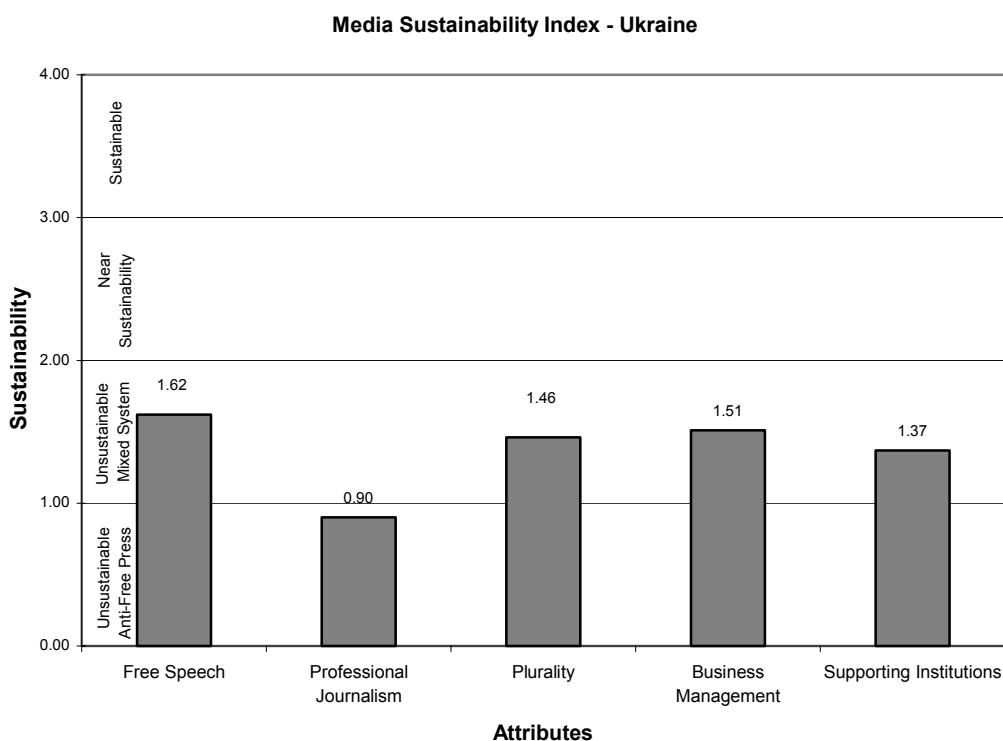


Ukraine

Introduction

Nearly a decade after its birth as an independent nation, Ukraine has not come close to maturing into a democratic state in which political, economic, and human rights are respected. As with many countries that emerged from the breakup of the Soviet Union, media in Ukraine grapple with these daunting conditions. While there are paper guarantees of press and speech freedom, these are not respected in practice and/or are nullified by the influence of political and financial oligarchs. Professional standards are low, due both to pressures on journalists to represent the views of patrons and hidebound traditions of the journalist as opinion-maker. The plurality of news sources available to Ukrainians is diminished in utility by the propagandistic nature of news content across the board. The slow pace of economic reform has a direct bearing on the ability of the independent media sector to perform based on advertising revenue, but at the same time, the business background and education that make media entrepreneurs good at business is generally lacking. Journalists do not work together to represent common professional interests: much of this support comes from foreign, mainly Western, sources.

Corruption remains at the heart of political life, and corrupt practices have been accepted in the media as the norm unless and until Ukrainian society as a whole expect, demand, and get the rule of law. But the conundrum is that, in the West's expectation, the independent media should act as the vanguard of such transition, helping as they should to inform the electorate of the consequences of bad government. There is plenty of work to be done, and responsibility to assume, before Ukrainian independent media can truly act in that watchdog role.



Scoring System

- 0** = Country does not meet indicator; government or social forces may be actively opposed to its implementation.
- 1** = Country minimally meets aspects of the indicator; forces may not be actively opposed to its implementation but business environment may not support it and government or profession not fully and actively supporting change.
- 2** = Country has begun to meet many aspects of indicator but progress may be too recent to judge or still dependent on current government or political forces.
- 3** = Country meets most aspects of indicator and implementation of indicator has occurred over several years and/or change in government, indicating likely sustainability.
- 4** = Country meets the aspects of the indicator; has remained intact over multiple changes in government, economic fluctuations, changes in public opinion and/or changing social conventions.

The scores for all indicators are totaled and averaged for each objective.

Each of the objectives can receive a score from 0 to 4:

Above 3: Sustainable and free independent media

2-3: Independent media approaching sustainability

1-2: Significant progress remains to be made; society or government not fully supportive

0-1: Country meets few of indicators and government/society actively opposing changes

Attribute #1: Legal and social norms protect and promote free speech and access to public information

Indicators
1. Legal/social protections of free speech exist and are enforced
2. Licensing of broadcast media is fair, competitive, and apolitical
3. Market entry and tax structure for media are fair and comparable to other industries
4. Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare
5. State or public media do not receive preferential legal treatment, and law guarantees editorial independence
6. Libel is a civil law issue, public officials are held to higher standards, offended party must prove falsity and malice.
7. Public information is easily accessible; right of access to information is equally enforced for all media and journalists
8. Media outlets have unrestricted access to information; this is equally enforced for all media and journalists
9. Entry into journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists

Ukraine's constitution and laws guarantee freedom of speech, press, and assembly. Andrei Richter, Director of the Media Law and Policy Center at Moscow State University, says Ukraine's media laws are among the best in the former Soviet Union, and the country is signatory to various European conventions that give European law full force in Ukraine. In discussions and written comments, all panelists agreed that, on paper, the legal situation generally looks good for Ukraine.

But most panelists also pointed out that the respect for and enforcement of those laws by the government is often abysmally lacking. "While the country's legislation is in line with international standards, laws are either not enforced, or enforced unevenly," one panelist commented. The government frequently uses its powers to stymie reporting that it doesn't like, to harass journalists, and to shut newspapers down or fire broadcasters not seen as sufficiently loyal or pro-administration. Laws related specifically to media—as well as those concerning taxes, fire safety, and health inspections—are selectively enforced against media. By and large, the judiciary is not independent and rarely issues decisions in important cases that go against the interests of the power structures within or outside of the government. According to a panel member, "Ukraine's arcane and complex tax structure places an undue burden on media to remain in

compliance. Tax enforcement is used as a political tool and means of pressure to keep media in line with government policies.”

Beginning in fall 2000, an outcry against harassment and control of the media began both within Ukraine and internationally. There had certainly been previous incidents that drew criticism, but the outrage became general following the apparent murder of opposition journalist Georgi Gongadze—and the release of tape recordings, made earlier, on which President Kuchma seems to suggest getting rid of Gongadze. Six months later, that outrage still exists and has led to widespread calls for Kuchma to resign. The investigation into Gongadze’s death has been hopelessly incompetent (it is hotly debated in Ukraine whether the incompetence is by accident or design), and few other allegations of media harassment, threats, or attacks on journalists, including the unexplained violent deaths of several journalists in recent years, have been satisfactorily investigated.

Other problems with the enforcement of the laws that Ukraine has pledged to live by include:

- the fact that some of those laws conflict with each other;
- the poorly trained, underfunded judiciary that remains dependent on national and local administrations, and thus is easily susceptible to pressure in making decisions;
- the wide-ranging powers of tax inspectors, health inspectors, and others with the power to paralyze or shut down independent media outlets;
- a licensing procedure for broadcast media that is not transparent; and
- an almost universal tendency by Ukrainian newspaper and broadcast station owners to cut legal corners and carry at least two sets of financial books, which leaves them wide open to harassment under the guise of perfectly legitimate law enforcement.

The legal framework for entry into the market is fair to all comers, but the financial cards are stacked in favor of state-run media. They receive favorable rates for purchasing newsprint, renting state-owned offices, distribution through the state postal system (which handles virtually all subscriptions), etc. On the other hand, independent media are not taxed at a higher rate than other private businesses.

State-owned newspapers have better access to government information. In general, the belief that information is power is still strong in ex-Soviet Ukraine, and few government officials or agencies are eager to give information to the media unless there is some benefit to themselves; panelists agreed that public information is not readily obtainable. Fear also plays a part in that if a government official is not explicitly aware of whether information should be released, he will err on the side of caution and not release it. In other cases, the officials want a payoff to release information that is, by law, public. This difficulty in obtaining access to public information is especially pronounced in the regions. Ukraine’s 1992 freedom of information law is almost entirely ineffective. When government officials do parcel out bits of information, they are often more likely to give it to friendly media—most often media outlets owned by the state—than to independent or critical media.

The fear of retribution sometimes prompts journalists or media outlets not to seek redress for illegal actions. For example, a newspaper whose regular printer refused to print an issue of the paper in February 2001 because of anti-presidential content had a clear breach-of-contract case against the printer. But the paper refused to pursue the matter, fearing what other problems might follow. Several panelists said journalists are hesitant to defend their own rights under the law and many are ignorant of what the law says. “Public officials ... intimidate journalists by either physical harm or exclusion from information,” one panelist said. “For example, journalists covering President Kuchma can only ask “safe” questions. Also, the [reporting] pool is hand-picked by the presidential administration.”

Ukraine’s violation of press-freedom laws and its lack of investigation or redress in such cases are serious. The Ukrainian government, and specifically the Kuchma administration, has been taken to task by international media organizations such as Reporters Sans Frontieres and the Committee to Protect

Journalists, as well as by international bodies such as the Organization for Security and Cooperation in Europe (OSCE). The Council of Europe has threatened to suspend Ukraine's membership—something the Council has never done to a member state—because Ukraine has not fulfilled its reform pledges, particularly in the area of media freedom and other human rights.

Licensing of broadcast media is not transparent, and thus its fairness and level of politicization are unclear, but the signs are not good. Licensing is handled by the National Board on TV and Radio Broadcasting, which has eight members: four appointed by the president, and four by parliament. For more than a year, President Kuchma did not nominate his half of the licensing board's members. Once the other four, appointed by parliament, were more to his liking, he made his appointments. Several of the members have close ties with individual media outlets, which appears to be a fairly obvious conflict of interest. Furthermore, more than half of the members are connected with media outlets controlled by one pro-presidential oligarch. There have been complaints about political favoritism and political punishment in the latest, ongoing cycle of licensing, but they are difficult to prove or disprove. That is largely because the board always has some ostensibly valid technical reason for turning down a license application. This comes about because, as mentioned earlier, media outlets often cut corners, but also because, with so many conflicting laws, it is impossible for any business, media or otherwise, to operate without breaking some law. Panelists pointed out that licensing is highly politicized and controversial, and there are no clear criteria for determining who should receive them.

Journalists in Ukraine can cite a long list of colleagues who they claim were murdered because of their journalistic activity. Other observers put the number lower, saying there is no compelling evidence that several of the deaths were related to journalistic work. Still, there have been numerous killings of reporters and editors in the past decade, and not one of the cases has been satisfactorily resolved. The same is generally true with nonfatal attacks, or crimes against newspaper or broadcast offices. Rarely are the assailants brought to justice, and in many cases, particularly when there is evidence that the police or other government officials were behind the attack, virtually no investigation is done at all. The number of attacks is not increasing, but it already is unacceptably high, and does not appear to be decreasing. Certain types of reporting simply are not done, because journalists believe, with good reason, that such stories will put them in danger. There have been numerous documented cases of journalists writing about business corruption or police corruption being beaten, threatened, or, in at least one case, slain. Journalists usually do not band together for their protection as a group. One panelist said that most crimes against journalists are never made public, and many journalists are scared. That fear, many panelists agreed, leads to very effective self-censorship and achieves the goals of those who threaten or attack journalists.

Journalism education remains stagnant and the curricula of state universities are centrally controlled in Kyiv, several panelists said. One major problem in journalism is not the curriculum, but the fact that the professors teaching today are the same people who were teaching in Soviet days: their basic beliefs, teaching methods, and teaching materials have not changed along with the country. These older faculty members are deeply entrenched and no real improvement in the universities is possible until they are gone. There were two journalism professors on the panel, and they both said that teachers do have quite a bit of leeway in teaching what they want, even though, on paper, the curriculum is strictly prescribed. In general, though, they agreed that university journalism education is in poor shape. They, along with several other panel members, also pointed out that the number of journalism programs in Ukraine has increased markedly in recent years. This is good, in that those new programs are not hamstrung by hidebound old professors and can explore new teaching methods and materials. But the downside is that there aren't enough competent, experienced teachers to staff these programs, and as a result the quality of education offered is often quite low.

Panelists repeatedly mentioned the abnormal business situation for media in Ukraine. Most of the national outlets, and many regional ones, whether print or broadcast, are owned or controlled by political and oligarchic business forces that see the media not as businesses, but as political tools. Because these owners have no interest in fair or objective journalism, and simply want stories stressing their favored

point of view, journalists feel as if they have little choice but to comply or to quit, which few are willing to do. Thus, the ethical standards of journalists are low. At the same time, these owners do not value their journalists, and do not bother to protect or support them in the event of a lawsuit or harassment. Even without oligarchic ownership of media outlets, media in Ukraine is not a “normal” business, one panelist pointed out. The state, or a cabal of oligarchs, has effective monopolies or near-monopolies on printing, newsprint, newspaper delivery, and broadcast transmission facilities. Nonetheless, some newspapers and TV channels try to work as “normal” businesses and seem to succeed. Even though “sponsors” control the content of many news outlets, there is no single sponsor, and therefore the media are at least pluralistic, if not good, said one panelist.

The fact that journalists find themselves working unethically and in favor of one or another political force also weakens any solidarity among journalists, since they often find themselves on opposite sides of political fences, or are ordered to attack or deride each others’ work. This has been one factor in the failure of any effective professional associations of journalists to develop. Nonetheless, informally, journalists have great camaraderie and discuss issues and shortcomings in their profession openly. But they are only willing to do that when it is understood that the conversation is private and off the record.

In general, journalists working for state media enjoy a better status, in terms of salary and pension, than those working for private companies. This can lead to hard feelings and a lack of good relations between those on opposite sides of the divide, and private journalists frequently deride the skills and performance of those working for state media, even though, in fact, there is frequent movement between public and private employment for many journalists.

There was widespread agreement that courts and judges are not independent, and that “telephone law” still holds sway in Ukraine. When the government or some other powerful political force wants to destroy a newspaper or ruin a journalist, an adverse court judgment and a heavy fine are not that difficult to obtain.

Attribute #2: Journalism meets professional standards of quality

Indicators
1. Reporting is fair, objective, and well sourced
2. Journalists follow recognized and accepted ethical standards
3. Journalists and editors do not practice self-censorship
4. Journalists cover key events and issues
5. Pay levels for journalists and other media professionals are sufficiently high to discourage corruption
6. Entertainment programming does not eclipse news and information programming
7. Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient
8. Quality niche reporting and programming exists (investigative, economics/business, local, political)

In Ukraine, journalism rarely meets the professional standards of quality that one would expect to see in a developed country. As one member of the panel said, most Ukrainian journalism—writing, reporting, editing, style and content—retains many characteristics of the Soviet period. That is, the majority of newspapers and broadcast outlets are founded and run as political projects and not as means to inform the public.

Reporting usually is not fair, objective, or well sourced. Much of the newspaper reporting is based on opinion rather than facts. In TV news broadcasts, reports on events are usually one-sided. Even on controversial topics, a single report usually does not include more than one side of an issue. Fact checking is not a regular part of a journalist’s routine, and statements made by sources are often reported without challenges to their accuracy. Reporters and newspapers freely take unverified information from other published sources, particularly the Internet, without bothering to check its accuracy. They defend this practice by pointing to Ukrainian law, which says that as long as the original source is credited, then the journalist or publication reprinting an item is not legally liable for its accuracy or lack thereof. Because many journalists think of themselves as analysts and commentators rather than news reporters, and

because reporters usually do not cover a single beat, they usually make little effort to develop sources that they can rely on for information.

Despite the recent broadening of boundaries for topics that reporters cover (triggered by the tape scandal and Gongadze murder), self-censorship has increased, according to some journalists. They are even more careful about what they write. In addition, there is heavy censorship by senior editors and media owners about what to write and how to write it. “Kompromat” and subjective, one-sided reports are plentiful. Recent reports on television channel UT-1 are a good example, several panelists agreed. Panelists noted that there is some good niche reporting on social and economic topics, however, and a good diversity of voices and publications. But this often produces a cacophony of views that can confuse and misinform the public.

The ethical standards of Ukrainian journalists are, at best, weak. It is common for journalists to work as news reporters while simultaneously working as PR agents or spokesman for a political party or candidate or for a business, even when the journalist is reporting on that entity. There is little effort to ensure fairness in coverage. At most newspapers, editorial space is freely available by paying either a journalist or the paper itself. This applies not only to positive stories about one’s self or favored causes, but to negative stories smearing political or business foes. Similarly, many journalists will accept money to kill an unflattering story. Journalists are not averse to using the pages of their newspaper to further their own non-journalistic aims, such as running for office, or settling personal scores. There is no accepted code of ethics for Ukrainian journalists, and nor are there any widely accepted associations of journalists that might have the moral authority to create and enforce such a code.

Journalists say this is not the time for such a code in Ukraine, but that can be seen simply as unwillingness to stop accepting payments for stories, or the unwillingness of journalists to work harder to make their stories better. One of the panelists said ethics is not a priority for journalists in economically depressed Ukraine. “Based on personal experience, I find that there is no set of ethical standards for journalists to follow. I think that because of the dismal economic situation, journalists forego ethics in order to eat and live.” Other panelists decried the lack of professionalism among journalists and the tendency to inflate one’s own importance. “I find that anybody who can hold a pen considers himself a journalist and thinks that his opinion is an important component of a NEWS story,” the panelist wrote.

Fear of government harassment, libel lawsuits, and physical attack prompt severe self-censorship of the media. Journalists freely acknowledge that there are topics they will not touch, because they do not want to antagonize local, regional, or national government officials or influential businesses or businessmen. Their fears are not groundless: journalists have been slain, injured, and threatened. Even when there has been convincing evidence that government officials or agencies were involved, cases were not solved by police or resolved in any other ways. Because so many newspaper and broadcast stations, particularly in Kyiv and in some of the larger cities, are owned or otherwise controlled by political interests or oligarchic business clans, journalists know that writing articles against the interests of those owners or patrons could cost them their jobs. The same is true, of course, at the hundreds of government-owned newspapers and broadcasters.

Journalists write mostly about what they want to write about, rather than about issues and events that are of more interest to their audiences (or potential audiences). Because little audience research is conducted, journalists often have little or no idea of what types of information or articles would interest their potential audience, let alone their actual readers. Governmental coverage is very heavy but often not comprehensive or critical. There is much coverage of politics and of the day-to-day activities and speeches of officials such as the president, governors, and mayors, but not much thoughtful coverage of issues. Particularly at smaller, local newspapers, journalists do not feel qualified to write about technical or specialized topics such as medicine or law. Instead, they invite experts to write on those topics, and while those people may be experts in their field, they usually are not experts in journalism. Their articles are full of jargon, fail to make points that are of interest or use to readers, and do not present multiple

points of view. Topics such as education, military preparedness, the judiciary, and health care are covered minimally, if at all, and usually only within the framework of a political debate, with parameters set by politicians or parties.

Corruption is rampant in the Ukrainian media. Salaries are abysmally low, as they are in most Ukrainian industries and businesses, and journalists look upon the sale of their bylines and their newspaper's news pages as a legitimate way of making some much-needed money. But low salaries have another negative effect. The pay system used at most newspapers gives reporters a very low base salary, supplemented by a small payment for every story printed. That payment is the same, regardless of the length or quality of the article. Thus, it is in the financial interest of a journalist to write many short articles, without laboring overlong on their quality, than to spend the time and effort to write one good story. Even with these per-story honoraria, most regional journalists are paid less than US\$100 a month. In Kyiv, the figures are higher, but not by much. In addition, many journalists are freelancers, so they do not even get the small base salary, but instead try to survive entirely on honoraria—and corruption.

The payment system for journalists was criticized by panelists as a cause of poor reporting. “Media organizations don’t seem to think they can afford having their journalists working on stories for days or weeks,” according to one panelist. The usefulness of public relations is not appreciated. While handouts from PR agents are not something that journalists should accept blindly, they could contain valuable information. But journalists tend to see PR handouts only as an attempt to get free advertising, and often want to charge to use information from a press release. Both individual journalists and news outlets accept money for coverage, or for not covering something. The fact that editors exert little control over their reporters makes it easy for journalists to place sponsored materials, one panelist said. Salary figures are hard to come by, because most news outlets, like most businesses in Ukraine, keep multiple sets of books in order to evade taxes.

“Officially, journalists are poorly paid. Unofficially they get more, but depend totally on the editor,” one panelist said. “They cannot compare their salaries to those of their colleagues.” That panelist also said, though, that many journalists go and work as image-makers or press secretaries, even while continuing to work as journalists, in order to supplement their salaries. Newspaper journalists in the regions, she said, can hardly live on their regular salaries from newspapers, which may pay only a dollar or two for a story.

The gap between Kyiv and the regions is apparent in many ways, from salaries to the level of corruption to the technical facilities available in both print and broadcast media, panelists said. It is the goal of regional journalists to move to Kyiv and work in the capital, but any real hope for improvements in journalism in the near future must probably look to the provinces, panelists said, because of the political climate and oppression in Kyiv.

Attribute #3: Multiple news sources provide citizens with reliable and objective news

Indicators
1. Plurality of public and private news sources (e.g. print, broadcast, Internet) exist and are affordable
2. Citizens’ access to domestic or international media is not restricted
3. State or public media reflect the views of the entire political spectrum, are non-partisan, and serve the public interest
4. Independent news agencies gather and distribute news for print and broadcast media
5. Independent broadcast media produce their own news programs
6. Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates
7. A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources

Ukrainians do have access to multiple sources of news—broadcast, print, and Internet—but those media generally do not provide citizens with reliable or objective information. Often, because media control has become concentrated in the hands of the state and a few oligarchic clans closely allied with the president,

the public cannot even count on receiving a range of different viewpoints, as those media present a united front of opinion and propaganda.

For instance, parliament member Alexander Volkov is a former close advisor to President Leonid Kuchma (and is wanted for questioning in Belgium in a money-laundering investigation). He controls the TV company Gravis and the information agency Media Prostim, and can influence the state-owned TV channel UT-1 and the privately owned Studio 1+1, on whose behalf he intervened several years ago to obtain a license (the granting of which is also now under investigation by a New York grand jury looking at possible violations of the Foreign Corrupt Practices Act). Another parliamentarian, Victor Pinchuk, who also happens to be President Kuchma's son-in-law, controls Kyiv TV channels Noviy Kanal and ICTV, Channel 11 in Dnepropetrovsk, and the biggest national daily newspaper, *Fakti*. Parliamentarians and businessmen Grigoriy Surkis and Victor Medvedchuk have major influence over UT-1 and Kyiv TV company TET, as well as national newspapers *Kyivskie Vedomosti* and *2000*.

The primary news source for most Ukrainians is television, and the only television network with a completely national reach is the state-owned UT-1. Private networks reach nearly all parts of the country, and there are local stations in all areas of the country. Larger cities generally have at least a dozen weekly (or daily) newspapers, published from a variety of viewpoints. Rural areas and smaller towns are not served nearly so well by newspapers, and local news can be hard to come by in the media.

Although there are many news sources available in Ukraine, few are objective and reliable. As a result, audiences are not sure what to believe. State-owned media are seen, rightfully so, as being completely biased towards the government and, according to one panelist, have "recently engaged in the worst kinds of heavy-handed propaganda." Another panelist said, "State TV provides a forum only for the president or for his favorites." But many privately owned media outlets are little better. Many are controlled by political forces, and others simply lack the professional expertise or desire to do a good job. But even those that strive to broadcast or publish balanced news rarely succeed, because news in Ukraine is seen as a mix of opinion and facts, panelists said.

According to the national poll of the Ukrainian Centre of Economic and Political Research (Razumkov) of December 2000, 31.5 percent of Ukrainians get information from national newspapers, though only 6.3 percent trust them; 39.6 percent read the regional papers and 14.7 percent trust them; 64.7 percent of Ukrainians use national TV channels as major sources of information and 11.6 percent trust these; and 44.8 percent of Ukrainians use regional TV channels and 12.1 percent have trust in them. So, it seems that regional newspapers are the most reliable source of information for people.

According to another survey, conducted by SOCIS-Gallup, about 70 percent of adult Ukrainians say they read a newspaper at least once a week. If that is correct, they are not all buying the newspapers, as total newspaper circulation is far below that percentage. Newspapers generally cost the equivalent of 5 to 20 cents (USD) per copy at newsstands, which is expensive for most Ukrainians. Readership and subscriptions lists have dropped dramatically over the past decade as the purchasing power of most people has been eroded by inflation and economic dislocation. One result of that is that people who used to read several newspapers, which could give them information and opinion from different points of view, now can afford to buy only one newspaper.

No more than 5 percent of Ukrainians have Internet access, according to a 2000 survey, and there are no good figures available on how many have Web access and how many simply have e-mail. In any case, Internet access is concentrated mostly in larger cities, especially in Kyiv. There are a wide variety of Internet news sources available, but most people have no direct access to them, as no more than 4 in 5 Ukrainians know how to use a computer. However, many newspapers and broadcasters, unable to afford commercial wire services, take news from various Internet sites and print the material, so that the Internet news sites do reach a broader audience. Internet news sources are generally no more reliable in objectivity than are other Ukrainian media; many are of a decidedly opposition viewpoint, and while that does

provide a counterpart to the pro-presidential media, it does not make them objective, independent, or accurate. Panel participants agreed that only a very small percentage of the population uses the Internet, although the number is growing rapidly. Expense is a major barrier, as an Internet-capable computer can cost a year's salary for many people. Internet cafes are cheaper than in the West, but still prohibitively expensive for people who might want to browse for news, and much more expensive than a newspaper. It is possible to find foreign newspapers in the larger cities of Ukraine, but they are mostly in English or German, and are thus incomprehensible to most people. They also are prohibitively expensive. Libraries generally do not carry foreign newspapers.

Thousands of publications are registered in Ukraine (a somewhat smaller number are published on a regular basis) and they do cover a wide range of interests. But many are niche publications, and their interests, whether they be ethnic or other minorities, social issues, specific professions, or political outlooks, are usually covered poorly, if at all, by the media in general. Newspapers tend to concentrate on politics, crime, and entertainment, rather than putting the spotlight on broader societal issues. TV news is heavy on politics, with most coverage based on meetings and interviews with politicians. For all media, politics is covered as a sport, with the politicians ranged against each other in a fight for winners and losers, and little attention paid to how their actions will affect ordinary Ukrainians.

Most broadcast news is in Ukrainian, and newspapers are widely published in Ukrainian as well as Russian, although, for national media, Russian-language papers are dominant. There are small minority-language papers, often supported by the state, for the Bulgarian, Romanian, German, Jewish and Tatar communities, among others.

Newspapers from Russia, which millions of Ukrainians wouldn't consider "foreign," are widely available. Many major Moscow newspapers publish Ukrainian editions, which include some local news but are largely reprints of material first published in Russia. The Ukrainian government does not restrict access to international media, but has threatened to enact laws that would limit Russian media. This is cloaked as a taxation issue, but is clearly aimed at minimizing Moscow's influence in Ukrainian politics.

There was a concern among panelists that the number of Ukrainian-language publications compared to those in Russian is decreasing. This trend could contribute to making the official state language—Ukrainian—a minority language. Although the majority of the publications in Russian are done in Ukraine by Ukrainian journalists, there are quite a few papers and magazines imported from Russia—mostly from Moscow. MSI panelists also noted that TV channels from Russia are available across Ukraine and are very popular. They also noted that those Russian channels have, in the past, engaged in election propaganda and otherwise tried to influence policies in Ukraine, which is a sovereign country, although some Russians may not agree with that characterization of Ukraine.

There are a variety of independent (as well as government-controlled) news agencies in Ukraine. The biggest—UNIAN, DINAU, and Interfax-Ukraine—all have political allegiances that can be seen in the copy they choose to transmit to subscribers. UNIAN, for example, is pro-parliament (and has received investment from some influential parliamentarians), while DINAU, the state news agency, is clearly pro-presidential. The former head of Interfax-Ukraine is now President Kuchma's press secretary, and his former agency receives much exclusive information from the presidential administration and also displays a clear bias in favor of Kuchma. One severely limiting factor is that few newspapers can afford to subscribe to UNIAN or Interfax-Ukraine. DINAU is the wire service of choice of state-owned newspapers. International agencies such as AP, Reuters, Agence France Press and Deutsche Presse Agentur all have staff members in Ukraine and provide coverage of the country, but they have virtually no subscribers among Ukrainian- or Russian-language papers or broadcasters in the country, due to prohibitive rates. The two major independent news agencies (UNIAN and Interfax) are expensive but rather pluralistic, one panelist noted. However, other people said, few newspapers subscribe to those services, so most of the public does not have access to their reports. Instead, newspapers and broadcasters

take news from Internet web sites, because that news is free. So the Internet journalists have much wider readership than statistics on Internet usage would lead one to believe.

Ukraine has no such thing as public television or radio. Government-owned media are exceedingly partisan and serve the interests of the president and his allies—or, in some cases, of other government officials whose offices control those particular media outlets. For example, the parliamentary newspaper fawns over the parliament, while giving a critical view of the president. TV's national Channel One, the government-owned, nationwide network, is blatantly partisan and unreliable as a source of complete, fair, accurate, or objective information. However, because it blankets the country and is the only station that many people receive, it is highly influential. "Unfortunately, public media reflect only the interests of those who own them, and because of this they do not offer a wide spectrum of views," said one panelist. Because media are so one-sided, a citizen must "surf the airwaves and buy at least five newspapers" to get a general overview of what is going on in Ukraine. In many places, that simply is not possible. Although panelists noted that most Ukrainian cities are blessed (or plagued) with a large number of newspapers, many people cannot afford to buy even one. And while Kyiv, Lviv, and other large cities have multiple TV channels and cable TV, other areas have no cable and poor reception of any broadcast channels. Cable radio—with a limited number of stations, all chosen by the government, which controls the cables—is still prevalent in rural Ukraine, and even in the largest cities most apartment houses are wired for cable radio. Because of poverty, many people cannot afford to buy other radios, and thus their listening is limited to those that come over the wire.

Increasingly over the past few years, more and more of the privately owned media have come under the control of oligarchic clans, usually closely aligned with President Kuchma. These media also spout the pro-presidential line almost without exception. This is now true of virtually every national or Kyiv TV station and most national newspapers. The trend toward oligarchic ownership of media began in Kyiv, but spread to other major cities and is now reaching into the smaller cities. For example, politically well-connected industrialist Rinat Akhmetov from Donetsk recently bought several newspapers in his home oblast, as well as the newspaper *Segodnya* in Kyiv. Political interests other than those of the oligarchs or president also place great value on owning or controlling media outlets, because of their value as disseminators of election propaganda. With far too many media outlets for the market to support, it is easy for politicians to find outlets looking for, or willing to accept, sponsors or new owners in exchange for infusions of money providing financial stability and security. Even outside of election-campaign periods, though, Ukrainian media, regardless of ownership, have a strong tradition of selling their news holes to politicians or businesses, either for puff pieces or to sling mud at opponents and rivals. Journalists see this more as an issue of economics (the only way to make money) than of ethics.

Independent broadcasters in all areas of the country produce their own news programming. Privately owned broadcasters usually have programs of better quality—more facts, more sources, more objectivity—than state-run stations, but there is still vast room for improvement. Few stations, whether in Kyiv or the regions, are free from political partisanship, based on the ownership or patronage under which the station operates, and that does affect the tenor and quality of their news coverage. It is important to stress "ownership" or "patronage" rather than just saying that ownership is crucial, because there is no transparency of media ownership, or of the ownership of virtually any business in Ukraine. Journalists at Kyiv newspapers and TV stations know who their "krisha"—the political protector and patron—is, but that doesn't mean that that person is also the owner of the media outlet, and journalists usually do not know who the real owner is. It often is possible, by looking at coverage, to tell which papers or stations are aligned with which oligarchs or politicians. Because of the murky ownership situation, and the fact that virtually all media have an unstated political bias, the public's confidence level in the information they receive from media is very low.

There is little foreign ownership of media in Ukraine, with the exception of Russian investors and various off-shore owners (presumably Ukrainians and Russians) from havens such as Cyprus or the Caribbean islands. Only one Western media company, Norway's Orkla Media, has invested in Ukrainian

newspapers, and they quickly sold one of their two papers for a loss after despairing of being able to reform the newspaper's tradition-bound staff. Other Western companies have looked at investing in Ukrainian newspapers, but have declined to do so, citing the murky and ever-shifting political, tax, and economic situations, as well as the weak protection offered by the Ukrainian legal system, and the weak economy in general. There is more investment in television—where there is more profit to be made—but, again, most of the foreign investment is Russian.

Attribute #4: Independent media are well-managed businesses, allowing editorial independence

Indicators
1. Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses
2. Media receive revenue from a multitude of sources
3. Advertising agencies and related industries support an advertising market
4. Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets
5. Independent media do not receive government subsidies
6. Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences
7. Broadcast ratings and circulation figures are reliably and independently produced

To the limited extent that independent media exist in Ukraine, they usually are not efficient, professional, or profit-generating businesses. The newspaper market is over saturated, making it difficult for any one newspaper to make enough money through advertising and circulation to support itself and turn a profit. Most media managers have little or no management experience or training; most are journalists who have been promoted beyond their professional competence. They often are smart, ambitious, and creative people, but lack the background and education that would allow them to succeed in their jobs. All panelists agree that Ukrainian media are, from a business point of view, in a sorry state. The factors mentioned were: 1) over saturation of market by newspapers, radio, and TV outlets; 2) a very weak ad market that makes for great dependence on owners; 3) most media receive some form of government subsidy, be it reduced postal rates, rent discounts, tax breaks, or social benefits.

The Ukrainian economy, although finally growing, is still weak, and remains moribund in many areas of the country. Attracting paying advertisers is difficult for most newspapers. The group agreed that at the same time, widespread poverty has put a daily or weekly newspaper beyond the budget of many ordinary Ukrainians. Thus, the two standard revenue streams for newspapers are little more than a trickle for many regional publications. Few media outlets even have and follow business plans, the panelists agreed. That opens the door to sponsorship by business or political interests, which want the newspaper not for its business potential, but as a mouthpiece or propaganda tool. Thus, for financial security, editorial independence often is sacrificed.

Newspaper distribution remains in the hands of two organizations: the post office handles home deliveries of subscriptions, and Soyuzpechat, a quasi-privatised organization in most cities, controls most press kiosks and single-copy distribution. Both organizations have the potential to interrupt distribution of newspapers that displease or are threatening to their controlling interests (that is, the government, particularly the presidential and local administrations). More disturbing to newspapers are the financial and management practices of the post office and Soyuzpechat. Both take advantage of their monopoly positions to charge high rates for their services, and both are slow in passing along to newspapers their share of revenues. Their accounting procedures also are opaque, and newspapers routinely complain that they are being cheated. Some newspapers do distribute their papers through private systems of kiosks, or at other retail outlets, and many also sell papers, at a discount (but usually for cash, not credit) to individuals who then hawk the papers on the street. To date, no newspaper (other than shoppers that deliver to every mailbox in an area) has attempted to take over its own subscriptions and to deliver the papers to subscribers without going through the post office.

In many oblasts, the government also has a monopoly on the printing of newspapers, but this is gradually changing. Without competition, government-owned presses have little incentive to provide good service,

reasonable prices, or modern equipment, and they don't. But several private newspapers —*MIG* in Zaporizhzhya; *Slava Sevastopolya* in Crimea, *Express* and *Visoki Zamok* in Lviv, *Kyivskie Vedomosti* and Blitz Inform Publishing House in Kyiv—have bought new printing presses, both to print their own publications as well as others. In one case, a Sevastopol newspaper is printing nearly 50 other titles, some from towns that are hundreds of kilometers away. The private printing plants tend to be well-managed and profitable; in fact, they frequently subsidize the very newspapers that own the presses.

There are scores of advertising agencies, both local and international, in Kyiv and other cities of Ukraine. There is most definitely an advertising market, and all kinds of goods and services are freely advertised. However, in Ukraine, print advertising runs a distant third to broadcast and outdoor (billboard) advertising. In large part because of tiny circulations, undesirable demographics (poor people) and because specifics of readership demographics are not usually available, newspapers have difficulty attracting business from major ad agencies. This is true in Kyiv, but even more so in provincial areas. Newspapers in some cities also have difficulty attracting advertisers because they are competing with TMC (total market coverage), ad-only publications. In some cities, these papers have exclusive agreements with advertising agencies, which then do not place ads in other newspapers. Most newspapers in cities of any size do work with advertising agencies, but because the advertising market as a whole is much weaker in the smaller cities and more rural areas, ad agencies are not as active in those areas. The quality of services and the professionalism of both ad agencies and newspaper advertising staffs often leave much to be desired. However, the skills of newspaper ad staffs have improved in recent years and, as the economy creeps upward, more advertising is appearing in newspapers.

Broadcast advertising does pay the bills for many TV and radio stations, although the market is nowhere near as strong as it is in Western countries. Many broadcasters also have only a limited number of advertisers, which could put them in a precarious position should that advertiser take its business elsewhere or stop placing ads. Many newspapers and broadcasters do not have (or if they have, do not use) rate cards to set standard prices for advertising. Additionally, much advertising (like many transactions in the Ukrainian economy) is paid for unofficially, in order to avoid taxes. Few nongovernmental media receive any state subsidies, although there are indirect benefits that they can receive. For example, some favored papers may have access to government printing facilities or newsprint at better prices. Some newspapers also receive lower rates from the post office for delivery. But, in general, nongovernmental papers are on an equal footing with each other, although not with their state-owned competitors.

Media generally do not effectively use market research to formulate strategic plans, enhance advertising revenue, or tailor their programming or publications to the needs and interests of their present or desired audience. Some media are conducting market research, but it usually is poorly done. Panelists discussed the fact that basic research and data needed to help support the business viability of media, such as broadcast ratings and newspaper circulation figures, are nonexistent or unreliable. The TV ratings system surveys fewer than 1,000 monitors throughout Ukraine, a country of about 50 million people. Newspaper circulation figures are rarely, if ever, to be relied upon, as editors and publishers admit that they often inflate the figures to make their publications more attractive to advertisers. But they then cannot tell prospective advertisers who are reading all those copies, or what the demographics of the readership are.

Advertising agencies and others also do little in the way of market research concerning print media. This is partly because the advertising market for print is so weak, and partly because circulations are so small as to often make such research more difficult and expensive than it is worth. Broadcast ratings are reliably and independently produced, and there are several companies that are monitoring the usage of various Web sites. But there is no system for monitoring newspaper or magazine circulation figures, and most newspapers greatly exaggerate their circulation, in the hopes of being able to charge more for advertising. The newspapers in the city of Zaporizhzhya have banded together and formed a local audit bureau of circulation, and in spring 2001 initial steps were taken by advertisers, ad agencies, and publishers to start a national circulation audit bureau.

But there is still a heavy dependence on financing by political and business players. “Newspapers, especially, cannot live without subsidies of one sort or another,” several panelists said. Some newspapers receive subsidies in the form of better conditions for postal transportation. This is not entirely limited to state-owned newspapers, but is done through a completely non-transparent government system of designating favored publications. This is widely seen as a reward for favorable coverage of the government.

Attribute #5: Supporting institutions function in the professional interests of independent media

Indicators
1. Trade associations represent the interests of private media owners and provide member services
2. Professional associations work to protect journalists’ rights
3. NGOs support free speech and independent media
4. Quality journalism degree programs exist providing substantial practical experience
5. Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills
6. Sources of newsprint and printing facilities are in private hands, apolitical, and not restricted
7. Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted

The news media of independent Ukraine have not fared well in the area of working together for the common good. The Soviet-era Union of Journalists continues to be the only national association of journalists with any stature or recognition at all, and its prestige and effectiveness are, at best, minimal. Existing professional associations are weak and too intimidated to challenge government and business interests on behalf of their members, panelists said. One said, “There is a great reluctance (whether conscious or unconscious) on the part of journalists to band together to support one another—compared to recent events in Russia (NTV) and Yugoslavia.” Another said, “I find there has been little success in forming a professional association to protect journalists’ rights: journalists are only interested in such an association when they are personally affected.” There are some local journalism associations that show promise and are active, including a few chapters of the Union of Journalists. The new national broadcasters association also was held up as a bright light in a dim field.

The Independent Association of TV and Radio Broadcasters was formed in 2000, but has not entirely proved its effectiveness at lobbying for the rights of all members. In fact, the executive director was ousted by the board in spring 2001 because they believed that he was using his position at the association to forward the interests of his own radio station—which had just lost its license in a dispute widely seen as political—over those of the membership as a whole.

In the print media, scores of local, regional, and national associations of newspapers, editors, reporters or publishers have been founded, and virtually all have faded from the scene without ever gaining widespread acceptance or showing any sign at all of effectiveness. There are some local associations that do serve the interests of members. Among them are a few oblast chapters of the Union of Journalists and the Economic Reform Press Clubs founded by the USAID-funded Ukraine Market Reform Education Program. But they are thriving in only a few oblasts, and appear to be largely driven by a few very active members.

There are few nongovernmental organizations that are active in protecting the rights of journalists or of free speech. Several human-rights organizations look at free speech and free press as part of their wider portfolios. Organizations focusing specifically on media are mostly aligned with (and funded by) foreign organizations. For example, the IREX/ProMedia Legal Defense and Education program is funded almost entirely by USAID and is a creation of the USAID-founded ProMedia program. Similarly, the Institute for Mass Information is affiliated with and partially funded by Reporters Sans Frontieres. Some media associations, such as the Union of Journalists or the Crimean Union of Independent Journalists, speak out on press-freedom issues, but rarely if ever take any action. The ProMedia legal defense program is the only one that regularly provides tangible support to journalists and media outlets, although the broadcasters’ association also has a lawyer on staff that can advise members when legal problems arise.

ProMedia also is one of the few organizations involved in lobbying for changes in media laws or in the way the court system handles media cases. While speaking in general, rather than specifically of professional journalism associations, panelists were upbeat about the situation with nongovernmental organizations. “There is a good trend in development of the third sector,” one panelist said.

Journalism education in Ukrainian universities is abysmal. The curriculum has changed little since Soviet days, and there continues to be a heavy emphasis on theory and the use of media to indoctrinate, rather than to inform and educate. Most journalism professors are career academics with little or no hands-on journalism experience. The universities also are grossly underfunded and have virtually no equipment for students to use. Even textbooks, bad and outdated as they are, are in short supply in most universities. “There are conservative teachers, but progressive students,” one panel member said. Panelists agreed that most university education for someone wanting to be a journalist is irrelevant, and the curriculum lacks practical training and provision of basic knowledge in law, economics, and political science. They stressed that practical training and internships are virtually nonexistent, but even when they do exist, the students’ work experience often teaches or reinforces unwelcome journalistic habits, rather than putting them on the right path.

Short-term training for journalists and other media professionals is provided by a handful of organizations, mostly with foreign funding. IREX/ProMedia, Internews, the Ukraine Market Reform Education Program, BBC World Service Training Trust, the Academy of Ukrainian Press, the European Institute for the Media, and the Institute for Mass Information all provide training in the media sphere. “Most organizations which really help are based on foreign money,” a panelist said. But their efforts, some panelists said, are not focused enough to make a real difference and, in any case, are not broad enough, because good journalists working for corrupt owners still will not be able to publish good journalism. “U.S. and other foreign efforts to support independent media are dwarfed by financial outlays from business interests/oligarchs,” one panelist said. Some organizations, not on the ground in Ukraine, also provide occasional training. They include Sweden’s Further Education of Journalists (FOJO), the World Association of Newspapers, and Article 19. Newspapers and broadcasters usually are willing to free up their staff members for such training opportunities, but that is not always the case, particularly for longer training events. Because media outlets tend to be short-staffed, it can sometimes be difficult for a newspaper or broadcaster to give time off to employees to attend trainings, as that leaves a temporary staffing hole that must be plugged.

On a local level, some associations of journalists, and even informal groupings of journalists, try to provide some training for themselves and their peers. Sometimes they do this themselves; at other times they seek the assistance of the groups mentioned above to do training on their behalf.

There is no national circulation audit bureau monitoring the press runs or circulation claims of newspapers and magazines, although in the city of Zaporizhzhya several newspapers have banded together to form a local audit bureau in order to keep each other honest.

Newsprint is freely available, although costs vary widely and many newspapers say that the few companies supplying newsprint in Ukraine effectively have a monopoly that allows them to set prices as they wish. While lack of transparency is a hallmark of Ukrainian business, it is widely believed that the paper industry is controlled by a handful of oligarchs. Paper is imported from other countries, but Ukrainian taxes can make it very expensive. For example, Russian newsprint is sold in the United States for about US\$600 a ton. In Ukraine, Russian newsprint costs upwards of US\$800. Any effort to form a cooperative to buy newsprint in volume at discounted prices would fail, newspapers say, because the suppliers know that they can get away without offering any such discounts, as no other supplier would undercut them if they refused to bargain.

Printing presses are still mostly in government hands, and are often aged and of poor quality. However, within the past few years a number of high-quality, full-color printing presses have been purchased and

put into operation by private publishers. Some newspapers have abandoned their local presses and are willing to drive hundreds of kilometers a week to deliver pages to and pick up their press runs from these privately owned presses. For example, *Slava Sevastopolya* bought a color press and is now printing more than three-dozen other newspapers from across Crimea and even from beyond the Crimean peninsula. The state-owned printing presses are not at all free from political pressure, and there have been numerous cases of opposition or other newspapers being refused permission to use those presses. Sometimes the pressure is disguised, such as when a sudden power outage will prevent a paper from being printed, or when “technical difficulties” suddenly arise or a fatal error is found in a contract. Private printing presses also can be subjected to pressure, through tax audits, fire inspections, or other methods. This pressure is applied to the printing plants, even though the actual target might be a different newspaper that uses the plant.

Channels of media distribution are not generally in private hands, and are not apolitical. State newspapers or other favored titles often receive preferential treatment from the post office or the newspaper-distribution kiosk system. The government has on numerous occasions, particularly during election campaigns, prevented some broadcasters from using state-owned transmission towers, and the procedure for getting permission to broadcast is not at all transparent.

List of panel participants

1. Tim O’Connor, American, resident advisor of the IREX ProMedia/Ukraine program since 1997.
2. Oleg Khomenok, Ukrainian, director of the IREX ProMedia/Ukraine Crimea press center since 1997.
3. Natalya Petrova, Ukrainian, staff lawyer for the IREX ProMedia/Ukraine Legal Defense and Education Program since 1999.
4. Peter Sawchyn, American, press attaché at the U.S. Embassy in Kyiv.
5. Vadim Kovalyuk, Ukrainian, press assistant at the U.S. Embassy in Kyiv.
6. Boris Potyatynik, Ukrainian, journalism professor at Lviv State University.
7. Valery Ivanov, Ukrainian, president of the Academy for Ukrainian Press and long-time journalism professor in Kyiv.
8. Sabine Stohr, German, press attaché at the German Embassy in Kyiv.
9. Konstantin Kvurt, Ukrainian, deputy head of program at Internews Ukraine.
10. Maria Dotsenko, Ukrainian, staff member of democracy office at USAID in Kyiv.
11. Marta Kolomayets, American, director of the Ukraine Market Reform Education Program, which works with Ukrainian journalists.
12. Ihor Slissarenko, Ukrainian, TV channel 1+1 morning news anchor and Assistant Professor of Journalism at Kyiv State University. (Slissarenko completed the questionnaire, but a last-minute schedule conflict prevented him participating in the panel discussion.)

Panel moderator

Michael Andersen, Danish, social scientist who has lived in Lviv and Kyiv for the past several years, working as a journalist and university teacher.

