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an der Universität zu Köln

Alexander Belyakov

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

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Institut für Rundfunkökonomie
an der Universität zu Köln

Hohenstaufenring 57a

50674 Köln

Germany

Telefon: +49 (221) 23 35 36

Telefax: +49 (221) 24 11 34

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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 explanation 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the distinguishing feature of broadcasting in most of Western Europe was public broadcasting monopolies.⁶ PSB had not been replaced by commercial broadcasting.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

* The article is based on a presentation given during the conference “Public Service Broadcasting. A German-Ukrainian Exchange of Opinions” on October 20, 2010, in Cologne. The conference has been organized by the Institute for Broadcasting Economics at the University of Cologne in cooperation with the Kyiv-Mohyla School of Journalism and financially supported by the German Academic Exchange Service (DAAD) and the Federal Foreign Office. Dr. Alexander Belyakov (E-Mail: belyakov@daad-alumni.de) is Deputy Head of the Foundation for Local Democracy and European Integration of Yuri Panejko, Kyiv, consultant at the “Alumniportal Deutschland” in Ukraine and peer reviewer of the publications “Nations in Transit” with the “Freedom House”.

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



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.¹ 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.² Both journalists and public are afraid that quality news and good journalistic values may be lost. Commercial broadcasting dominates over PSB.

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.³ 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.⁴ 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”.⁵ In case of Ukraine, the function of control remains one of the critical issues.

¹ COUNCIL OF EUROPE 2004

² WIETEN ET AL 2000, p. 55; COPPENS/SAEYS 2006

³ ÅSLUND 2007, pp. 25, 215

⁴ INTERNEWS 2005

⁵ RUMPHORST 2003, p. 1

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 Ukrainian-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 popularization 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

¹ KULAKOV 2010, p. 98

² KULAKOV 2010, p. 111

³ SHEVCHENKO 2005



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.

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

¹ KHABYUK 2010

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

journalists and politicians continue repeating the “truth” misusing media as a propaganda tool.

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 Yanukovich, 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

¹ HOLM 2002, p. 457

² PEDERSEN VYUNYTSKA, 2010, p. 74

³ BOHDANOVA 2010

⁴ RACHEVYCH/ONYSHKIV 2010



effect), and when they do not”.¹ The relations between media and politics continue to be controversial, showing lack of trust and credibility. Sometimes this politics of mistrust reminds us of the “Prisoner’s dilemma”.² 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”.³ Elliott does not seem to be aware of this controversial symbiosis of interests promoting mostly advocacy for “fundamental interests of citizen in mind”.⁴ 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”.⁵

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 organized 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.

¹ HOLM 2002, p. 457

² NEUSTADT 1997, p. 197

³ DE VREESE & SEMETKO 2002, p. 617

⁴ ELLIOTT 2004, p. 29

⁵ ELLIOTT 2004, p. 29

In 2002, the Parliamentary hearings “Society, Mass Media, Authorities: Freedom of Expression and Censorship in Ukraine” commented on the situation of 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-organized 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 organizational 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 criticize 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 reorganization 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 organizations". The English web site of President Viktor Yanukovich contains a version of the text stating that non-governmental public organizations should unite no less than one hundred people². The Ukrainian version contains another number suggesting that non-governmental public organizations should unite no less than one hundred thousand people. In both cases, the participation issue reminds unclear.

The non-governmental public organizations, or even worse, pro-governmental non-governmental organizations 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 organizations (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 Yuschenko 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 commercialization 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 organizations 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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