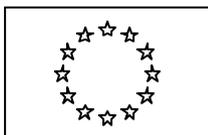


Monitoring the media coverage of the March 2002 parliamentary elections in Ukraine

Final Report August 2002

 THE EUROPEAN INSTITUTE FOR THE MEDIA
INSTITUT EUROPÉEN DE LA COMMUNICATION
Европейский институт средств массовой информации
EUROPÄISCHES MEDIENINSTITUT E.V.



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Monitoring the media
coverage of the March 2002
parliamentary elections in
Ukraine

Final Report
August 2002

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1 Introduction

The European Institute for the Media (EIM), a non-profit, non-governmental, policy-oriented research institution, has carried out a mission to monitor media coverage of the Ukrainian parliamentary elections. The mission was partly funded by the European Commission through the Initiative for Democracy and Human Rights. Since 1992, the EIM has carried out over 50 media monitoring missions during parliamentary and presidential elections in countries of east and central Europe and the former Soviet Union. This is the fourth EIM media monitoring mission in Ukraine. This report remains the sole responsibility of the EIM and reflects only the views of the Institute.

The mission sought to evaluate whether the media provided impartial and balanced coverage of the issues to be addressed and the political choices facing the electorate. Monitoring was carried out from 10 – 31 March 2002 and included observation of adherence of the authorities and the parties to the recognised democratic norms concerning the media.

1.1 Staffing

The staff of the EIM co-ordinated the mission from Kyiv directly with the monitors and the local team.

Dr. David Ward (IE), Deputy Director of the EIM, conducted interviews and produced the section on the regulatory framework.

Dr. Gillian McCormack (UK), Head of NIS projects at the EIM, directed the research team in Kyiv and was editor of the preliminary and final reports.

Ms. Ljudmila von Berg (DE), project administrator at the EIM, provided logistical and organisational support.

Ms. Svetlana Selyutina (UA), Director of the EIM Kyiv Bureau and coordinator of the project in Ukraine.

Professor Margot Light (UK), specialist in international relations at the London School of Economics, who conducted interviews with representatives of the political parties and produced the section on politics.

Professor Ivor Gaber (UK), journalist and consultant, who conducted interviews with representatives of the media in Kyiv and produced the section on media.

Dr. Gwen Sasse (DE), lecturer at the London School of Economics, who conducted interviews in Lviv and Dnipropetrovsk and produced the section on the regions.

Mr. Dmitri Agrachov (UA), Head of the Ukrainian Media Panel and local coordinator of the quantitative media monitoring research.

1.2 Methodology

The monitoring team was based in the capital Kyiv and followed the EIM methodology used on comparable missions to assess whether there was free and fair coverage of the elections. The media coverage was analysed both quantitatively and qualitatively. Additionally, the legal framework for the broadcast and print media was assessed.

The quantitative monitoring of the media coverage was conducted by a team of Ukrainian

monitors (Ukrainian- and Russian-speaking), under the direct supervision of Mr. Dmitri Agrachov, of the Ukrainian Media Panel, and with methodological direction from Dr. Gillian McCormack of the EIM. The monitoring began on 10 March, i.e. three weeks before election day, and finished on election day, Sunday, 31 March 2002.

Quantitative analysis measured the amount of time and space devoted to political parties and blocs on the television stations UT-1, Inter, ICTV, STB, Studio 1+1 and Novyi Kanal as well as the newspapers *Uryadovyi Kurier*, *Golos Ukrainy*, *Den*, *Kievskie Vedemosti*, *Fakty*, *Kievskii Telegraph*, *Silski Visti*, *Vechernie Vesti*, *Ukraina Moloda* and *Zerkalo Tyzhnya*. Broadcast and print media were also monitored in Lviv, Dnipropetrovsk and Simferopol.

Television was categorised into the sections: news (news and analysis programmes for TV and radio, articles for newspapers), advertising, special programmes devoted to the elections and 'others' (entertainment, sport, humour or chat where political issues were discussed or candidates made appearances). Besides measuring the time and space allocated to the election, the team also timed and measured positive, negative and neutral references, in order to obtain an indication of the overall tone and balance of the media outlets towards the contestants. Newspapers were categorised into the sections: article, comment (for clearly defined opinion pieces), advertising (where advertising was clearly signposted) and photographs, measured in sq. cm. The tone of the pieces was also calculated according to the amount of space in sq. cm.

Positive and negative references were recorded only if the monitoring team judged them to be unequivocal and clear to a large segment of the audience.

The qualitative analysis was conducted by Dr. David Ward, Professor Margot Light, Professor Ivor Gaber and Dr. Gwen Sasse, who interviewed relevant personalities from the media, political and regulatory fields in Kyiv, Simferopol and Dnipropetrovsk. The interviews devoted particular attention to areas of concern such as impartiality of election coverage, the ease of access to the media for all political parties and candidates, balance in the presentation of various political perspectives, and the ability of the media themselves to report freely, fairly and professionally.

The findings of this report are the responsibility of the EIM and its independent team.

1.3 Background of the mission

The European Institute for the Media is a non-governmental policy-orientated independent research body operating in the field of European media development. It has significant previous experience in the field of media monitoring and since 1992 has, on behalf of the EU, monitored the media coverage of elections in:

| Country - | Election | Year |
|------------|--|------|
| Albania | Municipal elections | 1996 |
| Armenia | Parliamentary elections | 1995 |
| | Presidential elections | 1996 |
| | Presidential elections | 1998 |
| Azerbaijan | Parliamentary elections | 1999 |
| | Parliamentary elections | 1995 |
| | Presidential elections | 1998 |
| Belarus | Parliamentary elections | 2000 |
| | Presidential elections | 1994 |
| | Parliamentary elections | 1995 |
| Bosnia | Referendum | 1996 |
| | Parliamentary, presidential and cantonal | 1996 |

| | | |
|--|--|------|
| and Herzegovina | elections | |
| | Municipal elections | 1997 |
| Croatia | Presidential elections | 1997 |
| | Presidential elections | 2000 |
| | Parliamentary elections | 2000 |
| Estonia | Parliamentary elections | 1995 |
| Former Yugoslav Republic of Macedonia | Parliamentary and presidential elections | 1994 |
| | Parliamentary elections | 1998 |
| FRY | Parliamentary elections (Serbia) | 1992 |
| | Parliamentary and presidential elections (Serbia) | 1997 |
| | Municipal elections (Kosovo) | 2000 |
| | Parliamentary elections (Serbia) | 2000 |
| Georgia | Parliamentary and presidential elections | 1995 |
| | Presidential elections | 2000 |
| Hungary | Parliamentary elections | 1994 |
| Kazakhstan | Presidential elections | 1999 |
| Kyrgyzstan | Presidential elections | 2000 |
| Moldova | Parliamentary elections | 1994 |
| | Presidential elections | 1996 |
| | Parliamentary elections | 1998 |
| | Parliamentary elections | 2001 |
| Romania | Parliamentary and presidential elections | 1992 |
| | Parliamentary and presidential elections | 1996 |
| | General and Presidential elections | 2000 |
| Russia | Parliamentary elections | 1993 |
| | Parliamentary elections | 1995 |
| | Presidential elections | 1996 |
| | Parliamentary elections | 1999 |
| | Presidential elections | 2000 |
| Ukraine | Parliamentary and presidential elections | 1994 |
| | Parliamentary elections | 1998 |
| | Presidential elections | 1999 |
| | Parliamentary elections | 2002 |

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1.4 Summary

This report was prepared in the context of addressing three substantive questions:

- How well did the media served the voters during the parliamentary election campaign, as judged by the standards contained within Ukrainian legislation and international agreements to which Ukraine is signatory?
- Given the objective conditions currently pertaining in Ukraine - including the weakness of its media system and its relatively new democratic political culture – how did the media performed?
- And how did this performance compare with previous elections, in particular has the new Election Law been a help or a hindrance?

Overall, judged by Council of Europe standards and Ukraine's own legislation, voters were not well-served by the Ukrainian media in this election, in terms of having access to impartial and balanced information about the parties/blocs involved in the elections. Media coverage on UT-1, Inter, ICTV and Studio 1+1 in particular was found to be biased in favour of United Ukraine and the SDPU (u) and against the opposition parties. The print media tended to be partisan and not to distinguish between editorial opinion and news coverage. However, on the positive side, the media did provide voters a range and volume of information that could have assisted them in making their political choices. There has thus been some improvement in the situation compared to previous elections. There was far more information on offer than in previous elections and most of the main broadcasters provided formats for debates between the parties/blocs. The new Election Law has been assessed as an improvement on the previous one, and most of the legal problems observed were found to be connected with its implementation rather than its content. However, there were also clear and substantial violations of the provisions of the Election Law which have adversely impacted on the campaign.

1.5 Preliminary findings

- The national state broadcaster UT-1 failed for the fourth time in succession (1994, 1998, 1999 and 2002 elections) to maintain an impartial stance during the elections. It showed a clear bias in favour of the party of power, United Ukraine, devoting over 50% of its news coverage to the bloc and giving four times as much airtime than it gave to any other party. The tone of coverage towards the United Ukraine bloc and the other pro-government parties was positive, while coverage of the opposition blocs Our Ukraine and Tymoshenko was negative.
- There was far more information available about the elections than during previous campaigns, with a wider variety of programming, debates and interviews shown on most of the state and private channels monitored. Although this was in many ways an improvement, coverage was dominated by a small selection of parties and blocs which tended to be pro-government or government-allied blocs – United Ukraine, the SDPU (u), the new Wintercrop Generation formation, the Green Party and Women for the Future. Coverage of Our Ukraine and Tymoshenko tended to be critical in nature. This was particularly true of the state broadcaster UT-1 and private broadcasters Inter, Studio 1+1 and ICTV. In general, the private broadcasters STB and Novyi Kanal maintained a more neutral stance.
- Although the Election Law was seen as an improvement on previous legislation, there were many complaints about violations which were seen to be unsatisfactorily handled by the implementing bodies – the Central Electoral Commission and the National Council for TV and Radio Broadcasting.
- Most national newspapers also showed strong bias in favour of one or another political party or bloc, with most supporting the pro-government factions and a select few supporting their opposition party of choice.
- Regional media tended to focus on the regional political situation rather than the national one, although performance varied according to region monitored. The media in Lviv were seen to provide more balanced coverage in general than that monitored in Dnipropetrovsk or Simferopol.

1.6 Acknowledgements

Thanks for the successful accomplishment of the mission must go to the staff of the Ukrainian Media Panel, particularly Dmitri Agrachov. Finally, the monitoring team would like to thank all the people interviewed during the course of the mission for their co-operation.

2 Political background

Professor Margot Light

2.1 General political situation in Ukraine 1998-2002

In the eleven years since the collapse of the Soviet Union in August 1991, Ukraine has undergone three parliamentary elections - in March 1994, March 1998 and March 2002 – and three presidential elections, in December 1991, July 1994, and November 1999. The 1998 elections were the first to be held under Ukraine's new constitution, adopted in June 1996. It provided for a unicameral parliament, the Verkhovna Rada, to be elected by universal suffrage every four years. The 1997 electoral law stipulated that half of the Rada's 450 deputies should be elected on the basis of proportional representation according to lists of candidates nominated by political parties and electoral blocs, and the other half on the basis of single-mandate majoritarian ballots. The 225 proportional representative seats would be distributed between those parties and electoral blocs that received 4 or more per cent of the votes cast.

Of the 30 parties and electoral blocs that participated in the 1998 election, eight crossed the four per cent threshold to win seats in the Rada: the Communist Party of Ukraine, Rukh, SPU-SelPU, Green Party, Popular Democratic Party, Hromada, Progressive Socialist Party and SDPU-o. Among the deputies elected in the single-mandate constituencies, 109 stood as independents, while 35 belonged to the Communist Party, 13 to Rukh, 11 to the NDP, seven to the Agrarian Party, and seven to Hromada. A number of other political parties and electoral blocs returned from one to three deputies each. Thus although the Communist Party returned the largest number of deputies to the Rada in the 1998 elections, no party could claim an absolute majority of seats.

Since the 1998 parliamentary election, but more seriously since the 1999 presidential election, a number of political crises occurred in Ukraine, which affected the conduct and outcome of the March 2002 elections. Three inter-related sets of political events were particularly important: the attempt by the President to resolve the perpetual confrontation between the executive and the legislature by amending the constitution, the political scandal following the death of a journalist, Heorhiy Gongadze, and the difficult passage of a new electoral law. Persistent political conflict hampered the passage of economic reform legislation which in turn affected Ukraine's foreign policy.

2.2 Foreign policy

During his first term of office, President Kuchma had adopted a 'multi-vectoral' foreign policy which involved trying to mend relations with the Russian Federation while at the same time developing closer relations with the West. He has continued this policy in his second term of office. Soon after his re-election in 1999, Boris Yeltsin resigned as President of Russia and Vladimir Putin, Prime Minister since July 1999, became Acting President. Among the first foreign visits he made after winning the presidential elections at the end of March 2000, was to stop off in Ukraine on his way back from the United Kingdom. It soon became clear that President Putin was intent on dealing with the chronic problems that bedevil Russian-Ukrainian relations, in particular, the debt Ukraine owes Russia for energy supplies, and Ukraine's tendency to siphon off Russian gas (estimated to amount to 7 billion cubic metres of gas in 1999) as it transits Ukraine when Gazprom cuts its supplies in an attempt to extract payment. Although Putin appeared to be prepared to take a far harder line with Ukraine than his predecessor, he has not succeeded in resolving the problem and debt has continued to be a contentious issue between the two countries. The appointment of former prime minister,

Victor Chernomyrdin, as Russian Ambassador to Ukraine indicated the importance Putin accords to the relationship. As far as relations with the other former Soviet states are concerned, Ukraine continues to be a reluctant participant, claiming no more than associate membership, in the Commonwealth of Independent States. On the other hand, President Kuchma has been the prime mover in creating an alternative grouping of the former Soviet states most resistant to closer CIS integration. GUUAM, consisting of Georgia, Ukraine, Uzbekistan, Azerbaijan, and Moldova, adopted a Charter in June 2001 and created a committee of National Coordinators to act as a permanent staff. However, like the other regional groupings in the former USSR, it has done little to implement its stated aims.

The replacement in October 2000 of Foreign Minister Borys Tarasiuk, known for his pro-European sympathies, with Anatoly Zlenko, reputedly more enthusiastic about relations with the CIS, was not reflected in a change in Ukraine's foreign policy. The western vector of Ukraine's foreign policy has, as before, concentrated on improving relations with the United States, cooperating with NATO, and what President Kuchma calls the country's 'European choice', that is the aspiration to join the European Union (EU). Although Ukraine declared its neutrality when it became independent, it has a special relationship with NATO in the form of a Charter on a Distinctive Partnership between the North Atlantic Treaty Organization and Ukraine, signed in Madrid on 9 July 1997. Ukraine's relations with NATO became very active in 2000 within the Partnership for Peace framework, and with the establishment of Yavoriv as a joint NATO-Ukrainian training facility, the setting up of NATO familiarisation courses for Ukrainian army officers and the launching of co-operative exercises and training activities.

Ukraine's relationship with the EU proceeded more slowly than its cooperation with NATO. Ukraine has a Partnership and Cooperation Agreement (PCA) with the EU (ratified by EU member states on 1 March 1998) and the EU is Ukraine's largest international donor (between 1991 and 1999, total assistance to Ukraine from the EU and its member states amounted to € 4 bn). In December 1999, the European Council adopted a Common Strategy on Ukraine to parallel a similar Common Strategy on Russia adopted six months earlier. Both it and the earlier PCA place great emphasis on the assistance the EU will provide to facilitate economic and political reform. Much to the chagrin of Ukrainian officials, however, Ukraine was not included in the second list of Central and East European countries deemed to be ready to begin accession negotiations in October 1999. Nevertheless, the aspiration to join the EU by 2011 remains official policy. Despite considerable frustration about the slow pace of reform, the United States continued to provide economic aid to Ukraine (US \$219 million in 2000).

2.3 Domestic politics

The reason for Ukraine's slow progress in realising its ambition to join the EU is the failure of frequent attempts to implement sustained economic reform. Despite the introduction of a number of anti-corruption measures, for example, corruption remained rampant. In 2000, Ukraine narrowly avoided defaulting on its US\$10.6 billion foreign debt, persuading creditors to restructure it. The IMF intermittently suspended loan payments to Ukraine in 2000 and 2001, complaining that progress on reform was insufficient. Loan payments were resumed in September 2001, but the IMF continued to urge the Ukrainian government to speed up structural reforms and privatisation.

The resumption of IMF and World Bank lending signified recognition that the economy performed well in 2001. The State Committee for Statistics reported a real GDP growth of 9.0 per cent and an increase in industrial output of 14.2 per cent compared to the same period of 2000. Inflation increased by 6.1 per cent (it rose 25.8 per cent in the same period of 2000). The long awaited Criminal Code and Land Code were adopted by the Rada in 2001, but not the Civil Code, the Customs Code, or the Tax Code.

One reason for the difficult passage of reform legislation was the persistent confrontation between the legislature and the executive, which has become characteristic of Ukraine. After

the presidential election, the Rada refused to confirm the president's first nominee, former prime minister Valeriy Pustovoytenko. On 22 December 1999 deputies accepted his second nominee, Viktor Yushchenko, previously chairman of the Ukrainian National Bank, who enjoyed an international reputation as a reformer. On 13 January, 241 deputies from 11 right-wing and centrist caucuses and groups in the Rada announced the creation of a pro-government majority which immediately expressed the determination to elect a new parliamentary speaker from among its ranks. This provoked the first of a number of political conflicts. After a turbulent period in which the opposition barricaded itself in the parliament building, while the pro-government majority held separate sessions in a different building, elected a new speaker (Ivan Pliushch) and appointed the heads of 21 parliamentary committees, an uneasy truce was achieved. The entire Rada resumed its sessions in the parliamentary building in February 2000.

Well before the presidential election, President Kuchma had voiced his determination to hold a referendum in order to obtain public approval for amending the constitution. The refusal of the Rada to approve his first nominee for prime minister and the conflict within the Rada increased his resolve. In January 2000, following the collection of some four million signatures in support of his proposal, he signed a decree to hold a nationwide referendum on 16 April in which six questions would be put to the people. The first question would be a confidence vote in the current parliament. Ukrainians would also be asked to give the president the right to disband the parliament if it failed to form a majority within a month or adopt a budget in three months; to abolish lawmakers' immunity from criminal prosecution; to reduce the 450-seat parliament to 300 seats and split it into two houses; and to provide for the possibility to adopt the constitution via a referendum.

The decree aroused considerable opposition in parliament, including from deputies who had joined the pro-government majority. The aim may have been to create a legislature with a workable majority, but the left-wing opposition in particular accused Kuchma of aiming to achieve unlimited presidential authority, destroying parliament in the process, and limiting the rights and freedoms of all Ukrainian citizens. An appeal was sent to the Council of Europe Parliamentary Assembly to defend parliamentarism in Ukraine and 45 deputies signed a request to the Ukrainian Constitutional Court asking it to rule on the constitutionality of the presidential decree. Those opposed to the referendum argued that the president can call a national plebiscite on constitutional changes only after parliament has approved the proposals and that only parliament can call a referendum. The president announced that he would abide by the decision of the Constitutional Court, but would not follow the advice of the Venice Commission, the Council of Europe's chief legal consultative body.

On 29 March the Constitutional Court announced that two of the questions in the presidential decree on the 16 April referendum contravened the constitution: first, the vote of no confidence in the current parliament and the president's right to dissolve the parliament if such a vote is passed, and second, adopting the constitution by means of a referendum. The court ruled that the four remaining questions could be included in the referendum ballot. This meant that even if the constitutional changes were approved by referendum, the change could not be implemented without two thirds of the Rada voting in favour. The Constitutional Court's ruling was somewhat paradoxical in that it also ruled that the referendum results should be binding but it did not indicate how to reconcile this with the current constitution which gives the Rada the sole right to amend the constitution.

Despite advice from the Council of Europe to postpone the plebiscite until the Rada had adopted a new law on referenda, the referendum was held on 16 April 2000. All four questions on the ballot paper were approved. The turnout was nearly 79 per cent, far above the 50 per cent required to make the poll valid; of those voting, more than 84 per cent gave the president the right to dissolve the parliament if it fails to pass a budget within one month or form a majority within three months. More than 90 per cent approved of reducing the number of deputies from 450 to 300, and 81 per cent supported the introduction of a bicameral legislature. The abolition of deputies' immunity from criminal prosecution was backed by 89 per cent of voters. On 27 April the president sent a draft bill to amend the constitution to the Rada. The Rada sent the draft to the Constitutional Court which ruled that it was legal and should be implemented. In the first reading, the bill was approved by 251 to

22 votes, well short of the 300 votes required for a two-thirds majority. In the second reading on 18 January 2001 only 204 deputies voted in favour. The bill had still not been approved when the election campaign began and the president expressed the hope that the new Rada would prove more amenable to constitutional change.

The president's proposals to amend the constitution began to undermine the pro-government majority in the Rada, but it was damaged even more seriously by the political scandal that occurred after the death of Heorhiy Gongadze. On 16 September 2000, Gongadze, 31-year old editor of the Internet newsletter 'Pravda Ukrayiny' known for publishing materials critical of the president and the government, disappeared. The Rada demanded that the police search for him and set up its own commission to look into his disappearance. In November his decapitated body was discovered near Kyiv. Later that month the leader of the Socialist Party, Oleksandr Moroz, accused the Interior Minister, Yuriy Kravchenko, of planning and carrying out his disappearance with the participation of presidential administration chief Volodymyr Lytvyn on the instructions of President Kuchma. Moroz produced a tape recording which purported to be taped conversations between Kuchma, Kravchenko, and Lytvyn about Gongadze in which Kuchma gave instructions with regard to Gongadze and monitored how the instructions were implemented. The president denied any involvement and Lytvyn sued Moroz for libel. The source of the tape was a Security Service officer, Mykola Melnychenko, who eavesdropped on Kuchma's office using a digital dictaphone hidden under a sofa in the president's office. In an interview with three parliamentary deputies, Melnychenko, who no longer lived in Ukraine, further alleged that Kuchma had organised a grenade attack on presidential candidate Natalya Vitrenko during the 1999 election campaign and had ordered the falsification of the results of the presidential elections and the referendum.

In December 2000 protestors took to the streets, demanding an independent investigation into Gongadze's disappearance and the resignation of President Leonid Kuchma, Interior Minister Yuriy Kravchenko, and Security Service chief Leonid Derkach. A group of demonstrators later pitched tents on Kyiv's Independence Square to continue the protest. The authenticity of the tapes was called into question, but Ukraine's Prosecutor General argued that even if international experts confirmed their authenticity, they could not be used in evidence since they had been obtained in an illegal way. In February 2001 Kuchma attempted to appease the protestors by dismissing Leonid Derkach from his position of head of the Secret Service. In March he dismissed Interior Minister Kravchenko. The police dismantled the tents on Independence Square at the beginning of March but the protests continued. There was international pressure on President Kuchma to set up an independent international enquiry. Tests in Ukraine and abroad on the authenticity of Melnychenko's tapes were inconclusive. One investigation by a private American agency concluded, for example, that there was no evidence to link President Kuchma to Gongadze's murder; another insisted that the tapes were genuine. By the time the parliamentary election campaign began, new allegations that the president was implicated in selling arms to Iraq in defiance of UN Security Council sanctions had been added to other accusations emanating from Melnychenko's tapes. But the authenticity of the tapes had not been conclusively settled and nor had Gongadze's murderers been brought to justice.

In January 2001 the president dismissed Deputy Premier Yuliya Tymoshenko, who was in charge of the energy and fuel sector following a request by prosecutors who had launched a case against her on charges of gas smuggling and tax evasion. As a result her supporters in the Rada withdrew from the pro-government faction in parliament. At the same time, moves began in the Rada to remove Prime Minister Yushchenko and they became intense when he refused to form a coalition cabinet. In the campaign to oust him, Ukraine's oligarchs, who were opposed to his reform programme, allied themselves with the Communist and other left wing opposition. President Kuchma offered Yushchenko belated and unenthusiastic support and in April 2001 the parliament voted by 263 to 69 with 24 abstentions to approve a Communist-sponsored vote of no confidence, which accused Viktor Yushchenko's cabinet of failing to improve the economy and leading the country to ruin. Yushchenko was succeeded by Anatoliy Kinakh. Both Yuliya Tymoshenko and Viktor Yushchenko proceeded to form electoral groups and both played prominent roles in the 2002 parliamentary elections.

The third issue over which parliament and president came into conflict was the provisions of a new electoral law. In January 2001 the Rada voted by 254 to 17 with four abstentions to pass a law that abolished the mixed party-list and single-mandate voting system and proposed that the next parliament should consist entirely of deputies elected by proportional representation. When the president vetoed the bill twice, the Rada parliament proposed a new bill in June 2001, which allowed for 115 single-mandate constituencies and 335 deputies elected by proportional representation. Once again the president vetoed it twice. Finally, parliament adopted a bill in October, which retained the provision that half the deputies should be elected under proportional representation and the other half in single-mandate majoritarian and this time the president signed it into law.

The new electoral law was an improvement on the preceding law in several important respects. A monetary deposit, refundable to those parties and blocs that cross the four per cent barrier for representation in parliament, (15,000 untaxed minimum incomes for parties and blocs, and 60 untaxed minimum incomes for individual candidates) replaced the list of supporting signatures previously required as a prerequisite for registration in the election. The law set the official start date of the election campaign at 90 days before the polling day. It also included a provision that regional election commissions must include representatives of parties that had factions in the outgoing parliament (previously only those parties that had crossed the four per cent threshold in the previous election were included). It was also clearer about specific election procedures than the 1997 law and provided for election results to be published polling station by polling station. One weakness of the law was that it specified that limitations concerning the pre-election campaign do not apply to official announcements of activities of parliamentary candidates that relate to the performance of their official functions. Previous election campaigns had demonstrated, however, that it is often difficult to tell where official function end and publicity campaigns begin. Another weakness was that it provided for international, but not national, non-governmental organisations to act as observers.

When the election campaign began on 1 January 2002 Ukraine had been in political turmoil for the best part of two years and political scandal had tarnished the country's international reputation. Although the economy had picked up in the previous year, few of the structural economic problems had been resolved. Voters were once again presented with a large number of political parties and electoral groups with poorly differentiated political programmes containing little detail about how the goals articulated in the programmes would be achieved. 33 parties and electoral blocs took part in the elections representing some 60 different parties and electoral groups.

2.4 The media and the electoral campaign

Although this election, like previous parliamentary elections in Ukraine, was dominated by personalities rather than political issues, the parties and electoral blocs were better consolidated and more professional in presenting themselves and their programmes to the electorate. Nevertheless, the campaign was dominated by a struggle between individuals, rather than between political programmes. This was reflected both in the media coverage of the campaign and in the complaints made by political parties and blocs, about the media.

There were no complaints about the amount of space and time envisaged by the law to enable parties and electoral blocs to present their programmes and their candidates in the state-controlled media. In general, parties and electoral blocs welcomed the opportunities provided to them in the TV debates that were introduced during this election campaign. However, some parties rejected the opportunity to participate on the grounds that they were offered only 'outsiders' with whom to debate, whereas they deserved to pit themselves against more important and better known opponents. One independent analyst also pointed out that the people mediating the debates were not always neutral but were prone to favour particular participants. The most extreme and dramatic example of the problems that the debates caused was the refusal to allow Yulia Tymoshenko access to the studio when she

arrived, by invitation, to debate Natalia Vitrenko.

Among the general complaints about the media, echoed by almost every political party and bloc, a frequent accusation was that negative or unverified information was disseminated. Nasha Ukraina (Our Ukraine), for example, complained that false information had been disseminated about Yushchenko's daughter, while Women for the Future pointed out that there was no truth in the report that President Kuchma's wife supported the bloc. Another common complaint was the lack of coverage of events in which particular parties were involved. The Timoshenko bloc maintained, for example, that an 'information blockade' had been practiced against it by both state and private channels and that the only coverage it was given in both the electronic and the print media was when 'it was being accused of something by the Prosecutor or someone else'. Although the monitoring evidence supports the verity of their complaints, it is noteworthy that the blockade had no effect, since both Nasha Ukraina (Our Ukraine) and the Yulia Timoshenko bloc crossed the four per cent threshold to win seats in the Rada. This seems to confirm what one non-governmental expert maintains, that is that 'the Ukrainian media is not free, it is quite corrupt, but it is not very influential'.

In fact, smaller parties and blocs suffered far more from being ignored than larger blocs. They also did not have the financial means to place political advertisements. Although most parties agreed that the prices were 'fair', in that they were the same as for commercial advertisements, and the same for all political parties (15 seconds of advertising costs \$6000), the cost of producing them and paying for the time were beyond the means of poorer parties. Instead they relied on leaflets and house to house campaigning. But some richer blocs complained that they were denied the opportunity to advertise. According to New Generation, for example, 'practically all channels refused to take their paid advertisements, giving a variety of reasons'. A number of complaints were made that the state-controlled media only showed advertisements for United Ukraine, the pro-government and pro-presidential electoral bloc. According to the head of the Central Election Commission, Mykhaylo Ryabets, political parties and electoral blocs spent 66.3 per cent of the money from their election funds, which by law cannot exceed 2.55 million hryvnya (\$500,000), to pay for television election commercials.

All parties and electoral blocs agreed that the new Electoral Law was a great deal better than the last. However, they also argued that it was poorly implemented. There were a number of complaints about the composition of the regional and local electoral commissions – in particular, about administrative domination of the membership – with negative effects for other parties and candidates in respect of both registration and the response to complaints. This reflected the most frequent complaint made by all political parties and electoral blocs (with the exception of United Ukraine) and confirmed by local non-governmental organisations, that is, that 'administrative resources' were constantly used to affect the election campaign. Indeed, some argued that administrative interference in the media and in other ways, was far more severe – one seasoned politician called it 'brutal' – in this campaign than in previous elections in Ukraine.

Six of the 33 political parties and electoral blocs that participated in the election succeeded in crossing the four per cent threshold necessary to win seats in the Rada:

| | |
|---|------------------------------|
| Our Ukraine | (23.57 per cent of the vote) |
| Communist Party of Ukraine | (19.98 per cent of the vote) |
| For a United Ukraine | (11.77 per cent of the vote) |
| Bloc of Yulia Timoshenko | (7.26 per cent of the vote) |
| Socialist Party of Ukraine | (6.87 per cent of the vote) |
| Social-Democratic Party of Ukraine (united) | (6.27 per cent of the vote). |

As a result, in the 2002 Rada the 225 proportional representation seats are distributed as follows:

| | |
|-----------------------------|-------------|
| Our Ukraine : | 70 deputies |
| Communist Party of Ukraine: | 59 deputies |

| | |
|--|--------------|
| For a United Ukraine: | 35 deputies |
| Bloc of Yulia Tymoshenko: | 22 deputies |
| Socialist Party of Ukraine: | 20 deputies |
| Social-Democratic Party of Ukraine (united): | 19 deputies. |

Of the 225 deputies elected in single mandate constituencies, 42 were nominated by Our Ukraine, six were nominated by or belong to the Communist Party of Ukraine, 66 were nominated by For a United Ukraine, three were nominated by the Socialist Party of Ukraine, eight were nominated by or belong to the Social-Democratic Party of Ukraine (united). A number of other political parties and electoral groups returned from one to three single-mandate deputies each. 69 deputies were self-nominated and claimed no party affiliation.

3 Regulatory framework

Dr. David Ward

The legal provisions establishing the mass media are provided for in the Law on Television and Radio and the Law on the Printed Press. The Law 'On Election of the Peoples' Deputies of Ukraine' (hereafter referred to as the Election Law) sets down more specific and detailed rules for mass media coverage of election campaigns. Together with the Presidential Decree of October 2001 the legal provisions set forth in the Election Law provide for the rights of individuals to freedom of speech generally and more explicitly during election campaign periods, pursuant of the Constitution of Ukraine.

Collectively, the provisions provide for a comprehensive set of legal instruments designed to guarantee that the public receives balanced information about the party blocs standing for election and that access for candidates is granted on equal and non-discriminatory terms.

The elections were played out within the guidelines of the new law promulgated in October 2001 that aim to secure fair and equal access to the mass media for the candidates. The elections provided a significant test as to the effectiveness of the new legal provisions as to how successful they would provide for democratic and fair elections. The revisions to the previous law were widely perceived to be a positive and considerable move forward for the Ukraine and technically, despite minor criticisms of the new law by legal professionals commissioned by IREX and the OSCE, the legislation constitutes a potentially valuable instrument for ensuring that the elections in the Ukraine are conducted on the basis of fairness and equality.

The legal, political and media community were very supportive of the Election Law and stated that it represented a vast improvement on the preceding laws on the media and elections. Though they also stressed that the test that the elections represented to the instrument suggested that a number of revisions to the provisions are essential especially in parts where certain definitions were either too loose or absent.

3.1 Law covering the media's role during elections

The Ukrainian Law 'On Television and Radio Broadcasting' applies to all generalist broadcasters who are licensed in Ukraine. More detailed rules for media coverage of election campaigns are set down in the Law on Elections of the People's Deputies of Ukraine. The instrument is a comprehensive set of measures that covers the legal framework for the procedures to be followed during an election. Article 3 states that 'all citizens of Ukraine shall participate in the elections on equal grounds.' Art 10 also stresses that equal access to mass media should be guaranteed during the election campaign period (Art 10, paragraph 6 EPDU).

A whole chapter of the Election Law is dedicated to the mass media. Articles 53 to 56 cover various aspects of how the mass media should function during election campaign periods. The main features of the Articles are inter alia:

- All media must provide equal opportunities for the candidates;
- Any party should have equal access to the state media for political advertising. To enable this they should all be provided sufficient state funds;
- Access to the mass media for political advertising should be granted to all parties based on equal charges for access where applicable, which should be set, and

- published at commercial advertising rates. Once set, these rates should not be allowed to fluctuate;
- Party political advertising should be clearly distinguished between other 'informational programmes.'

3.2 Council of Europe

The Council of Europe recommendation No. R (99) 15 on 'Measures concerning media coverage of election campaigns' stresses that the coverage by the media of elections should be impartial and balanced and characterised by accurate and responsible reporting by journalists.

3.3 Access

According to the law all parties have the right to access the state media on an equal basis. However, the lack of detailed rules in the Election Law stating the rules on access to the commercial television and radio channels and the lack of obligations placed on the commercial broadcasters, has encouraged a system where a number of people interviewed suggested that access had been denied, either by the fact that they simply could not afford the prices, albeit that technically these were set at normal commercial rates, or more overtly, simply refused access by the broadcaster who they applied to buy airtime from, based on the channels own political preferences.

A number of complaints were in fact received by the Central Electoral Commission claiming that candidates had been denied access to the commercial channels. The most public of these complaints came from the Yulia Tymoshenko bloc who wrote an open letter to the owners of all of the television channels claiming that the lack of access granted to her bloc was the result of political pressure. Requests from representatives of the Tymoshenko bloc to the management of the UT 1, 1+1, Inter TV, ICTV, New Channel, and STB to place election advertisements by the Tymoshenko bloc went unreplied.

The Tymoshenko bloc also lodged a complaint to the CENTRAL ELECTORAL COMMISSION against the Channel Studio 1+1 because the channel cancelled the scheduled television debate that was planned between the Tymoshenko and Vitrenko party bloc. The Tymoshenko bloc have claimed that a number of (unspecified) television channels which held TV debates between the parties and blocs selected opponents 'under pressure from the Presidential Administration.'

There were, according to Prof. Nelga of the Central Electoral Commission, also many complaints about blocs being refused access to commercial broadcasters, whilst other party blocs received excessive coverage. The Central Electoral Commission attempted to clarify the procedure for access by requiring broadcasters who had denied access to party blocs to provide evidence as to why the access was unavailable. The Commission concluded that space was finite and therefore where a broadcaster could demonstrate that the airtime had been sold out, this justified the refusal of the broadcasters to grant access to the airtime for additional parties. A lawyer pointed out the problems for guaranteeing equal access to the commercial electronic media created by inadequate provisions in the media law:

"The position of the mass media is that a company can refuse to accept political advertising if it wants. It is not stated clearly in the law that they have to accept advertising. There are many cases and it is not just about Tymoshenko but also other parties at a local level."

(Taras Shevchenko Internews)

One of the central understandings of this limited access to some of the party blocs was that the commercial media remained largely outside the rules on election coverage. Access was granted, but this was limited because of the limited amount of available airtime available and it was alleged that this gave an excuse for some of the broadcasters to provide preferential treatment to some parties and blocs by broadcasters.

3.4 Balance and impartiality

Although balance and impartiality is not sufficiently covered in the election law over and above access issues and requirements placed on the state media. The electronic media are obliged to fulfil the requirements of the law 'On Television and Radio Broadcasting'. Article 2 states that as a fundamental principle:

“Tele-radio organisations in Ukraine in their activity recognise the principles of objectivity, reliability of information, competency, guaranteeing to each citizen a right of access to information, free expression of their view and opinions, securing ideological and political pluralism.”

These principles are applicable to all broadcasters in Ukraine and are supposed to provide a guarantee that all broadcasters are impartial and provide the viewers with balanced and reliable information that supports the democratic process.

With the exception of programming that falls under Article 54 paragraph 11 and Article 55 paragraph 6 of the Election Law which covers the rules for political party advertising. The state media should remain impartial and independent and are, according to Article 56 paragraph 4 forbidden to campaign for or against the party blocs. The state media are 'not allowed to campaign for or against candidates..... or to evaluate election programmes thereof, or to impart any preferences in any form' (Article 56 paragraph 4).

As the monitoring data demonstrates the mass media were highly partisan in their coverage of the elections and the state media highlighted specific parties in their coverage at the expense of relegating other parties. The dominance of coverage of the United Ukraine party on UT 1 (52% of the coverage) is extremely significant.

The head of the Central Electoral Commission M. Ryabets issued a statement as a result of a number of complaints against the state media in this respect. The statement claimed that most of the complaints that the Central Electoral Commission had received were concerned with the alleged support from state media for certain candidates outside of the agreement laid down by Article 54 paragraph 11 and Article 55 paragraph 6. It therefore reiterated that the mass media were required to adhere to Article 56, paragraphs 4, 11 and 12. The statement appears to have had little or no impact whatsoever as the data demonstrates a common trend in the dominance in coverage of the United Ukraine party bloc.

The Central Electoral Commission pointed to the problem of the balance between state functions and campaigning, which was perceived to be a difficult balance because of state duties. High-ranking civil servants who stood for office benefited from additional media coverage in connection with their official duties. The media covered a number of civic duties during the official campaign period, which meant that the pro-presidential bloc enjoyed additional coverage.

Although this accounts for some degree of the imbalance in coverage by UT 1 it cannot account for the scale of the differences in coverage and therefore even in taking into consideration the coverage of certain state duties the balance in coverage should be seen as a breach of the radio and television law and the Election law as the overwhelming coverage granted by UT 1 to the United Ukraine party demonstrates a very biased and supportive approach by UT 1.

The coverage of the commercial broadcasters has also been heavily skewed in favour of certain parties. The quantitative data demonstrates that unequal coverage of the parties was a constant feature during the monitoring process and therefore Article 2 of the law on television and radio has been seriously breached.

3.5 Allocation of airtime to party blocs in the state media

Generally the allocation of airtime to the party blocs on the state media was accepted to have been a successful innovation in the media and elections law. None of the interviewees objected to the allocation of airtime and many praised the fact that all parties were granted equal access through state funds, to a set amount of airtime, on the state broadcasters UT 1 and UR 1 and print space in the state newspapers.

On the 6th of February the Central Electoral Commission allocated the airtime to the political blocs on state broadcast and print mediums by drawing lots. At the request of the party blocs each party bloc received two 15 minute slots on UT 1. Similarly slots were allocated to the state radio channel UR 1 on the same basis. The printing of election manifestos in the state newspapers Uryadovvy Kurjer and Holos Ukrayiny was also agreed for the 33 party blocs standing for election (EIM Ukraine media bulletin).

3.6 Financial transparency

In order to increase the transparency of expenditure of the party blocs and therefore the relations between the parties and the media, the Election Law provided for a set of measures to increase the regulation of party funds. Article 34 of the Election Law establishes a system of accounting for party expenditure on the election campaign by requiring all parties to set up a bank account. However, the Central Electoral Commission expressed concern that this process was rarely executed to a satisfactory professional standard and due to the poor management of the bank accounts the transparency in transactions was difficult to assess.

The parties were also required to open bank accounts to account for their election expenditure. However, although most parties opened accounts the Central Electoral Commission claimed that only a small percentage of the parties actually had deposited any money into these accounts, and even where they had these accounts were badly managed by the parties.

3.7 Administrative resources

The use of administrative resources that some party blocs had access to was also highlighted as a source of unfair advantage. Resources that can be drawn from the position of the candidates range from the use of state facilities including office space being used for campaign purposes, civil servants being utilised for campaigns to more overt exploitation such as the direct interference of government or presidential authorities.

In being able to draw upon these resources certain party blocs can exploit, to their advantage, the extra resources at their disposal without declaring the resources from the expenditure accounts for election spending.

3.8 Unofficial advertising

It was widely claimed that unofficial advertising in the mass media was a constant feature of the media's coverage of the campaign and it was common practice for the media to carry unofficial party advertising that circumvented the rules on transparency and labelling.

Although the press was especially highlighted in this respect as editors and journalists appear to frequently provide articles and space for party advertising that is unlabelled. However, this does not exclude the broadcasters, as there were a number of complaints about party blocs using their resources to make traditional formats for television that supported their manifesto. An example was put forward by the 'bloc against all' as a documentary about social democratic parties in Europe, which did not qualify as a party political advertisement, and therefore was not registered as such.

Two factors increased unofficial advertising: firstly the fact that the media are largely partisan and tied to party blocs (although this was denied by the television stations a large percentage of the legal community suggested that the party media link was indisputable), means that patronage is far more ingrained within the media system and the owners and many journalists working for the media do not challenge this culture of clientalism.

A second point is that payments for unofficial advertisements were also seen to be widespread. It should be pointed out that this form of patronage is not only unique to election periods in the Ukraine, but has been widely practiced for a number of years. A number of experts interviewed stated that it was part of the journalistic culture to receive payments to write either a positive story about an individual or a negative story against a rival. In many respects this whole culture was heightened during the election campaign and exploited by the party blocs standing for election.

For the press the law clearly states that 'No such materials shall be published without relevant agreements and transfer of funds into accounts of the respective printed mass media' (Article 55 paragraph 6). This practice also violates Article 56, paragraph 11 on the rules relating to clear signalling of political advertising. Although Article 56 paragraph 6 relates to television and radio it clearly states that 'Political advertising should be designated as such and separated from any other material.'

One of the central weaknesses of the Election Law is that it does not cover the rules on political advertising in the press adequately, especially the commercial press. The law clearly states the rules for the electronic media but parallel rules are not stated in relation to the print media.

3.9 Set Rates for access to media outlets

Article 53 paragraph 5 states that all print and broadcast media should provide equal charges for party blocs to access airtime and print space respectively. The prices were set at or below commercial rates as stipulated by Article 53 paragraph 6, and set 80 days prior to the election date. These prices were also published according to Article 54 paragraph 1 70 days prior to the election date. These prices, once set and published are capped by the provisions of Article 53 paragraph 6.

A common complaint was that these rates were not sustained during the campaign period. The Vitrenko bloc lodged a complaint that the prices were too high to gain access to the commercial channels. The Vitrenko bloc were requested to submit evidence substantiating the claim within the legal period of 7 days. The party bloc failed to provide such evidence and therefore the Central Electoral Commission was unable to pursue the complaint. The Vitrenko bloc claimed when interviewed that the costs of advertising spots had risen considerably. This was especially the case in the regions where the bloc estimated that the rates might have

risen by many times the published rates for commercial advertising spots. According to the Vitrenko bloc the reply from the Central Electoral Commission was that they should discuss the issue with the broadcasters in question.

When asked about the access that was granted to the Vitrenko bloc, Head of the Information Programme of the Vitrenko bloc, responded in a manner that suggested that he was resigned to the situation:

“ Access to the media has not been fair because the mass media is controlled and owned by specific families. We do not really complain as it is something we expect. You cannot complain about something that is the status quo and the stations in this country are part of the situation. Of course we would prefer something different, but this is how things are here”
(Vadim Chornyi, Vitrenko bloc).

This claim was also supported by the ‘bloc against all’ who stated that the rates for political advertising were very expensive and it became far more expensive than commercial advertising. Only one media company openly admitted to charging different rates for advertising, but suggested that this was not an uncommon practice in the industry. The individual suggested that they had requested that the party bloc who wanted to place the advertisement sign a contract with the media company, but the party bloc refused to. The interviewee also alleged that the parties were willing to pay extra sums of money to acquire an unofficial advertisement because it was unnecessary to register the funds with the relevant authorities.

Nevertheless Article 53, Paragraph 6 of the Election Law clearly states that once these rates have been published they ‘should not be subject to any changes during the election process.’ As it is alleged that many of the payments were entirely in cash or the fixed rate was paid plus additional cash fees, it should be assumed that the whole legal provision to provide transparency and clear labelling was subverted. In this context all unofficial payments and selective access granted to certain party blocs granted by the print and broadcast media is a significant problem.

3.10 Party political advertising

A problem raised by all interviewees was that an inadequate legal definition of party political advertising. The question of what qualified as a political advertisement and the borders between television programming and political advertising was the source of uncertainty. The Independent Association of Broadcasters were contacted by many of their members asking how they should interpret the law in terms of political advertisements and what qualified and breached the rules on political advertising. The view was supported by the Central Electoral Commission who also acknowledged that the lack of a clear definition of political advertising constituted a problem implementing the rules.

311 Licensing and registration

Broadcasting

The licensing process continued during the election campaign as part of the reform of the licensing of television and radio broadcasters throughout the Ukraine. The licences, which were issued in 1995, are currently expiring and the National Council of Television and Radio Broadcasting is in the middle of a process of reallocating licenses. Approximately 150 stations have been issued, or reissued, licences in the past twelve months. Because of the slow procedures for re licensing many broadcasters have functioned without a licence for a number of years. Coupled with what was seen by the legal community as poor practice on behalf of

the broadcasting companies to register for a licence properly the whole process leaves broadcasters vulnerable.

The Nation Council appealed to the Prosecutor General's office to stop the radio station Kontyent from broadcasting on the 4th of February. An appeal was lodged by the radio station, which was rejected by the Court. The radio station however, continues to transmit without a licence to broadcast.

Technically a number of broadcasters are operating without a licence issued by the National Council. There were suggestions from some members of the audiovisual community that the licensing of television and radio broadcasters contained a political element and there was some selective implementation of the licensing law by the regulatory authorities as broadcasters who supported the opposition parties were more likely to come under the scrutiny of the authorities, whilst broadcasters with a pro presidential line were left to one side.

There were a number of disputes about licences during the election campaign period related to either a lack of a license or disputes over complaints received. A representative of the National Council stated that the Council has problems resolving disputes in the regions, where it is poorly represented.

Nevertheless, some of the complaints were serious and the problem of reallocating licenses and transmission interruptions during the elections should have been clearly resolved by the Council.

The Press

The question of different media laws conflicting and at times contradicting one another was raised by a number of members of the legal community. The press sector was highlighted in this respect as the law on the press and the election law contravened the procedures acceptable in Ukrainian media law for the closure of a newspaper.

The law on the press states that there are only a couple of legitimate reasons that a newspaper can be closed down- these being by notification of the proprietor and if the newspaper is judged to be offensive to the human dignity of the individual. In such cases the newspapers can be shut.

One case was constantly raised by the legal community that is cause for some concern. 100,000 copies of the regional newspaper 21st century were seized and destroyed by the local authorities on March the 27th on the basis of a long standing legal dispute. It was widely alleged that the seizure was politically motivated and violated the ideal of press freedom necessary for democratic elections.

3.12 Media regulation practice and assessment of the bodies

A Presidential decree of October 2001 clarified responsibility for ensuring the law was adhered to by the mass media and conferred on the State Committee of Informational Policy, Television and Radio Broadcasting, the National Television and Radio Board and the Central Electoral Commission that duty of guaranteeing that the Ukrainian television and radio media (regardless of ownership) comply with the provisions of the media law and the Ukrainian Constitution. It states they will ' further secure: equal access to publicly owned audiovisual media for political parties..... and other subjects of the electoral process: just and unbiased allocation of airtime for their campaign messages.' In the original decree a civic board was proposed which would supervise a set of procedures for the mass media. However, the President annulled this provision on the 4th of February and therefore the responsibilities remained with the three institutions. The majority of the legal community suggested that even if such a board was established the enforcement procedure would not have realistically

improved and indeed by adding another regulatory layer more confusion could have further reduced the capacity of the existing regulatory structures.

According to the Central Electoral Commission, they received approximately 200 complaints about election practices, half of which related directly to the mass media. A further 225 complaints were received from the regions. A number of warnings were issued to party blocs for malpractice. The Moroz and Vitrenko party blocs as well as the socialists, liberal social democrats and socialist party of Ukraine were all issued warnings.

The Central Electoral Commission stressed that there was reluctance on behalf of the actors to lodge complaints against perceived breaches of the election campaign rules. A number of reasons were said to be behind this reluctance. The Central Electoral Commission stated that in order to pursue a case they needed to have documentary evidence that was rarely supplied. Members of the legal community stressed the lack of effective and speedy mechanisms to process complaints and others believed that in some areas malpractice was so pervasive that almost all of the parties/blocs were involved in these practices and therefore had little interest in lodging complaints.

The National Council also believed that there is a lack of a culture of lodging complaints. Both institutions suggested that they lacked the resources to implement their regulatory tasks fully, particularly in the regions, where due to the lack of sufficient resources, logistics made it very difficult to enforce the laws.

The failure of the Central Electoral Commission and the National Council to implement the terms of the Election Law effectively, is a fundamental concern. A number of the provisions of the Ukrainian law have clearly been breached during the election campaign. The Media Decree of October 2001 on elections has been violated, especially Paragraphs 6 which states that the institutions should 'provide for effective control to ensure that all television and radio entities, regardless of their type of ownership, are in compliance with the Constitution of the Ukraine and the Laws of Ukraine concerning the free thought and speech.'

4 Media performance

Professor Ivor Gaber

“The media served the parties well in this election but they did not serve the voters well....The mass media failed to provide Ukrainian citizens with the information they required in order to make well-informed judgements about whom to vote for.”

Oleksander Chekmyshev, Chair, Equal Access to the Media

4.1 Methodology

This report is based on in-depth interviews with 20 senior executives editors and journalists from a wide range of newspapers, television channels, radio stations, media NGO's (non-governmental organisations) plus a national news agency - all conducted in the final week of the election campaign.¹² It is worth observing that the willingness of senior journalists, in the midst of a national election campaign, to give so generously of their time to this research project is indicative of the seriousness which the issue of media bias and transparency is now being taken by the Ukrainian media community. The Institute is grateful to all those who gave up time to help in the compilation of this report. None of them, of course, bears any responsibility for the contents of this report.³

4.2 Political bias and the media

To state the obvious, the major media issue in the campaign was that of the ongoing and widely recognised bias observable in virtually all national Ukrainian media. This bias applied, with few exceptions, to those media organisations that openly accepted the charge and to the equal number that vehemently denied it. It took many forms but the most important were:

- Overt political bias,
- Hidden advertising (black and white),
- Personal conflicts of interest.

Overall, the biggest single problem we encountered was the persistent political bias demonstrated by virtually all national newspapers and broadcasting stations in Ukraine. Perhaps it's worth observing at the outset that political bias is not, in itself, a problem unique to the Ukrainian media. In most pluralist democracies some newspapers (and broadcasters to a much lesser extent) publicly acknowledge their support for one political party or another. In

¹ Representatives from the following national media were interviewed:

Television Stations - ICTV, Inter, Novyi Kanal and UT-1

Radio Stations: Radio Continent Radio Lux (Lviv)

Daily newspapers: Verchenie Vesti, Den, Uryadovi Kurier, Silski Visti, Ukraina Moloda, Fakty y Kommenty, Golos Ukrainy

Weekly newspapers: Zerkalo Tyzhna, Svoboda

News agency: Ukrinform

Media NGOs: Equal Access to the Media; Charter 4; Association of TV Broadcasters; Reporters Sans Frontieres

This overview concentrates on the performance of the national media during the campaign. The performance of the regional media is covered in a separate section of this report.

general, it is accepted that newspapers demonstrate their own political views through the features they choose to run and the opinions that they express either through authored commentaries or in their own editorial opinion columns. Problems arise when the media attempt to hide their bias, this can be in general terms, in the way they cover specific issues, or when they allow their political partiality to invade the relatively clear distinctions between news reportage, commentary and feature articles.

Our respondents in the non-state sector mostly accepted, indeed openly stated, their bias. For those newspapers that had a clear and declared party or political identification this was not in itself problematic. This was less the case with commercial operations that had no publicly acknowledged identification but clearly did have a political agenda. For example, the editor of *Fakti y Kommentii* told us that his newspaper did not provide equal access to all political parties. This was, he said, because he gave preferential coverage to those parties that he himself supported. But he also acknowledged that his average reader would have found it difficult to detect the political bias, "You'd have to be an expert" he said.

The private broadcaster ICTV claimed to have no political agenda but when asked about the preponderance of favourable coverage for United Ukraine, the channel's Head of News said: "We do give substantial coverage to United Ukraine, not because we have to but because we are sympathetic to their politics." He went on to state, "We are a Ukrainian channel and anybody who loves the country supports the President and the Government. I don't understand why being pro government is bad."

State media respondents robustly denied any suggestion that they were biased. But when challenged about imbalances in their coverage that the Institute's monitoring programme had detected, defended themselves in ways that indicated an interpretation of 'impartiality' that would not be generally accepted in most other European countries. For example, the head of the national broadcaster, UT-1 explained that his channel gave a preponderance of coverage to President Kuchma, and the politicians who were supporting him, because: "State television is required by the law to cover the activities of state bodies, so if the President is making a speech we have to cover it." Critics of UT - 1 pointed out that not only was all their coverage weighted in favour of politicians from United Ukraine but when President Kuchma was covered, supposedly in a governmental role, he could frequently be seen standing in front of a United Ukraine backdrop. There was also criticism of the way that the state-owned newspapers covered the campaign. The two newspapers monitored did meet their legal responsibilities to print the programmes of the leading parties and blocs but, as an editor from *Uryadovyi Kurier* commented, though not necessarily talking about his own publication, the state media "followed the letter but not the spirit of the election law."

What was somewhat disturbing was the recognition by many of our interviewees that whilst there might be an issue of media bias, it was not a matter of great significance. For example, the head of the state news agency, Ukrinform, told us that although he recognised the need to be impartial, "... our correspondents have their own bias and subjectivity..... that is understandable." Similar attitudes could be found at newspapers that had a more overt political line but also demonstrated little real concern about the possibility that undeclared bias, in particular in the failure to differentiate between news and comment, might be misleading for their readers. For example, an editor at *Ukraina Moloda* told us 'News and comment - these are academic distinctions I have some difficulty with. We wouldn't attempt to disentangle the two.' And at *Den* the Political Editor said: "I knew the policy of the paper when I came to work here. I wouldn't have taken this job if I had not been happy with the newspaper's politics. If I was unhappy with what I was being asked to do I would leave the paper."

Perhaps the most serious aspect of this bias is the phenomenon of 'hidden advertising' which blighted both newspaper and television coverage throughout this campaign. Hidden advertising is the practice whereby material is presented as part of the editorial coverage of a newspaper or broadcasting station which in fact has been paid for by a political party or group and where no indication is given that this is the case. Most hidden advertising is so-called 'white' i.e. supportive of the party paying for the coverage but 'black' advertising - designed to undermine an opponent - was also prevalent. We were struck by the extent to which many of

our respondents saw this as unproblematic, despite the fact that it was a clear breach of both the letter and spirit of the new election law.

At *Den*, for example, we were told, "If the interview is high quality and people are willing to pay for it – I don't see the problem. If a politician wants to reach our readers that's fine." Nonetheless, our respondent agreed that only the most sophisticated of her readers might be expected to recognise this as paid advertising. At *Ukraina Moloda* we were told that it was normal practice for advertisers to insist that the fact material had been paid for should be concealed. We were told by the editor of *Zerkalo Tyzhna* that they had lost an estimated \$60,000 in revenue because they had refused to accept these conditions. But even a publication as patently independent as *Zerkalo Tyzhna* could still be criticised for carrying advertising, in the form of paid for articles, that did not display this fact with sufficient prominence that would have made it clear to their readers at the outset. An odd variation in the practice of hidden advertising was recounted to us by the editor of *Silski Visti*. In their last edition before polling day they ran a full page interview with a senior politician from United Ukraine. When quizzed as to why they were giving such publicity to their opponents, the editor explained that this was because they believed that the Ukrainian postal service, critical to the circulation of a largely rural newspaper, was deliberately impeding the distribution of their newspaper. Following informal discussions the editor had been 'led to believe' that if his last edition before the election carried some material that was favourable to the ruling party then that paper would be distributed by the postal services without delay.

Hidden advertising in broadcasting is a more controversial issue. All our broadcasting interviewees told us that they were aware of their competitors accepting money in exchange for providing favourable news coverage, which was not identified as advertising, but all denied that they or their channels had ever accepted such payments. The head of Radio Continent, told us that the Social Democratic Party had offered his station \$100 for every favourable mention of their party, an offer he had refused. Similarly he had been offered financial inducements to play the theme songs of the various parties and blocs - an offer he said he had also refused. Another variation on the theme of hidden advertising was brought to our attention by a visiting editor of a television station from Lviv. He told us of a live political discussion programme his station had mounted in which the participants were required to make a contribution to the programme's production costs (the justification being that the programme was being transmitted from an outside broadcast location and hence that much more expensive to produce).

One way that media organisations sought to justify what was clearly biased coverage was by claiming that they gave more coverage to those parties that provided them with material that was more appropriate for their output, than the material supplied by other parties. This might indicate sophisticated media relations departments in the various parties, able to tailor-make material to meet the specific requirements of the various press and the broadcasting outlets, or it might just be a way of rationalising the very close liaison that clearly existed between the parties and their favoured media outlets.

State organisations under strong legislative imperatives to treat all parties equally, took slightly different approaches to the issue, but, as the monitoring figures indicate, none achieved a satisfactory outcome. Ukrinform, the state news agency, told us that they had established a special election website intended to provide a service to both their subscribers and the political parties, and to make a small profit as well. The website was designed to display both party press releases and election news coverage from Ukrinform's own correspondents; this was in addition to their providing a minimal service of election coverage in their normal output. Despite the agency's declarations to the contrary, such an initiative laid them open to all the problems of hidden advertising. For the agency was allowing its news coverage (which appeared on its election website) to be dictated by the commercial contracts it had negotiated with the parties - but nowhere did it make this clear to its subscribers. Ukrinform told us that their reporters were informed which parties had been signed-up and they were expected to provide favourable coverage of these parties' activities. These reports went on both the election website and the general news service. The head of Ukrinform told us: "... it was understood that they (parties paying for the service) would be given better coverage in our news service. Other parties would be covered fairly but briefly." Paradoxically,

Ukrinform thought that this sort of arrangement met concerns about 'transparency'. The head of the agency said: "I am sure we are 100% unbiased and objective. I've been working in this industry since 1975 and this election campaign is unique because of its transparency ...everyone knows that you can't get anywhere without paying."

The final issue of bias that concerned us was the apparent failure on the part of the Ukrainian national media to recognise the problems inherent in the personal conflicts of interest that were inevitable if, as was the case, senior editorial figures were also candidates in the election. It is one thing for a media executive to seek political office whilst he or she takes leave of absence, it is another matter entirely to seek to combine political campaigning with a high profile media position. It is not just a matter of whether or not someone can genuinely be unbiased when he or she is a candidate but, just as importantly, how does such a dual role appear to the public. For example, both the editor and the political editor of *Silski Visti* were candidates on the Socialist Party's parliamentary list with good chances of being elected; whilst the News Editor of the TV channel ICTV was on the Social Democrats' list. A variation on this problem of perception could be seen in the fact that the head of the state broadcaster UT-1, in law supposedly neutral in the election campaign, had until recently been Press Secretary to President Kuchma, which gave added force to the criticisms that his channel was biased in favour of the parties supporting the President.

4.3 Pressures on the media

It is not to the credit of the political parties that we were told of countless occasions when they have offered media organisations money for advertisements, but only on condition that the fact that these were advertisements was not revealed to the reader, viewer or listener. Politicians applied these pressures to both print and broadcast media. All our broadcasting respondents admitted that they had received requests to run such material but none admitted to ever having done so (though all were happy to supply examples of when their rivals had clearly been less scrupulous in their observance of electoral law).

However, it is important to recognise that such pressures can only work in an environment in which media organisations are financially weak and thus susceptible to this form of pressure. Such a situation also tends to mean that media organisations are vulnerable to coming under the control of individuals, or groups, who have intertwined business and political interests, which they frequently seek to pursue through their media proprietorships. This situation is apparently accepted by journalists, politicians (and presumably the general public) as 'normal'. The editor/proprietor of *Fakti y Kommentii* told us that his paper's editorial policies were dictated entirely by his own personal friendships among politicians. To his credit he was prepared to concede that his paper's coverage could have been more balanced "... we were not as objective as we could have been due to my own personal friendships", he said.

Political parties used all sorts of methods in their attempts to gain an unfair advantage in the media. One of the biggest issues we encountered was that of the attempts by the parties to find ways round the rules governing the limits on campaign expenditure. Apart from offering media organisations money for election coverage, without revealing that this material was being paid for, parties also attempted to persuade the media that money that was being handed over for advertising did not have to be declared because it had not come from the party's election fund. (This was clearly a ruse but there is a legitimate question as to whether the limits set on election expenditure are in fact, too low).

We heard many complaints by the media about bullying, or favouritism, by political parties. In all democracies relations between the media and political parties, particularly at election times, are tense. That such a tension should exist is a healthy part of the democratic process but in Ukraine this tension could not be described as healthy. On the one hand we heard about the refusal of some parties to supply material to media organisations that were opposed to them, or to admit their representatives to their meetings and press conferences. On the

other hand, one newspaper told us of receiving calls from representatives of the United Ukraine party demanding better coverage and reportedly saying: “.....after the election we’ll need to work together.” At the other end of the spectrum we were told of parties working so closely with media organisations that it was almost impossible to detect any separation of roles between the media and the parties.

A much greater separation of roles is clearly required, combined with a recognition of the critical distinction between opposition to the government and opposition to the state. The failure to make this distinction was exemplified when the head of ICTV told us “.... anybody who loves the country supports the President and the Government. I don’t understand why being pro government is bad.” This statement reveals a fundamental failure to distinguish between the government and the state and hence to regard support for the government as synonymous with support for the state. Such a mindset, whilst not universal, is held by significant sections of the Ukrainian media and goes some way to explain why notions of journalistic impartiality and objectivity are yet to penetrate the mainstream of the Ukrainian media.

Politicians used a variety of methods to apply improper pressure against media organisations. These included the full range of so-called ‘administrative measures’ that have, over the years, made the job of reporting Ukrainian politics highly problematic. These measures ranged from the extreme, such as the withdrawal of broadcasting licences or the seizure of entire editions of newspapers, to measures designed to harass rather than silence, such as state-owned printers suddenly refusing to print newspapers or state distribution mechanisms suddenly being withdrawn.

However, there was some progress on this front. During the period of the campaign the broadcast licensing authorities did desist from acting against those broadcasters whose right to broadcast was being disputed. It was also to be welcomed that the tax authorities announced (and with one exception – an Internet publication, kept to) a commitment not to undertake investigations of media organisations during the course of the campaign. But how much of a step forward that represented when the announcement was accompanied by phone calls to organisations warning them to prepare themselves for tax investigations in the month after the elections, is a moot point.

4.4 The Election law

Overall, most respondents accepted that the new media law had improved matters. They spoke of a much wider range of information reaching voters, of opposition politicians being heard on national television channels, of the greater transparency in the law on political advertising and so on. However, there were some who told us that the law had made no difference or that the law benefited the politicians more than the media. However, it is worth noting that, in a political environment with 33 registered electoral units, and more than four times that number of parties contesting the election, it is unreasonable to expect commercial television channels to provide full and equal treatment for all participants.

Most media representatives interviewed believed that the law required further clarification before the next election, with particular attention being paid to the current ambiguous definition of ‘political propaganda’ which in theory, could have been interpreted to cover virtually all political material but in practice was too broad to ever be properly enforced.

The introduction of the televised debates was welcomed, even by the critics. For whatever the shortcomings, in terms of formats, individuals invited or the way the debates were moderated, they did offer an undeniable opportunity for voters to hear and see a wide range of politicians at close quarters and hear about their policies in some depth. There was less consensus on the way that the new law had impacted on the campaign. For whilst those parties with resources were able to benefit from the greater access to the airwaves that the law provided, it was also pointed out to us that, for those parties that were not so well-resourced, the new

law simply perpetuated and increased the disadvantages with which they were grappling. Another complaint made to us by the media non-governmental organisations we spoke to was that whilst the law was good in its overall intent one of its great weaknesses was that it did not provide any mechanism for promoting equal access during the campaign, nor were the sanctions against media organisations spelt out with sufficient clarity, and this, some argued, allowed the authorities to define the penalties for themselves.

There was much criticism by the media organisations of the ban on election coverage in the period prior to the official start of the campaign. This was highly problematic for them in that found it was virtually impossible to distinguish between 'normal' political coverage and election coverage. It also gave a head start to the parties associated with the government in the pre-election period. This was because so-called news about the government continued to be broadcast even though it could be strongly argued that much of this coverage would be of electoral benefit to the United Ukraine bloc. The overall verdict of the media organisations we spoke to about the new election law was that whilst they welcomed it as a step forward, they believed that it had been of more benefit to the parties than to the media. One activist from a media NGO told us: "The spirit of the lawmakers needs to change not the letter of the law".

4.5 The media: an overall assessment

Despite all the pressures operating on the media mitigating against fair coverage it is important to observe that there was significant good journalistic practice to be found during the 2002 campaign. Unquestionably, voters had made available to them a much wider range of election material than in previous elections, both in the printed media and on television. In particular, the televised debates did represent a genuine step forward - despite the complaints that the debates were 'fake' or that opposition parties received less than fair treatment. Many of these complaints had substance but the fact that these debates took place at all represented a significant step forward in the democratic proposal. On television and radio the public were exposed to more individual politicians from a wider range of political parties than ever before. And the print media also gave more exposure to the programmes of a wider range of political parties than in the past. In addition, despite the numerous shortcomings of the system, many television and radio stations and newspapers did broadcast and print political advertisements not just from political parties they were deemed to be supporting but from those they were opposing as well.

But despite these steps forward it had to be recognised that there were notable shortcomings in the reporting of the campaign. These have been elaborated in the course of this report and for most of these failings one has to look at the practices and attitudes of the media proprietors and editors. However, it is also relevant to touch on the overall failure of journalists working for Ukraine's national media to adopt anything more than a passive stance in their reporting of the campaign. Many of the observers we spoke to among the media NGOs pointed out that, in general, journalists tended to accept the material they were given by the political parties, or by the government, without seeking to challenge it or find their own sources of news. This is a major challenge, for without a culture of robust questioning of both government and opposition parties, the Ukrainian media will never properly fulfil the role that is required of it if pluralist democracy is to function successfully.

4.6 Other issues

Three other issues have come to our attention that are worthy of comment. The first is that the problems of maintaining media freedom during an election campaign were far more acute for those media organisations operating outside the capital than in. Paradoxically, whilst many local media organisations are more trusted by their readers and audiences than the national

media they were also more subject to pressure from local politicians, local authorities and other officials – and that these pressures often took place in the absence of national publicity.

Secondly, we were struck by the extent to which the Internet is beginning to play a significant role in the Ukrainian media landscape, not so much as a direct means of diffusion to the Ukrainian people but as a powerful intermediary source of information, much valued by the journalists we spoke with. As a tool of political information the Internet has much to recommend it but it also presents dangers – it is unregulated and hence its information is often unsourced and inaccurate and, no less than the conventional media, websites are as vulnerable to being taken over by people with intertwined business and political interest.

Finally, it is worth making the obvious point that until the Ukrainian media is financially more robust it will remain subject to pressures from both owners and others who see the mass media as not necessarily sources of revenue but, more importantly as sources of political power.

5 Media monitoring results

5.1 Television

In comparison to the 1998 parliamentary elections, there was vastly more coverage of the political parties. This was also reflected in the amount of time the state broadcaster spent promoting the new party of power – the United Ukraine bloc – up to four times as much airtime as it devoted to the previous party of power (the NDP - Popular Democratic Party) in 1998. However, coverage was higher across the board – with the commercial broadcasters also devoting much more time to coverage of the elections than previously and to a wider variety of parties and blocs. Televised debates between party/bloc representatives were shown on UT-1, Studio 1+1, STB and ICTV – some even had to be cancelled because the parties/blocs themselves refused, or were unable, to take part. Parties and blocs took part in a wider variety of programming too, in some cases commissioning special films about themselves, sponsoring sporting events and foreign and local entertainment shows. Street TV formats, like 'Narodnaya Platforma' on Inter, showcased the views of passers-by (although there were suspicions on the part of some observers about the selection of views on offer being edited to show some parties/blocs in a better light than others). Indeed, the Ukrainian public was almost swamped with information about the elections in comparison to previous occasions – so much so that Novyi Kanal was able to claim that its ratings had soared as people turned over to watch its shows that had nothing to do with the elections.

Nevertheless, the spread of information tended to be limited to a specific group of parties/blocs:- United Ukraine, the SDPU (u), Women for the Future, the Democratic Union-Democratic Party bloc and the Wintercrop Generation. The Communist Party and Vitrenko both received a significant amount of coverage on the main national broadcasters. Our Ukraine and the Tymoshenko bloc fared worse, although Our Ukraine got more coverage on the main channels. Still, the character of the coverage tended to be negative in nature towards both of these opposition groupings and Tymoshenko seemed to have little access to paid advertising.

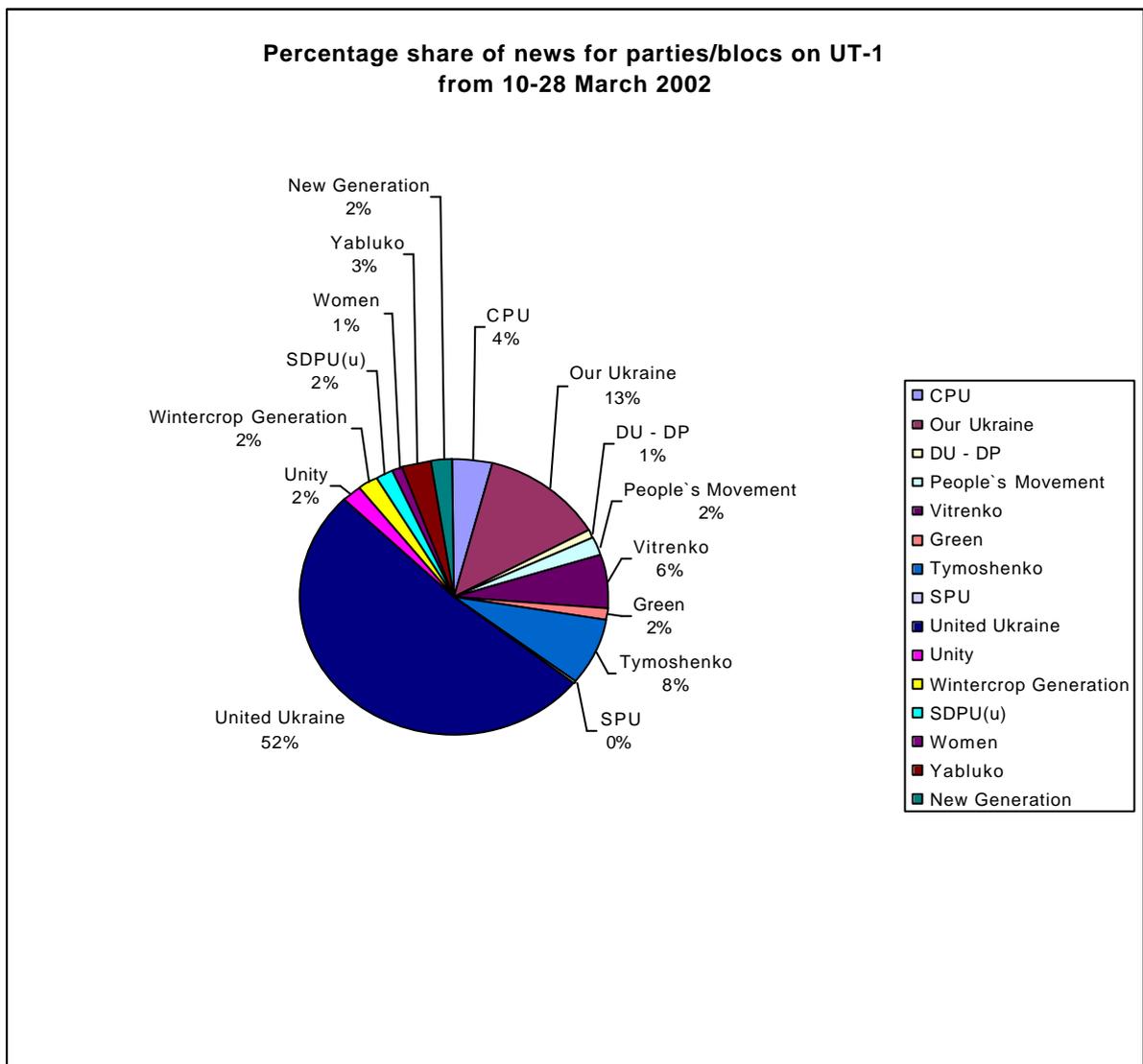
Below is a table indicating the abbreviations used to describe the parties:-

Table of Party/Bloc Names in English and English abbreviations used

| Party/Bloc full name | Party/Bloc English abbreviation |
|---|--|
| Communist Party of Ukraine | CPU |
| Our Ukraine | Our Ukraine |
| Democratic Union – Democratic Party | DU- DP |
| People's Movement (Rukh) | People's Movement |
| Vitrenko Bloc | Vitrenko |
| Green Party | Green |
| Tymoshenko Bloc | Tymoshenko |
| Socialist Party of Ukraine | SPU |
| For a United Ukraine (ZaEDu) | United Ukraine |
| Unity (Edynstvo) | Unity |
| Wintercrop Generation (Ozimogo Pokolenie) | Wintercrop Generation |
| Women for the Future | Women |
| Yabluko | Yabluko |
| New Generation | New Generation |

UT-1

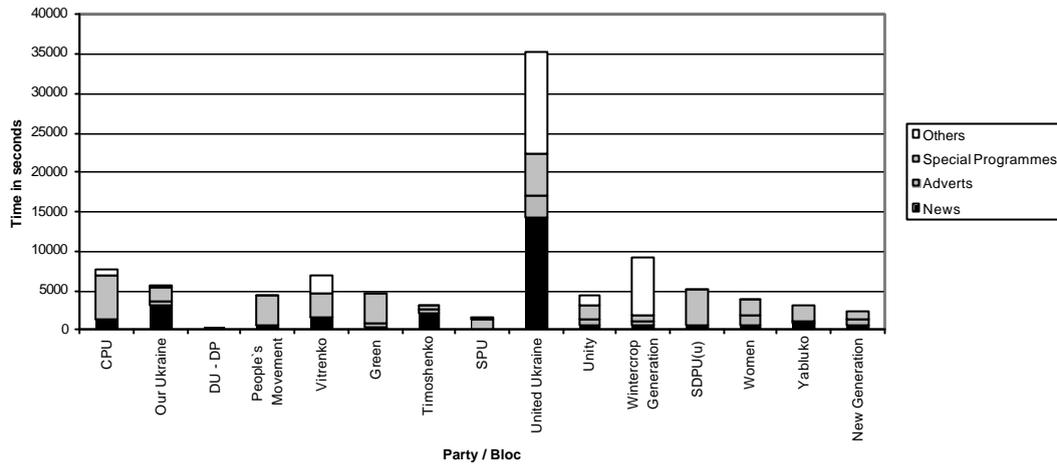
The state broadcaster failed to live up to standards of impartiality and balance provided by the Election Law. During the three weeks of EIM monitoring, the main state broadcaster devoted nearly eight and a half hours of coverage during prime-time to the party of power – United Ukraine. The next most mentioned party after United Ukraine was the Wintercrop Generation with just less than two hours. The discrepancy between coverage of United Ukraine and the other parties was explained by the head of the channel as being a result of having to cover party representatives carrying out their government duties. However, the fact that the party of power received over four times the amount of coverage devoted to any of the other parties, plus the demonstrably positive tone of that coverage, demonstrated a bias on the part of the state broadcaster. This was a clear breach of the election rules, and a continuation of the practices of the state broadcaster in all previous elections monitored by the EIM. Negative coverage on UT-1 was noted, in particular towards the Our Ukraine and Tymoshenko blocs, both parties in opposition to government.



The party of power also had 52% of all news coverage on UT-1, compared to 13% for Our Ukraine. The tone of news coverage was also positive towards United Ukraine, while coverage of Our Ukraine tended to be negative.

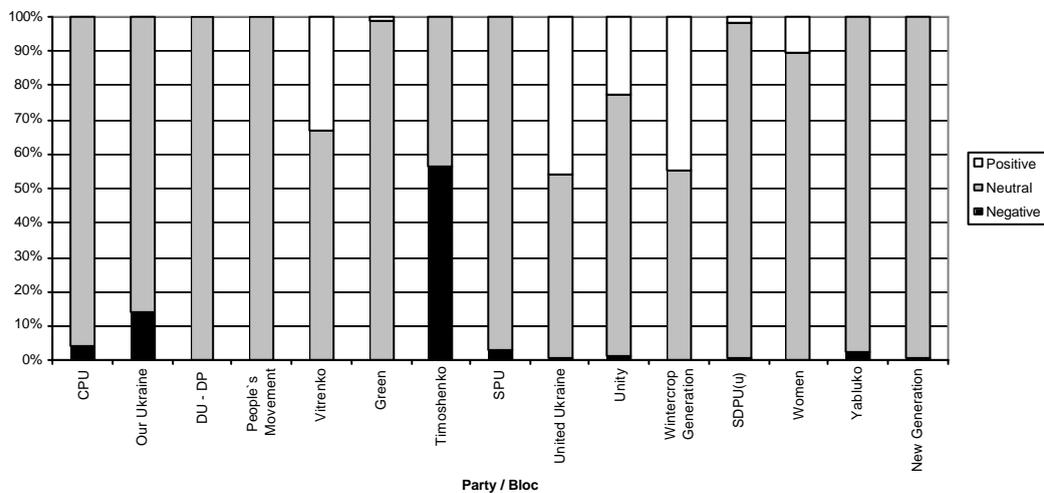
Looking at the graph below, showing the amount of time devoted to 15 of the most significant parties/blocs, the disparity in time accorded to the party of power in comparison to other parties and blocs becomes quite clear. United Ukraine benefited from across the board coverage – with large amounts of news, adverts, special programmes and ‘other’ (entertainment, sport, chat) programmes devoted to its activities and main activists.

Time devoted to political parties on UT-1
Graph A - Period:10-31 March



The graph below indicating the tone of coverage towards the parties/blocs in percentages corresponds closely to what EIM monitors were told about the origins and loyalties of some of the other parties/blocs contending these elections and their relationship to the government. The only parties/blocs to receive significant amounts of negative coverage were the opposition groupings represented by the Tymoshenko bloc (56% negative), Our Ukraine (15%) and the Communist Party (5%). In contrast, five parties/blocs received large amounts of positive coverage on the state channel. United Ukraine had 45% of its total coverage conveyed in a positive light. Wintercrop Generation also had over 40% positive coverage, followed by Vitrenko (32%), Unity (22%) and Women for the Future (10%).

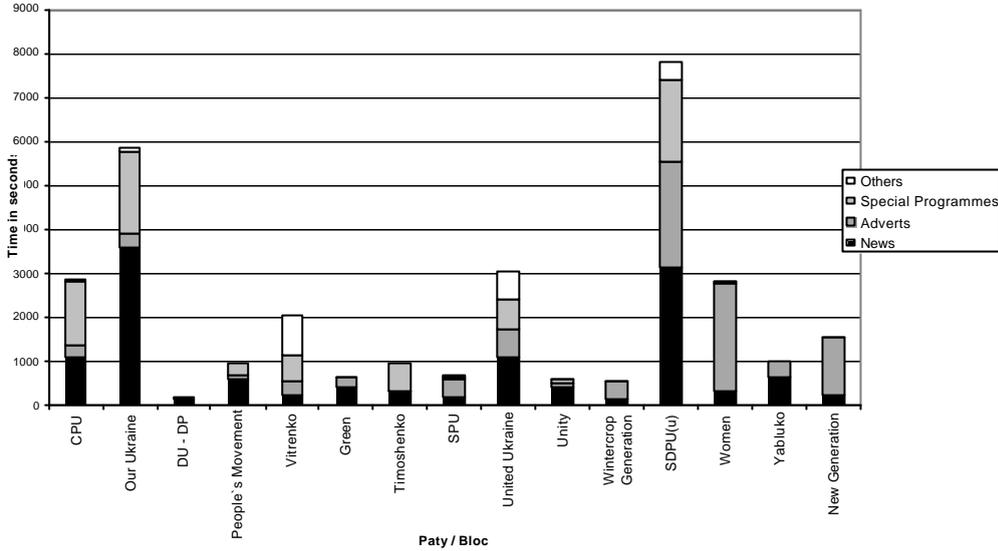
Tone devoted to political parties on UT-1
Graph A - Period:10-31 March



Inter

The private broadcaster Inter continued its practices of 1998 and 1999 by devoting the most coverage during the monitored period to the SDPU (u), demonstrating a clear bias in favour of this party. It also devoted a large amount of positive coverage to the United Ukraine bloc. Our Ukraine received the second most amount of time on the channel but nearly 80% of this time was devoted to negative and critical coverage.

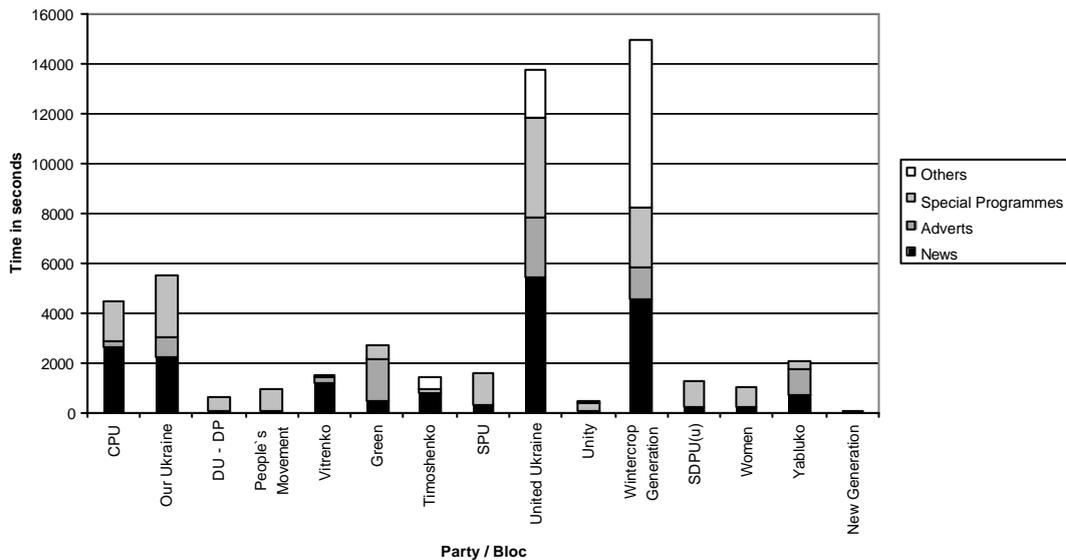
**Time devoted to political parties on Inter
Graph A - Period:10-28 March**



ICTV

ICTV devoted the most airtime in this period to the Wintercrop Generation, closely followed by United Ukraine. Coverage of Wintercrop and United Ukraine was positive for around 50% or more of the time allocated. Opposition parties like Our Ukraine, the Tymoshenko bloc and the Socialist Party tended to receive negative coverage on this channel.

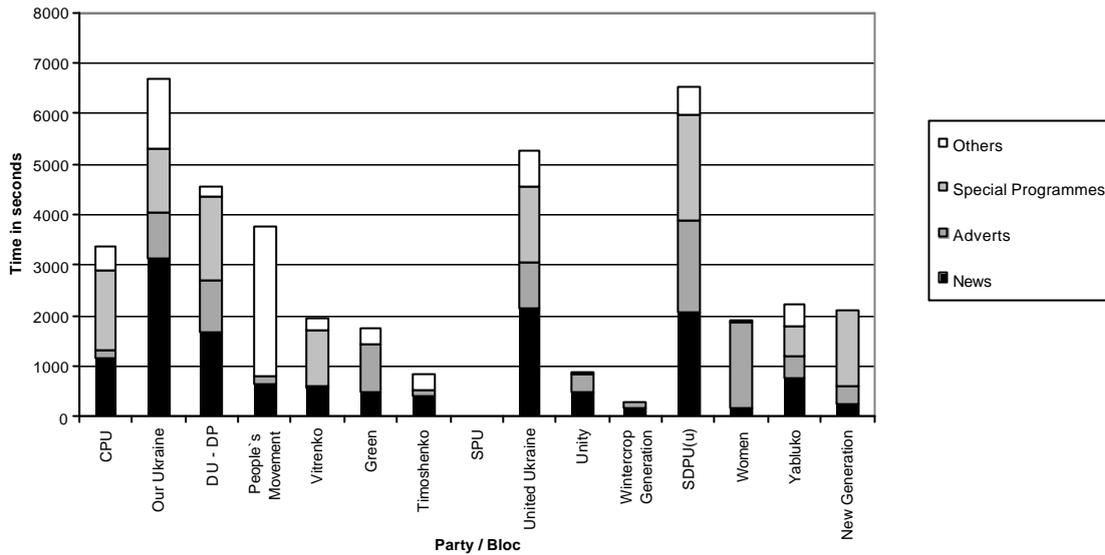
**Time devoted to political parties on ICTV
Graph A - Period:10-31 March**



Studio 1+1

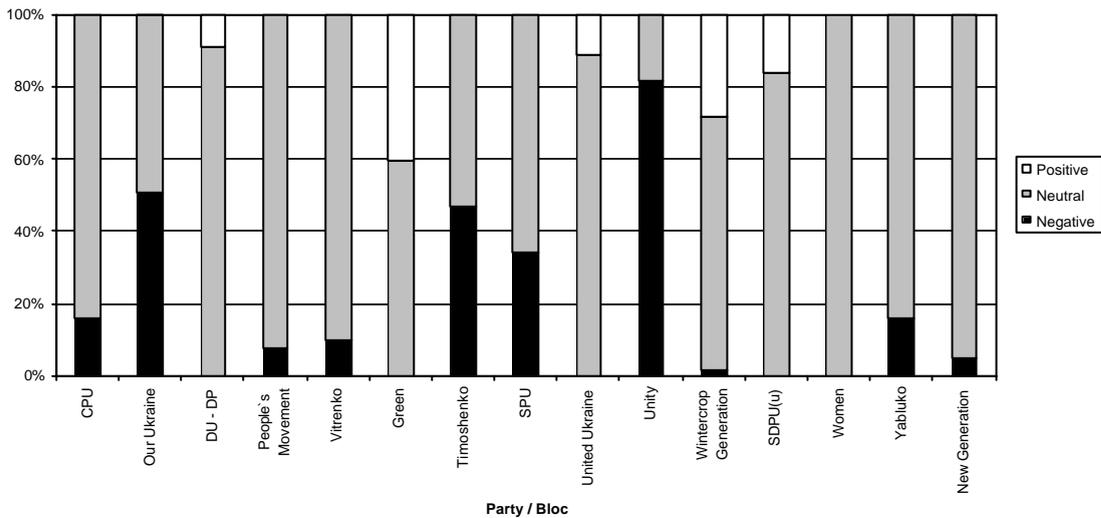
This privately owned channel devoted the most coverage in this period to the opposition party Our Ukraine, followed by the SDPU (u), United Ukraine and the DU-DP. However, while the tone towards the United Ukraine bloc and the DU-DP was assessed as being either positive or neutral, the Our Ukraine bloc's coverage was assessed as over 50% negative in character.

**Time devoted to political parties on Studio 1+1
Graph A - Period:10-31 March**



The chart below shows in percentage total how much negative, neutral and positive coverage was afforded to the most mentioned parties/blocs on Studio 1+1. Pro-government parties were clearly treated more favourably than opposition parties, in particular Our Ukraine.

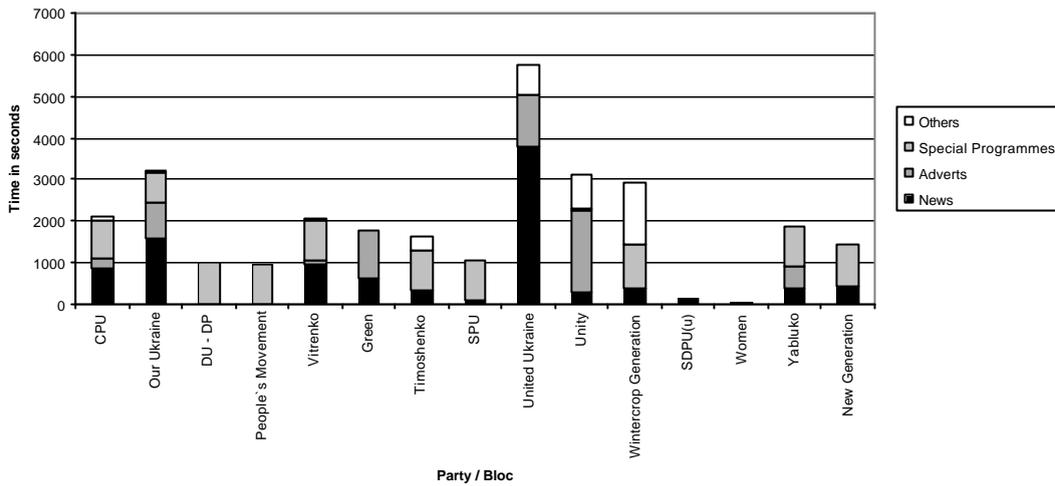
**Tone devoted to political parties on Studio 1+1
Graph A - Period:10-31 March**



STB

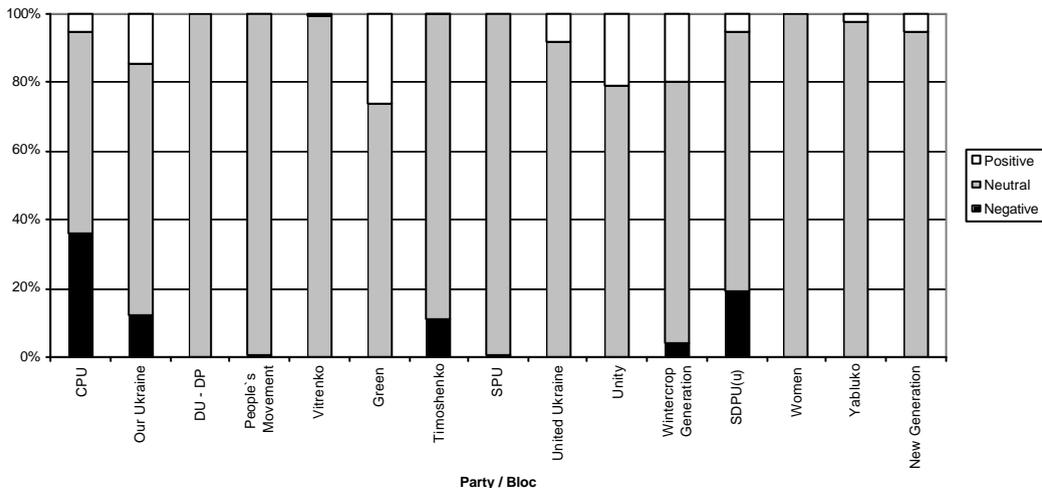
The most frequently mentioned party/bloc on this channel was United Ukraine, followed by Our Ukraine. United Ukraine particularly dominated news coverage, although it also purchased a lot of advertising on the channel. Many of the major parties were only covered in special election related programmes rather than news programmes. The biggest advertiser was Unity.

Time devoted to political parties on STB
Graph A - Period:10-31 March



The tone of coverage towards all parties was mainly neutral, although significant negative coverage was registered for the Communist Party, the SDPU(u), Our Ukraine and the Tymoshenko bloc. With the exception of Tymoshenko, this coverage was balanced by a small amount of positive coverage as well. Parties which had significant amounts of positive coverage and little direct criticism were the Green Party, Unity, Wintercrop and United Ukraine, as shown below.

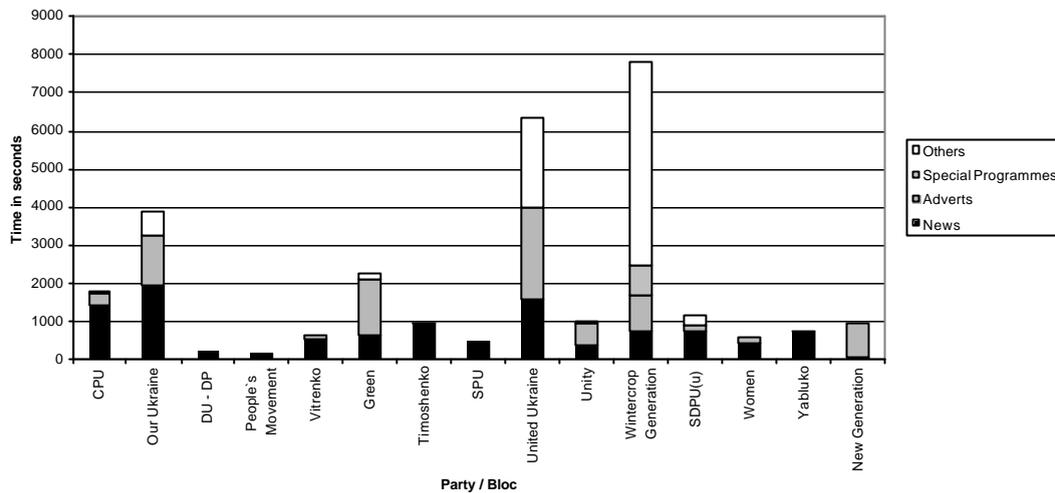
Tone devoted to political parties on STB
Graph A - Period:10-31 March



Noviy Kanal

This private television channel devoted the most airtime to Wintercrop, United Ukraine, Our Ukraine and the Green Party. Apart from news programmes however, most of the party information was paid advertising although the channel also took sponsorship from the above-mentioned parties for some entertainment programmes. The tone was mainly neutral, with the exception being the coverage devoted to Wintercrop which tended to be positive in nature.

Time devoted to political parties on Noviy Kanal
Graph A - Period:10-31 March

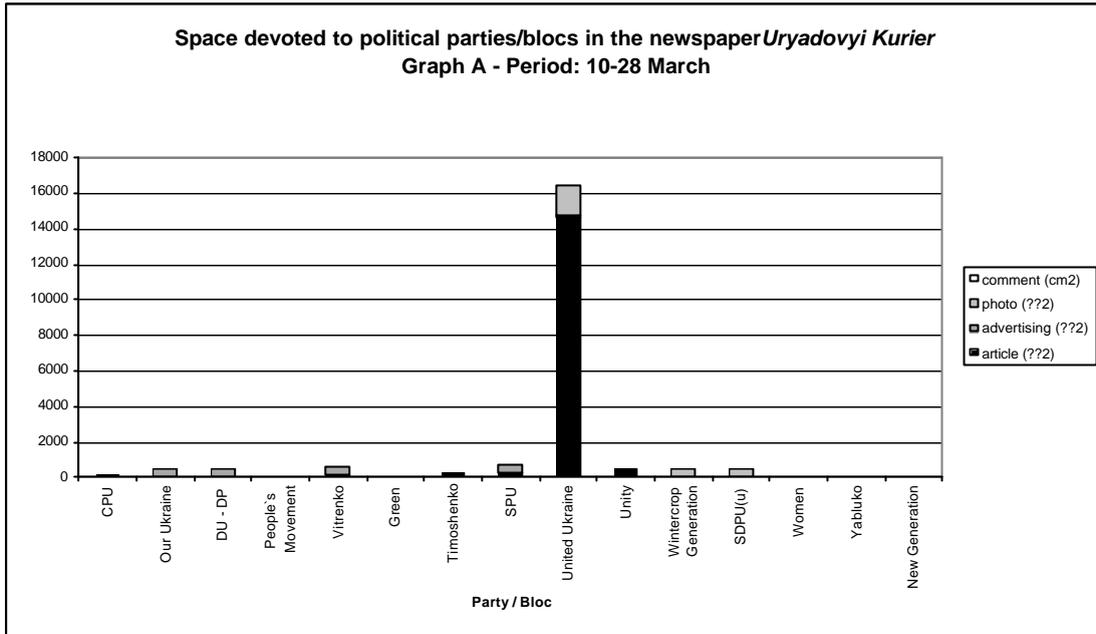


5.2 Newspapers

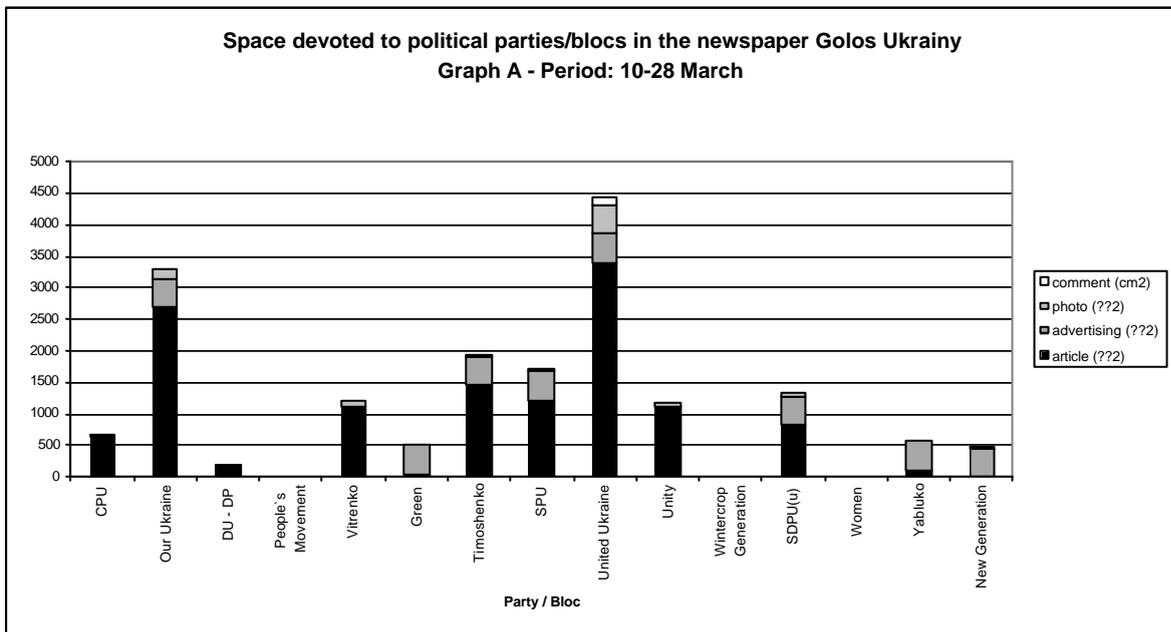
Newspaper coverage of the elections also tended to have a clear political bias with some papers supporting the pro-government parties/blocs and a minority supporting the opposition. The only exception was the weekly *Zerkalo Tyzhnya* (although negative towards the CPU) which has consistently been judged the most impartial by previous EIM monitorings.

State-funded

The state newspaper *Uryadovyi Kurier* demonstrated a clear bias in favour of the United Ukraine bloc, which had over 14 times as much coverage as any of the other parties. The party of power was treated positively, while the small amount of space devoted to the Tymoshenko bloc was almost all negative.

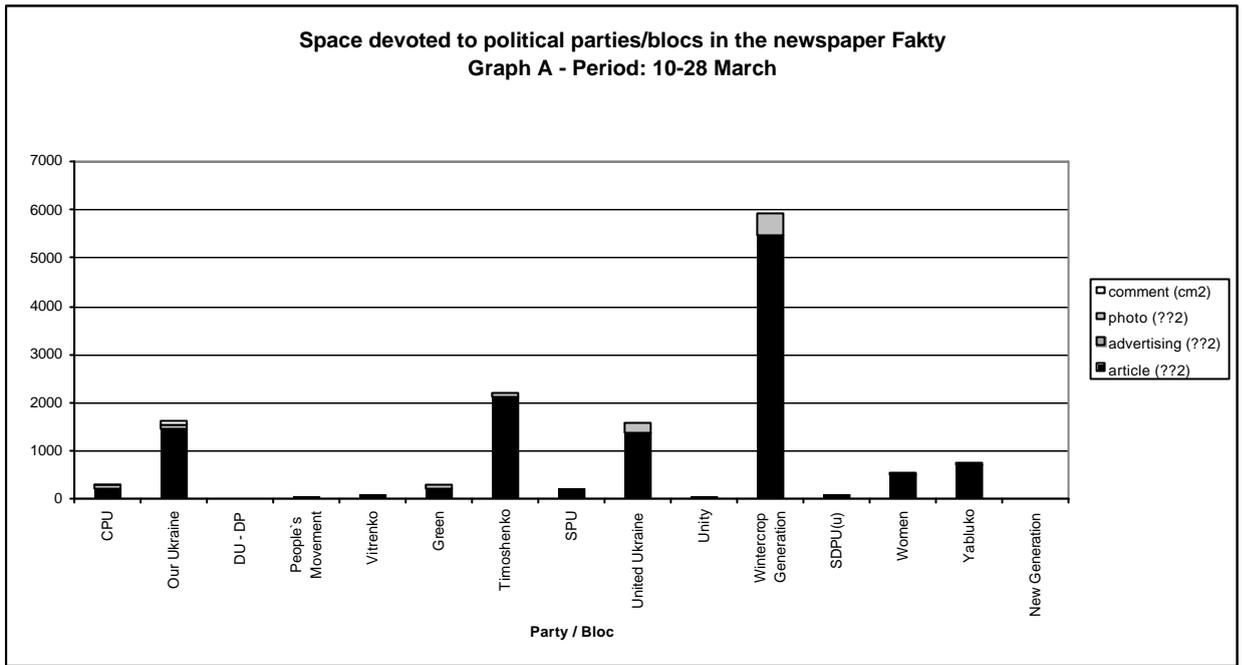


The parliamentary paper *Golos Ukrainy* had a fairer spread of information about the parties – United Ukraine was still the most mentioned party with a large amount of positive coverage, but Our Ukraine and Tymoshenko came second and third in terms of quantity. Their coverage was mainly neutral. The only parties to come in for small amounts of criticism in the paper were the Socialist Party and the SDPU(u). United Ukraine had around 50% positive coverage while Unity had just over 30% positive coverage.

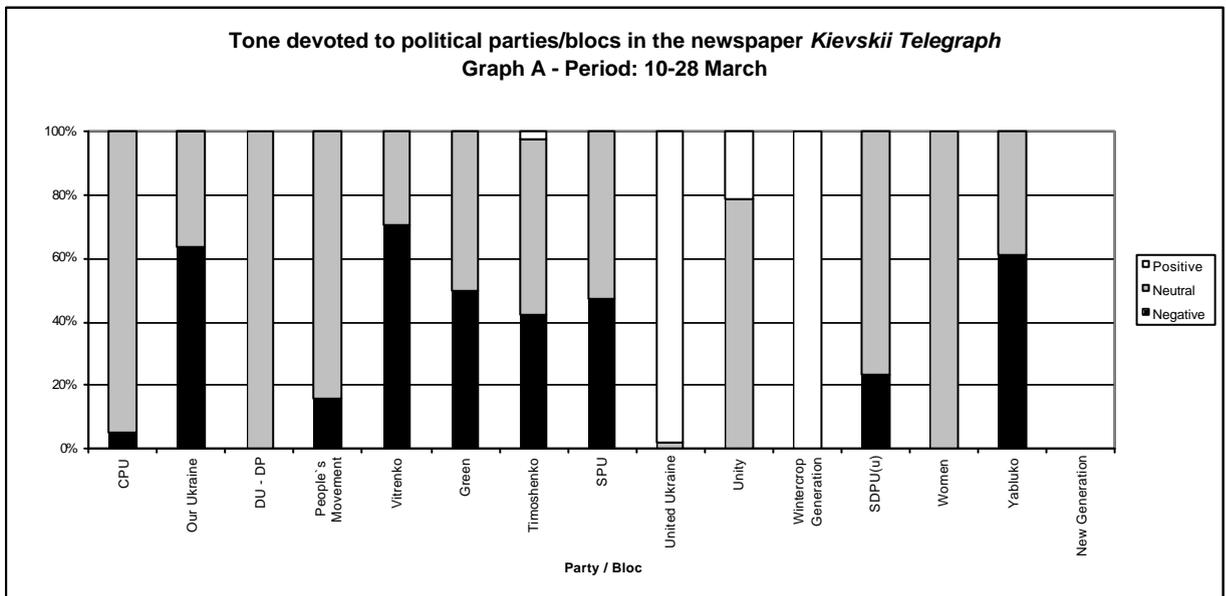


Private and pro-government

The private *Fakty* newspaper devoted by far the most space to Wintercrop. Coverage of Wintercrop and the United Ukraine was positive, while significant amounts of coverage of the opposition Our Ukraine and Tymoshenko blocs was almost all critical.



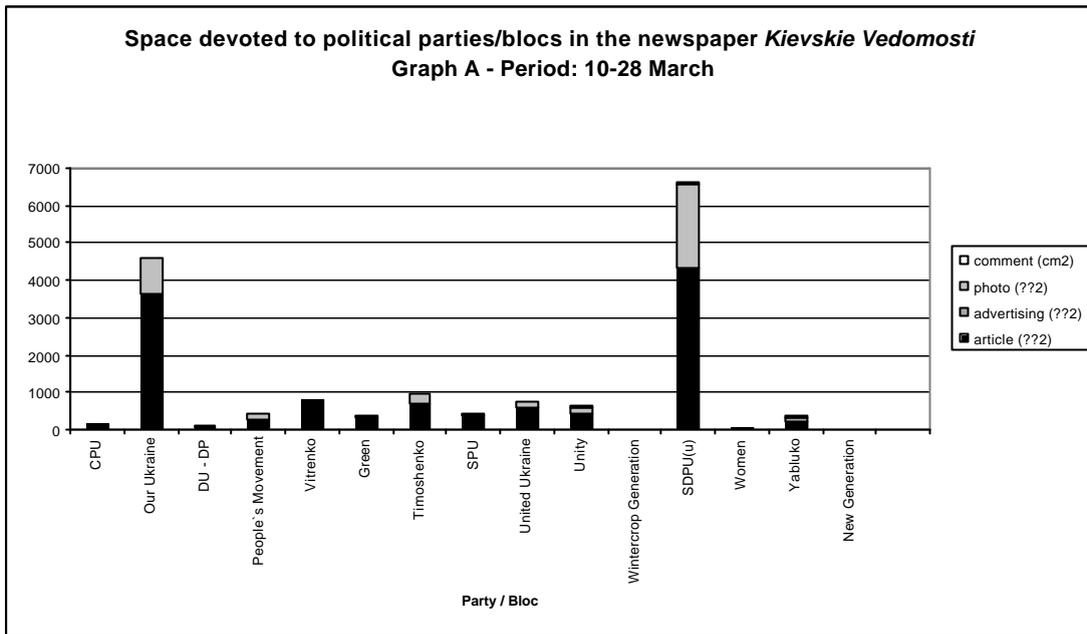
Kievskii Telegraph devoted the most space to Our Ukraine, United Ukraine and the Wintercrop Generation. However, despite having the greatest amount of article space devoted to it, the opposition Our Ukraine party had over 60% negative coverage in the paper. Almost all parties mentioned were treated critically, with the exception of United Ukraine, Wintercrop and Unity, which had large amounts of positive coverage. The paper demonstrated a clear bias in the tone of its coverage in favour of the pro-government United Ukraine, as shown below.



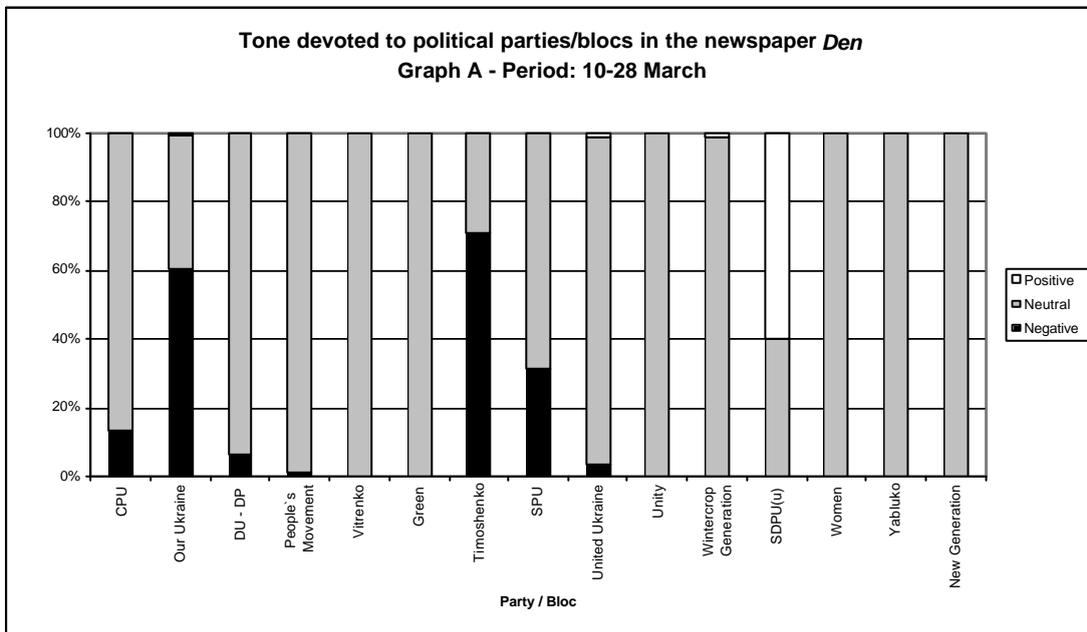
Private and pro-SDPU (u)

Kievskie Vedemosti devoted the most coverage to the SDPU (u) and Our Ukraine, in order to praise the qualities of the SDPU (u) and criticise those of Our Ukraine. The Green Party and the Tymoshenko bloc also received large amounts of negative coverage in the paper. Other parties were treated in a mixture of ways – some articles positive, some neutral, some negative. This was particularly true of the Vitrenko bloc, which had almost equal amounts of each. Although the editorial policy of *Kievskie Vedemosti* was mainly clearly illustrated by its

support of the SDPU(u) and opposition to Our Ukraine (the amounts shown below), the editorial policy in relation to most other parties was quite ill-defined.

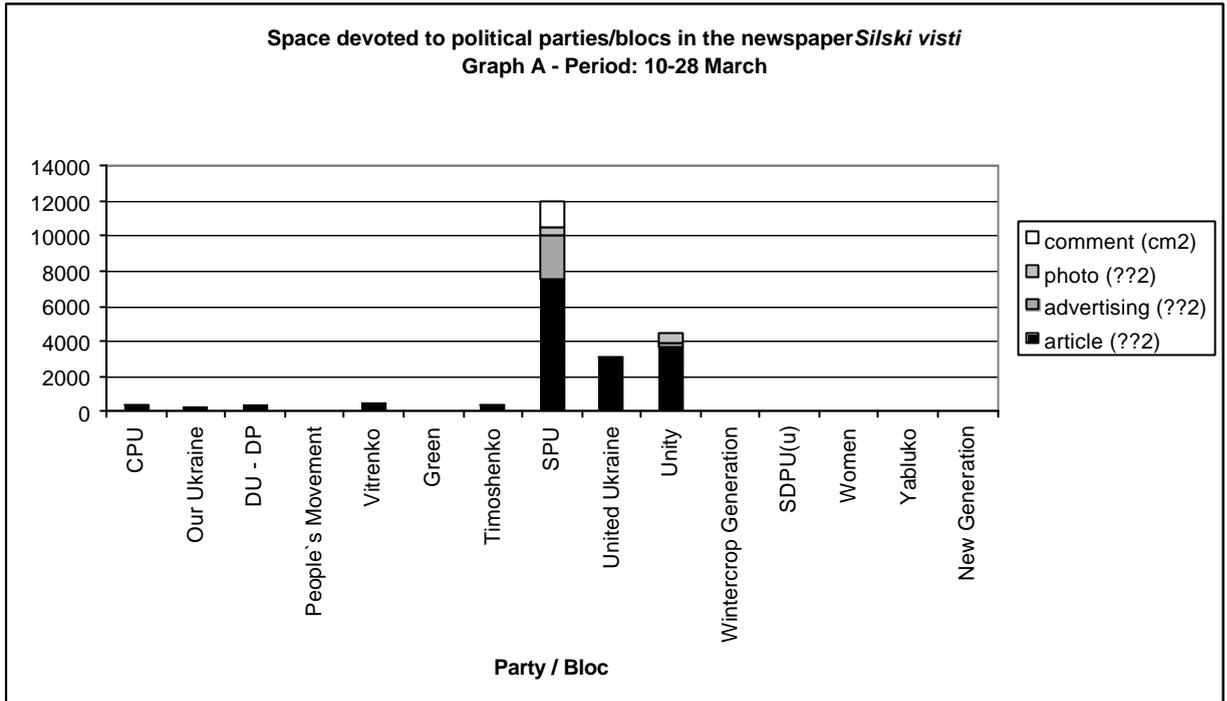


Den also devoted the most coverage to the SDPU (u) in order to praise it. United Ukraine also received a large amount of coverage although the tone was mainly neutral. The opposition parties Our Ukraine and Tymoshenko were singled out for criticism. The tone of comments on the main parties/blocs is illustrated by the graph below.



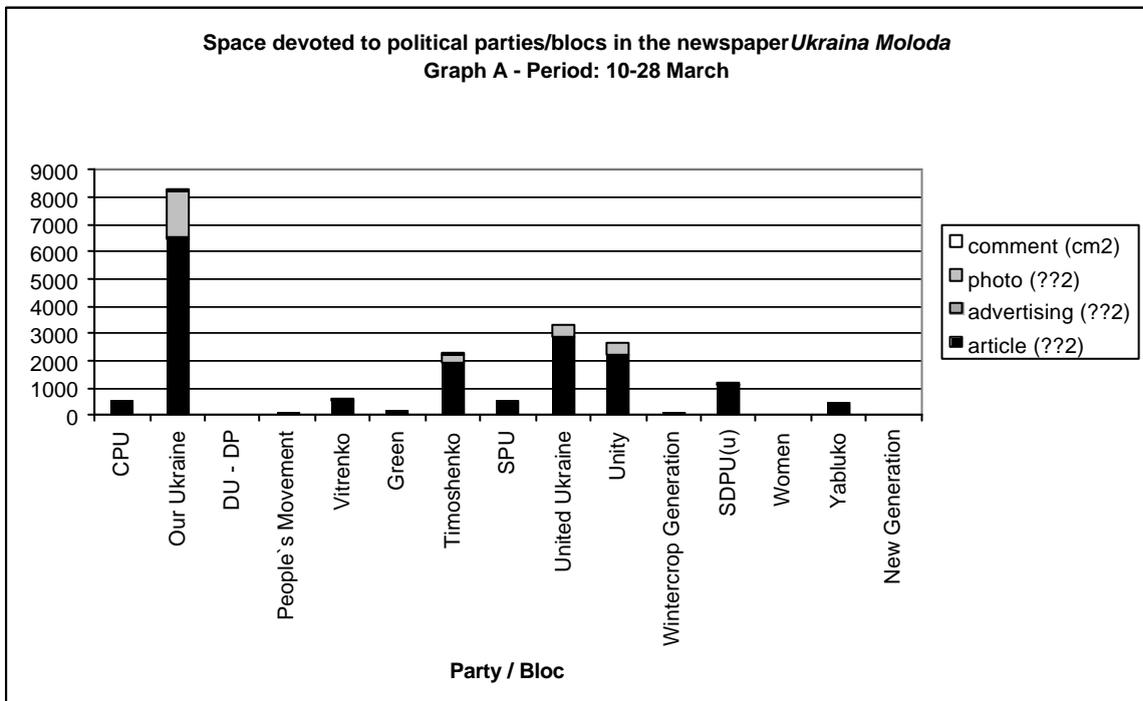
Private and pro-SPU

Silski Visti supported the Socialists – devoting by far the most of its election coverage to this one party. The Socialist Party received around 40% positive coverage and Unity was well treated in the newspaper with around 70% positive articles. However the coverage of the pro-government party United Ukraine was over 30% negative in tone.



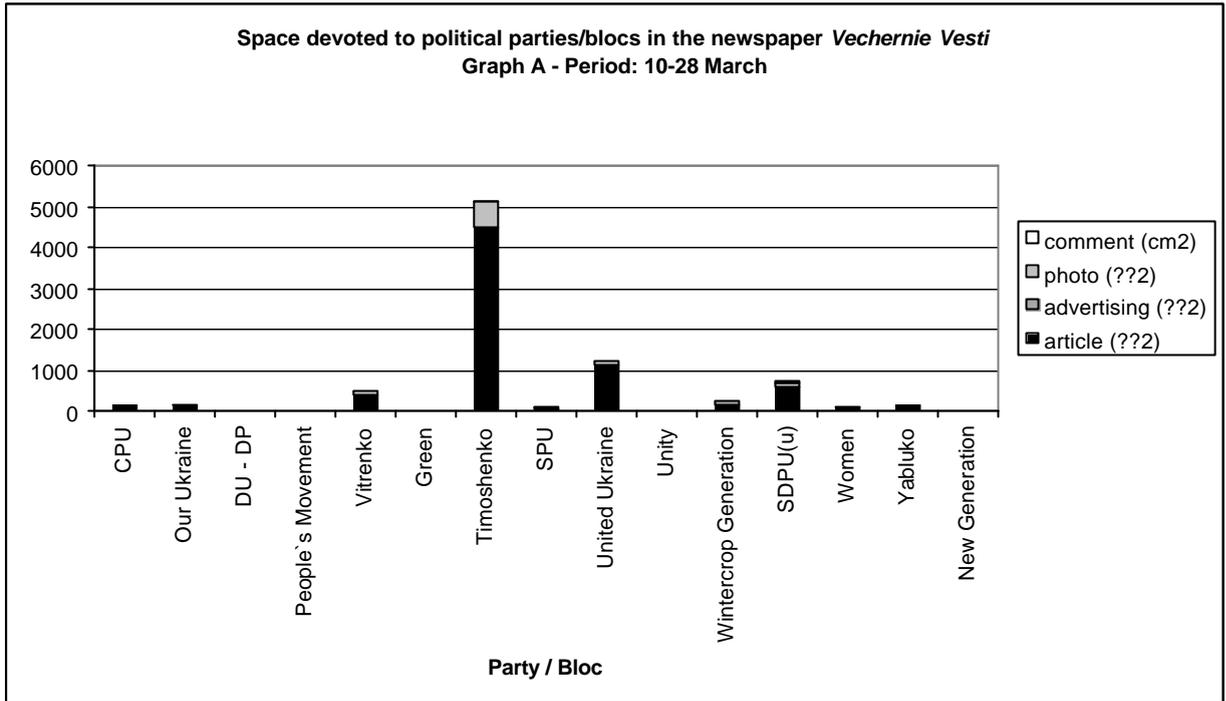
Private and pro-Our Ukraine

Ukraina Moloda devoted most of its coverage to Our Ukraine, which it covered mainly in a positive light. The Tymoshenko bloc was also covered positively, while the United Ukraine bloc came in for criticism in the paper.



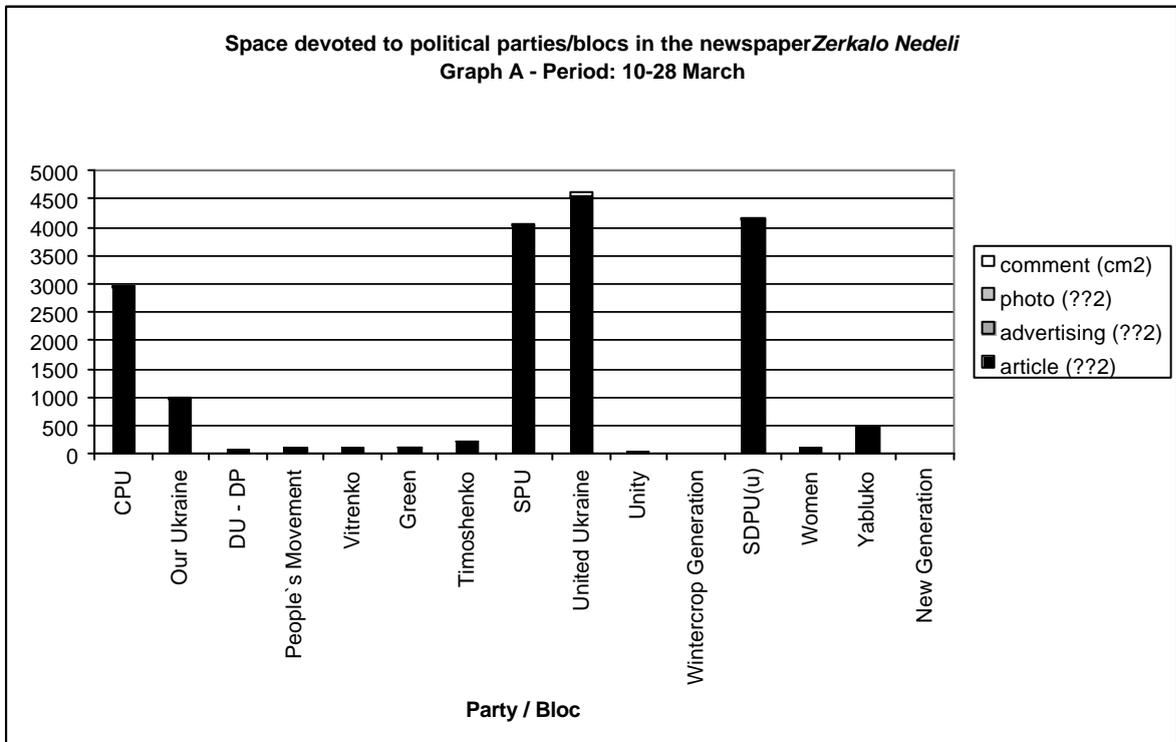
Private and pro-Tymoshenko

Vechernie Vesti devoted most of its coverage to Tymoshenko in a positive way, while criticising the pro-government parties.



Private and independent

Zerkalo Tyzhnya devoted most coverage in the three weeks of monitoring to a mix of parties – United Ukraine, the Socialist Party, the SDPU (u), the Communist Party and Our Ukraine. Of these, most were treated neutrally, apart from the Communist Party, which received over 70% negative coverage. United Ukraine also had around 15% negative coverage.



6 The election campaign in Lviv

Dr. Gwendolyn Sasse

6.1 Political situation

Western Ukraine and Lviv, in particular, represent the heartland of Ukrainian national identity and the main base of the Ukrainian national movement. The city of Lviv is the cultural, political and economic regional capital of Western Ukraine. The city and region are predominantly Ukrainian-speaking and have experienced a markedly different history than the country's eastern and southern regions. From the late Gorbachev period onwards the national movement *Rukh*, which by now has disintegrated into different factions, has been the political driving force in the region. Left-wing forces, such as the Communists, lack a support base among the electorate and, as a result, have never concentrated their campaign efforts in this region. Western Ukraine is significantly less densely populated than the country's south-eastern regions, a fact which tends to dampen the overall effect of the region's centre-right vote. Lviv oblast is by far the most populated region (2.7 million⁴) in Western Ukraine with about twice as many inhabitants as its neighbouring regions.

In the 1998 parliamentary elections a whole range of primarily centre-right parties crossed the 4% threshold in Lviv oblast. *Narodnyi Rukh Ukrainy* came first with 32.10% of the party vote, followed by the Party of Reforms and Order (12.78%), the National Front (9.72%), the Agrarian Party (6.98%), the NDP (5.50%). The SDPU(o) and the Communist Party of Ukraine both just managed to cross the 4% barrier.

The Gongadze scandal and President Kuchma's alleged role in this affair reinforced Lviv's role as the main base of the opposition and source of ideas about political alternatives. In the run-up to the 2002 elections the region quickly became former Prime Minister Yushchenko's stronghold as well as one of the few open platforms for the opposition politician and staunch Kuchma-opponent Yulia Tymoshenko. The events of the last two years effectively shook up the regional political landscape and consolidated two bigger electoral blocs ('Our Ukraine' and the 'Tymoshenko Bloc'). The head of the Lviv branch of 'Our Ukraine', Stepan Davymuk, as well as the head of the regional 'Tymoshenko Bloc', Igor Mikhailov, told EIM monitors that in comparison to the 1998 elections, centre-right political forces, which had begun to disintegrate in the early 1990s, had finally become more consolidated in the region.⁵ This further weakened left-wing forces in the region. In contrast to the 1998 parliamentary elections local analysts characterised the atmosphere of the 2002 election campaign as being more transparent.⁶

6.2 Regional media

Asked about the specific features of Lviv's regional media landscape, most journalists and analysts pointed to the region's emphasis on Ukrainian independence, its Western-oriented political climate and the centre-right outlook of its media. The print media are more diverse than in other regions and the main regional newspapers are among the most professional and high-quality journalism products in Ukraine's media market, but there is only one private regional TV channel. This near absence of private television demonstrates the financial difficulties of operating a TV channel on a commercial basis. Compared to eastern regions,

⁴ State Statistics Committee of Ukraine, January 2000.

⁵ EIM interview with Stepan Davymuk, 3 March 2002.

⁶ EIM interview with Taras Bazyuk, Committee of Ukrainian Voters, 3 March 2002.

Lviv's financial base for advertising is relatively small. The limited resource base from advertising is a considerable constraint on the financial and political independence of the regional media.

Vysokyi Zamok originally emerged out of the regional edition of *Pravda* as part of an initiative of the then leader of the Rukh movement, Vyacheslav Chornovil. In 1997 the newspaper became independent from the oblast council. There is widespread agreement among journalists, politicians and analysts that *Vysokyi Zamok* is the most influential and professional newspaper in the region. It is published five days a week (daily circulation: 50,000). This status is in part attributed to the newspaper being the only one benefiting from substantial Western investment. According to deputy editor Natalya Balyuk, about half of the newspaper is owned by a Norwegian company and the other half by the journalists' collective. 20 journalists are currently working for the newspaper, and their salaries are considerably higher than elsewhere (with the exception of *Expres*). The Russian-language edition of *Vysokyi Zamok* is also sold in Kyiv, which makes it one of the first regional dailies available in the capital. A publishing house is closely linked to the newspaper, although it publishes several other newspapers, including the newspaper 'Vechernyi visti' which is closely associated with Yuliya Tymoshenko's bloc and could no longer be published in Kyiv. The fact that the editor-in-chief, Stepan Kupril, ran for a parliamentary seat as an independent candidate and placed some editorials in his own newspaper despite officially resigning from the post of editor for the duration of the campaign, tainted the newspapers 'neutral' image somewhat.

Two other commercially run newspapers – *Expres* and *Postup* – enjoy a good reputation among politicians and analysts alike. *Expres* primarily targets a younger audience. It started off as a tabloid and the image has stuck despite it having changed its profile over time, whereas *Postup* has traditionally addressed an intellectual audience and defines itself as a critical opposition forum for political discussions. All three commercially run newspapers have carried election material by opposition candidates, such as Yuliya Tymoshenko and Oleksandr Moroz.

Expres (weekly circulation: 325,700) was set up in 1995 by a group of young people and students. Its format was modelled on a Polish newspaper and it was conceived as a self-financing popular newspaper targeted at a young audience. It also became the first newspaper in Ukraine to vary its local news pages from oblast to oblast. In Lviv the Ukrainian-language edition of *Expres* comes out five times a week; its Russian-language Kyiv edition is published four times a week (circulation per edition: 30,000). *Expres* employs 34 journalists in Lviv and 18 in Kyiv. In Lviv the *Expres* has begun to shed its yellow-press image, but in Kyiv it still fills this market niche. About 10-15% of the journalistic material is shared between the two regional editions. According to Igor Pochinok, editor-in-chief, a maximum of three to four pages per issue are devoted to political advertising during the electoral campaign.⁷ The price for both commercial and political advertising varies between 8,000 and 9,500 hryvna depending on the circulation per issue. Pochinok told EIM monitors that in comparison to the elections of 1998/99 all the parties had now understood that the *Expres* sticks to its commercially driven, objective approach.

Postup was set up in the late 1980s in Rukh circles as the first opposition newspaper in Western Ukraine targeting an intellectual audience. Initially it was printed in Vilnius and distributed more widely in the USSR. After the collapse of the USSR it became a popular weekly newspaper under the name 'Post-Postup' which reached the peak of its popularity in 1993. Subsequently, a lot of journalists left for Kyiv, the newspaper encountered financial difficulties, it had to lower its circulation and was no longer published on a daily basis. The end of 1997 marked a new beginning for *Postup* as a daily newspaper run on a strictly commercial basis. It comes out four times a week (circulation per issue varies between 20,000 and 65,000). *Postup* prides itself on having been the Ukrainian print newspaper to break the Gongadze scandal. For political advertising *Postup* charges 3,000-4,000 hryvna per page. Due to the political engagement of one of its investors *Postup* was seen to take sides in

⁷ EIM interview with Igor Pochinok, 4 March 2002.

the run-up to the mayor's elections 2002. As a result of this partial politicisation of the newspaper, the editor-in-chief Oleg Onisko had quit his job.⁸

A range of newspapers is closely associated with specific parties or blocs. For example, *Za vilnu Ukrainu* has become the semi-official media outlet for Yushchenko's bloc 'Our Ukraine'; *Moloda Halychyna* is dominated by SDPU(u), while *Ukrainskyi Shlyakh* is the official newspaper of the regional administration and therefore close to United Ukraine. The editor himself described *Ukrainskyi Shlyakh* as a 'newspaper of the power structures', but insisted that United Ukraine also had to pay for its advertising.⁹ It was set up in 1992 as the official paper of the oblast administration. According to its editor-in-chief, it receives only 10% from the state budget and earns 90% through advertising. The newspaper is published twice a week (circulation: 63,000 per issue) and relies more heavily on subscription rates than the other regional newspapers. The price for commercial and political advertising is 2,500 hryvna per A3 page. With the exception of the Communist Party, *Ukrainskyi Shlyakh*, according to its editor, was willing to publish the material of every party or bloc.

Za vilnu Ukrainu was set up in 1990 with the support of the oblast soviet. From the very beginning it defined itself as a patriotic paper with a political mission and links to the Ukrainian national movement. In 1992 the oblast soviet decided that it should become an independent newspaper. It gradually went almost bankrupt before Rukh and the Republican Party decided in summer 2000 to rescue the newspaper. *Za vilnu Ukrainu* now comes out three times per week and has a circulation of 32,000 per issue. In the 2002 election campaign it supported Yushchenko's bloc, which was allowed to publish in *Za vilnu Ukrainu* free of charge. Normally, a page of advertising costs 3,100 hryvna. The newspaper decided which parties would be allowed to publish in it and collectively excluded the Democratic Union and United Ukraine.

The Committee of Ukrainian Voters as well as the majority of editors and politicians interviewed by EIM monitors pointed to the lack of professionalism among journalists and parties/blocs alike. By early March the Committee had already noted violations of the electoral law by three parties or blocs: United Ukraine, SDPU(u) and Yuliya Tymoshenko's bloc. Nevertheless, the head of the Committee, Taras Bazyuk, recognised improvements in the media environment and coverage since 1998 and pointed to the fact that violations were at least being investigated and discussed.¹⁰

Representatives of Our Ukraine, the Tymoshenko bloc, the SDPU(u) and the Socialist Party interviewed by EIM monitors complained about their limited access to regional state television, primarily due to the high prices for TV adverts. They had all concentrated on the print media for the purposes of their campaign. Television was singled out as the least objective media outlet, followed by radio. They all voiced a suspicion that United Ukraine did not have to pay the same prices for advertising as everybody else and benefited from its links to the state structures. However, with the exception of the Tymoshenko bloc, they all stressed their good relations with the journalists from the three main commercial newspapers.

Diversity and growing professionalism in the newspaper sector stands in contrast to the by and large state-controlled regional state television and radio channels. The existence of a single private channel, *Mist*, illustrates that the region was lagging behind other regions in terms of independent private television. In addition to the state radio channel, there have been a number of smaller private radio channels, such as Radio Lux or Khvyliya.

After Kyiv the *Lviv Regional State Television and Radio Company* is the second oldest television company in Ukraine. It was set up 45 years ago. In Soviet times it reached an audience as far away as Vladivostok, but nowadays it is limited to Lviv and its surrounding oblasts (about three million viewers). Its programmes are broadcast all day long on the 12th channel, with some additional hours being shown on the 6th channel (Inter). According to deputy director Vasil Havrilishin, the regional TV company adopted an internal policy to actively engage with the elections and to provide information in all its mainstream

⁸ EIM interview with Oleg Onisko, 4 March 2002.

⁹ EIM interview, 5 March 2002.

¹⁰ EIM interview with Taras Bazyuk, 3 March 2002.

programmes. This policy seems to have gone hand-in-hand with some discretion as to what candidates or parties had to pay for the different types of coverage: 'If someone has a good idea for a programme, but cannot pay for it we take a decision on the quality of the material. In particular small parties often lack the money to pay', Havrilishin told EIM monitors.¹¹ A minute of advertising generally costs 228 hryvna, but the prices for covering different types of activities varied. Havrilishin called the election campaign a 'welcome source of extra income' for the company. In early March he told EIM monitors that United Ukraine, SDPU(u) and Our Ukraine had shown the greatest demand for regional television coverage. He also openly admitted daily contacts with the regional administration and certain attempts by representatives of United Ukraine and the regional governor to influence the programme.

NVM is a new private channel which started up in early 2002. It is run from its base in Chernivtsi and its broadcast in Lviv oblast concentrates on news programmes three times a week in addition to interviews and political programmes. During the election campaign it attracted attention due to its live TV debates, which included candidates not seen much on other channels, most notably Oleksandr Moroz, the head of the Socialist Party. Given that the channel had only just become operational, however, it was still difficult to gauge its resonance in the region. Some of the personnel of *Mist* are now working for *NVM*, for example editor Oleksandr Vavrishchuk. In an interview with EIM monitors he emphasised the political and financial independence of the channel and said that he had not experienced any political pressure from the regional or local authorities.¹²

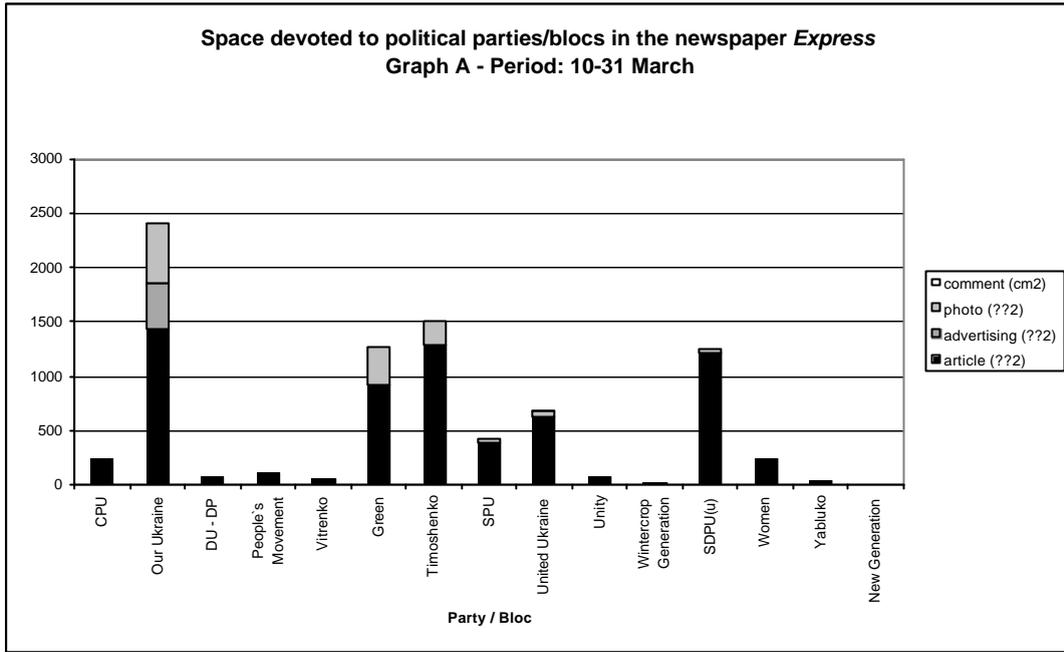
6.3 Media coverage of the election

A team of local EIM monitors analysed four regional newspapers throughout the period 10-31 March: *Vysokyi Zamok*, *Expres*, *Postup* and *Ukrainskyi Shlyakh*. *Vysokyi Zamok* carried a wide range of materials from different parties across the political spectrum. Our Ukraine gained almost twice as much exposure (5,138 cm²) as Yuliya Tymoshenko's bloc (2,848 cm²) and the SDPU(u) (2129 cm²) and almost five times as much as United Ukraine (1,126cm²). The SDPU(u) and Our Ukraine placed more advertising than any other party or bloc (436 and 429cm² respectively). While most of the newspaper coverage was neutral, Our Ukraine, the Democratic Union, the Tymoshenko bloc, Yabluko and the SDPU(u) enjoyed some positive coverage (between 600 and 1000cm²). In the case of Our Ukraine and the Tymoshenko bloc the positive coverage was counterbalanced by a similar amount of negative coverage (934cm² and 449cm²).

Between 10-31 March the *Expres* devoted a similar amount of space to articles about Our Ukraine (1438cm²), the Tymoshenko bloc (1287cm²) and the SDPU(u) (1211cm²), while all other parties and blocs got a lot less exposure. Our Ukraine was singled out as the party placing most advertising in the *Express*. The tone of coverage was generally neutral; only in the case of the Green Party, Our Ukraine and the Tymoshenko bloc did the EIM monitors detect some additional positive coverage.

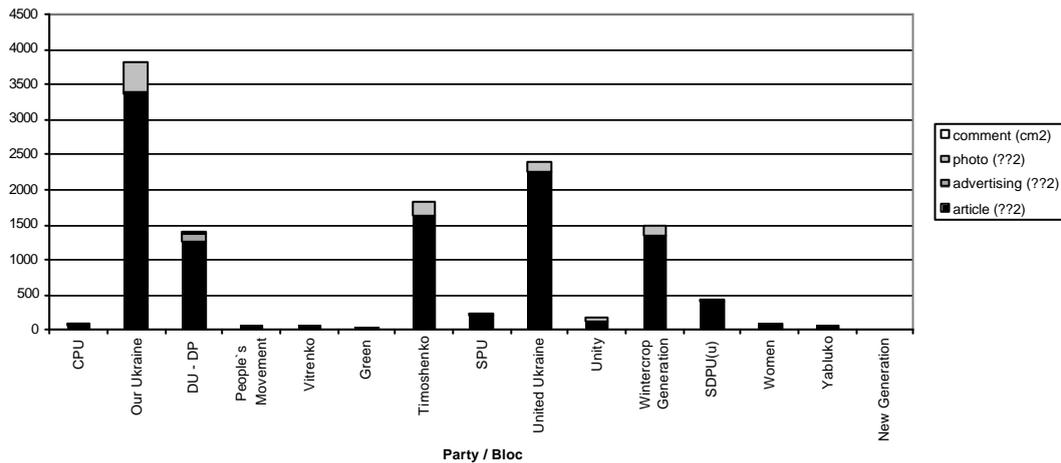
¹¹ EIM interview with Vasil Havrilishin, 4 March 2002.

¹² EIM interview with Oleksandr Vavrishchuk, 5 March 2002.

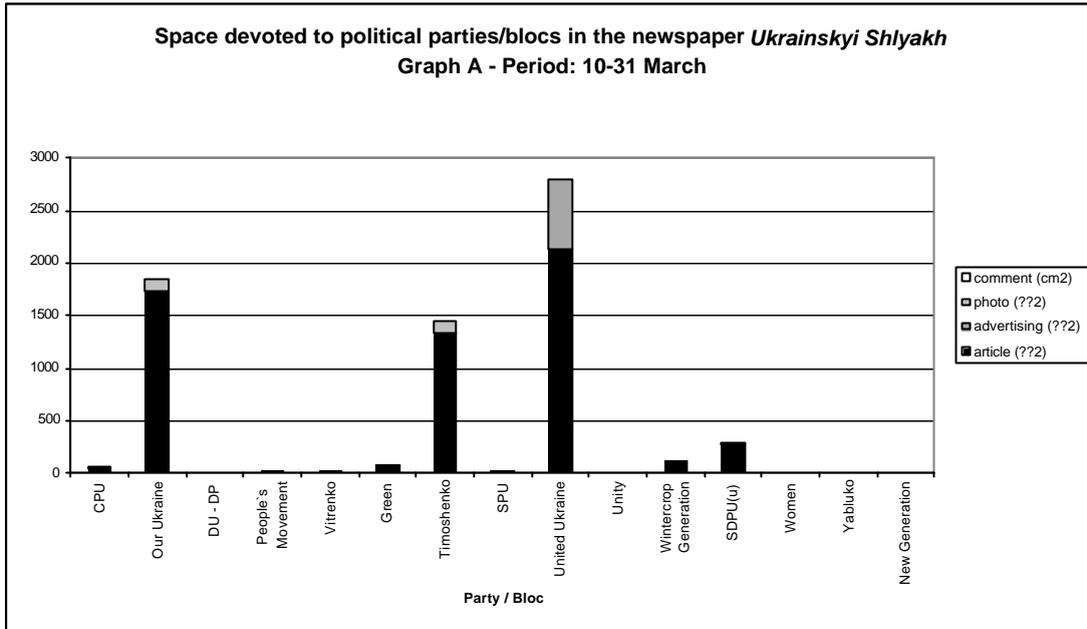


Postup carried articles about a whole range of parties, in particular about Our Ukraine (3370cm²), United Ukraine (2258cm²), the Tymoshenko bloc (1630cm²), the Wintercrop Generation (1357cm²) and the Democratic Union (1272cm²). The Democratic Union placed more advertising than any other parties, followed by Our Ukraine. The overwhelming majority of parties and blocs were given neutral coverage. The EIM content analysis revealed slightly more positive coverage of Our Ukraine and the Tymoshenko bloc as opposed to slightly more negative coverage of United Ukraine, Wintercrop, Vitrenko's bloc and the People's Movement (Narodnyi Rukh).

Space devoted to political parties/blocs in the newspaper *Postup*
Graph A - Period: 10-31 March

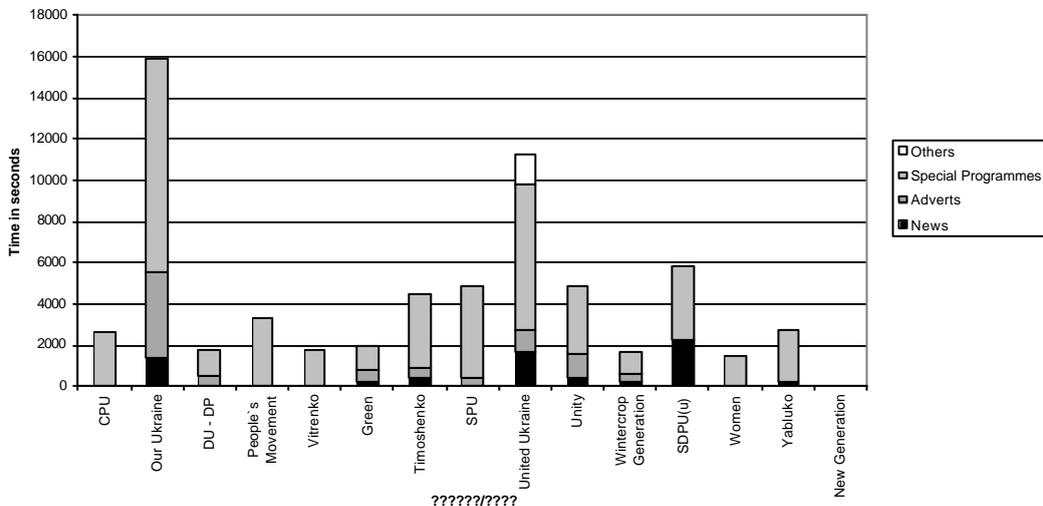


The regional government financed newspaper *Ukrainskyi Shlyakh* devoted more articles (2130cm²) and advertising (672cm²) to United Ukraine than to other parties and blocs. It also carried articles about Our Ukraine and the Tymoshenko bloc (1729cm² and 1336cm² respectively) but in predominantly negative coverage (1186cm² and 1124cm² respectively). Thus, *Ukrainskyi Shlyakh* acted primarily as a campaign tool for United Ukraine.



In its news coverage the regional state television company concentrated on SDPU(u), United Ukraine and Our Ukraine. In the period 10-31 March Our Ukraine placed more advertising than any other party or bloc (4220 seconds), followed by Unity (1190 seconds), United Ukraine (1061 seconds), the Tymoshenko bloc (529 seconds) and the Green Party (508 seconds). Judging by these figures, only Our Ukraine managed to go significantly beyond the officially guaranteed free airtime. Most of the coverage of the parties and blocs occurred in special programmes rather than in the news programmes or adverts. Almost two hours were devoted to special programmes about Our Ukraine, followed by United Ukraine (just under two hours), the Socialist Party (one hour 13 minutes), SDPU(u) (just under one hour) and the Tymoshenko bloc (just under one hour). Most other parties and blocs, including smaller ones, were represented in special programmes of about 15 - 30 minutes each. Among the more significant parties, only the Agrarian Party stands out due to its almost complete absence from news, adverts and special programmes. The regional state television coverage was generally neutral in tone; none of the major parties and blocs received outspokenly negative or positive coverage.

Time devoted to political parties on *Lvivske telebachennya*
Graph A - Period:10-31 March



In the period 10-31 March the private regional television company *Mist NVM* carried news items and adverts related to three electoral blocs: Our Ukraine (118 and 786 seconds respectively), United Ukraine (60 and 489 seconds respectively) and the Tymoshenko bloc (88 and 444 seconds). All the coverage was classified as 'neutral' by EIM monitors. The channel *NVM*, a new channel which started up in early 2002, reported on a wide range of parties and blocs, but devoted by far the most airtime to Our Ukraine (40 minutes) and United Ukraine (22 minutes). Our Ukraine dominated the adverts with a total of one hour 48 minutes, followed by Vitrenko's bloc (30 minutes), the SDPU(u) (10 minutes), United Ukraine (nine minutes) and the Tymoshenko bloc (three minutes). Our Ukraine and the Tymoshenko bloc were covered most extensively in special programmes (three hours 20 minutes and one hour 15 minutes respectively). The tone of coverage was mostly neutral with some explicitly positive coverage of 'Our Ukraine' (20 minutes), the Tymoshenko bloc (10 minutes) and United Ukraine (six minutes), although coverage of the latter was slightly counterbalanced by two minutes of explicitly negative reporting.

6.4 Summary

The media coverage in Lviv by and large reflected the political orientation of the region. Both Our Ukraine and the Tymoshenko bloc gained considerable exposure in the regional media, counterbalanced only by the coverage of United Ukraine. The overwhelming majority of the regional coverage was classified as 'neutral' in content. On the whole, the regional media put the emphasis on the local elections and the individual candidates competing in the single-member constituencies. The print media sector is run fairly professionally. Apart from some political loyalties tied to individual local or regional candidates it allowed for party access on a commercial basis. The main problem lies with the fully or partly state-financed media outlets, in particular the newspaper *Ukrainskyi Shlyakh* and the regional state television and radio broadcaster. However, despite the inherent bias of the state television company, Our Ukraine nevertheless managed to get more special coverage and airtime for advertising than United Ukraine.

6.5 Lviv election results

The voter turnout in Lviv oblast was higher than the national average: 74.7%, compared to the overall turnout of 69.39%. The election results were a clear vote in favour of change and reform in Ukraine. Viktor Yushchenko's bloc Our Ukraine secured the overwhelming majority of party votes, and Yuliya Tymoshenko's bloc was the only other political force to cross the 4% threshold in the region:

| | |
|-------------------------|--------|
| Our Ukraine: | 63.92% |
| Yuliya Tymoshenko Bloc: | 17.13% |

Of the 12 deputies elected in single-member constituencies, five candidates stood as members of the Party of Reforms and Order, two as independents, two as members of People's Movement (Narodnyi Rukh) and one each as a member of the Ukrainian National Movement (Ukrainskyi Natsionalnyi Rukh), the SDPU(u) and the Ukrainian National Assembly.

7 The election campaign in Dnipropetrovsk

Gwendolyn Sasse

7.1 Political situation

Dnipropetrovsk oblast, located in the predominantly Russian-speaking eastern part of Ukraine, is one of the biggest and most densely populated regions. It forms part of the country's industrial and financial core. A population of about 3.7 million¹³ gives the region disproportional weight in nation-wide elections. After Kyiv and Kharkiv the city of Dnipropetrovsk is the third largest city in Ukraine. The political and economic links between Kyiv and Dnipropetrovsk have traditionally been very strong. A local saying describes Dnipropetrovsk as 'not the first, but also not only the second city in Ukraine'. In particular since Leonid Kuchma, the former director of the region's Soviet missile factory *Yuzhmash*, was elected president in 1994, the number of politicians and business elites from the region have figured prominently in Kyiv's central power structures. During Kuchma's first term in office they were generally referred to as the 'Dnipropetrovtsy', but since his re-election in 1998 it has become obvious that they do not represent a coherent interest group. The careers of a number of prominent politicians who took part in the 2002 elections are closely tied to Dnipropetrovsk. Among them are Valerii Pustovoitenko, the head of the pro-presidential bloc For a United Ukraine (ZaEdU) and until recently the head of the presidential administration, and the former Deputy Prime Minister and Kuchma-opponent Yuliya Tymoshenko. Thus, the political struggles at the national level reverberate at the regional level, and regional and national interests are often difficult to disentangle.

At the regional and local level there is still little party consolidation. In the 1998 parliamentary elections the Hromada Party of Pavlo Lazarenko, regional oligarch and former Prime Minister, became the strongest regional party (35.34%) followed by the Communist Party (25.62%). Since then Lazarenko's regional clout has been greatly diminished. He is currently in the US and faces criminal charges in several Western countries as well as in Ukraine. The memory of the tense election battle surrounding Lazarenko in the 1998 elections was still a common point of reference for journalists and politicians alike during the 2002 elections. His departure from the political scene changed both the political and media environment in the region. The fact that Kuchma and one of his most vociferous opponents Yuliya Tymoshenko are both from Dnipropetrovsk contributed to the heated political struggle in the region. Moreover, groups of Russian 'image-makers' are rumoured to have been actively involved in the campaign, for example through business interests close to Pinchuk (Trudova Ukraina), the SDPU (u) and, possibly, Yushchenko's bloc Our Ukraine. According to the Committee of Ukrainian Voters, United Ukraine's influence in 2002 was nevertheless still greater than that of Hromada in 1998.

The regional branch of United Ukraine became consolidated only in early 2002 and formed primarily around the old party of power the NDP. Its advertising was very visible all over the city, in particular in official or semi-official buildings. At the airport, for example, a huge sign greeted arriving passengers with the slogan: 'Dnipropetrovsk is For a United Ukraine' (*Dnipropetrovsk Za edinu Ukrainu*).

The Tymoshenko bloc was based in a decrepit building far away from the city centre on the other side of the river Dnepr. The head of the regional office of the Tymoshenko bloc, Natalya Panishkevich, told EIM monitors that it had proved extremely difficult to rent office space and that members of her bloc had repeatedly been confronted with physical threats.¹⁴ Moreover, she complained about the means by which her bloc had been hindered from gaining access

¹³ State Statistics Committee of Ukraine, January 2000.

¹⁴ EIM interview with Natalya Panishkevich, 8 March 2002.

to the media, namely through higher than normal prices for television adverts or the excuse that there was no more airtime available on regional television. She disputed the claim that the official prices for political adverts were adhered to by the major television and radio channels. The Tymoshenko bloc had, however, managed to sign agreements with several newspapers, such as *Nashe Misto*, *Dnepr vechernyi* and the opposition paper *Litsa*, which is one of the regional advertising outlets closely associated with the Socialist Party. Given that Lazarenko and Tymoshenko were close allies in 1998, the situation has changed for the worse from the bloc's perspective. It accused United Ukraine of orchestrating a massive campaign against Tymoshenko and her allies.

In a meeting with EIM monitors the head of the regional branch of Our Ukraine, Nikolai Maksimov, contrasted Anatoliy Kinakh's visit to Dnipropetrovsk (during which he appeared in the city's Sports Palace) with Yushchenko's visit, when it remained unclear until the last moment where Yushchenko could address his audience. He also referred to how the regional state television channel and Inter minimised their coverage of Yushchenko's activities.¹⁵ Our Ukraine had signed agreements with the three main regional newspapers (*Nashe Misto*, *Dnepr vechernyi* and *Zorya*) as well as with *Sobytiya*, one of the regional newspapers devoted to advertising and leisure pursuits. Maksimov admitted that Our Ukraine had failed to establish an effective information centre early on. He told EIM monitors that in comparison with 1998 the regional media situation had improved, as papers and channels were no longer closed down for political reasons. He also recognised that Tymoshenko's bloc and the Socialist Party had the most difficulties in obtaining access to the regional media during the 2002 campaign.

7.2 The regional media

Compared to other Ukrainian regions and cities, Dnipropetrovsk has a stronger financial base and, as a result of this higher advertising capacity, a fairly competitive newspaper market. The first signs of a competitive print media, however, have not given rise to distinctive opposition newspapers (with the exception of cheap newspapers financed by political parties and primarily devoted to advertising). There was a consensus among the regional analysts interviewed by EIM monitors that Dnipropetrovsk lacks truly independent regional media outlets. The regional representatives of the Committee of Ukrainian Voters, which has been based in Dnipropetrovsk since 1995, distinguished between three categories: state-financed media, commercial media outlets and opposition media subsidised by parties and/or newspapers devoted to advertising and leisure pursuits.¹⁶ The Committee also singled out the lack of professional party press centres (with the exception of the SDPU(u) and the Communist Party of Ukraine) and the widespread fear of court cases as key constraints on professional and critical coverage of the campaign. The average income of a journalist in Dnipropetrovsk is about \$150 per month – compared to about \$500 in Kyiv, a discrepancy which makes it difficult to keep good journalists in the region. The media situation in many villages is worse than in the city, as there is no competition among local or raion newspapers at all.

Among the newspapers published in Dnipropetrovsk oblast *Nashe Misto*, *Dnepr Vechernyi* and *Zorya* are the biggest and most important. All three newspapers are old or 'reinvented' Soviet media outlets. *Nashe Misto* is the most widely read newspaper in the region. In 1998 the regional media was clearly divided into two camps: those supporting Pavlo Lazarenko, the head of the oblast administration, on one side and the pro-presidential oblast administration on the other side. By the time of the presidential elections in 1999 the balance in the media reporting had tipped in favour of Kuchma's campaign.¹⁷ The interpretation of the regional media developments since 1998 diverged among the various editors and politicians. In interviews with EIM monitors the editors of the two more independent and professional newspapers, *Nashe Misto* and *Dnepr Vecherniy*, pointed to greater freedom in the aftermath

¹⁵ EIM interview with Nikolai Maksimov, 8 March 2002.

¹⁶ EIM interview with Sergei Lyashchenko, 8 March 2002.

¹⁷ EIM Election Reports 1998 and 1999.

of Lazarenko's rise and fall. However, some analysts see the SDPU (u) and Russian interests as having stepped into the media void left behind after Lazarenko's departure.

In 2002 a local EIM team monitored *Nashe Misto*, *Dnepr Vechernyi* and *Zorya* throughout the period 10-31 March. *Nashe Misto* was founded in September 1991 with the support of the city council and Valerii Pustovoitenko, who was the mayor of Dnipropetrovsk at the time. *Nashe Misto*, which comes out four times a week (circulation 106,000), receives some funding from the city council, but the editor-in-chief Nikolai Kravchuk described this share of 5% as negligible.¹⁸ *Nashe Misto* is by and large self-financing through advertising (15%) and subscriptions and sales (only 10,000 copies) both of which account for altogether 80%. Kravchuk told EIM monitors that he would prefer not having any link with the city council at all, as an entirely independent newspaper could ask for higher prices for advertising. However, the 5% stipend finances the subscription of old and poor people and thus has proven difficult to remove. The current prices for both commercial and political adverts in *Nashe Misto* are the following: four hryvna per cm² on Tuesdays, Wednesdays and Fridays and eight hryvna per cm² in the more bigger Saturday edition. According to Kravchuk, adverts generally bring in about 50,000 hryvna per month. Despite its official link with the city council, which obliges it to publish legislative acts at city level, and general loyalty to the mayor, *Nashe Misto* enjoys a good reputation which has benefited significantly from the editor's stance in 1998 when he was widely seen as standing up to Lazarenko's pressure and even became the victim of a physical attack. This incident was repeatedly mentioned to EIM monitors by other editors and different political leaders (e.g. United Ukraine and Our Ukraine) as a sign of his integrity and professionalism. Kravchuk told EIM monitors that the electoral law's imprecise formulation of what constitutes political advertising and potential financial liabilities in connection with legal action based on this law forced him to request that his journalists refrain from any type of campaign analysis before 31 March. Kravchuk stressed that his newspaper operates a strict 'first come, first served' policy in terms of placing political adverts and had come to agreements with all the major parties early on, describing his newspaper as 'the only one that publishes everything'.

Zorya is one of the oldest newspapers in Ukraine. It was founded in 1917 and remained the official Communist Party organ at the oblast level. After independence it became the official newspaper of the Dnipropetrovsk oblast council. *Zorya* is a Ukrainian-language newspaper; its main audience is the Ukrainian-speaking population in the countryside. The newspaper's main source of income comes from subscriptions. According to Leonid Gamolskyi, editor-in-chief, only 5% of the newspapers are sold at kiosks, and the oblast council's contribution only covers the cost of the paper. In an interview with EIM monitors, Gamolskyi was sceptical about the prospects of earning money through political advertising in the run-up to the elections.¹⁹ In 1998-99 *Zorya* was considered to be close to the Hromada Party in 1998-99.²⁰ In early March 2002 Gamolskyi gave the impression that he refrains from publishing political material if possible, as he fears 'alienating loyal readers' and prefers to put the emphasis on non-political, everyday life issues the rural population can relate to. According to Gamolskyi, the paper primarily published political ads for individual candidates rather than for parties and blocs. The most pressing problem in his view was the unchanged attitudes of the older generation of journalists rather than the electoral law itself. Political analyst Vladislav Romanov singled out *Zorya* as the weakest of the main regional newspapers.²¹

The predecessor of *Dnepr vechernyi* was founded in 1933. It was not published during World War II and reemerged in 1972 under its current name as the official organ of the Communist Party and the city soviet. In the aftermath of the August coup 1991 a journalists' collective took control of the newspaper. Today the Russian-language newspaper is still being owned and managed by a group of 30 journalists. According to the editor-in-chief, Valentin Taranenko, the newspaper is self-financing, mostly through subscription, 20% through advertising and only 5-7% through kiosk sales.²² *Dnepr vechernyi* is the biggest newspaper in

¹⁸ EIM interview with Nikolai Kravchuk, 7 March 2002. Kravchuk served as an independent city councillor for four years and acts as head of the Journalists' Union.

¹⁹ EIM interview with Leonid Gamolskyi, 7 March 2002.

²⁰ EIM Report 1999.

²¹ EIM interview with Vladislav Romanov, 8 March 2002.

²² EIM interview with Valentin Taranenko, 7 March 2002.

the region. It has a circulation of 65,000-100,000 and, according to Taranenکو, more subscribers than all other regional newspapers put together. Political analyst Vladislav Romanov from the Academy of Administration, called *Dnepr vechernyi* a 'newspaper for pensioners whose editor tries to avoid conflict'.²³ Out of six pages one is usually reserved for advertising. Taranenکو told EIM monitors that he was open to all parties and candidates interested in publishing their material in his newspaper. Political and commercial adverts cost four hryvna per cm² (plus VAT and advertising tax). Thus, the price for an A3 page amounts to 9,640 hryvna. Taranenکو considered the election campaign a fairly good source of income, although the fact that there are more regional newspapers in Dnipropetrovsk than in other regions has led to lower prices for advertising. Despite the fact that *Dnepr vechernyi* published about twice as many adverts during the election campaign, the income generated had remained below Taranenکو's expectations. Taranenکو did not see *Dnepr vechernyi* as an opposition newspaper, although 'in contrast to *Zorya*, which has to represent the oblast council's point of view, we can be critical of the president, prime minister or the administration'. Taranenکو admitted to widespread self-censorship among journalists and saw his newspaper by and large representing those who get elected.²⁴ Taranenکو described the general media atmosphere as more relaxed since Lazarenکو's departure from the political stage: 'About two years ago the regional power elite tried to bankrupt us. They sent us their tax inspectors and found an excuse to impose fines on us, but we survived these attacks.' By early March, United Ukraine had published fewer materials in *Dnipro vechernyi* than expected, while the Socialist Party had been extremely keen to get published. Taranenکو's self-declared policy was to avoid too excessive coverage of any one party. Taranenکو also described one of the side effects of the electoral law: the vague definition of what constitutes political advertising and agitation led to the conscious abstention from political reporting in order to avoid costly legal battles.

During the 2002 election campaign EIM monitored the regional state television broadcaster as well as two private television channels: the 11th Channel (Privat-TV) and Dniprovyi Grad. There is also the 34th channel TSD, which is partly financed by the city budget and is seen as leaning towards United Ukraine.

The regional state television company was founded in 1958; in 1975 radio broadcasts were added. Weekdays the company broadcasts its programmes between 26pm and 69pm at weekends. The director of the regional state television and radio company (TRK), Stanislav Povod, complained about difficult working conditions and underfunding. In 1995 his company had to shift its programmes from the first national channel to the third channel owned by Inter. In an interview with EIM monitors Povod criticised the electoral law, which left his company with the key responsibility during the campaign. According to the law, every candidate was guaranteed 10 minutes of radio broadcast and 20 minutes of free airtime on television. Despite additional evening time slots on Inter and Studio 1+1 dedicated solely to this electoral broadcast, Povod said that 'the time allocated is simply not enough to comply with the law'.²⁵ According to Povod, the state budget pays only 113 hryvna per minute for the officially guaranteed electoral television broadcast, whereas additional adverts cost 316 hryvna – 'still way below the \$500 per minute a commercial channel can charge'. Given the low prices for the officially guaranteed free airtime and the fact that political broadcasts are shown at the expense of other programmes and commercial ads made the campaign a costly business for TRK. Live television debates between several candidates emerged as a new feature on regional TV during the 2002 campaign. Povod told EIM monitors that in comparison with 1998 the situation had improved, mainly as a result of a stricter law, formal agreements between the channels and parties or candidates and the enforcement of advance payment for adverts.

The 11 Kanal was set up in 1993 with Lazarenکو's support. Due to Lazarenکو's involvement, the channel temporarily became a national player. After Lazarenکو's departure from the regional scene the channel encountered financial difficulties. Now it is believed to be owned by one of Ukraine's most influential oligarchs, Viktor Pinchuk. 11 Kanal reaches about three quarters of the population in Dnipropetrovsk oblast. Ratings demonstrate that it enjoys greater

²³ EIM interview with Vladislav Romanov, 8 March 2002.

²⁴ EIM interview with Valentin Taranenکو, 7 March 2002.

²⁵ EIM interview with Stanislav Povod, 7 March 2002.

popularity and is considered more professional than the other regional channels.²⁶ The regional head of Our Ukraine, Nikolai Maksimov, told EIM monitors that 11 Kanal was not cooperating with his bloc at all, while all the other channels were easier to work with. Michail Illarionov, deputy head of the regional branch of SDPU (u) also singled out 11 Kanal as the one his party had no access to due to its extremely high prices.²⁷

As the name already indicates, Privat-TV, the region's second private television company, was established with the support of Privat Bank. EIM monitors were told that the company is self-financing and Privat Bank simply provided the loans. The channel broadcasts within a radius of 100-120km around Dnipropetrovsk.. According to Anatolyi Shinkarenko, the news editor, it costs \$300 to place a news item in one of the channel's three daily news programmes, and access is granted on a strictly commercial basis.²⁸ Shinkarenko told EIM monitors that mainly candidates from the single-member-constituencies were represented. Among the political parties only Yabluko and United Ukraine had come to an agreement with the channel. The 9th channel was initially used by three different companies, but two lost their license while Privat TV remained.

7.3 Media coverage of the elections

The regional media primarily focused on the municipal elections and the regional candidates competing in the national single-seat constituencies. Representatives of the different electoral blocs and parties told EIM monitors that much depends on the coverage on the national television channels, including Inter and Studio 1+1, whereas the overall impact of regional television was limited. At the regional level the print media are generally considered a better source of information and campaign tool.

The imprecise definition and the possibility of legal action led the newspaper editors, in particular, to actively encourage their staff to hold back their interpretation, comments and analysis of the campaign and its participants. Despite an understandable legal and financial rationale on the part of the editors, this policy further reduced the scope for much needed political analysis. The election date was singled out as the point when there would be a return to normal reporting. There could hardly be a clearer illustration of the skewed role of journalism during elections. The newspaper editors interviewed by EIM monitors were acutely aware of the dilemma between journalistic hibernation during an election period and the financial opportunities it creates. The editors of *Nashe Misto* and *Dnipro Vecherniy* explicitly stressed the business aspect of the elections. In an interview with EIM monitors, Mikhail Illarionov, deputy head of the regional SDPU(u) pointed out that the prices for newspaper ads were now very similar across the board and that he had expected them to be higher than they turned out to be.²⁹

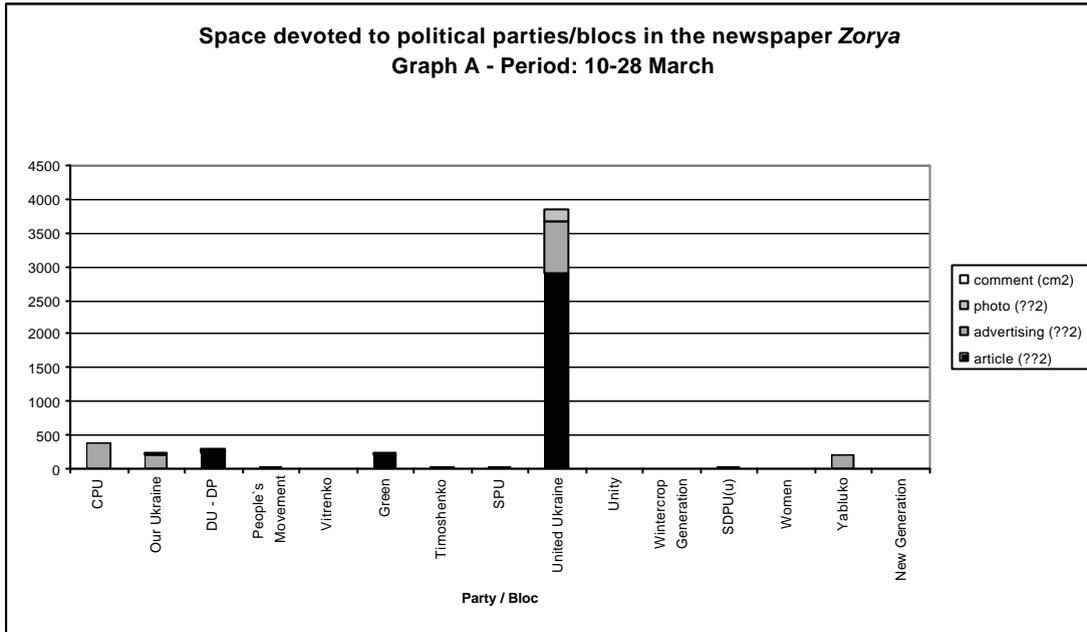
The EIM monitoring demonstrated that *Zorya* carried significantly more articles about United Ukraine (2890cm²) in the period 10-31 March than about any other party or bloc. The Democratic Party-Democratic Union (247cm²) and the Green Party (207cm²) are the only other two parties whose mention shows up in the statistics. The coverage of United Ukraine and the Green Party was overwhelmingly positive (2328cm² and 206cm² respectively), while the coverage of the Democratic Union-Democratic Party was more equally spread between neutral and positive views. *Zorya* carried advertising primarily from five parties and blocs: United Ukraine (775cm²), ZUBR (468cm²), the Communist Party of Ukraine (377 cm²), Our Ukraine (214cm²) and Yabluko (204cm²). Commentary was virtually absent from the election coverage in *Zorya*.

²⁶ EIM interview with Sergei Lyashchenko, 8 March 2002.

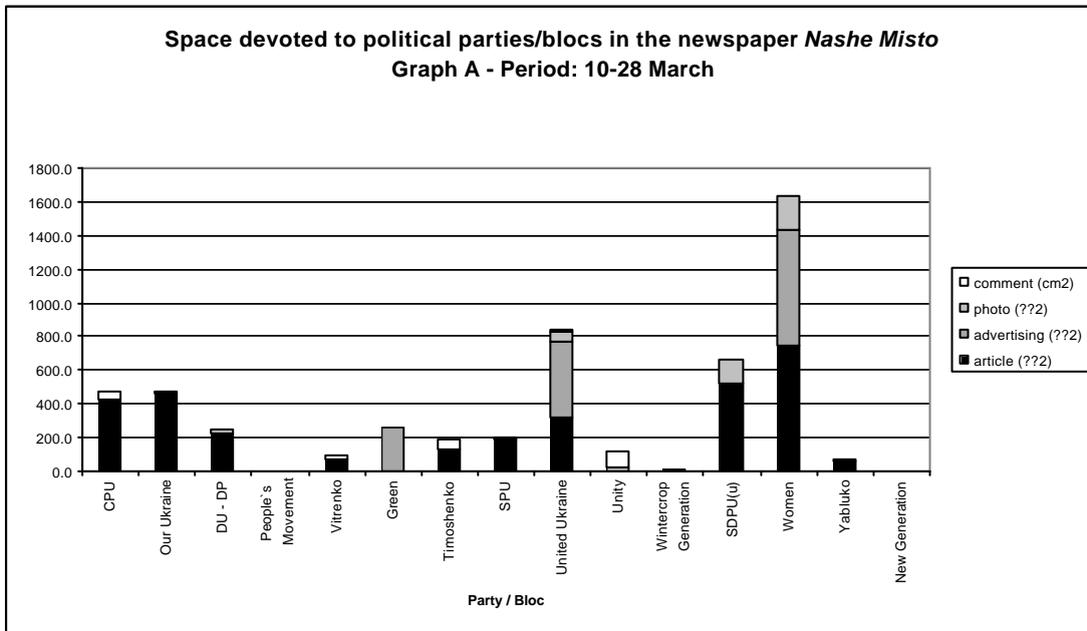
²⁷ EIM interview with Mikhail Illarionov, 8 March 2002.

²⁸ EIM interview with Anatolyi Shinkarenko, 9 March 2002.

²⁹ EIM interview with Mikhail Illarionov, 8 March 2002.

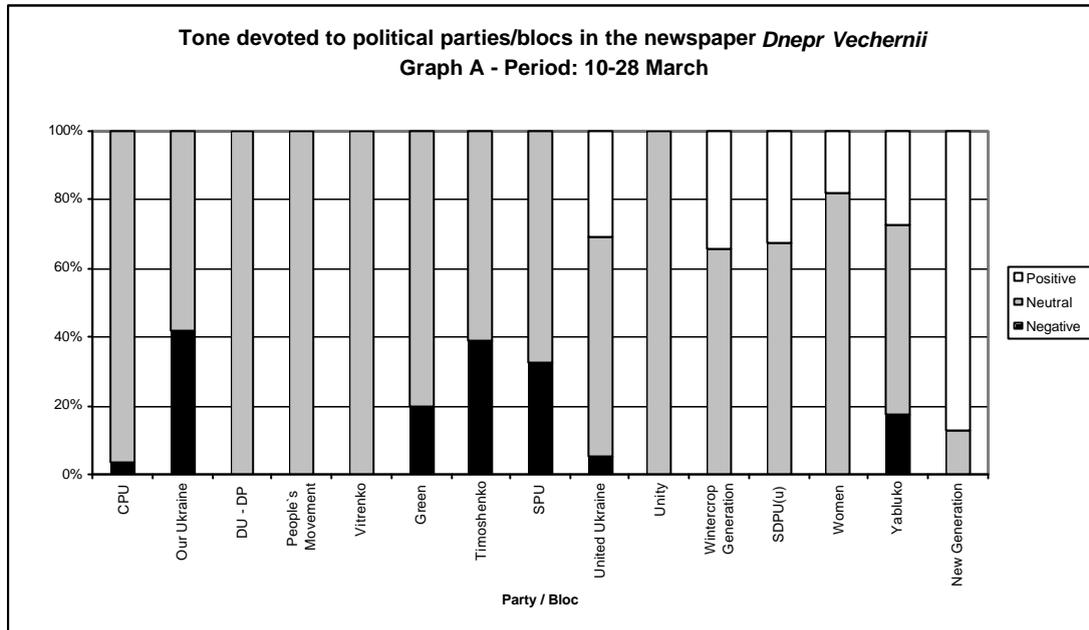


Nashe Misto carried a much greater range of articles about different parties and blocs. Most space was devoted to Women for the Future (750cm²), the SDPU(u) (519cm²), Our Ukraine (467cm²), the Communist Party (424cm²). The number of adverts placed reflects the financial capabilities of the parties and blocs tied to the political and, in particular, the presidential structures: Women for the Future, United Ukraine, the Green Party and ZUBR placed adverts in *Nashe Misto*. A neutral tone prevails in the coverage of most parties and blocs. Interestingly, however, Women for the Future, the Democratic Union and United Ukraine received the most positive coverage. Yuliya Tymoshenko's bloc gained both neutral (138cm²) and positive (55cm²) coverage.



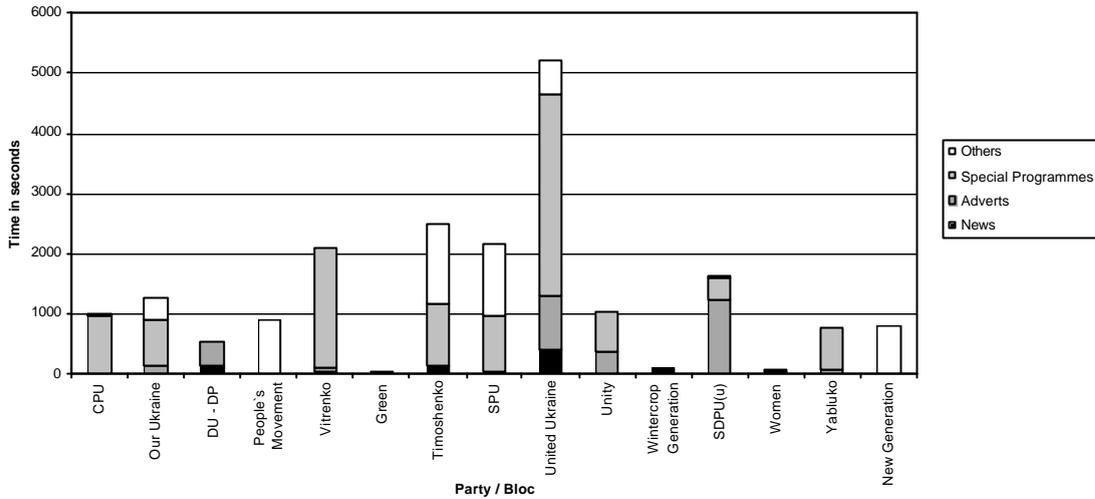
Dnepr Vechernyi published considerably more party-related articles than the other two newspapers and fewer adverts. The paper devoted most space to articles on United Ukraine (3820cm²), followed by articles about a range of parties and blocs across the entire political spectrum: SDPU(u) (1073cm²), Women for the Future (905cm²), the Tymoshenko bloc

(826cm²), the Communist Party (695cm²), Our Ukraine (410cm²) and others. With three notable exceptions the tone of coverage was by and large neutral. A third of United Ukraine's coverage was distinctly positive; whereas about 40% of the coverage of Our Ukraine and Tymoshenko's bloc was negative.



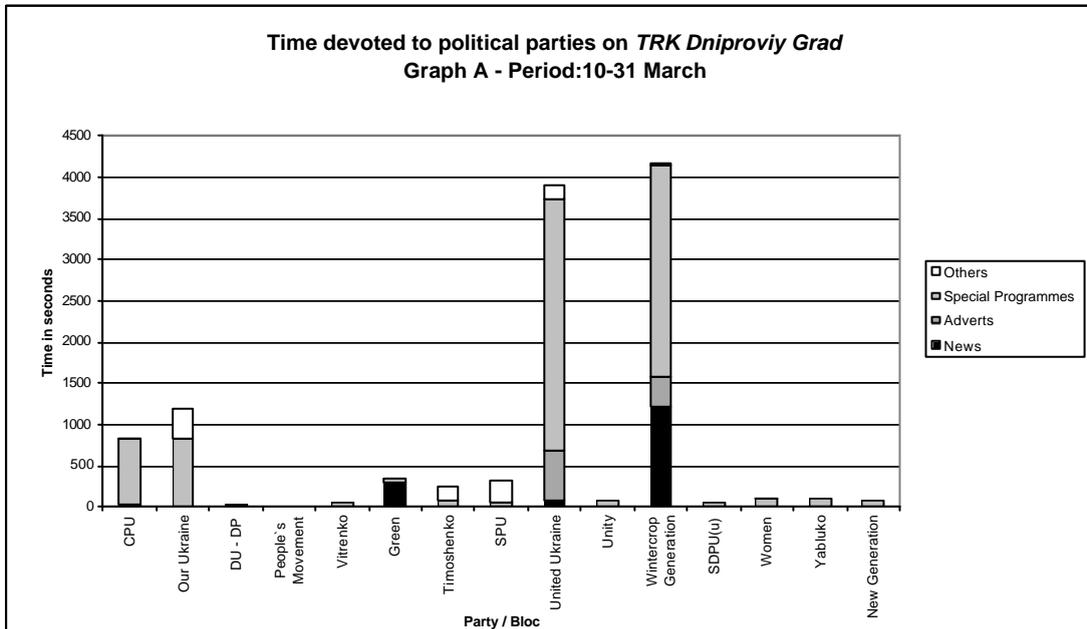
The regional state television and radio company guaranteed United Ukraine more exposure than any other party, in particular through special programmes (55 minutes). With regards to adverts, however, the SDPU(u) was in the lead (20 minutes), followed by United Ukraine (15 minutes), the Democratic Union/Democratic Party (around seven minutes) and Unity (around seven minutes). Here the strong financial base of the SDPU(u) showed up very clearly, given that the price for TV advertising was considerably higher than that for newspaper adverts. The Tymoshenko bloc did not place any adverts on the state channels. This result suggests two possibilities: either the bloc could simply not afford the high prices for television ads, or they were systematically blocked. The tone of the coverage reveals the inherent bias of state television and radio: United Ukraine was the only bloc which received considerable positive coverage (about 30%). The Tymoshenko bloc emerged as the only target of negative coverage, although this coverage only accounted for a tiny percentage of the overall coverage of the bloc. The obligation to give free airtime to all parties and candidates led to an endless series of often confusing and unprofessionally prepared party materials. These tedious broadcasts did little to increase either voter awareness or the profile of the regional channels.

Time devoted to political parties on Dnepropetrovsk State TRK
Graph A - Period: 10-31 March

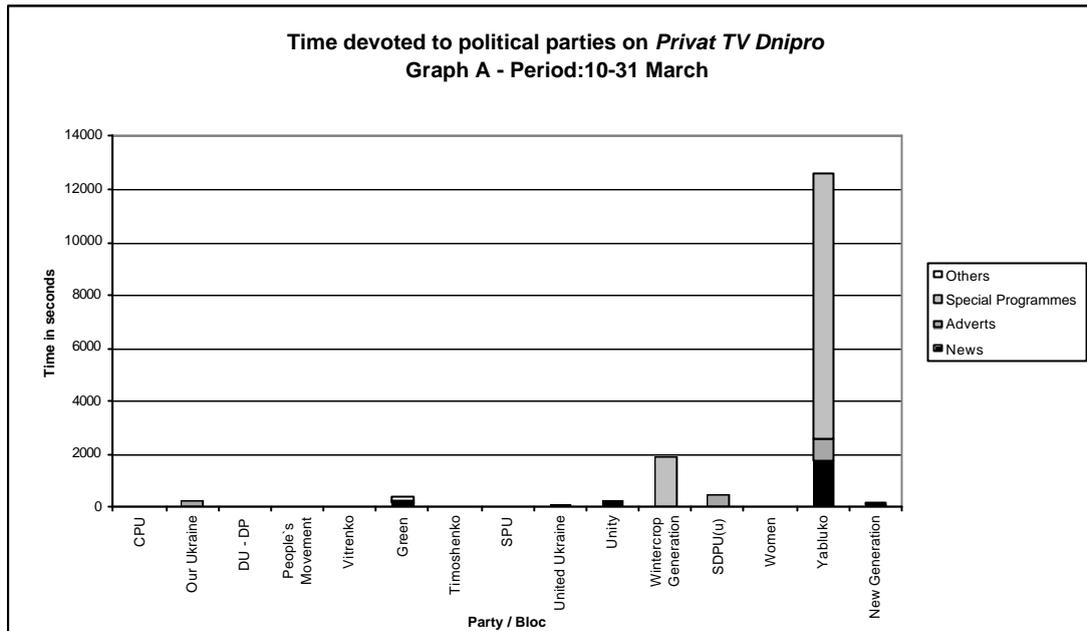


Dniproviy Grad TV cancelled an already scheduled interview with EIM monitors by referring to its right as a private company to reject monitoring visits. The company devoted the most time to a small new party – Wintercrop Generation (just over an hour in total), followed by airtime for United Ukraine. The tone of coverage for both United Ukraine and Wintercrop was overwhelmingly positive. Both the Communist Party of Ukraine (11 minutes) and Our Ukraine (nine minutes) received distinctly negative coverage.

Time devoted to political parties on TRK Dniproviy Grad
Graph A - Period:10-31 March



Privat-TV clearly favoured Yabluko during the electoral campaign (nearly three and a half hours in total). Special programmes on Yabluko alone accounted for two and a half hours of the overall coverage. Wintercrop came a distant second with a total of 31 minutes (all in special programmes). The tone of coverage fits the trend: both parties were given mostly favourable coverage, thereby casting doubt over the channel's alleged 'independence'.



7.4 Summary

The quantitative analysis of the media coverage of the election campaign lends some support to the allegations of bias and unequal access. While the regional newspapers *Nashe Misto* and *Dnepr Vechernyi* were open to a wide range of different parties access, the regional media and, in particular, the regional television and radio broadcasters were unable to provide the electorate with informed news reports, analytical commentaries and balanced views across the political spectrum. Regional television channels introduced most parties and blocs – with the exception of United Ukraine – through adverts or special programmes rather than through news reports or commentaries. This trend points to the role of money and political influence rather than professional journalism in this region.

Rumours were circulating about the extent to which Russian ‘image-makers’ actively influenced the regional campaign, for example through newspaper ownership. Some observers saw Russian money and image-makers at work behind the scene, in particular in connection with the so-called independent media. Independent observers from the Committee of Ukrainian Voters emphasised both the generally low level of professionalism among journalists and the fact that the majority of parties and blocs still do not have well-organised press centres.

Overall, parties and blocs associated with the official power structures gained more exposure and positive coverage in the regional media than, for example, Our Ukraine or Tymoshenko’s bloc. The biggest complaints about unequal access to the media (especially regional television) and about arbitrary prices for political adverts were made by representatives of Tymoshenko’s bloc. Tymoshenko’s political past and her vociferous opposition to the president have added to the number of opponents she faced in a region, which used to be her political stronghold.

7.5 Dnipropetrovsk election results

With 65.3% the regional turnout was slightly lower than the national average of 69.39%. Dnipropetrovsk once again proved to be one of the Communist Party’s strongholds. Thus, it

diverged significantly from the overall election result at the national level. In the party vote the Communist Party achieved 31.86%, followed by United Ukraine, the SDPU(u) and Our Ukraine. A total of eight parties managed to cross the 4% threshold in the region:

| | |
|-----------------------------|--------|
| Communist Party of Ukraine: | 31.86% |
| United Ukraine: | 11.43% |
| SDPU (u): | 9.58% |
| Our Ukraine: | 6.35% |
| Wintercrop Generation: | 4.67% |
| Vitrenko Bloc: | 4.58% |
| Socialist Party: | 4.42% |
| Yuliya Tymoshenko Bloc: | 4.32% |

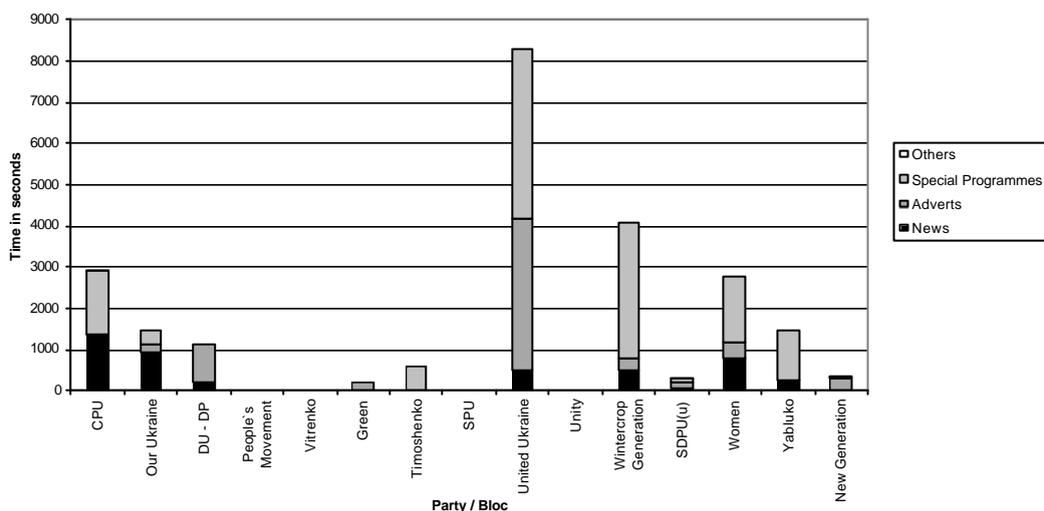
Among the regional deputies elected in the single-mandate constituencies nine candidates stood as independents, two as members of the National Democratic Party, and one each for the Communist Party, Trudova Ukraina, the Agrarian Party, the Party of Regions and the Party of Industrialists and Entrepreneurs. One of the 17 seats remained pending.

8 Simferopol monitoring results

8.1 Television

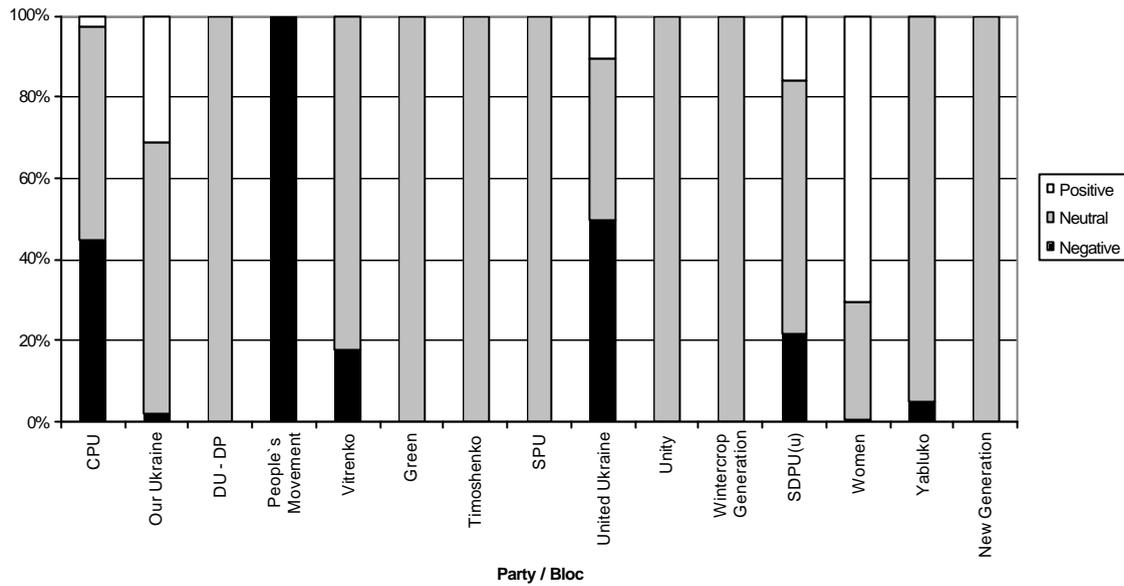
Media monitoring results for the regional state television company in Simferopol showed a different pattern from Lviv and Dnipropetrovsk. State TRK Krym also devoted the most time to the pro-government party United Ukraine, followed by Wintercrop, the Communist Party, Women for the Future, Our Ukraine, Yabluko and the DU-DP. In terms of news coverage however, the Communist Party had the most time devoted to its activities, followed by Our Ukraine. United Ukraine had the largest amount of advertising time on the channel, as well as a large amount of special programmes dedicated to it. However, the tone of coverage shows indicates a distinct departure from the behaviour of other state-owned channels monitored elsewhere.

Time devoted to political parties on *State TRK Krym*
Graph A - Period:10-31 March



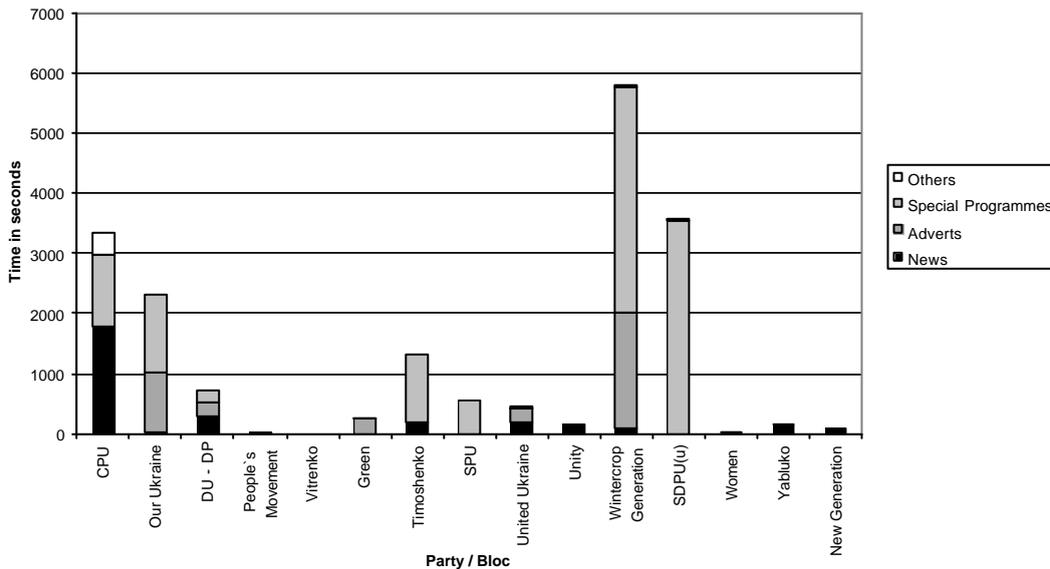
As shown in the graph below, the tone of coverage towards the most-mentioned party – United Ukraine – was mainly negative in character. Despite around 8% positive mentions, the pro-government party was treated negatively 50% of the time. The Communist Party was also the recipient of a large amount of criticism on this channel – showing over 40% negative mentions. The parties treated most positively by the channel were Our Ukraine (over 30% positive) and Women for the Future (70% positive).

Tone devoted to political parties on *State TRK Krym*
Graph A - Period:10-31 March



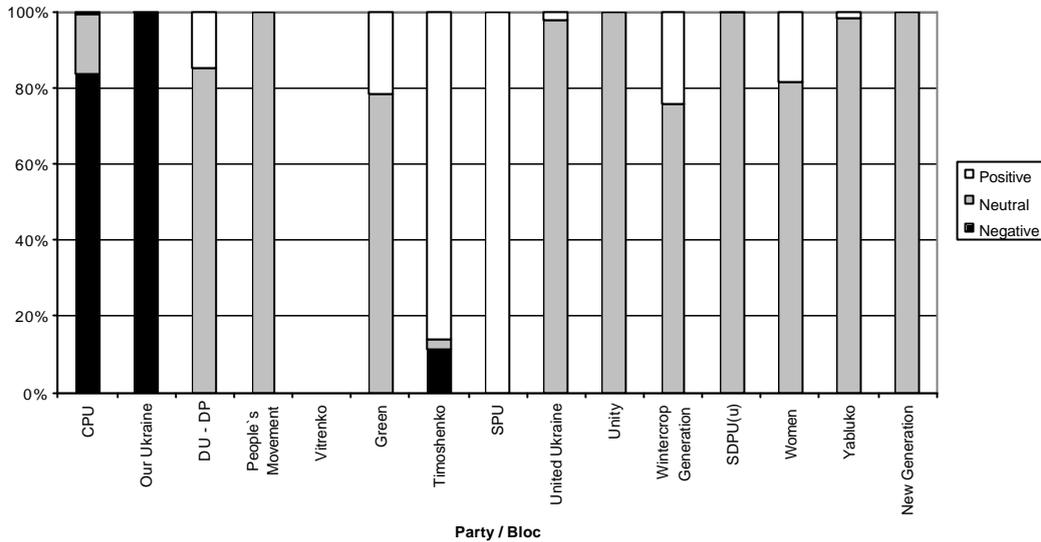
The private channel Chernomorskoe TV devoted the most time in terms of advertising and special programming to the Wintercrop Generation, which was most likely all paid for. Our Ukraine also had a significant amount of advertising shown on the channel. However Chernomorskoe TV, like the state channel, devoted by far the most news commentary to the Communist Party.

Time devoted to political parties on *Chernomorskaya TRK*
Graph A - Period:10-31 March



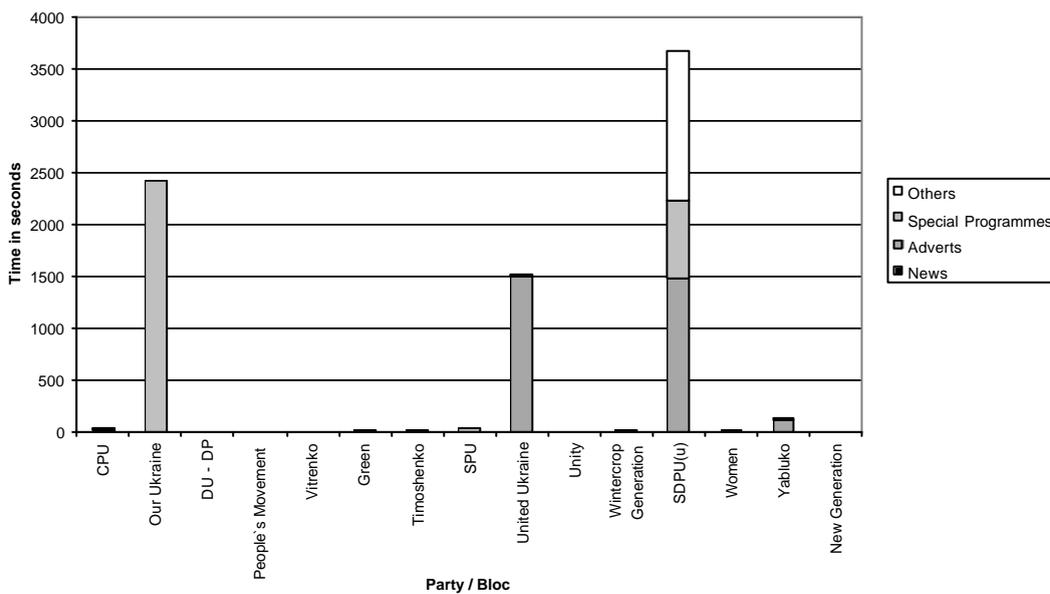
The tone of coverage of the Communist Party was over 80% negative. Our Ukraine was mentioned in news and special programmes exclusively in a negative fashion. The Tymoshenko bloc was treated positively by the channel over 80% of the time and the Socialist Party had exclusively positive treatment.

Tone devoted to political parties on Chernomorskaya TRK
Graph A - Period:10-31 March



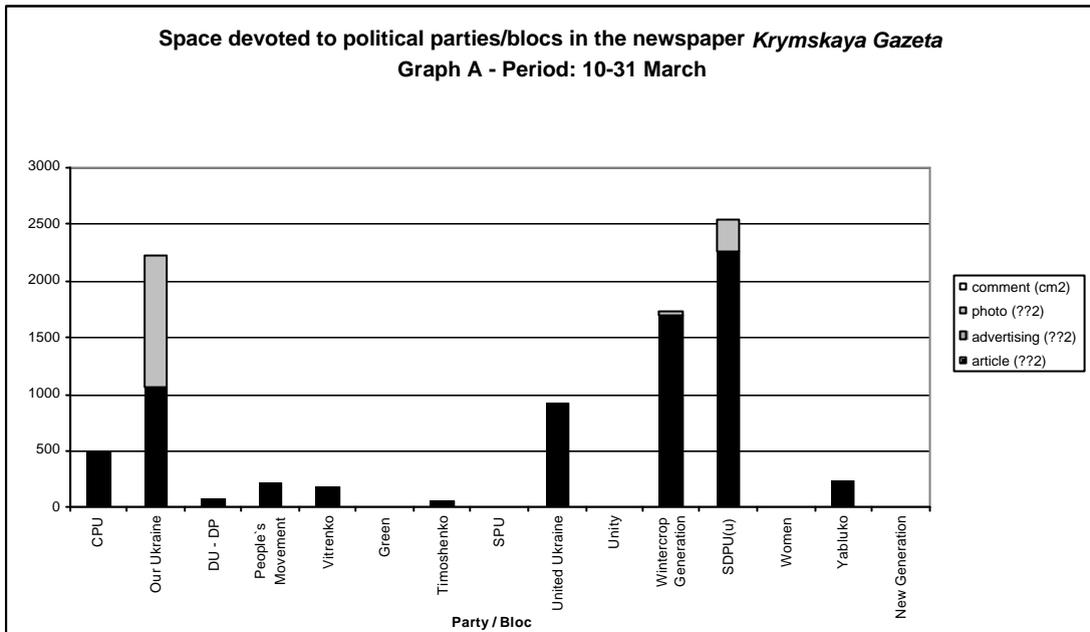
The private Zhisa TV channel devoted only a small amount of time to election coverage, mainly through advertising and the devising of special election programmes. Very little coverage was devoted to the Communist Party but 15% of it was negative. The SDPU(u), clearly the largest investor during the period monitored, was treated positively 98% of the time.

Time devoted to political parties on Zhisa TRK
Graph A - Period:10-31 March

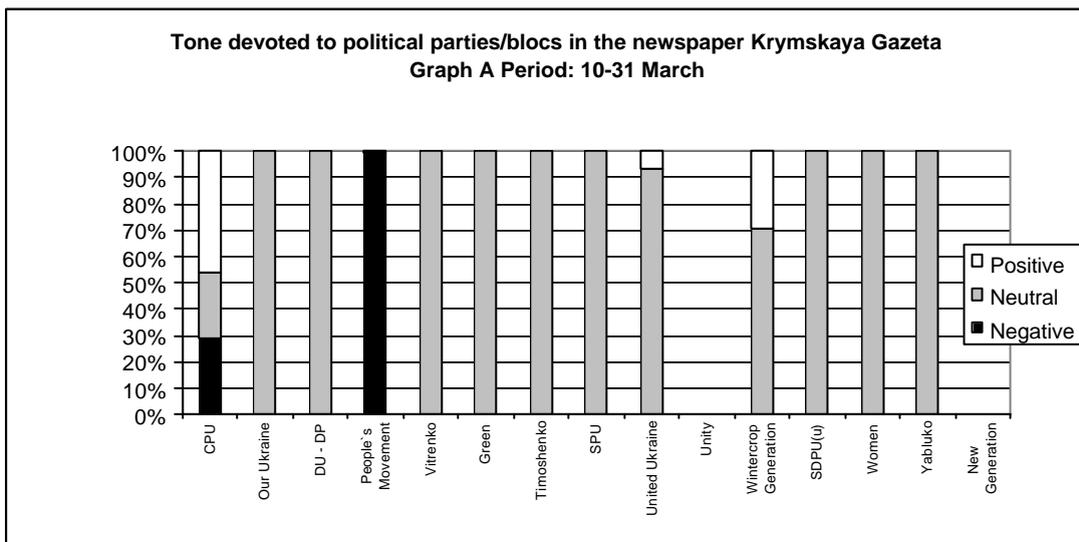


8.2 Newspapers

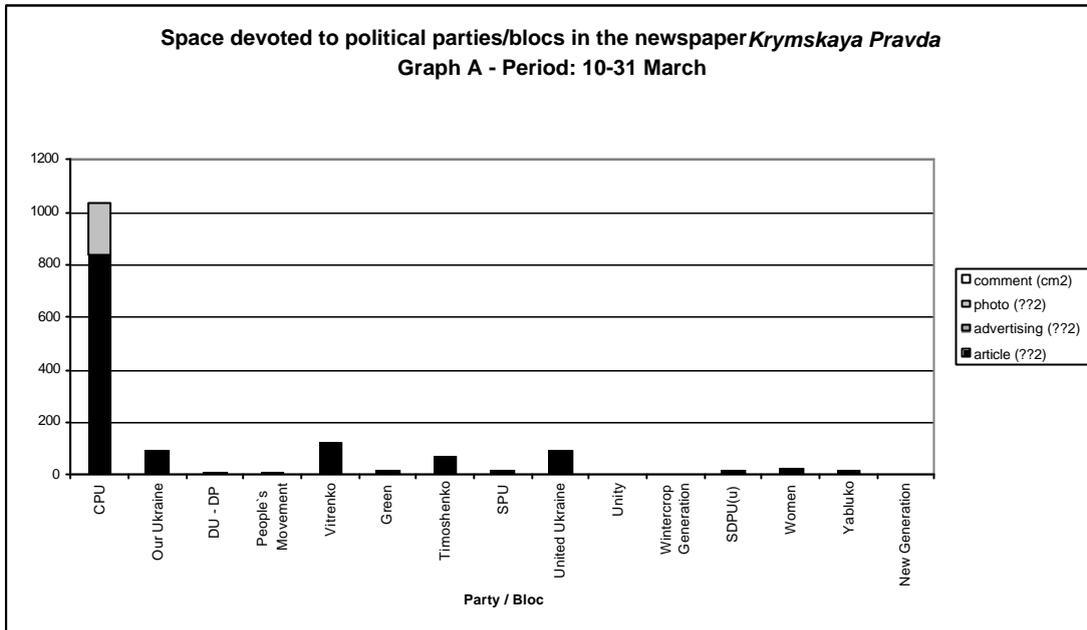
The newspaper *Krymskaya Gazeta*, founded by the Council of Ministers of Crimea, devoted the most space overall to the SDPU(u), followed by Our Ukraine, Wintercrop and United Ukraine. The Communist Party also had around 500cm² of article space devoted to it. The Russian Party (not shown in the graph below), a Russia-centric formation and one of the smaller new parties contesting the elections, received twice as much coverage as the Communist Party in the newspaper.



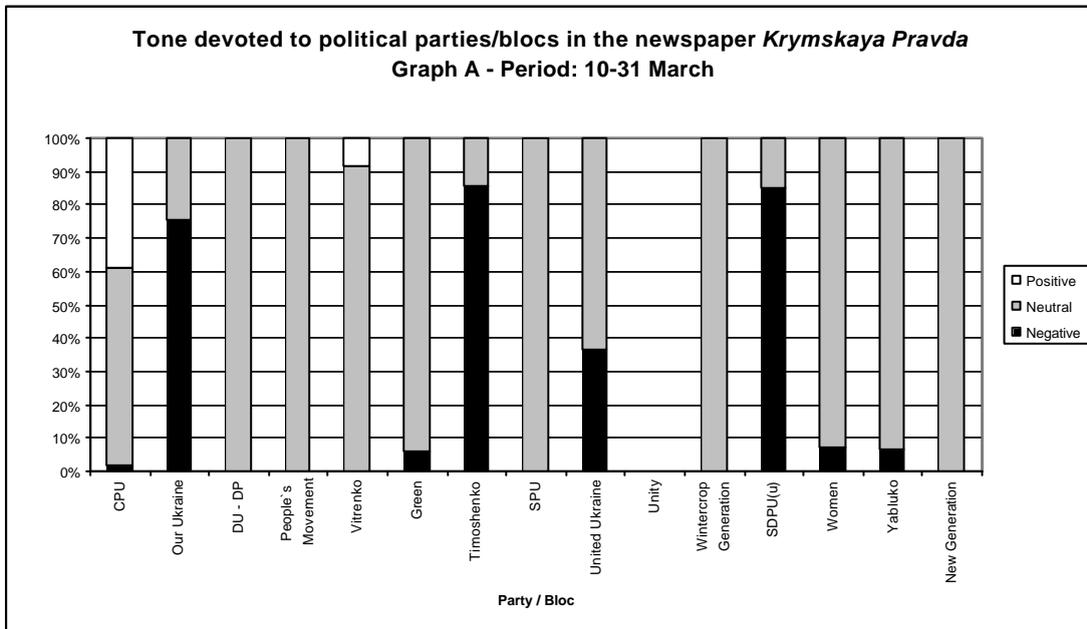
The tone of coverage of the parties above is shown below. The nationalist People's Movement (Rukh) was treated most negatively by *Krymskaya Gazeta*. Articles written about the Communist Party's activities were very mixed in tone – sometimes critical (28%), sometimes neutral (25%) and sometimes positive (47%).



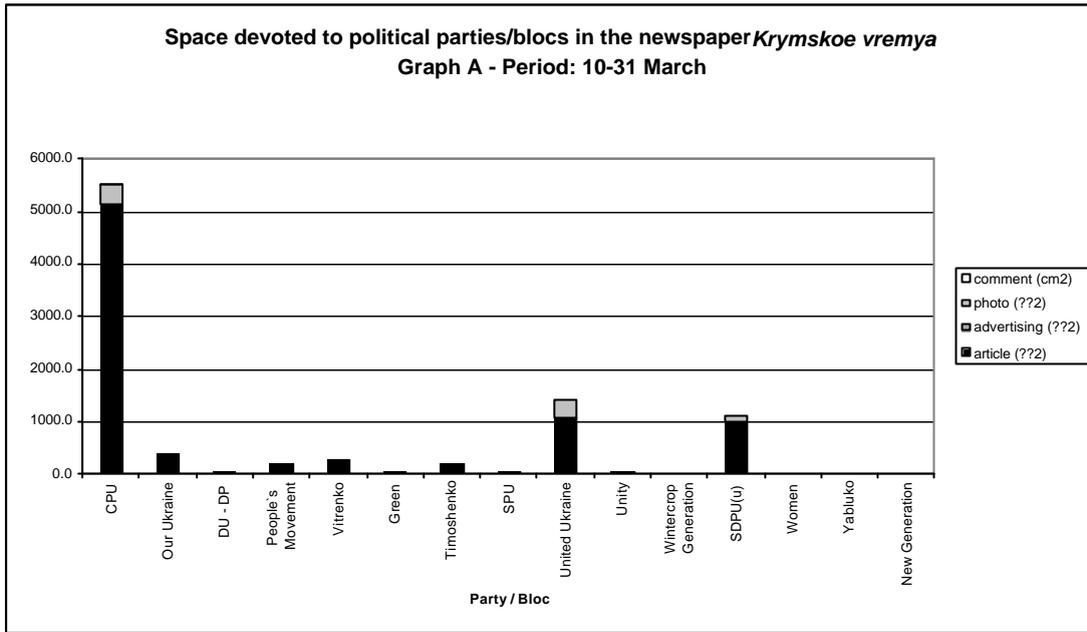
The private newspaper *Krymskaya Pravda* (officially owned by its journalistic collective) devoted by far the most space to discussing the Communist Party. The other most mentioned parties were the Vitrenko bloc, United Ukraine, Our Ukraine and the Tymoshenko bloc.



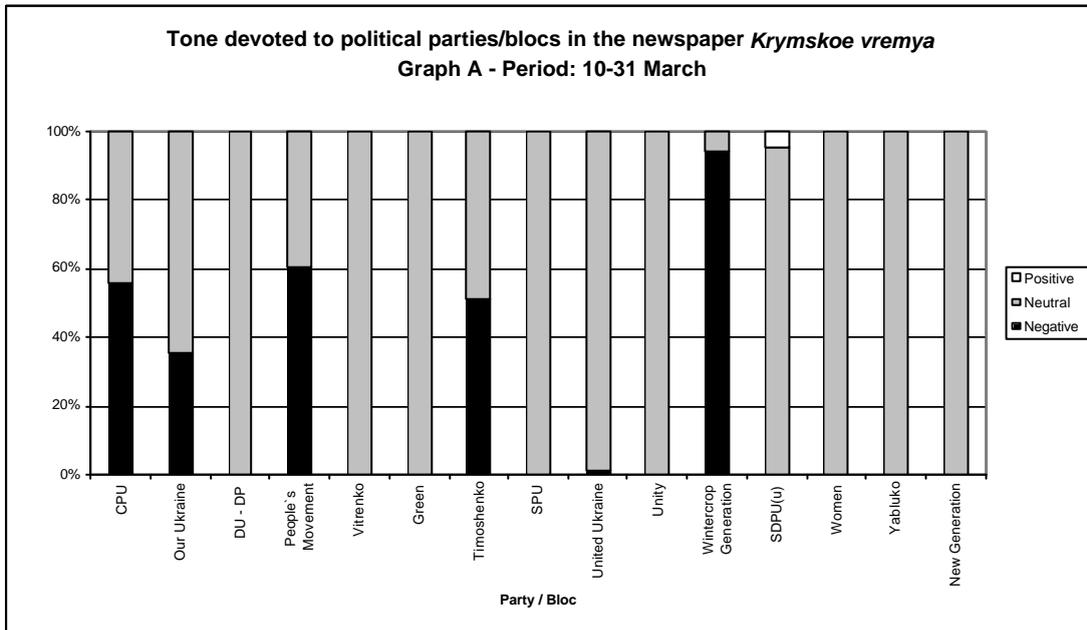
The tone of coverage devoted to the Communist Party was nearly 40% positive and Vitrenko also had a small amount (8%) of positive coverage devoted to it. The other parties came in for criticism – United Ukraine (36% negative), Tymoshenko (85% negative), Our Ukraine (75% negative). The newspaper was clearly skewed towards the support of a Communist victory in the region.



The other private newspaper monitored, *Krymskoe vremya*, was founded by the charity 'Centre for Social Care and Assistance'. It also devoted by far the most coverage to the Communist Party, followed by United Ukraine, the SDPU(u) and Our Ukraine, as shown below.



Despite having the most attention paid to it, the character of the coverage of the Communist Party was nearly 55% negative. Our Ukraine also had a significant amount of negative coverage – 35% negative. Coverage of the pro-government United Ukraine was mainly neutral, while a small amount of positive coverage was registered for the SDPU(u).



9 Conclusions and recommendations

Firstly, it should be said in plain terms that voters' interests were not best served by coverage of the election campaign provided by Ukrainian media. The main state broadcaster did not actively engage in the type of smear tactics it resorted to during previous election campaigns (e.g. the 1999 programme 'Aktseuty' which criticised all the presidential candidates competing against Kuchma directly before their free airtime). However, the party of power For a United Ukraine was allowed to dominate UT-1's coverage overall, receiving around four times as much attention as any of the other parties. In news programmes this was particularly evident, with United Ukraine receiving 52% of total news coverage. Coverage of United Ukraine was positive for nearly 50% of the total amount of time devoted to it on this channel, while coverage of opposition parties (much smaller amounts of time) were quite negative – Our Ukraine had 15% negative coverage, while Tymoshenko had 55% negative coverage. These figures demonstrate that UT-1 was both quantitatively and qualitatively biased towards the party of power, essentially allowing itself to be used (for the fourth time in the history of EIM monitoring) as a tool for the re-election of the government.

This alone was a clear contravention of the agreements signed by Ukraine with the Council of Europe and other international organisations to support free and fair elections, in terms of a failed commitment to fair, impartial and balanced media coverage of the political process. Recommendations agreed to by Ukraine include the Council of Europe Recommendation on Measures Concerning Media Coverage of Election Campaigns, which states:

'Where self-regulation does not provide for this, member States should adopt measures whereby public and private broadcasters, during the election period, should in particular be fair, balanced and impartial in their news and current affairs programmes, including discussion programmes such as interviews or debates. No privileged treatment should be given by broadcasters to public authorities during such programmes.'

Private national broadcasters like Inter, Studio 1+1 and STB tended to mirror the negative coverage of traditional opposition parties in Ukraine – the left-wing parties like the Communist Party and the Socialist Party – as well as the relatively new opposition parties, Yushchenko's Our Ukraine and the Tymoshenko Bloc. The other private Kyiv broadcaster monitored – Novyi Kanal, also devoted the most time to United Ukraine and another rumoured pro-government formation (which did not pass the 4% barrier but spent a fortune during the campaign on advertising) Wintercrop Generation. In short, this left Ukrainian viewers with a range of state-owned and private broadcasters which took an uncritical view of the pro-government party and a broadly negative view of the traditional parties Ukrainian voters normally support as well as new oppositional formations. The fact that Ukrainian voters robustly ignored this coverage and voted overwhelmingly for those parties most abused by their broadcasters speaks volumes about their lack of trust in the broadcast media.

The print media monitored were no less opinionated in their coverage. State and parliament-funded newspapers devoted large amounts of article space to the party of power, while almost all privately-owned newspapers monitored tended to devote the most space to their particular party of choice. This did not so much lead to a sense of pluralism within the print media however, as to a sense of confusion, since the practice of hidden advertising and dishonest editorial practices observed in every previous election monitored were continued.

Despite the relatively small amount of information on offer about the opposition political formations, and the tendency for that information to have a negative character, voters indicated a preference for these parties on the day of elections. It is impossible to say whether this show of confidence was actually a voter reaction to the negative coverage in the media, however one can say categorically that these are not the best circumstances under which to make a decision to vote for a particular party, given the important role of the media in

disseminating fair information about party policies and objectives during an election campaign.

Previous EIM reports have concluded that improvements in the media coverage of elections in Ukraine were largely technical in nature (quality of programming, presentation of political platforms etc.). Interviews conducted during these elections indicated that many respondents recognised some more general improvements in the situation compared to previous elections. Most said that the new electoral law had been a positive force, although one that was far from perfect.

The new election law is an encouraging sign and despite criticism about certain provisions of the Election Law, technically it reaches international standards.

The main flaw in ensuring that the provisions were implemented according to the law was in the sphere between law and practice and it is has, in this respect, opened up a number of channels allowing actors to circumvent the rules on the media and elections, and thereby undermine central provisions of the Election Law and the Law on Television and Radio.

Crucial to the success of ensuring that the provisions of the Election Law are guaranteed is the regulatory framework and authorities. In this respect the authorities have failed to ensure that the Election Law has been adhered to by the mass media. Malpractice and a culture of bending the rules to suit economic and political objectives appear to suggest the regulatory framework does not have sufficient resources to satisfactorily enforce the requirements. One lawyer suggested that this was normal practice in the Ukraine, as whenever a new law was prepared the actors involved would immediately look for grey areas where they could circumvent the law and therefore gain an unfair advantage over the other parties.

Council of Europe recommendations on media coverage of election campaigns, to which Ukraine is signatory, stipulate both the importance of fairness in terms of access to the media and the role played by relevant regulatory bodies. Neither of these central concerns of the Council of Europe was effectively observed.

The wide support for the Election Law was combined with criticism of some of its provisions and especially some of the loose wording of some of the articles. This is especially important as the main flaws in the election coverage of the media were seen to be in how the law was respected by the central actors. A culture that lacked respect for the law was seen to undermine its fundamental provisions for the media coverage of the elections.

The media failed to comply with Article 12, Paragraph 4, many measures falling under the requirements of Article 56 and Articles 53 and 55 of the Election Law. These violations, related to access and rates of payment, undermined the Election Law that was widely accepted as a potentially positive instrument. The television and radio broadcasters also breached the law on television and radio and the rules on impartiality and objectivity.

Based on the observations in this report the media's performance during the election campaign clearly violates a number of provisions of the Election Law. A number of clarifications need to be attended to and amongst these there needs to be a clear and precise definition of political advertising, the rules on the commercial print media need to be clarified and the rules on transparency and financial relations need to be thoroughly looked into. The Election Law also needs to be brought into line within other legal instruments that cover broadcasting and the print media and any contradictions harmonised in the interest of having a clear and precise set of legal rules.

The most worrying feature of the elections was the capacity of the regulatory authorities to ensure the Election Law was implemented in compliance to the law. It has been this sphere that has provided the opportunity for mass media and political blocs to circumvent the provisions of the law and it is therefore imperative that a review of the position of the regulatory authorities is undertaken. Insufficient resources and the intense time period for the election campaign make it extremely difficult for these bodies to function to the level that would be necessary to successfully implement the law. More resources and a clear

recognition that these bodies must act independently is essential for these bodies to undertake the tasks that they are legally established to execute.

Finally, the prognosis for the future is not particularly healthy unless the media becomes more commercially independent (which in turn is dependent on an upturn in the advertising market). But commercial independence is not enough; it will also require a recognition that a separation between the political, business and media spheres is not only in their own best interests but more importantly, in the best interests of the country as a whole.

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