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THE INTRODUCTION OF PUBLIC SERVICE BROADCASTING IN UKRAINE THROUGH THE LENSES OF THE POST-COMMUNIST EAST CENTRAL EUROPEAN PUBLIC BROADCASTING SYSTEMS

In this article comparative research has been undertaken on public service broadcasting introductions in Ukraine and four neighbouring post-communist East Central European countries (the Czech Republic, Hungary, Poland, and Romania). The study highlights peculiarities and problems of the Ukrainian PSB model implementation in terms of regional media experience within this process.

Keywords: Ukrainian PSB model, Ukrainian draft laws on PSB introduction, post-communist East Central European media systems, approaches to PSB implementation, comparative study, mass communications.

1. Conditions for Public Service Broadcasting Implementation and Functioning: the Czech Republic, Hungary, Poland, Romania, and Ukraine

According to [6, p. 31], the media evolution in former communist countries was not only more concentrated than the Western European experience, but also substantially different. Despite parliaments of many East Central European countries passing legislation to transform state television into public service television, commercial channels have largely taken over and become market leaders, while public service channels encounter growing deficits and crises of legitimacy [9]. Ukrainian parliaments have passed such legislation too [13] but failed yet to implement the law into practice for different political and economical reasons [12].

Bajomi-Lazar [1, p. 2] argues that unlike in other areas of the post-communist political and economic reform, in the area of the public media was no custom made model to follow. Each of the four East European countries (the Czech Republic, Hungary, Poland, Romania), studied by the author, has implemented a special public broadcasting model. The Czech Republic, Hungary, Poland, Romania, and Ukraine are neighbouring post-communist ECE states with numerous political, economical, cultural and media connections. So, a comparative analysis on the PSB introduction process in Ukraine and these post-communist East Central European (ECE) public broadcasting models may highlight their similarities and differences, predict the future of Ukrainian PSB due to concrete obstacles and help to avoid common crucial faults.

1.1. The Legislation Background

In what was formerly Czechoslovakia, a federal act was passed in November 1991 [1, p. 5]. It remained effective after the division of the country under the title of the Czech Television Act, although some minor amendments have been made. Under this act two public broadcasting television channels were created, namely CT1 (news and mixed programming) and CT2 (cultural and minority programming).

In Poland, the Broadcasting Act was passed in December 1992 and modified in 1995. There are three PSB television channels, including two terrestrial and one satellite channel. TVP1 provides mixed programming; TVP2 focuses on culture and minorities, while TV Polonia addresses the Polish diaspora abroad.

In Romania, the Audiovisual Act was passed in the spring of 1992 and the Law on Public Service Radio and Television was passed in 1994 and modified in 1998. There are three public service television channels there including two terrestrial and one satellite channel: TVR1 provides mixed programming, TVR2 focuses on culture, while Romania International addresses the Romanian diaspora abroad.

Hungary's case differs from that of other described countries. No broadcasting act was passed in Hungary until the mid-1990s. The first years of democratic consolidation were characterized by a "media war" for control of media policy between the right/conservative and the left/liberal political elites. Whereas the former insisted that the public service media must express national interests, the latter argued that the state must pursue a value-neutral media policy, and let the audiences decide. The reason why no law was passed for years is that – unlike in other countries in East Central Europe – Hungary's broadcasting act was to have a two thirds majority. Finally, the radio and television was passed with a national consensus in December 1995. Hungary has one terrestrial and two satellite public service channels: m1 (terrestrial) provides news and mixed programming, whereas m2 (satellite) broadcasts cultural and minority programs. The third, satellite public service channel, Duna Television, provides programs for Hungarian minorities abroad.

Ukrainian process of the PSB establishing differs much more even from Hungary's case, and has not been finished yet. Many politicians have tried to establish public broadcasting in Ukraine since 1991 and have lost their opportunities for different reasons [10, p. 73–74]. The first attempt at introducing public service broadcasting was made in Kuchma's epoch. Then in 1997 the law on public service broadcasting introduction was passed by the parliament. It still is in force but has yet to be fully imple-

mented. The perfect time to do it was the Post-Orange Revolution period. In spring of 2005 many media experts, journalists, deputies and government members started a new active discussion about establishing public service broadcasting in Ukraine. The "Public broadcasting" Non-governmental Organisations' Coalition was created at that time. Its activists proposed different models for governing and financing of such broadcasting; for example: should its board of directors consist of authority representatives or NGO members; should it get revenues from a state budget or license fees directly from citizens? Finally, this group worked out the draft law "About Public Service Broadcasting". According to it, public broadcasting was supposed to be created on the basis of the National Television Company (NTKU) and the National Radio Company (NRKU). But it hasn't happened. On 25.12.2005 this law was rejected by the parliament in the second reading. Paradoxically, "orange" deputies did not vote for it. On 21.02.2008, the decree of Ukrainian President "About Process of Public Service Broadcasting System Creation in Ukraine" was published. The government failed to implement it. The decree contained an order to produce an approach to PSB introduction within a year. The new draft law "About System of Public Service Broadcasting in Ukraine" was proposed by the deputy Andriy Shevchenko in 2009. It was rejected by the parliament on 12.06.2009 under the similar circumstances as in 2005.

The Ukrainian Humanities Council (UHC), which acts in cooperation with the President Administration and consults the government in the process of PSB implementation, has produced the approach to PSB implementation in Ukraine on 02.09.2010. On 30.09.2010 after public hearings UHC has made several corrections of its approach and transferred the revised document to the president and the government.

On 01.07.2011 the government draft law on public broadcasting implementation was published [15]. The members of the Ukrainian Humanities Council have disagreed with the document and stated that it was not based on their approach to PSB implementation [11]. On 29.05.2012 the State broadcasting committee has published revised version of the government draft law on public broadcasting implementation [16]. The government still works on it and didn't transfer the draft law to the parliament yet.

On the other hand, the oppositional members of the parliament and several media experts produced another variant of the draft law on public service broadcasting establishing in Ukraine and have already assigned it to the parliament [14]. The parliament has not voted on the Opposition PSB draft law yet.

So, the comparative analysis, which is presented in this article, includes points of views from the two current draft laws on PSB implementation in Ukraine: the government draft law (GDL) and the opposition draft law (ODL). GDL is supported by the members of the parliament (MPs) of informal (due to the changed Constitution) coalition, and ODL is backed by the MPs of informal (due to the changed Constitution) opposition.

2. The Comparative Analysis on the PSB Introduction Process in Ukraine and Four Post-Communist ECE (the Czech Republic, Hungary, Poland, Romania) Public Broadcasting Models

All the PSB laws (and the Ukrainian draft laws) of compared countries define the mission of public broadcasting in much the same way and refer to such concepts as impartial and objective news reporting, national culture, non-discrimination between the different sections of the population, as well as the representation of all views. On the other hand, the Polish Broadcasting Act is unique in that it rules that Christian values need to be prioritized [1, p. 7]. But the main differences appear within appointing management and funding of PSB as the main factors of the PSB independence [4].

2.1. Appointing Management

On paper, the Polish PSB management system seems to increase the distance between the politically appointed boards (broadcasting boards) and the management of public service television. In practice, however, the situation could not be more different. Despite the fact that no legal provision stipulates such practice, in Poland the broadcasting board appointed an equally politicized television board that then divided the five positions of the management board among the parties [8].

Romanian parliament goes so far as to directly appoint the president of public service television. In October 1998, the board favoured one candidate, the parliamentary committee favoured another, and a third candidate was favoured by the majority of parliament members, who managed to impose their choice. The majority of board members then complained that they were forced to work and take responsibility for their work with a candidate whose program ran counter amongst to their vision of public broadcasting. Eventually, the 1998 law revision legalized conflict of interest situations, after which board members were able, amongst other issues, to decide over the budget of their own department.

In Czech Republic, frequent interventionism led to considerable public mobilization against the political appointments of PSB executives, and the parliament was compelled to change the law and allow

representatives of civil society to sit in the board alongside political ones.

The Hungarian PSB management system tried to emulate the German model; that is, it tried to dilute political representation by granting civil society more influence from the onset. However, there is confusion regarding the role of the management board versus that of the supervisory board, both of which are overseen by the same board of trustees. Hungarian law proclaims that the boards of trustees are the management bodies of the public foundations. As the situation in Hungary shows, PSB supervisory board cannot and should not act as a management board. Supervisory boards perform managerial tasks with difficulty (trustees are not managers), and risk having vacant positions due to political disagreements [7]. In Hungary, the media law grants as many board seats for the parliamentary opposition as it does to government parties. However, the opposition in the period 1998–2002 included both left wing and right wing parties that failed to agree upon the makeup of the board. This led to a deadlock situation.

According to Ukrainian GDL, the following PSB bodies should be created: the Supervisory Council and the Management Board. The Supervisory Council consists of 17 members: 3 are appointed by the government, 14 – by the non-governmental organizations (NGOs) of different kind (journalism, religion, culture etc.). The process of the appointing is controlled by the National broadcasting council. The Supervisory Council appoints the Chair and the General Manager. The Supervisory Council can dismiss the General Manager and the Management Board. The Supervisory Council can not be dismissed as a body at all. An individual member of the Supervisory Council can be dismissed by this body within strictly defined cases (see table 1).

According to ODL, only one PSB body should be created: the Public Broadcasting Council. It consists of 15 members: 9 are appointed by the all parliamentary factions, 6 – by the NGOs of journalism or freedom of the speech. The process of the appointing is controlled by the government. The Public Broadcasting Council appoints the Chair and the General Manager. The Public Broadcasting Council can dismiss the General Manager. The Public Broadcasting Council can not be dismissed as a body at all. An individual member of the Public Broadcasting Council can be dismissed by this body within strictly defined cases.

2.2. Fundin

PSB funding has always been a crucial issue. Public broadcasting programs involve higher production costs than commercial programs do: whereas PSB channels are required to offer domestically

Table 1. Appointing management in four ECE public service media [6, p. 46], and Ukrainian DLs

Country Management	Poland	Hungary	The Czech Republic	Romania	Ukraine	
					GDL	ODL
Who appoints Supervisory Body	Broadcasting Board	Parliament and Civil society	Parliament	Parliament (9 seats) Government (1) President (1) Employees (2)	Civil society (14 seats) Government (3)	Parliament (9 seats) Civil society (6)
Who appoints Chair	Broadcasting Board	Parliament	Supervisory Body	Parliament	Supervisory Body	Supervisory Body
Who appoints General Manager	Same person chairs the SB and is GM	Supervisory Body	Supervisory Body	Parliament	Supervisory Body	Supervisory Body
Who can dismiss SB/GM	Broadcasting Board	Supervisory Body Parliament	Parliament/ SB	Parliament/ SB	-/SB	-/SB

Table 2. Supervisory Body attributions and powers in four ECE public service media [6, p. 47], and Ukrainian DLs

Operation	Poland	Hungary	The Czech Republic	Romania	Ukraine	
					GDL	ODL
License fee	no	no	no	no	no*	–
Budget	yes	yes	yes	yes	no	yes
Schedule	yes	no	no	yes	no	no
Management appointment	yes	yes	yes	yes	yes	yes

* Ukrainian GDL includes a 4-year transitional period when PSB is financed by the state budget.

produced shows such as documentaries and news, commercial channels are able to broadcast cheap imported products such as soap operas in most of their airtime [1, p. 9].

Public service broadcasters in the Czech Republic, Hungary, Poland, Romania were once funded by state subsidies, license fees, and advertising [6, p. 48]. After the passage of the new media laws, state subsidies practically disappeared, although they continue to exist as a legal possibility in Hungary and Poland. Government funds for public media are more of a burden than a relief. Governments may pay late and/or present special conditions for receiving the money. In the end of 2011 the Czech Republic plans to cancel the advertising on PSB channels [17]. The advertising revenues increase the dependence on business companies whose advertisements public media broadcast [5].

According to Mungiu-Pippidi [6, p. 49], the step from direct subsidies to license fees as a major funding source is essential in freeing PSB from the clutches of the state, but it should be seen as a first step only. Public broadcasters complain that license fees are small and not adjusted by governments to account for high regional inflation rates. Nevertheless, evasion is high and roughly half the PSB budgets of four studied countries are dependent on external sources.

So, public service channels in Poland, Hungary and Romania are entitled to broadcast commercial advertisements, although while PSB involves higher production costs than commercial broadcasting, public service media are usually more restricted in their advertising [1, p. 10]. They are ei-

ther not allowed to interrupt films with advertisements (Hungary), or are unwilling to do so for fear of losing their reputation as a public institution (Poland).

According to Ukrainian GDL, during the first four years after the introduction PSB should be fully financed from the state budget. Then public broadcaster will receive license fees, government subsidies for production some minor (maximum 20 %) part of its content, donations and “other contributions”. The status of the commercial advertising on PSB channels is unclear.

According to ODL, the fixed sum (0,05 % of the corresponding year expenditures) from the Ukrainian state budget is the only revenue for PSB funding. The advertising is forbidden. The license fees are not provided (see table 2).

3. Conclusion

Both Ukrainian draft laws on public service broadcasting introduction (GDL and ODL) suppose a public media model that has many similar features with public channels of four studied post-communist East Central European countries, especially with the Czech Republic and Hungary. However, Ukrainian PSB may repeat several crucial mistakes of appointing management and funding that can be avoided by analysis of ECE public broadcasting experience.

The main piece of advice is to rely on license fees and not on the state budget within PSB funding. Governmental support has a price: as a rule, politicians expect positive coverage in the public service

media in exchange for their financial support [1, p. 11]. As long as media companies are funded by state budget, they are state broadcasters and not public ones [3].

On the other hand, the process of appointing management has to be free, democratic and clear. Such influences as the supervision of the Commis-

sion or the government during PSB bodies establishing should be minimized.

However, both Ukrainian draft laws have many progressive sides, especially within the procedures of civil society involvement and the provided separation of supervisory and managerial tasks which should exclude political influences on PSB content.

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ДОСВІД ПОСТКОМУНІСТИЧНИХ КРАЇН ЦЕНТРАЛЬНОЇ ТА СХІДНОЇ ЄВРОПИ ДЛЯ ЗАПРОВАДЖЕННЯ СУСПІЛЬНОГО МОВЛЕННЯ В УКРАЇНІ

Автор порівнює модель створення суспільного мовлення в Україні та функціонування суспільних мовників у чотирьох сусідніх посткомуністичних країнах Центрально-Східної Європи (Чехії, Угорщині, Польщі та Румунії). У статті вказано на особливості та проблеми впровадження української версії суспільного мовлення у термінах регіонального медіа-досвіду в рамках подібних процесів.

Ключові слова: українська модель суспільного мовлення, українські законопроекти про створення суспільного мовлення, посткомуністичні медіа-системи Центрально-Східної Європи, концепції впровадження суспільного мовлення, порівняльне дослідження, масові комунікації.

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