get rid of the pessimistic mood that we seem to have about the present situation of Ukrainian broadcasting. Maybe I should first ask Alexander Belyakov, and give him some minutes to just react to my introductory words.

Dr. Alexander Belyakov: Thank you very much. I am not completely pessimistic about the Ukrainian public service broadcasting. At least we already have a child that is supposed to grow, and when a child is growing, it receives attention and education – and maybe this is true for our young public service broadcasting, too.

I am quite surprised about the high quality of the presentations today, as it is very difficult to find Western literature in Ukraine. I also realise that in the research presented here, journalists were perceived as actors or stakeholders of public service broadcasting. This perspective really can close some gaps in our research. When we think about journalists, we usually consider them as a main power for the introduction of public service broadcasting, and agents for the protection of freedom of speech. But in the case of national TV and radio companies in Ukraine, many of them seem to do just the opposite. However, our journalists are not as corrupted as you may think. In many cases this corruption results from the policy of the editors or owners. If journalists take a lot of money to publish something, they should be punished by the editors. In many cases journalists receive small money or food money for some small coverage. But as our presentations show, party offices usually agree with media owners on price lists for positive media coverage during elections, journalists cannot interfere and say „I would like more money for this and for that.“ In this case the journalists are really minor actors in a big game of media-oligarchs.

Nevertheless, I believe we are following a good route. Ukraine is different from Russia, and Ukraine has the opportunity to change something for the better, probably even within a few years. There are already predictions that there will be elections in the Ukraine within the next two years – because of our constitutional problem. In this case I am still optimistic, and I believe it is good that we are still having discussions about public service broadcasting in our country. Public hearings can also change something. Although we do not have many



NGOs in the Ukraine that represent 100.000 or more citizens, I hope that there is a young and active civil society which can change something for the good.

Prof. Dr. Hans J. Kleinsteuber: Thank you very much, Alexander. May I also ask Ruslan Deynychenko about his opinions?

Ruslan Deynychenko: I would agree with Alexander: we are not so pessimistic. As a Ukrainian proverb says: a pessimist is a well-informed optimist. So, we just know a lot about difficulties in Ukraine, and we are cautious about some circumstances that can arise when public television and public radio is being established. I would only like to thank everybody for this extensive exchange of opinions. It was very useful for me and I appreciate the possibility to talk here and to listen to all the wonderful speeches.

Prof. Dr. Hans J. Kleinsteuber: Thank you. Let me now ask Professor Serhiy Kvit for his opinion.

Prof. Dr. Serhiy Kvit: Thank you. You know that a few years ago, it was after the Orange Revolution, the Director of Kyiv Mohyla School of Journalism, Yevhen Fedchenko, who by the way is now in Los Angeles – maybe on the beach of Santa Monica or Santa Barbara – was completely irritated by the quality of Ukrainian TV news. He told me that he would not like to hear any Ukrainian news anymore. He would only like to hear BBC news, CNN news and such, as he can speak English.

I think it is very important to ask about sources, and I think that it is very good that our teachers and PhD students showed us today that their presentations were based on very professional sources. This is a good starting point for the discussion about changes of the Ukrainian mass media. These people have another kind of thinking than we usually have in Ukraine among journalists, media owners and managers.

A second point I would like to mention: I remember the year – it was 2002, I believe – when we had a meeting of representatives of Ukrainian NGO media organisations. This was the beginning of a new movement for free media, for freedom of speech against the Kuchma regime. Now, unfortunately, we have a very similar situation, and I think we should continue to struggle for freedom of speech in Ukraine. We have made a lot of achievements since the Orange Revolution among the Ukrainian people and in the professional standing of Ukrainian journalists too, and top managers and so on, but in fact we have to continue our struggle for freedom of speech now.

Prof. Hans J. Kleinsteuber: Thank you very much, Professor Kvit. Next I would like to ask Natalya Petrova, our legal expert, how she sees the situation.

Nataliya Petrova: Thank you. I would like to stress what has already been said here in this event. Ukraine has declared that it will be moving the Rule of Law state forward. A very important component of the Rule of Law is respect to the Rule of Law state and a duty to obey the law. In the context of public service broadcasting we have a very good basic law – an „old law“, as I would call it, dated from 1997. Now we have to come out with the draft of the amendments to that law: we have to



be detailed, to prescribe everything what was developed there, to fix the main principles, to develop and to adopt, to make it a Ukrainian reality.

What is needed for that? I would say that the first challenge is to come up with the unified draft of the bill to amend this law. Then to use the advice of my colleges to invite independent experts to look through with their expert review. And at the same time we have to organise a public education campaign on why this law is important, why public broadcasting is important in Ukraine. We have to provide education services to support why it is important and needed in Ukraine.

I also would like to say that media still is not a business. We are demonstrating some features of business activity now in Ukraine. Still media is seen as a tool to fight competitors or to destroy political opponents.

I finally would like to join my colleagues' appreciation for inviting us for the very rich discussion we had today. I believe the next meeting should be again in Kiev in order to proceed with those recommendations and implementations. Thank you very much.

Prof. Hans J. Kleinsteuber: Thank you, Natalya Petrova The next contribution will be by Professor Peter Schiwy.

Prof. Dr. Peter Schiwy: Thank you. First let me mention a personal impression. It is a compliment to Professor Kvit and his delegation from Ukraine. It is not only a word of politeness. I am deeply impressed of the level of your school. It was an interesting day for me to hear your presentations, thank you for that.

My second impression is, and I just learned that by Ruslan: I am a realistic optimist in the case of public radio. I refer to the situation you described earlier, Mr. Kleinsteuber. It was a unique historic situation when the Western Alliance established public radio in our country. There was no German government at that time that could have opposed it, and so we adopted it.

I think the situation has changed in the course of time: the ideological differences in the world have diminished, concerning Ukraine and Russia. We now have another form of competition: we have an economic competition, although we also still have issues about the way authoritarian states should act in this situation. Look for example to China and Russia. China is strongly defending the party position of the old decisive power. Russia shows more democracy than China, but China does better economically.

We have to share our opinions on that, as we did today, and we have to discuss it wherever it is possible. And it is our responsibility to share our opinions frankly, as we do not have to fear any state repressions. We have to debate, we have to discuss. It is a long way we have to go. But we look at South East Asia and other parts of the world where states have managed to move from dictatorship to democracy, from repression to freedom of speech. It might be small steps only in the beginning, but we have to make them. That's why I give at last my compliments to Mr. Kops for having organised this conference. We have to discuss this worldwide. Ukraine is not China and it is not Russia. And we are your European partners. Thank you for coming here.



Prof. Hans J. Kleinsteuber: Thank you Prof. Schiwy, for this appeal, thank you for these words. I have learned tremendously from the discussion today as it was of high quality. Ukraine somehow is at a crossing point: Either it goes the Russian way, which might be the way of Uzbekistan and Kazakhstan and other countries without freedom of expression and plenty of media restrictions. Or it goes the Central European way, the way of Poland, Hungary, Czech Republic where public service broadcasting systems have been successfully introduced. These countries might not enjoy the broadcasting independence that we all wish, but their broadcasting media are certainly more than just a mouthpiece of the president or of the state apparatus. In fact it is our obligation here in the West to help you to find your own way into a European media system and not end in something like we see in Central Asia and unfortunately also in Moscow. All we can offer is to help you. If you fight, if you have good ideas, if you support the right people in politics, there is at least the chance of gradual change.

Antje Karin Pieper: Mr. Chairman, I would suggest that our PhD-students also say words about what they take back to Ukraine from this conference, maybe also some words about the opening of Ukraine to Western Europe.

Dariya Orlova: Thank you. At the beginning I was pessimistic about our new president. But I guess it is easier to be optimistic than pessimistic with the Ukrainian civil society. One of my former political science professors used to say that when you don't know how to explain things, blame them on political culture. Of course it is a joke on the one hand, but on the other hand it has some sense because really one of the biggest problems with public broadcasting in Ukraine is that there is no social demand for it. So, I really hope that this social demand will appear; and that the actors then will be eager and ready to implement and to pursue this idea.

Oleksandr Voitko: I want to say that this discussion was extremely useful for me because it gave me many new ideas about public service broadcasting, about how it should be governed, how it should be financed. And I think that during the next several months the law about public service broadcasting will be passed by our parliament, it will be a coalition law, it will be a law from our government and we should prepare to investigate a new broadcasting company which will be called public broadcasting but which will not be really a public broadcasting company. We have to think about how we will change it according to European standards, according to German standards, according to British standards. Thank you!

Prof. Hans J. Kleinsteuber: So thank you very much, thanks to the organisers, thank you for coming over here and for explaining your difficult situation in Ukraine. We have just got a first impression, but I also found reason for optimism. Ukraine has a big chance because of the young generation and the people who are learning about the standards in Western Europe. So there will be a chance for a better future, when your generation comes to power.

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