



THE REPRESENTATIVE ON FREEDOM OF THE MEDIA
ADVISORY AND MONITORING GROUP IN BELARUS

**FREEDOM
OF THE MEDIA
IN BELARUS**

PUBLIC WORKSHOP
WITH BELARUSIAN JOURNALISTS
VIENNA, 31 MAY 2001

Vienna 2001

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FREIMUT DUVE

OSCE REPRESENTATIVE ON FREEDOM OF THE MEDIA

INTRODUCTION

Together with the *OSCE Advisory and Monitoring Group in Belarus*, we invited a group of Belarusian journalists for a *Public Workshop on Freedom of Media*.

Our intention was to give the journalists a chance to inform the European community about the media situation in Belarus, and considering the upcoming presidential elections, Belarus is being afforded special attention by the OSCE. The invited journalists are working mostly in private media facing many problems doing their job. We had as well some journalists working for media directly under government control. Thus we did have the possibility of a wide pluralistic range of opinions during the day-long discussions on 31 May 2001.

In meetings with many different audiences I often underscore the need for Respect of those who come from a settled democratic background for those who are themselves deeply involved in their countries' struggle for a democratic pluralistic future.

While I call for respect for all citizens, as OSCE Representative on Freedom of Media, I draw special attention to the need to afford journalists *Respect*. As a German I enjoy the fruits of our elder generation's struggle for a democratic future against those who helped to stabilise dictatorship. Therefore I remarked to the participants in Vienna that their generation of Belarusian journalists has to overcome three generations of communism. But even with all the problems in present-day Belarus, the country has witnessed stunning technological changes, especially in the way information is gathered, delivered and shared.

During this one-day Public Workshop, which brought approximately a dozen Belarusian journalists from both the state and non-state sectors, there were moments when I thought I was listening to representatives of, if not two different countries, then of two radically different perceptions. Some intriguing images were raised during the discussions, such as the

image of Belarusian media as a bird, with state media being one wing and non-state media being the other, flying into the zone of silence.

My experience leads me to believe that, in general, government media will eventually fade into the background. I told the Belarusian journalists at the Workshop that I hoped they would contribute to the fading away and transformation of state media into a different process of media which are not controlled by government institutions. I underscored my conviction that, for many reasons – technical, cultural, democratic and economic – there is no way out. Government-controlled state radio and television have no future.

A journalist from State Television introduced the idea of a “Press Club,” a weekly television program with the participation of both state and non-state journalists. I encouraged this initiative, envisioning this becoming a lively presentation of different opinions to the Belarusian public on a regular basis. This is especially needed at election time.

The Workshop also discussed technical questions, and the representative from the state daily spoke of the need to modernise printing institutions. During the course of our discussions, the necessity to disentangle state control from monopolising printing facilities in Belarus was featured. It seemed to me that all the participants demonstrated the conviction that very important changes are necessary.

Even with the Milosevic power, it was technically impossible to organise isolation. Despite the efforts of the regime to close itself off, the outside world learned of the brutality of the regime through new Internet technologies. When I was denied entrance into former Yugoslavia, I met with independent journalists in other places.

Finally I appealed to all Workshop participants to think of the future and to take responsibility for the children of Belarus, to Defend their Future. In Belarus such discussions could and should lead to a variety of opinions. I am sure, free journalists who love their country will have to be freedom engineers of their democracy.

Vienna, 5 June 2001

AMBASSADOR HANS-GEORG WIECK

HEAD OF THE OSCE ADVISORY AND MONITORING GROUP
IN BELARUS

**FREEDOM OF THE MEDIA – NOT A LUXURY
BUT THE DAILY BREAD OF FREEDOM**

In spite of great personal efforts and commitments of not a few citizens of the country the independent print media in Belarus face enormous economic and editorial problems in the pursuit of their goal of defending and promoting the freedom of the media. International agencies provide some assistance to the print media and to the organizations of journalists in the country. In spite of the dominating position of the state-owned and state-run electronic mass media and a number of print media in Belarus, opinion polls show a higher degree of trust of the citizens is enjoyed by the independent media than by state run media.

Recently, the independent newspaper *Belorusskaya Delovaya Gazeta* and the Belarusian journalist Asya Tretyuk (*Belorusskaya Gazeta*) received in Hamburg the prestigious Award *Junge Presse Osteuropa* established some years ago by the by the Foundation *DIE ZEIT - Ebelin und Gerd Bucerius*. Last year, the award was given to the Brest newspaper *Brestsky Kurier*. This tells us that in spite of all difficulties and obstacles, there is good journalism in Belarus.

Freedom of the media is not a luxury. It is rather the daily bread of freedom. Therefore, it is important that assistance be rendered to the newspapers effectively in order to enhance their capabilities of providing citizens with facts and diversified commentaries on the issues of the date and of our times.

OSCE stands for meaningful dialogue between opposing political forces. The workshop organised by Freimut Duve, the OSCE Representative for Freedom of the Media, in Vienna on May 31, 2001 served this goal. Journalists from both sides and representatives of the respective organizations took part in the event.

Editorial note

The structure of this booklet reflects the structure of the Public Workshop with Belarusian Journalists, which consisted of five working sessions each devoted to a particular discussion topic. Each working session started with an introduction to the topic followed by a presentation by a discussant. All five chapters of the booklet and their order correspond to the five working sessions (see Annex 1).

Each of the five chapters contains the texts of presentations made by introducers and discussants, whose short biographies can be found in Annex 2.

The views expressed by the authors do not necessarily represent the views of the OSCE and its institutions

F.D. Vienna, 5 June 2001

I.

PRESIDENTIAL ELECTIONS AND THE MEDIA

Dr. Beata Rozumilowicz

OSCE Advisory and Monitoring Group in Belarus
(introduction)

Vladimir Glod

Information Agency *BelaPAN*

Dr. Beata Rozumilowicz

First Secretary
OSCE Advisory and Monitoring Group in Belarus

The bearing that the mass media of a country may have upon the conduct of a presidential election is often multifarious. Roles include oversight by media of a presidential campaign to ensure fair portrayal of candidates and processes, the promulgation of different viewpoints and platforms to societal actors (in this case voters), and/or the provision of a societal forum for the working out of policy preferences and for the testing of initial consensus options.

This introduction explores the connection between different conceptions of ‘democracy’, the deduction of a media role during presidential elections from the particular democratic position chosen, and the delineation of rights and responsibilities given each standpoint. It also makes recommendations on points of emphasis that need to be taken into account, given the particular definition of media role during the time of presidential elections.

In a recent article, Edwin C. Baker¹ put forward a theoretical account of three categories of democracy and the concomitant conceptions of media role that have developed in line with each variant.

Elite Notions of Democracy

The first category is termed ‘elite democracy’ and envisages a conception of democratic relations that limits the workings of government to the upper echelons of a political class. The majority of the citizenry are only concerned and only become active in politics when their needs are not being met. Otherwise, the workings of government are left to other more ‘knowledgeable’ experts.

Under this more eighteenth century notion of democracy, the role of media is relegated to a **‘watchdog’ function**. In other words, the prima-

¹ Baker, Edwin C. (1998), “The Media That Citizens Need”, *147 University of Pennsylvania Law Review*, 317.

ry role of media is to keep tabs on government activity and to report on misdeeds to the citizens as and when they occur.

This function can be extrapolated during a period of presidential election to providing information upon and making voters aware of any wrongdoings within the presidential campaign, both on the part of the government's role in managing the election and on individual candidates' participation within this construct. Within this role would fall such traditional forms of reporting as:

- Monitoring the presidential election process and reporting on any inconsistencies as and when they occur;
- Giving account of financial irregularities in government's undertaking of an electoral campaign;
- Reporting on any such financial misdoings on the part of any candidates for the post;
- Uncovering details of candidates personal and professional lives that may further clarify their suitability for the office they are seeking to hold;
- Blowing the whistle on any foul play between candidates.

Within this conception of democracy, it is perhaps best to define the role of media within a presidential election as one of **a referee** who looks to see that the rules of the game are being adhered to and making it known to the public when they are broken.

Liberal-Pluralistic Democracy

A second conception of democracy that has developed is a 'liberal-pluralistic' notion that seeks to ensure democratic accountability through the competition among conflicting notions of 'the good.'

Under this particular conception of democracy, the role that media would play would be as transmission vehicle for different points of view, or in this case, for different political platforms on the part of various candidates. Under such a conception, democratic accountability is ensured through the ever growing profusion of points of view and policy stands, which allows the public voter to wade through the morass of entreaties to come to decide upon the position closest to their own ideal policy preferences.

The role of media in a presidential election, under this democratic understanding, is as a **vehicle of information proliferation**. The greater the number of positions covered, the more widely reported, and the more full the level of information provided, the greater the ability of the electorate to make an informed decision on their choice of future president.

Within such a notion of democracy, the role of media during a presidential election should focus on:

- Providing voters with as many as possible of the candidates' policy platforms;
- Providing voters with as much information as possible on the previous careers and levels of experience of presidential aspirants;
- Providing media space for all presidential candidates to put their word across to the electorate in a format of their own choosing;
- Engaging candidates in debates and other public discussions in the mass media, which can clarify candidates' ideas before the electorate;
- Providing voters with information on the technical aspects of the presidential election (i.e., registration deadlines, polling station information, etc.).

Republican Democracy

Finally, the third notion of democracy is a 'republican' one, derived from Rousseauian conceptions of popular rule. Here, democratic society is conceived to be a social forum within which a consensus is achieved and, extrapolating from this notion, media is to be the vehicle of communion between the social forces involved.

This definition of democracy places a more developed 'social' responsibility upon the media, entailing that it allow various sectors of the population access to its pages and airwaves in order to argue particular points of view, allow for adjustment, and to come to a consensual outcome.

In other words, the mass media during a presidential election should enable a society to 'talk' to itself, to air its concerns and understandings, and to achieve a higher notion of what the 'good' for that particular soci-

ety actually is. Under this understanding, mass media during a period of presidential election should perform such functions as:

- Presenting media space to different social, class, and religious groups to put forward their particular concerns and understandings;
- Devoting media space to editorials or individual write-in or speak-in commentaries so that the society can perceive how other segments understand the situation during elections;
- Promoting and reporting on meetings between voters and presidential hopefuls, concentrating on question and answer sessions and policy response proposals;
- Facilitating the exchange of information between regional mass media outlets regarding the viewpoints of their own particular constituencies.

Implementation in Belarus

Analysing the possibility, or lack thereof, for mass media in Belarus to perform each of these democratic functions, it seems that different media sectors may be appropriate to different tasks within Belarusian society during this year of presidential elections.

Being centralised and comprehensive, the television broadcasting medium in Belarus seems particularly predisposed towards information provision. The transmission of technical information regarding the upcoming presidential elections, with regard to their timing, location, logistics, etc. seems ideally suited to the nature of Belarusian television.

In addition, if the draft electoral regulation recently proposed by Mrs. Lydia Yermoshina of the Belarusian Central Election Commission on Elections and Referenda in her recent discussions with a visiting ODIHR fact finding mission is implemented, this can be an important step in fulfillment of the second half of a 'liberal-pluralistic' democratic understanding of media's role during presidential elections. Under the proposed draft regulation, all registered presidential candidates would be allowed an equal one hour access to the television waves, transmitted live and without previous editing, in a format of the candidate's own choosing.

The proposed time allotment could be used in large blocks, or broken up into smaller segments at the candidate's choosing. Although the time allotted by the proposed draft regulation is arguably small, it nonetheless allows for the equal provision of information on all candidate's platforms (although the extent of its implementation, as mentioned before, is yet to be determined). This information provision role should then be supplemented by the nation-wide independent print media, who could tap different audiences or extend the depth and breadth of information provision to Belarusian society.

Another avenue for the furtherance of this 'liberal-pluralist' conception could be the utilisation of Russian broadcast media which, as public opinion polling in Belarus has consistently shown, is more frequently turned to and trusted for information by Belarusian viewers than Belarusian television. These media outlets could provide yet another vehicle for the transmission of alternative platforms, policy proposals, and points of view, thus furthering one of the democratic functions of electoral media responsibility in Belarus.

The more traditional media 'watchdog' role could be played by the Belarusian independent print media, in conjunction with various domestic election observation efforts (basing their criticisms in factual evidence). This proposal maps historically with the development of independent media sectors in other national experiences. These were most often engendered by the oversight efforts of an extra-parliamentary opposition in order to keep the ruling party in line (e.g., 17th century British political history).

Information on shortcomings and infringements within the presidential electoral process could be transmitted through the national independent print media and filter down to more grassroots levels, being transmitted further to the electorate by the regional independent print media.

At the same time, the independent print media should work to ensure that it engages in 'responsible' journalism to be able to constitute a credible counterbalance to other media sources. Working as a reputable check upon both government and alternative sources of information provides the population with a living example of the democratic mechanism

of check and balance. In this way, it could also serve as the vehicle or vector for further democratic development and come to represent a vital component of a viable political system, rather than being seen as an ‘out-law’ or a non-credible political actor.

Finally, the ‘republican’ function of a democratic media seems predisposed to a conjunction of radio broadcast media (especially at the local level) with the regional independent print media. The grassroots-level information from various sections of Belarusian society could be transmitted into a nation-wide electronic forum provided for by the radio media, with the results being re-channelled back to the electorate through the independent regional print media for re-evaluation, in a dialectical manner proposed by such a ‘republican’ conception of democracy.

In this manner, the various tasks assigned to media by differing notions of democracy during a season of presidential elections could potentially be fulfilled in Belarus, involving all actors concerned and contributing to the strengthening of free and independent media in Belarus.

Schema of Media Roles During Presidential Elections

CATEGORY	FUNCTION	ACTORS
Elite Democracy	Watchdog	Independent National Print Media + Election Observation Structures
Liberal-Pluralist Democracy	Information Provision	Belarusian Television + Russian Television (supplemented by Independent National Print Media)
Republican Democracy	Social Forum	Belarusian Radio ↔ Regional Independent Print Media

Vladimir Glod

Reporter, Information Agency *BelaPAN*
Managing Director
Weekly analytical bulletin *The Viewer*
published by *BelaPAN*

First of all I wish to draw the attention of the audience to one important circumstance – one could speak on the topic of my co-report “Presidential elections and mass media” with a certain degree of conventionality. The matter is that according to the Belarusian legislation, electoral presidential campaign officially starts only after the respective regulation of the House of Representatives (lower chamber) of the National Assembly is published in the press. However, the House is not in a hurry to adopt this important document, even though everybody knows that there is a deadline – September 23².

Many politicians think this is done deliberately. When one contender (meaning Alexander Lukashenko) knows the exact date of elections and his rivals don't, than it's clear that psychological and other overweight is on his side. Other contenders in the observed period are forced to be extremely careful, as they could be accused of an early campaign, what can lead to refusal to register them as contenders for the post of the Head of the Belarusian State.

Meanwhile, Alexander Lukashenko's electoral campaign has already started. State-run mass media, first of all Belarusian state TV, every day praise Alexander Lukashenko in different ways. From these programs one gets an impression that only one candidate will take part in elections.

Which favourable propagandist stock phrases do the state-run media use?

I'll mention some of the most often used:

- Protection of people from predators-privatisers. They create the image of Lukashenko as a fighter for the state, for people interests. He does not allow selling to private hands national enterprises,

² At the time of the Workshop the date of the presidential elections in Belarus, 9 September 2001, has not been settled yet.

national property. It is asserted that, unlike in happened in Russia, Lukashenko will not allow embezzling Belarus.

- Official Minsk, through the obedient mass media, convinces that any reformation of Belarus will demand, if not human victims, than at least a harsh increase in unemployment and impoverishment. Mass media recognise that the population of Belarus does not flourish, but market changes, they assert, will lead to complete impoverishment.
- It is said that Belarus is the most stable Republic on the former post-Soviet space. Here we manage, thanks to the wisdom of Alexander Lukashenko, avoid religious and other conflicts.
- It is affirmed that namely Alexander Lukashenko created a mighty state vertical of power, which ensures order and stability in the Republic.
- Any opposition to Alexander Lukashenko is presented as a demonstration of greed and venality of the oppositionists. It is insisted that the opposition is not thinking of people's interests, and personal profit is the main thing for them.
- Mass media constantly talk about the plans of the guileful West, which allocates some unbelievable sums for the undermining of power – a figure of 800 million dollars is mentioned. As proof the state press presents facts of the conduct of seminars for the money of international funds.
- The activity of the head of the OSCE AMG in Belarus³, Ambassador Hans-Georg Wiecek, is subject of a most acute criticism. It is asserted, that he goes beyond the group's mandate, and patrons the opposition. The state-run mass-media implant the following view-point: OSCE group in Belarus in general is a good organization, but its head is a professional scout, who became, according to Lukashenko, the leader of the opposition.
- Mass media started flirting with voters. More and more often the state-run mass media speculate on the thought that Alexander Lukashenko needs the help of “simple people of Belarus”...

³ OSCE Advisory and Monitoring Group in Belarus.

- Escalated the unfounded criticism of potential rivals of the acting head of the state in the upcoming elections. State-run mass media often surpass even their usual boundaries of permissiveness. One such example is a program on Belarusian TV: on the screen, after portraits of the disappeared well-known Belarusian politicians - General Yury Zakharenko and Vice-Speaker of the Parliament Viktor Gonchar - appeared a portrait of the would-be candidate for the Presidency, ex-Minister of Defense Pavel Kozlovsky... in a black frame.

The main thing is that they are creating the image of A. Lukashenko as the fighter for people's interests, but, so to say, in a new wrapper. In 1994 when the first Presidential elections took place in Belarus, Lukashenko won with an image of a corruption-fighter. He promised to return the embezzled, to give the homeless houses, "to throw main corruption-ridden officials to the Himalayas," etc. As this topic has almost exhausted itself and cannot bring the same dividends as seven years ago, upon instruction of the Presidential Administration, state-run mass media started creating the image of Lukashenko as a fighter with predators, foreign privatisers – some nameless guys, who, according to Lukashenko, "have sacks of money and large hands."

As for the independent media, their main thesis is – Belarus needs change.

Independent mass media explain why this is necessary – because of the constant impoverishing of people, the lack of democratic freedoms, the atmosphere of fear (disappearance of a number of well-known people in Belarus), isolation from the international community, and many other things.

The second important topic is the term in office of Alexander Lukashenko. They emphasise that through a rather dubious referendum he extended his term in office from five to seven years, and in case of his victory in the elections 2001, he will rule Belarus for 12 years.

One more topic is the merits of would-be candidates for the post of head of state. Readers are told that each of the contenders has more positive experience and knowledge for the governance of the country.

A lot of space is dedicated to how to make the correct choice. It is emphasised that the most optimal variant is to create a broad civil coalition for changes, alliance for the renewal of Belarus. It is pointed out that after the process of registration, the five candidates of the coalition will nominate one from their ranks. And this one candidate will not be lonely. He will be supported by the coalition on the basis of a common democratic platform.

Non-state press arranges active propaganda for the program of positive changes, prepared for the democratic candidate by the National executive committee – “shadow” government of Belarus. Independent mass media are forming readers’ opinion that implementation of this program will make their life better-off, and people will have the possibility to find a worthy application of their labour and receive a respective salary.

Public opinion polls in recent months show that about 30% of the Belarus population today is ready to vote during the new elections for Alexander Lukashenko. Almost as many say under no circumstances will they cast their votes for him. It is clear, that if there is no falsification during the vote counting, that the fate of the presidential run-up will be decided by those 40 percent, which have not made up their mind yet. It appears their decision will in many ways depend on the influence of mass media on them. That is why a lot in this campaign will depend on the principal approach and responsibility of the mass media workers: state-run as well as non-state.

II.
**STRUCTURAL PROBLEMS OF
INDEPENDENT MEDIA IN BELARUS**

Ales' Lipai

Information Agency *BelaPAN*
(introduction)

Eduard Melnikov

Belarusian Association of Journalists (BAJ)

Mikhail Lebedik

Sovetskaya Belorussiya newspaper

Ales' Lipai

General Director
Information Agency *Belapan*

When the Belarusian authorities object to the statement about the harassment of independent media in the country, they usually make two points. First, they speak about kiosks where both pro-governmental and opposition newspapers can be bought. Second, they give the figures of the media registered in Belarus (as of early May 2001, it is 1170 newspapers, magazines and bulletins). They say that only 15 percent of these media are state-owned, because they were founded by central or local authorities. The officials usually conveniently forget to mention that roughly 150 other publications are owned by state enterprises and organizations.

But the influence of state and non-state newspapers on public opinion is not determined by these numbers because of the following reasons:

1. About 90 percent of non-state newspapers do not carry information that can influence public opinion, because their content is limited to advertising and basic entertainment.

2. Some non-state newspapers, such as *Vecherny Minsk* or *Natsyjanalnaja Ekanamichnaja Hazeta*, deliberately avoid any topics that could put the authorities into a negative light.

3. A large part of non-state newspapers come out once or twice a week. Of private national newspapers, only *Narodnaya Volya* comes out five times a week and *Belorusskaya Delovaya Gazeta* – four times a week, while there are six national state-owned dailies.

4. Finally, state newspapers have a much larger total circulation than private ones. For example, a weekly circulation of the presidential newspaper *Sovetskaya Belorussiya* makes about 2 million copies, which is three times the total weekly circulation of all private newspapers that cover politics and economy (our estimate of this figure is about 700,000 copies).

Even without accounting for television and radio, where the state monopoly is much more evident, one cannot but agree that the Belarusian

authorities have overwhelmingly more means to influence public opinion than their opponents have.

If we look at newspaper audiences, we can separate the Belarusian newspapers into two types. First – newspapers aimed at broad layers of the population (state dailies belong to this group). Second – specialised and niche publications with narrow audiences. Most non-state national newspapers belong to this group. For example, *Belorusskiy Rynok* and *Belorusskaya Delovaya Gazeta* are oriented at business circles, which are shrinking due to the current economic policies. *Nasha Svaboda* – a publication born on the ruins of two other newspapers shut down by the authorities – inherited their readership, the radical electorate of the Belarusian Popular Front, which is also now growing. *Narodnaya Volya* became heir to the old *Narodnaya Gazeta*, taking over a part of the readership – intelligentsia and other democratic groups. *Belorusskaya Delovaya Gazeta*, which was once founded as a business weekly, has had to change its concept after shifting to 4 times a week. It has not lost readers, but the readership has not changed seriously.

This means that the demands of the economically and politically active part of the Belarusian population are met by the existing non-state publications.

But the electoral field in Belarus is much wider, and about half of it is taken by the so-called “swamp.” Those who disagree with the current policies and hope to win in the coming elections should fight for the votes of this part of the population (this part makes about 3.5 million people). About a quarter of the voters aggressively support the current authorities, and it is practically impossible to reduce this number. Another quarter consistently support democratic values. This shaky balance can be positively changed only by attracting the votes of the undecided people.

But the opposition lacks means, including the media, to work with these people. Belarus has no private mass media that would be oriented to this part of the population – the undecided.

The market of printed media in Belarus has been stable for the last five years. According to the State Committee on the Press, about 100 new newspapers and magazines are registered annually, and about the same

number stop being published. Registration of a newspaper is a complicated procedure, but it can be done. However, to publish it according to the principles of objective journalism, without political self-censorship, means to put the publication at risk. During the years of Alexander Lukashenko's rule, the authorities have shaped the media law that allows to suspend or shut down undesirable publications on technicalities. The publisher of opposition newspapers Pavel Zhuk has experienced this twice.

The situation in the electronic media market is much harder. The Ministry of Communications is tougher in its allocation of frequencies than the State Committee on the Press in its registration of publications.

It is also easier for the authorities to stop the broadcast of a television or radio station than to prevent a newspaper from coming out. Any outlet can lose its frequency, not only politically important media, such as Radio 101.2 in 1996. On January 1, 2001, the private television Channel 8 in Minsk lost its frequency, although the reasons were hardly political. A new state-owned channel STV needed this frequency – as simple as that. So the monopoly of the state in television has only increased, and the Russian channels that are broadcast in Belarus are the only real alternative.

The main source of radio information for the Belarusian people is still the network of wired-radio outlets. This mouthpiece of the authorities covers practically all houses, and the Ministry of Communications has started a campaign to expand this network to the most remote villages. According to recent opinion polls, more than 50 percent of the Belarusian population listen to the network of the Belarusian state radio.

The only serious competition to them – up to 45 percent of respondents prove it – comes only from FM stations. For example, there are 9 such stations in Minsk, and only two of them are state-owned. By the way, six of these stations subscribe to the news of the private news agency BelaPAN and are not afraid to air our political information. This means that FM stations can become an effective means in the struggle for voters.

The root of the problems of the independent Belarusian media is in the efforts of the authorities to control all spheres of public life. Independent print media still remain the main obstacle in the authorities' way. The state

tries to weaken these publications and their influence on the society. The policies of the authorities are based on the subsidies to state media and on discrimination against non-state ones. There are three levels of such discrimination.

1. At the level of economic entities. Every mass medium in Belarus is an economic entity. State enterprises have a number of tax privileges, advantages in obtaining loans, in purchasing hard currency at the Interbank Currency Exchange, and in foreign trade operations. Non-state enterprises, with the exception of some that are patronised by certain state officials, are not only deprived of these privileges and exemptions, but have to undergo almost annually through complicated bureaucratic procedures of registration and re-registration, licensing of many types of activities, and they are subject to frequent tax inspections.

2. At the level of media per se. State newspapers pay from half to a third of the price private newspapers have to pay to the state printing houses. Distribution of state newspapers through the state monopolies – *Belposhta and Belsayuzdruk* – is 25 percent cheaper than for private newspapers. State newspapers receive regular subsidies from the budget. Non-state media are periodically fined.

3. At the level of law. The current Belarusian laws allow for interpreting any criticism of state officials as defamation. This leads to large sums to be paid in lawsuits. The State Committee on the Press has the right to suspend any media for half a year without a court hearing. I think everybody understands what half a year means for a newspaper. The legal practices allow for pushing editorial offices out of the premises they rent. As a Belarusian saying goes, when you move twice, the damage equals to that from a large fire. The legal practices also do not guarantee equal access to information to journalists from state and non-state media.

These are only the main obstacles that the Belarusian authorities put on the road to press freedom. In my opinion, the following should be done to support the existing non-state media and to expand their influence in the society.

- To solve global problems that threaten the very existence of independent media in Belarus. This means destruction of the state

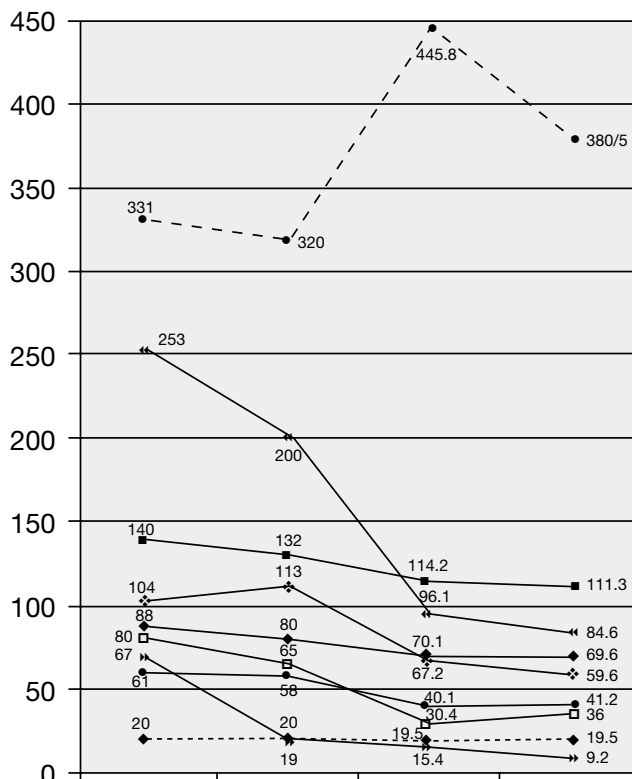
monopoly for printing, distribution and office space. A large non-state printing house is necessary, which is already in place, - the publishing house *Magic*. Last autumn one of the printing presses of *Magic* was sealed up by the tax police for the old debts of the Belarusian Soros Foundation, which had provided the press. The authorities are unlikely to release the press before the elections. *Magic's* second printing press now publishes only half of the newspapers that used the services of this publishing house before the incident with tax authorities. However, according to Yury Budko, general director of *Magic*, the printing house will get a new printing press this autumn, which will solve the main problems with printing for non-state national newspapers.

- An alternative system of distribution is necessary. The existing dozen private firms and several hundred individual distributors cannot provide such an alternative. Only a full-scale project to set up a national system of distribution can undermine the state monopoly. A non-state press house where private media could rent or co-own enough office space is also necessary. By the way, there is such a press house for state media.
- It is necessary to stimulate projects that could later become self-sustaining. Even under the Belarusian conditions, with all their difficulties, it is possible to implement these projects. The example is the activities of such media as *Belorusskaya Delovaya Gazeta*, *Komsomolskaya Pravda* in Belarus or *BelaPAN information company*.

It is time for a serious fight to take readers from state publications. It is necessary to set up a general circulation newspaper that would appeal to broad layers of the population.

Belarusian people are certainly ignorant politically and economically. But they are ignorant because they have been fed with ideological fodder made according to propaganda recipes. Today people are given ready interpretations of events and facts, instead of the information about these events. We can change this situation, so isn't it high time to do it?

Development of largest newspapers in Belarus (circulation in thousands of copies)



	1997	1998	Jan-01	May-01
— ● — Sovetskaya Belorussiya	331	320	445.8	380.5
— ◀ — Narodnaya Hazeta	253	200	96.1	84.6
— ■ — Respublika	140	132	114.2	111.3
— ◆ — Vecherniy Minsk	104	113	67.2	59.6
— ◆ — Zvyazda	88	80	70.1	69.6
— □ — Svobodnyye Novosti	80	65	30.4	36
— ▶ — Nasha Svaboda (Naviny, Svaboda)	67	19	15.4	9.2
— ● — Narodnaya Volya	61	58	40.1	41.2
— ◆ — Belorusskaya Delovaya Gazeta	20	20	19.5	19.5

Eduard Melnikov

Vice-President
Belarusian Association of Journalists

Basic factors, influencing the conditions of the independent media activity in Belarus have not changed since the Soviet times, as the period of spontaneous democratisation (1991-1994) finished quickly and was rather short for positive changes to consolidate. And then, as we know, other conditions came into effect.

The following basic factors are among those contributing to the possibility of the administrative tyranny and persecution, which independent mass media are now exposed to:

- Maladjustment in property relations, backwardness in civil and legal relations on the whole, including the sphere of entrepreneurship, which includes such segments as newspaper business, independent TV and radio companies, etc.
- Impossibility of large private (including foreign) investment. Under such circumstances the creation of competitive environment in press and electronic mass media, development of distribution systems for press, polygraph facilities, etc. alternative to the state ones is almost not feasible at the present moment.

Due to the above mentioned reasons the main structural problems of independent media (mostly newspapers, as non-state TV and radio channels simply do not exist) in Belarus is its absolute vulnerability when it is faced with the administrative tyranny.

In 2001 (the year of the presidential elections) various methods and forms of administrative influence on independent media, that have been practised during the whole period of Lukashenko's rule, are used much more actively, consistently and are clearly aimed at suppression or elimination of independent mass media.

The worsening of the legal status of independent media is among the most "effective" methods of infringing on the non-state press. In July 1999 the new Civil Code of the Republic of Belarus came in force. Taking advantage of this circumstance, the authorities announced obligatory re-

registration of all legal entities and private entrepreneurs. Mass media fall under the re-registration as well, as the announced conditions of media re-registration liquidate their status of non-commercial structures – editorial offices. The requirement for newspapers to re-register as legal entities, i.e. commercial structures, automatically means considerable toughening of the economic conditions of their existence, as it envisages substantial registered capital, definite amount of net wealth, necessary profit component, etc. Besides, the new organizational forms of existence of editorial offices provide the authorities with additional possibilities for liquidation of disagreeable newspapers under trivial pretexts even without a court decision. In accordance with presidential decree No 11 (on re-registration of legal entities) there are at least 15 minor reasons to close a newspaper, for example, because of its unprofitable performance, concealment (under-declaration of income), indebtedness to the state budget or extra-budgetary funds. To implement this decree the presidential structures are preparing a new version of the “Law on Press” to be adopted by the House of Representatives at the beginning of the next year.

By the present moment the process of re-registration in view of its absurdity has become much slower for both entrepreneurs in general and mass media in particular. The terms for re-registration were prolonged last November till July 2001. It’s not difficult to notice that newspapers will find themselves facing the necessity to re-register approximately a month before the presidential elections. They will have just enough time to “correct their mistakes.”

Changes in the legal status of mass media create additional possibilities for intentional worsening of its economic position. However, there are well known, time-proved methods, how to ruin newspapers. Continued tax and other inspections are among them. Taking into account maladjustment of the Belarusian Law, such examinations will inevitably result in ruinous penalty sanctions for newspapers. In such cases the authorities distraint upon the equipment and block bank accounts of the editorial offices. At the end of last year the activity of *Magic*, the only private printing company that published independent newspapers, was paralysed exactly for such reasons. Very often courts

without extra red tape satisfy suits of state officials protecting their honour and dignity and impose big fines upon newspapers. In September 1999 the newspaper *Naviny* ceased to exist, as it failed to pay the penalty, imposed for such kind of suit.

A ban for state enterprises to place their advertisements in privately-owned newspapers has been duly in force during several years. This fact without doubt affects the profitability of independent newspapers, putting them into unfavourable economic conditions in comparison with state press.

One more very effective form of economic pressure on independent press is the discrimination policy of state monopolists – republican enterprises *Belposhta* and *Belsayuzdruk* – when they establish tariffs for forwarding, delivery and distribution of independent editions. If other conditions are equal (format, periodicity), the cost for such services for non-state newspapers is about 5 times higher than that for state editions. And the gap tends to increase. Already now state monopolists' tariffs constitute about 70% of a consumer price of independent newspapers. Thus the price of non-state newspapers is artificially increasing (and taking into account the decrease of purchasing power, it has a definite limit, which is now very close) and lose their profitability, which, as it has been mentioned, results in inevitable bankruptcy.

Various repression measures are being constantly applied against independent media. However, in the year of the presidential elections we can observe (from month to month) an increase in both intensity of applying such measures and invention of new more sophisticated and tougher ones.

Belarusian Association of Journalists for several years has been monitoring violations of the law in the sphere of mass media, repression measures in respect of newspapers, pursuit of journalists, etc. The dynamics of growth of the number of such violations are impressive: during last month and a half, the number of such facts has doubled against the same period last year. Adding these facts together, we can infer the following pattern: increasingly active usage of administrative resources and supervising bodies by the local authorities; direct participation in this process

of the prosecutor's offices, which have acquired the right to pass warnings to newspapers; undisguised intimidation of editors-in-chief of these newspapers by threatening them with administrative and criminal responsibility; illegal arrests of journalists when they are on duty; assaults of journalists by "unidentified persons" and refusal to start criminal proceedings (recent incident with a photographer of Grodno's *Birzha Informatsii*); robbery of editorial offices once again by "unidentified persons," as a result of which the editorial offices have to stop publishing their newspapers for some time period (e.g. Mogilev's *De Facto*, that had been robbed twice with 10 days' interval).

Similar and other facts of administrative arbitrariness have the "legislative" base devised for them. In May 2001 the Security Council considered the draft Concept of National Security. Now the second edition of the Law on Information Security to be passed in June this year has been given for consideration of the House of Representatives. According to the lawyers of the Centre for Legal Protection of the Media of the Belarusian Association of Journalists, this bill does not have its own subject of legal regulation and refers to the relations regulated by other legislative acts. The majority of law provisions are notable for their declarative nature; its vague wording also allows arbitrary interpretation of its norms taking into account "political expediency."

There is no doubt that in the process of presidential candidates nomination and during the elections, the Law on Information Security will be applied against independent media exclusively for repressive purposes.

Mikhail Lebedik

First Deputy Editor-in-Chief

Sovetskaya Belorussiya (state-run nation-wide daily)

The mass media market in Belarus is developing sweepingly. Quite naturally this process is not an easy one. And free discussion of the emerging problems, I am sure, will help to find ways for their speedy solution. However, very often our colleagues from private media prefer debating not on professional, urgent problems of the today's Belarusian journalism, but on political topics. This way we are avoiding really important problems and move into some virtual world. I get the impression, that colleagues from private mass media, very well realising the weakness and lack of preparation of the opposition political forces for a systemic work with the electorate, are sometimes trying to substitute for them. And they forget that journalism and politics are two different professions. Private, i.e. non-state media, speaking in the language of Marxism-Leninism have turned into "agitators and propagandists." I am sure, that namely in this error hides one of the main threats to really free and independent press.

Colleagues from private mass media often criticise journalists from the state papers that it is not honest to take money from the state budget – thus you are falling under the influence of the state apparatus and officials. What could I say to this? In my opinion, it is much more honest to receive absolutely legal small state subsidies, rather than use the help in form of different grants of sources completely closed to public control. Of course I don't mean we need some ban on the assistance of international structures and foundations in the development of mass media. I am talking about transparency and legality of this financing. Here, in my opinion, the respective glasnost is not provided.

Receiving from the budget minimal sums – about 10-12 percent from the cost of a newspaper, our newspaper, for example, is much freer than many private editions, receiving all possible grants or sponsors donations. For we are orienting ourselves exclusively on tastes and interests of subscribers (those taxpayers, whose money we receive in state subsidies), and not on expectations or sponsors.

One of the stock phrases is - “mass media are the mirror of the society.” Behind this stock phrase, there is a deep sense, I think.... In our time, when one can bravely assert that Belarusian society has a good understanding of political processes, it is practically impossible to manipulate public opinion. My experience tells me that readers prefer a really thorough analysis to political jabber, they prefer a serious discussion, quality journalism. And every day a citizen near a newspaper kiosk votes with his rouble for this or other fruit of journalist labour. And there can be no tricks here. And the fact that the state’s press circulation considerably exceeds the audience of private mass media tells a lot, at least about today’s political preferences of Belarusian citizens.

Our life is changing sweepingly. Newspapers are changing. Perhaps already tomorrow many of today’s problems will seem not topical. Perhaps, there will appear a new dominant influence, new starts in journalism. New laws regulating the laws of the Belarusian mass media will replace the old ones. This is normal. The main thing is that we, journalists-professionals remember that one cannot be more stubborn than facts. And the facts are that there are two serious segments of the Belarusian mass media, competing between themselves for readers. These mass media could be called differently: official and independent, state and private. But it is not the name what matters. The point is that people who work there belong to one professional department. The point is that they believe in the same principles. And one shouldn’t forget the main thing: mass media should serve the interests of the society, and not turn into an obedient tool in the hands of political forces. Only this way can one defend the freedom of media.

III.
**OBSTACLES TO PROPER FUNCTIONING
OF BELARUSIAN INDEPENDENT MEDIA**

Nikolai Alexandrov

Brestsky Kurier newspaper
(introduction)

Joseph Seredich

Narodnaya Volya newspaper

Sergei Zayats

Information Agency *Interfax-West*

Nikolai Alexandrov

Editor-in-Chief
Brestsky Kurier
(independent weekly, Brest)

Last year the press of not only Belarus, but of all CIS countries and Baltic republics marked an anniversary – ten years starting the day of publication and entry into force of the “Law on press of the USSR.”

“The strong union” even then was nearly breaking, glasnost was rushing in all kitchens like a noisy wind, and deputies’ debates on TV screens were the hit of a season. And on this background the first in our history Law on mass media not exactly opened the way to free speech – it just legitimised and regulated what was already emerging, as spring waters, breaking the ice shell. And then started the flood of different editions of various types – public-political, gutter press, advertisement, administrative. As any new process, all this was going on in a rather chaotic manner, gradually entering a quieter mainstream. Some editions would die away with the flow of time, more professional editions consolidated their names and reputation among the readers’ audience. And on the whole the press was creating its new history, the turning point of what became the August law of 1990. Sub-consciousness of journalism was letting out the fear, laid by previous voiceless decades, perceptions of newspaper and journals calling were drastically changing, no obstacles were created on the way to minds and hearts of readers. And the self-realisation of the press appeared as a really possible fourth power was coming.

This was a happy starting time for new editions, including *Brestsky Kurier* (BK). In our editor’s office we did not have lengthy debates on our orientation – just opened all windows and doors for the flow of news, hot topics, readers’ letters and opinions, having freed our perception of life from fear of boss’s discontent, from an “internal inspector,” from narrow-mindedness of provincial society. Already in the fifth issue we published a reportage, prepared by our special correspondent from the place of tragic events in Vilnius; in the sixth – reportage from Riga,

where times were “hot” in the middle of winter; on the first day of the August putsch our journalist was sent to Moscow. BK was also active in our home city – Brest, sending reporters to student meetings, sessions of the city council, where the mayor was elected, or to lengthy queues for a deficit product.

So we lived, grew up, and the public history was becoming our personal biography.

The start of the decade was joyful, full of hopes, but its final stage turned for us, Belarusian journalists, sad and uneasy. President Alexander Lukashenko who came to power in 1994 in his pre-electoral statements promised not to impede freedom of the press and support its development in different ways. But everything turned to the contrary. The following years of his rule step by step the sphere of activity of independent media was narrowed, as more and more impediments were created for the freedom of expression. As a matter, during all this period authorities were working out methods of strangling the independent press, as a result of which a new type of censorship emerged in Belarus, which is *de-jure* prohibited, but *de-facto* existing. President Lukashenko does not dare to finally bury the freedom of speech in Belarus – these are different times, one should observe rules of European standards. But uncontrolled media disturbs him, as the boy in Anderson’s fairy tale, who told the people that King was nude. Therefore the “king” decided to create a reservation and ghetto for the independent mass media, so that he could “stay innocent and earn money” at the same time. And what formed in place of communist censorship scissors I would call “administrative indirect multi-censorship.”

Who in practice creates obstacles to freedom of the mass media in Belarus?

- Administration of the President of Belarus, which initiates a policy of pressure on the independent mass media and gives respective instructions to local administrations;
- Republican parliament, adopting non-democratic laws and amendments to them, limiting the field of mass media activity;
- State Committee on Press of Belarus, implementing functions not as

much of registration, coordination and facilitation character, but largely of surveillance, pressure and punishment;

- Local administrations in oblast, cities and regions, creating difficult conditions for existence for regional independent mass media;
- *Belposhta* (state post administration), which in a monopolised way establishes tariffs for subscription and delivery of newspapers, and as a result independent editions have to pay for these services two-three times more, than the state ones;
- *Belsayuzdruk* (state agency on retail-sale of newspapers in kiosks), which charges independent media higher interest on sales, than the state ones;
- State printing houses (there are only two non-state paper printing houses in Belarus), which often refuse to conclude agreements with independent printed media or break contracts before expiration;
- Law-enforcement bodies, which often detain and arrest independent journalists, who are implementing their professional duties;
- Courts, which issue sentences to independent mass media, as a rule not in favour of the latter;
- Tax and control bodies, used by authorities for economic and administrative pressure on the independent media.

This list could be further continued, accompanied by many specific examples of impeding freedom of speech in Belarus. Recently state-controlled media (electronic and printed) have joined this list of oppressors of freedom, undertaking constant attacks on the independent press.

What are the methods of limiting freedom of the mass media in Belarus?

- Obstacles start at the stage of registration of a new edition. According to the Law on Press, for locating it in this or other city one should receive an official approval (placement coordination) of the local administration. Only few new newspapers manage to overcome this obstacle. Motivation behind a refusal can be absolutely absurd. For example, in Pinsk it was prohibited to locate on the territory of the city the editor's office of the newspaper *Provintsia*

under the pretext that the editor of the newspaper does not have a journalistic education and as if he doesn't have means to publish a newspaper. Sometimes there are refusals without any motive.

- If an independent newspaper has been registered, it does not always manage to conclude an agreement with a local printing house (a refusal is motivated by having all capacities already loaded), as a result newspapers have to look for far away printing houses. The newspaper *Gomelskaya Dumka* during the two years of its existence was forced to change five printing houses.
- In many regions of Belarus local bodies of power create obstacles in the activity of independent journalists: they do not receive accreditation, are refused in access to information, etc. There are plenty of such examples. There are often cases, when upon instructions from the top extraordinary tax inspections are conducted in newspapers' offices, lease agreements are being broken.
- For absolutely minor and trumped up reasons the State Committee on Press of Belarus issues warnings to newspapers as if for violations of legislation (after two warnings in one year a newspaper can be closed).
- Many papers are not allowed by local administrations to create their system of private retail-sale, placing outside advertisement, conducting advertisement actions in public places.

Besides the above mention cases, there is also a large number of limitations in the activity of independent media. For example, last week, when our *Brestsky Kurier* published an article by the former head of the Chief Law Department of the Administration of the President of Belarus - Alexander Plaskovitsky, describing the corridor life of the authorities, the printing house warned us that it won't print our newspaper any longer on their paper – now we'll have to buy it ourselves and bring it to Brest.

As a matter of fact, all the history of human civilisation is the history of opposition of the idea of freedom and the intention to oppress it. The word, given to us by God, was initially a conductor of truth and freedom during public meetings in Athens, Rome, Novgorod. The authorities were hiding it in cellars, burning on fires, sending to penal servitude, but

it was rising again and again, leading humankind by centuries' long ways of public development. All the historical experience shows, that where the free speech was curbed, science and art would come to a standstill, morality would come to decline, the state system would become a cruel monster and finally collapse in an infamous way.

Will President of Belarus A. Lukashenko finally understand this?

Joseph Seredich⁴

Founder and Editor-in-Chief

Narodnaya Volya (independent nation-wide newspaper)

I am grateful for this possibility to take the floor as a discussant on the topic: *Obstacles to Proper Functioning of Belarusian Independent Media*.

At the beginning I'd like to cite a couple of specific facts. I won't be wrong if I say that in Europe one won't find another country, besides Belarus, where there is only one daily independent newspaper. To be more precise, a newspaper, which, as dozens of state newspapers, is delivered to subscribers and buyers five times a week (on Sunday and Monday newspapers are not published here).

I emphasise that there are one independent newspaper, which is called *Narodnaya Volya* (People's Will), and dozens of newspapers controlled by the authorities of the well known to you dictator Lukashenko.

Second fact. There is the country's National State Television and moreover, several Russian state TV-channels broadcast in Belarus. At the same time we have practically no independent television, i.e. non-state TV. Several small regional TV companies have practically no possibility to present objective information to the broad audience. First of all, they are cut off from sources of this information due to financial and technical difficulties, secondly, the pressure of the authorities is so strong, that they simply, to avoid hardships, are not covering acute problems of their regions and the country on the whole.

Almost day and night several programs are broadcast on the state radio. Here we should also add the state radio, which has its airtime in each region. If to speak of the independent radio, we should say it's practically in the embryo. Recently the listeners' audience of the *Radio Ratsia* has grown, but its transmitters are located in neighbouring Poland, and this causes considerable difficulties in expanding the network of broadcasting.

⁴ Due to technical reasons Joseph Seredich could not come in Vienna to participate in the Workshop. The text of his planned presentation is published with the author's permission.

Why do independent Belarusian mass media, printed and electronic, languish in poverty? There is obvious discrimination of them by the authorities of Lukashenko, who for the second year in a row illegally presides in the presidential chair and whose term in office has expired a long time ago. At the same time discrimination is applied in the most sophisticated, most cynical forms. The dictatorship informs the international community that in Belarus we have almost 500,000 non-state newspapers registered which is about the same amount as the state newspapers. But please note that out of these registered newspapers, due to repression, a large part of the newspapers is not published at all or is published now and then. On the other hand, political, economic, social information on pages of a predominant majority of non-state newspapers is completely lacking – again because of the repression of the republican and local authorities. Almost a hundred percent of registered non-state newspapers are editions of referral character, advertisement, and entertainment, aimed simply at professional orientation of this or other narrow audience. There are newspapers for gardeners, floriculturists, rabbit-growers, amateurs of crosswords, rock music fans, but besides *Narodnaya Volya* – only several newspapers, reflecting a broad spectrum of public-political, state life in Belarus. At the same time, as I noted, only *Narodnaya Volya* is published 5 times a week, other newspapers – mainly one to two times a week.

Obstacles to proper functioning of the Belarusian independent media in Belarus are quite different – from unmotivated refusal to register to closure of newspapers without trial and investigation, and expelling newspapers to immigration. For several years I have been publishing *Narodnaya Volya* in the neighbouring Lithuania and every night transported the issue to the Motherland. There was a period, when the authorities prohibited distributing the newspaper through the monopolist state distribution network. By the way, Belarus is one of the few countries, where up till now there are no alternative campaigns on distribution of mass media.

The *Narodnaya Volya* newspaper decided to return from emigration, but it is still prohibited to publish the newspaper in a specialised news-

paper-printing house, located in the monopolist Office of the President. The newspaper is replicated in a small private printing house with a low quality of print and frequent breakdowns.

The Lukashenko regime laid in laws and sub-legal acts dozens of different limitations of the freedom of expression, freedom of publishing a newspaper. We often receive information from the regions in our editor's office, how "local bosses," i.e. deputies of Lukashenko, do not allow publishing non-state newspapers for the most absurd reasons – either a publisher is not allowed to register a legal address of a newspaper, or he is told, that there are enough other newspapers in the city or the region. Just imagine, it is not a reader and buyer who determines what newspaper can be published and what newspaper people can read, but a local boss or the one who is in the upper echelons of power.

In Belarus there are dozens of other obstacles to functioning of independent mass media, but due to the lack of time, in conclusion I will talk about one or two of them. When I spoke of sophisticated, cynical forms of discrimination of independent media by the regime of Lukashenko, I meant unequal conditions of work of the state newspapers and private, independent ones. As the network of newspapers' distribution is the monopoly of the state, distribution tariffs for independent newspapers are several times higher than those established for the state newspapers. With a monthly average salary of 50-60 USD the state takes huge amounts of capital from the state budget and allocates it for subsidies of state printed media. Presidential and governmental newspapers are distributed for lower prices, and to be more exact – almost free of charge. Independent newspapers have no such possibility. Irrespective of the support of donors, the cost of non-state newspapers several times exceeds the cost of a state-controlled one, and their volume is smaller.

The payback of newspapers in all civilised countries is connected with the advertisement market. But what kind of advertisement on pages of non-state newspapers of Belarus can one talk of, if those firms and companies which risked to place their advertisement in independent media are everywhere and everyday persecuted by the authorities and punished in a most rigid way.

Sometimes I say it is easier to build a second Chernobyl nuclear energy station in the centre of Minsk, than publish an independent newspaper in Belarus. And I am most likely right, the facts testify to this, which I presented in my short statement.

Sergei Zayats

Deputy General Director
Information Agency *Interfax*

The formation of the civil society in Belarus today is in many ways connected with the mechanism of formation of the independent media in the state. At the same time it is important to realise, that under “independence” one should understand not financial independence of a separate periodical, radio station or a TV channel, which do not receive subsidies from the state or a local budget. Independence of the mass media in a democratic understanding should consist in variety of property and owners of these printed and electronic media. A full-value independence of the mass media can be demonstrated only in case in the country function so-called “small monopolies” – holdings, which are not in a position to cover the whole sphere in a specific field and trample down all possible competitors. At same time representatives of these mini-monopolies are entitled to have completely opposing views on the events in the country, based on what the editorial policy of separate publications will be formed.

Therefore the reference point in ensuring real independence of the mass media not only in Belarus, but also on the territory of the whole post-Soviet space, can be protection of these mass media from a threat coming from large full-scale monopolies, as well as ensuring that no financial groups or institutions should have the right to a complete monopoly in the field of radio or TV. Formation of the state monopoly on mass media also lacks prospects, and the Belarusian authorities are often reproached for this. The official authorities often respond to this, that there is no such monopoly of state in the Republic. The proof is the statistics of the State Committee on Press.

According to the official sources, 1101 periodicals are presently registered in Belarus. 718 of them are newspapers, 337 – magazines, 45 – bulletins and 1 catalogue. The press is published in Belarusian, Russian, German, English, Ukrainian and Polish languages. At the same time two thirds of the common number of periodicals are non-state.

About the same is the ratio situation with radio-stations operating in the Republic. The share of state-run stations is rather small. At the same time the situation with different TV companies functioning in Belarus so far does not fit into this ratio. A gap in this is partially filled by three Russian TV channels, whose broadcasting covers a considerable part of Belarus territory. However, in the opinion of political opponents of the present power in Belarus, this circumstance is especially visible during the preparation to the presidential elections in the Republic this year.

The role of these mass media is seen as providing comprehensive information to the civil society, which itself is only “awakening” in Belarus with all the following consequences.

To answer the question, how long this period will last, is rather difficult. At the same time, we are hoping that this period of time will proceed and finish in the Republic without any shocks, as it was the case in other republics and regions of the former Soviet Union. I am sure representatives of a considerable part of the Belarusian society share this hope. Many of them will connect their choice in the upcoming presidential elections with the hope that the authorities will not leave the sick and old, socially unprotected citizens to face their problems alone, which is possible during the so-called transition period to a new economic way of life. The civil society is the basis for transition to a market economy and political democracy. Structures, which are called to facilitate the development of socially-oriented market economy and democratic transformations in the country form the basis of the institutions of this society. Among them are political parties and entrepreneurs’ formations, trade unions, non-governmental structures (so called “third sector”) and, of course, mass media.

Speaking about the latter, one should emphasise that mass media, both state run and non-state, can contribute to working out an active life position, what is especially important in the present situation for people of middle and older age. Mass media of different forms of property are in the position to implement this task irrespective of existing differences in approaches to the solution of this problem.

Each person should realise that the future of the society, in which he and his children will have to live, depends on his actions and active participation in democratic transformations. Feeling a considerable responsibility of mass media in the solution of this problem, it is extremely important, that publications, representing different viewpoints on the current processes in the country would remain for each other not more than political opponents. Journalists working for these media, for moral and professional ethic norms, do not have the right to cross the line, which during this transition period as a minimum can lead to destruction of a professional corporate spirit. Journalists representing periodicals opposing to each other should not be put “on different sides of barricades.” Behind this one cannot see convictions of principles. In this case, initiated by the OSCE Representative on Freedom of the Media, Mr. Freimut Duve, this Public Workshop with participation of the Belarusian mass media representatives is one of the forms of looking for agreement among journalists, representing state and non-state publications. This gives them a possibility for a civilised discussion without seeing in each other representatives of some opposing sides.

Being in the state of creative and not militant discussion, they will be even more useful also to the opposing political structures in the country. Thus they will not only help civil society representatives to define the choice of their future, their children and their country, but also help the authorities, which are constantly searching for an answer to the question, “how prepared is the public foundation for implementation of any initiatives on the way to democratic values and market economy?”

For the government the picture of practical realisation of coming-from-the-top instructions on the lower level of the power pyramid will be presented in a more complete form, if it is at the same time described by representatives of state and non-state media. Through the independent media and through the organised structures of the civil society the same head of the state can have full information on the situation in local communities. In this case it will be much simpler to find the answer to the question, why seemingly absolutely correct reforms do not work in the society. To look for the answer the authorities will

have to rely not on some abstract electorate, which is in an amorphous state in Belarus, but on the organised structures of the civil society, all-possible organizations and foundations, having specific tasks and occupying certain niches in structures of this civil society. Mass media are called to play a big role in this.

At the same time it is no less important that in a country with a non-stable democracy the notion of democratic freedoms would not be substituted by a false perception of permissiveness, which often leads to conflict situations, and in the best cases have to be solved by trials. As the experience shows, Belarus is not the only place facing such difficulties. Non-state media start having certain difficulties with the authorities when public-political publications, oriented at comprehensive informing of the civil society, start interfering into pure politics. The situation in Belarus is not an exception. It is inherent in the majority of post-Soviet states.

At the same time we shouldn't exclude that such a niche could be taken by purely party periodicals in the country, where there are over 15 political parties officially registered and active. In its form and essence, depending on the outcome of elections in the country, their policy can be pro-power, as well as pro-opposition to the party in power. Not more than 2-3 parties in Belarus can boast such kind of papers, which are regularly published.

At the same time, "press and other mass media have to implement their functions with a feeling of responsibility before the society and separate citizens." This was the postulate for journalists, worded by the Parliamentary Assembly of the Council of Europe three decades ago.

Each citizen and in particular, journalist, as a component of this society, should realise that upon his actions and active participation in democratic transformations depends the future of civil society in Belarus.

Briefly speaking, establishing a really free and independent system of mass media in Belarus as one of the institutions of the civil society will demand great efforts from all of us.

IV.
**INFORMATION SECURITY POLICIES AND
STATE AUTHORITIES**

Dr. Mikhail Pastukhov

Centre for Legal Media Issues of BAJ
(introduction)

Yuri Toporashev

Centre for Legal Media Issues of BAJ

IV

Dr. Mikhail Pastukhov

Director
Centre for Legal Media Issues
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In the Republic of Belarus there is an extremely unfavourable situation for the freedom of mass media. It is a mirror reflection of the general political and economic situation, which emerged in the country after the November 1996 referendum which was dubious in its essence, form, and consequences. President A.Lukashenko, then in violation of the Constitutional court decision on the advisory character of voting on the question of changes and amendment in the Constitution, introduced a new edition of the Constitution. The latter fixed an absolute and unchecked power of the head of the state, this position still filled by A.Lukashenko.

The new edition of the Constitution left formally unchanged basic rights and freedoms of citizens, including freedom of opinion and conviction (Article 33) and the right to receive, store and distribute information on activity of state bodies, on political, economic, cultural and international life (Article 34). However in practice bodies of state power did not ensure these rights and freedoms. On the contrary, there is a tendency to limit the constitutionally declared rights and freedoms.

In the sphere of information security, such an anti-democratic tendency was reflected in many changes and amendments, which were then introduced in the Law on Press and Other Mass Media in December 1997.

The above mentioned changes and amendments “legalised” the activity of a specialised body of state government – the State Committee on Press. According to Article 1 of the Law it “implements policy of the state in the field of mass media, carries out control over the observation by mass media of legislation of Belarus, registers mass media.” For carrying out its functions, this body of management received the right to issue official warnings to papers in case of violation of requirements of

the legislation, also to suspend the activity of papers for same reasons for a term up to three months (Article 16).

The Law established new limitations in the activity of mass media. I am talking of article 5 of the Law “Unacceptability of abusing freedom of mass media.” The list of cases of “abuses” now contains a new article – “distribution of information, defaming honour and dignity of heads of state bodies, the status of which was established by the Constitution of the Republic of Belarus.”

According to the Law dated July 9, 1999 this item was added with the words “President of the Republic of Belarus.” Now any public criticism in the address of the head of the state can be assessed by competent bodies of power as an administrative or civil offence, or even a crime. According to the new Civil code defamation in respect of the President of Belarus, contained in a public statement, or in printed or publicly demonstrated work, or in mass media is to be punished with a fine (from 50 to 1000 minimum average salaries) or by correction works for the term up to two years, or by limitation of freedom for the term up to four years, or by deprivation of freedom for the same term (Article 367 of the Penal code). Public insult of the President of Belarus can lead to a fine, correction works for the term up to two years or deprivation of freedom for the same term. The same actions, together with charges of committing a grave or especially grave crime lead to up to three years imprisonment (Article 368 of the Penal code).

In actuality the personality of the present head of state has been raised to the level of an untouchable person, which is typical for undemocratic states.

In practice two criminal cases were initiated based on the above mentioned articles of the Criminal code: on the fact of publishing in *Nasha Svaboda* newspaper (No.4 and 5 dated January 12 and 15, 2001) an article “Doctor’s Diagnosis” (on the psychiatric state of A.Lukashenko) and on the fact of conducting a public action in Borisov with the demand to conduct a psychic check up of A.Lukashenko. Until recent time, investigations on these criminal cases have not been completed and nobody has been brought to criminal responsibility.

The new edition of the Law on Press established an additional requirement for registration of printed mass media. Thus, a founder cannot be “a physical or legal entity, which previously acted as a founder of a mass medium, the activity of which is prohibited, - in course of two years from the day the court decision on termination of the activity of a mass medium entered into legal force” (Article 8 of the Law). The list of documents to be attached to the registration application has been expanded. Now it includes: the statute of the editor’s board, the decision to set up editor’s office, documents proving payment of the registration fee and coordination of placement of this mass medium with the respective local authorities and administration.

After A.Lukashenko published Decree No. 2 dated January 26, 1999 “On some measures to improve the activity of political parties, professional unions, other NGOs” the freedom of mass media was again limited. Article 5 of the Law on Press now has a new item – on unacceptability of using mass media for “distribution of information on behalf of political parties, professional unions, other public organizations, which were not registered in the due state order (reregistered).”

The State Committee on Press, using this provision of the Law, issues official warnings to independent editions. In particular, repressive measures were undertaken in respect of such papers as *Pagonya* (the city of Grodno), *Belorusskaya Molodezhnaya* (city of Minsk), *Brestsky Kurier* (Brest).

After the adoption of the new Civil Code (entered into force on July 1, 1999) Belarusian authorities undertook an attempt to change the legal status of mass media. Specialists of the State Committee on Press prepared new amendments into the Law on press. Their content testifies to the authorities’ intention to turn editor’s offices of newspapers into commercial or, at the least, non-commercial organizations.

This novelty will require editors’ offices of mass media to rearrange themselves into one of the organizational legal forms of a legal entity, and this means, to undergo re-registration in the due order. Besides, as editors’ offices become subjects of management, there will be a harsher control of the registering bodies. As a result newspapers will lose an

independent status as specific enterprises on production of information products.

Adoption of such amendments leads to liquidation of editors' offices of newspapers and journals for purely formal reasons, including: unprofitable activity; concealing (artificially reducing) profits; violating the term and order of forming the authorised fund; having indebtedness in budget and extra-budgetary funds payments.

A new attempt of the Belarusian authorities to limit the freedom of information is preparation of the law draft "On information security." The first draft provided a depressing impression on Belarusian journalists and lawyers. The Belarusian Association of Journalists on January 23, 2001 countered with an open letter to the Belarusian and international community with an expressive title "Belarus is led to the "zone of silence" (see newspaper *Narodnaya Volya*, January 25, 2001).

After the criticism, the document was substantially changed. In particular, some odious terms were excluded ("information war," "deliberate interference," "foreign agents," and "local objects of influence"), its extreme ideological orientation was softened, obvious violations of the legislative technique were eliminated. However even in the last public version, the draft law still runs contrary to international standards in the field of freedom of mass media and a number of articles of the Constitution of Belarus.

Provisions of Article 12 of the draft law will inevitably lead to limitation of freedom of press, as they establish main directions of state's activity in information sphere: "provision of trustworthy data on socially important events of public life, distributed through mass media," "prevention, neutralisation of consequences of distribution of incomplete, false and distorted information"; exposing, preventing and stopping the information effect, threatening life and health of citizens, also violating or limiting their rights and freedoms"; "state regulation of the usage of publicly accessible sources and mass media for prevention of distribution of materials, propagandising violence, anti-social behaviour and insulting moral and cultural traditions of the society."

Creation of the system of information security, foreseen in the draft law (Article 16-18) can lead to intensification of state control over information. The draft law again mentioned internal and external threats, which condition the necessity to work out “a complex system of legal, administrative, economic measures and methods, aimed at provision of information security.”

Among specially authorised bodies, which are called to provide for the information security of the country, are the Committee on State Security (KGB) and the State Committee on Press. Besides, it is planned to set up a State centre of information security under the President of the Republic of Belarus and assign special authority to other state bodies.

In case this law is adopted it will become the basis for working out new legal acts in the sphere of information activity, which, considering its orientation and the regime of secrecy, will open for the authorities space for further limitation of freedom of expression and information.

Currently another re-registration of subjects of management is being conducted in Belarus, including editors' offices of mass media. According to the presidential decree No. 22 dated November 16, 2000 it should finish by July 1, 2001. According to independent experts, about 40% of subjects of management with non-state form of property won't pass this re-registration. This sad fate could also befall some regional printed media, to which local authorities deliberately refuse to issue a document proving coordinated location of a mass medium.

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Apparently it would not be reasonable even to start a discussion about so-called unrestricted freedom of information, since such freedom does not exist. Everything is restricted by logic and reason. But those numerous restrictions on this fundamental human freedom, which year after year grip the Belarusian society, are claimed by their founders to be the postulate of “regulated freedom of information which is outside logic and reason.” A good example for that could be the recent story about a series of draft laws, *on information security*, which has spilled outside the territory of Belarus. The first draft law was so odious and so much recalling the Cold War times, that it was disavowed even by today’s Belarusian legislators. Though it does not mean that subsequent drafts in their essence have not been intended to further infringe on the freedom of information.

To better understand what is going in today’s Belarusian information market, one should know in particular some peculiarities of the local legislation practices as well as those of the general modern state-building process in Belarus. In this aspect the Republic of Belarus is a really unique country on the post-Soviet and post-socialist European landscape. Only Belarus has two constitutions whose right to exist is asserted by approximately equal parts of the society. There are two so to say parallel parliaments in the country: the 13th Supreme Soviet which is semi-legal inside the country but legitimate outside Belarus, and the National Assembly which is legal inside but illegal outside, whose first composition was defined and appointed by the President, and the second one was elected during the 2000 undemocratic elections. Finally, Belarus is the only country which has a president who 1993 prolonged himself the presidency and made himself in his constitution’s variant the second and main legislator.

Belarus is a country with multi-layer legislation, which constantly changes from the best to the worst. And this is also one of the unique peculiarities of the Belarusian model of “permanent (evolutional) democratisation” declared by the present power.

The legislative process, we have been observing with growing concern and anxiety during last 7 years, and in which the leading role is played not by the legislative but by the executive power (that is one more peculiarity), most clearly manifests endeavours of the power aimed at maximum restricting of information freedom of the society, curbing rights and possibilities of independent media. In particular this affects those independent media which try to provide objective and impartial information. This process can be briefly characterised as a gradual regressive movement from formally democratic legislation to its maximum limited application through replacement of formally democratic provisions of the constitution and some laws with restrictive sub-laws of reactionary character.

Today the matter has gone so far that the Belarusian society shows a relatively calm reaction to the appearance of the above-mentioned draft laws on information security, initiated by anonymous officials from the executive power. Conceptual provisions and general contents of such projects lead to consideration of a potential abolishment of constitutional and other legislative acts in the near future providing for citizen's rights and freedoms in the sphere of information activities. Such legislative practice has a clear definition in jurisprudence – “the law-violating legislation”. But it seems not to confuse today's Belarusian legislators.

Seven years ago in June 1994, after the first round of voting, a contender for the Belarusian presidency Alexander Lukashenko emphasised the importance of media independence and swore solemnly, if he wins, he would liquidate immediately the state monopoly on mass media, demolish political censorship and give freedom to journalists in general.

A 7-year presidency of Lukashenko is an endless struggle with stubborn and intractable independent media. The president and his “vertical” carry on this struggle with constant, increasing purposefulness. The

stage of this fight can be conditionally divided into three main periods of time and aspect: forcible, legal and legislative.

The first period starts from the second half of 1994 - early 1995. It was marked by the removal of editors-in-chief of key state publications and change of the State TV-radio company management. The manpower purge was carried out under personal control of the President. Six independent newspapers were evicted from the “Belarusian Printing House” which by that time had been already “privatised” by the Presidential Administration. The most popular and highly circulated newspaper *Narodnaya Volya* published by the Supreme Soviet of Belarus was transformed forcibly (pursuant to a presidential edict) into a joint-stock company without any consent given by its founder and publisher, and in fact became the property of the same Presidential Administration. Nearly the same took place on the regional level as well.

This media “reform” was punctuated by grandiose informational scandals both inside and outside the country. Authorities’ arbitrariness was so obvious that no possibility was left to justify these unlawful actions in any way. There appeared a need for disguising.

In the second period, late 1995 and early 1996, the organisers of persecution of independent media and disobedient journalists somewhat adjusted their tactics and strategy: “Legal” forms and methods of media suppression grew prevailing. Nominally all the punitive sanctions with regard to independent media were substantiated by requirements of the Law “On Press and other Mass Media” adopted by the Belarusian Parliament on 13 January 1995. All the procedural aspects of conflict management were formally adhered to. The point was the fact how and who interpreted provisions of the Law on Press, who applied these provisions, and who controlled the judicial power – main and last arbiter of a conflict. It is not a secret that by that time courts have been under control of executive power.

At this stage the body of official surveillance over press, the State Committee of Belarus on Press, comes into the picture. Armed with “sweeping” Article 5 of the Law on Press, which gives an arbitrarily possibility to close down any publication non-favoured by the power, this

surveillance body contrived by strategists to appease independent media, was charged with solving a vital task for the power within limited time - to cut down the flow of objective information as much as possible. The vital importance of the task was dictated by the upcoming "Referendum '96" planned by the President. But the task should have been settled without unneeded noise, within "the scope of law".

It turned out noisy. One public scandal was followed by another. If it was relatively easy to stifle the fire of the scandals inside the country, it was beyond the Belarusian authorities' power to silence authoritative international human rights organizations, corporate journalists' community and, which was very important, relevant structures of the OSCE.

The arsenal of "legal" methods is forcedly expanded: apart from warnings on a newspaper's closure, economic pressure is added. Tax inspections at all levels started attacking editorial boards of disgraced independent media. State monopolists raise arbitrarily already heavy tariffs for paper, printing and delivery services. Resentful officials keep filing endless suits on protection of honour, dignity, and business reputation. Judges – who are under control of those officials – readily satisfy their multimillion claims. Some newspapers go bankrupt and cease to exist.

After the executive power's triumphant 1996 November Referendum, even more possibilities appeared for an offensive on information freedom. The third period began. After dispersal of the Supreme Soviet, there is no longer a deterrent for the executive power to launch active "legislative" activities. Numerous amendments introduced into the Law on Press are complicating the life of independent journalists to a larger extent. These amendments factually block some constitutional provisions on freedom of information which have been left in the "presidential variant" of the Basic Law. In particular constitutional Article 33 (freedom of opinion, the ban against monopolisation of media and censorship) and Article 34 (right to receive and distribute information) have fallen into oblivion.

Today the Belarusian press is on the threshold of the final stage of the "legal" period: a new edition of the Law on Media might be adopted this

year. There is a draft of this new edition somewhere but unfortunately neither journalists nor the public are unfamiliar with it. One can only guess what is expected for the Belarusian independent media in society in general.

There is a bitter joke among Belarusian independent journalists – *“there is no independent press in Belarus; there is allowed press.”* I can agree to it with one remark – *temporarily allowed press*. How long this “temporary allowance” is – it is beyond our knowledge. Therefore those independent newspapers editors are right when they say, “every new issue of my newspaper is a miracle.”

Looking at the 7-year struggle of the Belarusian authorities with independent media one can talk with confidence about the purposefulness of creation of a multifunctional state censorship. Its toughening can be observed as well. Such a broad assortment of the methods aimed at silencing of “disobedient” press did not exist even in the times of “Glavlit” – the censorship organ of the former USSR.

The current authorities in Belarus could instantly shut down that half a thousand independent newspapers which have been labelled as “opposition” ones. And the long-awaited information stability will come. But for some reason the authorities are tolerant. There are several reasons for that tolerance. One of them is their fear of ruining relations with the civilised world which inevitably would trigger not simply a complete provincial isolation, but also a strict international quarantine regime regarding the recurrent infringer of fundamental rights and freedoms.

The power hasn’t yet given up hope for its possible international legitimisation which, according to the experts of state management, will allow it to break through to the world and first of all to Europe with all advantages that would incur.

In the beginning of my speech I used a not really scientific term “multi-layer” regarding the Belarusian legislation on media activities. Under this term I imply those numerous regulating acts of the executive power that often nullify the law itself and sometimes even constitutional norms. This is a typical peculiarity of the so-called “social lawfulness” of the USSR as a totalitarian legal idea. This model of “lawfulness” has

been fully preserved and continues developing on the territory of “the legal democratic state of the Republic of Belarus” (Article 1 of the Constitution).

Normal activity of media as one of the main public institutions of civil society is substantially hampered under these circumstances or sometimes is even impossible. That’s why we talk about a miracle when independent newspapers are still published.

Belarusian society and government are standing on the threshold of very important events – the first round of presidential elections is set for 9 September 2001. For civilised countries this process means nothing but a peaceful transfer of power. For Belarus this is a deep social upheaval, since this is not only an issue of a peaceful transfer of power, but also implementing new changes into its model with a purpose of transition from the authoritarian form of power to the democratic one. Naturally the independent press in Belarus unambiguously supports those who stand for democratic changes in our country. In this way, independent media are awaiting dangerous traps and now unpredictable consequences.

Though Belarusian independent journalists are ready for any development of events...

V.

SUPPORT FOR THE INDEPENDENCE OF MEDIA

Zhanna Litvina

Belarusian Association of Journalists
(introduction)

Olga Tomashevskaya

Belarusian Business Newspaper

IV

Zhanna Litvina

President

Belarusian Association of Journalists

The key factor that pre-determines the current political situation in Belarus is preparation and conduct of the presidential elections in 2001. The pro-democracy community in this country regards the upcoming presidential elections as a real chance to transform the country from dictatorship back onto the path of civil society development. The awareness of citizens, access of the political opponents to the state-controlled media, and support to the independent media are the major conditions for holding these ballots freely and fairly.

Instead of moving towards democratisation, executive authorities have started mounting in this period a policy of elimination of the very idea of free speech and an independent media. The government has usurped the right to information, introducing total control over the access to and dissemination of information.

Presently, mass media are not protected from the dictate of the state and from its gross interference with editorial independence. The state-owned press is currently not simply a part of the government administration. It has been turned into a propaganda machine designed to carry out ideological orders and shape public opinion, following the line of the government only.

Several years ago the state media were included into the system of state management, and are, thus, unable to carry out their constitutional function. The state media provide no access to the political opposition and have no place for dissent.

The current authorities in Belarus have resurrected the old myth about the permanent military threat to this country and have used it for their propaganda machines. The Western human rights and democratic values and standards are discriminated or replaced with other notions. The governmental propaganda works to root the idea of hostile environment into the mass consciousness of Belarusians. The Belarus Upper

House's Committee for Foreign Relations and National Security has numerously charged the United States and Western European countries with "conducting an information warfare through disseminating the distorted, false information about Belarus."

In conditions of a clear information warfare unfolded by the current ruler against political opponents and opposition groups, the independent media remain one of the last civic institutions that continue to control the workings of the government by disseminating objective information about political and economic developments in Belarus.

In the pre-electoral period, only the independent media can:

- guarantee the provision of information necessary to make political decisions
- protect citizens from the government's dictate and reveal facts of infringements on the public interests and legitimate rights;
- encourage a debate and help envision perspectives for moving forward;
- contribute to the consolidation of the society

To enable the Belarusian press to carry out these functions properly, the executive authorities must desist of their monopolistic right to the television and radio broadcasting, printing facilities and the distribution system. Unfortunately, regarding the issue of support to the independent media, the political elite in Belarus over the past two years has reduced this issue to demands of access to the state-controlled media. That is why it is now that demands to demonopolise the (state) media be added as a priority to the list of pre-electoral political demands in the candidates' platforms. The non-state press itself must take more active steps towards providing information about its problems to make them more real and understandable to the society.

Economic discrimination appears to be a key instrument to restrict the operation of the non-state press. The state-owned monopolies which provide services to the print media sector have continued a pattern of introducing discriminative tariffs and prices for the independent media. The print services, for example, cost as twice as much to the independent newspapers than to those state-sponsored. Subscription delivery

services are 4-5 times more expensive for the non-state newspapers, compared to the state-owned ones. Independent newspapers lose up to 50% of the amount which subscribers pay for the independent newspapers. Since early 2001, delivery charges have again gone up.

Resulting from such a discriminative economic condition, the losses of many non-state newspapers are growing and often the newspapers have no funds to cover current operational expenses, not to mention the procurement of new equipment or raising personnel payroll.

Apart from routine economic pressure, the presidential decree “On some measures to improve the procedure of receiving and using the foreign humanitarian aid” can be regarded as yet another blow against the independent press. The 12 March decree sets out that any monetary or material foreign support must be registered with the Department for Humanitarian Projects at the presidential administration, which has powers to issue verdicts authorising or banning the use of humanitarian assistance from abroad. Besides, law-enforcement and controlling agencies are entitled to confiscating the foreign humanitarian aid if they believe that grants violate provisions in this decree. This document clearly aims to further intimidate the pro-democracy groups and initiatives in the country, and to put under a heavy control of the authorities any support which could be used by political opponents during the upcoming presidential elections.

Instead of denationalisation and privatisation of the media, and introducing a favourable taxing policy, the authorities have provided the state-owned media with lowered prices, budget subsidies and a mandatory departmental subscription. *To resist to the discriminative economic policy towards the independent press, the editorial offices should be given direct assistance and support in distributing their circulation and arranging for subscription.*⁵

Both local and foreign independent experts have concluded that Belarusian media laws do not meet the internationally accepted standards and do not protect the mass media from interference of the government. On the contrary, the Belarusian media laws aim to restrict the

⁵Here and further down in the text the author's bold font is kept.

operation of independent media, and secure the state's monopoly over the electronic media.

The authorities also plan to introduce amendments into the press law, which local observers believe will make procedures for registering new media even more restrictive, and will expand the list of cases when newspapers can be closed down.

In 2000, independent newspapers faced a new problem – all of them had to go through re-registration, under the new Civil Code. Under the new code, all the newspapers must register as business entities.

But, being a business entity, they are subject to the March 1999 Presidential Decree No 11, which sets out 14 cases when business entities are closed down extrajudicially. Apart from this, there is a great number of by-laws which entitle the governmental officials to close down newspapers extrajudicially, too. For example, requirements to receive approvals from the local authorities for the legal addresses of newspapers have not been revoked, although no Belarus law sets out such a provision. Since local officials deny approvals for the legal addresses, newspapers find themselves under threat of closure.

Several months back, the Coordination Council of Opposition Political Parties released a memorandum, stating that the bodies of executive authority must observe the law, “which sets out the right of citizens to found a media organization,” ... “that a moratorium on introducing amendments into the laws should be introduced until the presidential elections,” ... “(it is) necessary to cancel the permissive procedure for approving the legal addresses of the media organizations.” *In the pre-electoral period, international control over the implementation of the agreements in the framework of OSCE and other international obligations to which Belarus is a party should be reinforced.*

Access to information remains one of the key problems for the independent media. The procedures for accreditation are complicated and require a mandatory approval by special services, especially, for the events in which top government officials participate. According to a survey released by the independent *Free Press* association in Minsk, requests for information filed by the independent journalists to the gov-

ernmental agencies are satisfied in only 15-20% of cases. The state media receive requested official information in 82.4% of cases, according to the survey.

Several months ago, an internal memorandum signed by the police chief in Brest region was leaked to the independent journalists. The memorandum warned that police personnel would be fired for any information leaks to the criminal gangs and mass media. It is worth noting that the police chief has placed criminal gangs alongside the media.

On 14 March in Svetlogorsk (Gomel region) a police investigator denied information to the local independent newspaper *Region-Vesti*, referring to the order from his commander. The order sets out that information can be provided to only those journalists, accredited with the city police department. *Region-Vesti* has been denied this accreditation for one year.

The monitoring service of the Belarusian Association of Journalists (BAJ) also has recorded dozens of cases when information on birth-rate or salaries for budget-paid workers in the region is denied on the pretext that these are state secrets.

In advance of the presidential elections in Belarus, authorities have distanced themselves even further from the international democratic standards in the media field. This is a dead-end way, for the government as a country cannot function properly if the citizens do not receive reliable and objective information. The on-going information blockade can only exacerbate the self-isolation of those who attempt to remain in power at any cost.

The foreign media also can help to avoid the information blockade by paying greater attention to the Belarusian situation, expressing interest to the human rights issues in Belarus. The permanent attention and reaction from the international human rights organizations and European community to the situation concerning freedom of speech in Belarus appear to be nearly the only possibility to influence the current regime, urging it to comply with the international standards in the media field.

And, of course, the Belarusian journalists must make (authorities) respect the journalistic profession. Every fact or an attempt by the authorities to hinder the carrying out the professional duties must be publicised in the newspapers, monitoring reports and made available to the public consciousness.

Olga Tomashevskaya

Journalist

Belarusian Business Newspaper
(independent nation-wide newspaper)

Some years ago, World Bank experts were first to adduce a thesis that there could not be any free market economy without mass media freedom. The experts based their opinion on the argument that the lack of open coverage of economic activities led towards the growth of corruption.

However, a opposing thesis is correct: There can not be any mass media freedom provided there is no free market economy in the country. In Belarus where, according to Lukashenko, “market socialism” exists, the newspaper as an enterprise can not function normally. Like all the independent subjects of management, they have been hindered by the unpredictability of Belarus legislation and by a too heavy tax burden. It is as hard for non-state newspapers to work as for private enterprises. Today, Belarusian independent periodicals have no possibility to broaden their production basis. In particular, they cannot afford to create a full distribution system of their own or to purchase any printing equipment.

It may be said that an unpredictable and strict economic system of the country directly influences the non-state mass media activities. The unstable political situation influences the independent mass media in exactly the same way. In this case, the independent mass media are in the worse situation than other subjects of the Belarusian political system. Of late, the state has mainly preferred the methods of economic pressure to the rude political movements against the independent mass media. The methods of economic pressure are attempts to destroy the independent mass media financially by means of trials. In principle, the newspapers win the trials sometimes but it happens if the cases being heard are insignificant. As a rule, the newspapers loose the prominent cases. Besides, the authorities have been using some regulations of the Law on Press in order to keep the independent mass media under suspicion. It is known that, according to the Belarusian legislation, a newspaper can be

closed down if it gets three notifications within a year. As a rule, newspapers can get one or two notifications during the first half of the year. That means that having found fault with any material published in the newspaper, the authorities are entitled to close down the periodical any time. The similar situation could be observed in the case with the arrest of the equipment of the private printing-house Magic. The draft law on information security being prepared now is a hidden threat to the independent mass media as well.

In a sense, the situation with the independent mass media in Belarus might be compared to a thriller. As everybody knows, the main principle of the genre is not to scare but to keep a main character in uncertainty. This very uncertainty is a constant state the Belarusian independent mass media are in at the present period of time. The situation in the country has been getting worse now, before presidential elections. Thus, we should not exclude the possibility that the pressure on the independent media will be strengthened. However, it is hard to guess in what way.

In this connection, the only form of support to be provided to the Belarusian independent mass media is a permanent control over the situation in the country by international organizations. It might be advisable to make statements in the case of violation against the rights of the independent press as well as to discuss the issue with Belarus leadership through diplomatic channels.

BIOGRAPHICAL NOTES

Nikolai Alexandrov – Editor-in-Chief of the independent weekly newspaper *Brestsky Kurier* (Brest Courier). Mr. Alexandrov has more than 20 years of experience of working as journalist and editor of different newspapers and magazines. In 1990 he founded the independent newspaper *Brestsky Kurier*. He also chairs the Brest branch of the *Belarusian Association of Journalists*. In 2000 he and his newspaper received the prestigious award *Junge Presse Osteuropa* established by the German Foundation *DIE ZEIT - Ebelin und Gerd Bucerius*.

Liliya Ananich – the Head of the Information and Analytical department of the Belarus State Committee on Press; Ms. Ananich was invited to Vienna and took part in the seminar Workshop discussions but did not submit a paper.

Vladimir Glod – reporter for the Belarusian information agency *BelaPAN* and the Belarusian Service of *Radio Liberty*, managing editor of the weekly analytical bulletin *The Viewer* published by *BelaPAN*. Mr. Glod, graduate in Journalism of the Belarusian State University, Ph.D. in Philology, has many years of experience of working as a journalist. He is the winner of the Anatol Majsenia Prize in Journalism.

Lyudmila Kovaleva – journalist with Belarusian State Television. Ms. Kovaleva was invited to Vienna and took part in the seminar Workshop discussions but did not submit a paper.

Mikhail Lebedik – First Deputy Editor-in-Chief of *Sovetskaya Belorussiya* (*Soviet Byelorussia*) newspaper (state-run nation-wide daily, circulation – 431,000). Since 1995 Mr. Lebedik is a graduate in Journalism of the Belarusian State University. In 1993-1995 he worked at the editorial board of *Narodnaya Gazeta* (*People's Newspaper*) newspaper published by the Belarusian Parliament.

Ales' Lipai – the Director General of Belarus' biggest private information agency *BelaPAN*. Mr. Lipai, graduate in Journalism of the Belarusian State University, has many years of experience of working as a journalist, correspondent, and editor of the news section. In 1991 he founded a private information agency that later became *BelaPAN*.

BelaPAN delivers information to more than 50 media in Belarus with a circulation over 3 million and an audience share of more than 40% of radio listeners.

Zhanna Litvina – President of the *Belarusian Association of Journalists*. Ms. Litvina worked as a radio reporter for the government-owned Belarusian Radio. In 1994 she became the Editor-In-Chief of the youth programme, *Belaruskaya Maladzyozhnaya (Belarus Youth)*. In 1995 together with a group of 38 enthusiasts and professional journalists, she founded the independent *Belarusian Association of Journalists (BAJ)*. Now over 700 members-strong, *BAJ* operates as an NGO promoting independent journalism and freedom of expression, defending rights of journalists and freedom of information principles in Belarus. In 1995 Ms. Litvina founded a private independent radio station in Minsk – *Radio 101.2*. Later Ms. Litvina together with representatives of the Belarusian minority in Poland founded a new radio station, *Radio Racyja*, which since 1999 transmits Belarusian independent news and current affairs programmes from Poland to Belarus over medium and short waves.

Eduard Melnikov – Deputy Chairman of the *Belarusian Association of Journalists*. Mr. Melnikov, graduate in Journalism of the Belarusian State University, degree in History (Leningrad), has 30 years of experience of working in media. He worked as an editor and commentator on Belarusian TV producing economic and socio-political programmes. In 1978-1986 he was a Deputy Editor of the Belarusian TV for programming. In 1992-1994 he held the post of Editor of socio-political programmes of the Belarusian State TV and Radio Company. Mr. Melnikov is the author of numerous TV programmes, documentaries, and articles. He has more than 50 scientific works including 2 monographs.

Dr. Mikhail Pastukhov, Ph.D. (Law), professor – the Director of the *Centre for Legal Media Issues of the Belarusian Association of Journalists*. Dr. Pastukhov has many years of experience in legislative drafting, and as a former judge of the Constitutional Court of Belarus. He specialises in protection of constitutional rights and freedoms, in particular – freedom of expression and information. Dr. Pastukhov authored numerous books and articles on journalism and legal issues. He is one of

the authors of the Belarusian 1994 Constitution. He is the winner of the international prize of the US government and EU *For Democracy and Civil Society Development*.

Dr. Beata Rozumiłowicz – one of five international members of the OSCE Advisory and Monitoring Group in Belarus, where she heads the section for legal, human rights, NGO, and conceptual media issues. Prior to her secondment, Dr. Rozumiłowicz was research associate to the Programme in Comparative Media Law and Policy at the Centre for Socio-Legal Studies, University of Oxford. Dr. Rozumiłowicz holds a BA degree in Political Science from Rutgers College and M.Phil. and D.Phil. (Ph.D.) degrees in Politics from the University of Oxford.

Joseph Seredich – the Editor-in-chief of the independent daily *Narodnaya Volya (People's Will)* since 1995. Mr. Seredich – graduate of Belarusian State University, Academy of Social Sciences – has many years of experience of working as a journalist for different newspapers. and is a member of the Board of the BAJ.

Olga Tomashevskaya – a correspondent of the *Belarusian Business Newspaper* Ms. Tomashevskaya, graduate in Journalism of the Belarusian State University, has over ten years of experience of working as a correspondent for different newspapers including some Russian editions.

Yuri Toporashev – expert of the *Centre for Legal Media Issues of the Belarusian Association of Journalists*, writes on legal and journalism issues. Mr. Toporashev is a professional lawyer and journalist with many years of experience in law-enforcement agencies, press and television. He served as deputy editor of the independent *Femida* newspaper, and participated in drafting legislation on media issues.

Sergei Zayats – correspondent, Director of political information section, Deputy Director General of the Belarusian bureau of the information agency *Interfax*. A graduate in Journalism of the Belarusian State University, Mr. Zayats has more than ten years of journalistic experience, including 8 years working for information agencies.





Organization for Security and Co-operation in Europe

**The Representative on Freedom of the Media
Advisory and Monitoring Group in Belarus**

PROGRAMME

**Public Workshop with Belarusian Journalists
Vienna, Hofburg Conference Centre, Segment Gallery 1**

31 May 2001

Chairman:

Freimut Duve

OSCE Representative on Freedom of Media

Moderator:

Alexander Ivanko

Senior Adviser

09:00 Opening of working sessions

Opening address by Freimut Duve,
OSCE Representative on Freedom of the Media

Opening remarks by Ambassador Liviu Aurelian Bota,
Representative of the OSCE Chairman-in-Office

Opening statement by Zhanna Litvina,
Chairperson of Belarusian Association of Journalists

09:30 Working Session 1

Presidential Elections and the Media

Introducer: Dr. Beata Rozumilowicz,
*OSCE Advisory and Monitoring Group
in Belarus*

Discussant: Mr. Vladimir Glod
Information Agency BelaPAN

10:30 Coffee break

Lobby of Segment Gallery 1 of Hofburg Palace

10:45 Press conference

Segment Gallery 1 of Hofburg Palace

11:15 Working Session 2

Structural Problems of Independent Media in Belarus

Introducer: Mr. Ales' Lipai
Information Agency BelaPAN

Discussant: Mr. Eduard Melnikov
Belarusian Association of Journalists

- 12:15 Working Session 3**
***Obstacles to Proper Functioning of
Belarusian Independent Media***
Introducer: Mr. Nikolai Alexandrov
Brestsky Kurier (Brest Courier) newspaper
Discussant: Mr. Joseph Seredich
Narodnaya Volya (People's Will) newspaper
- 13:15 Sandwich Lunch**
Informal talks with representatives of the OSCE delegations
Lobby of Segment Gallery 1 of Hofburg Palace
- 14:00 Working Session 4**
Information Security Policies and State Authorities
Introducer: Dr. Mikhail Pastukhov
Centre for Legal Media Issues
Belarusian Association of Journalists
Discussant: Mr. Yuri Toporashev
Centre for Legal Media Issues
Belarusian Association of Journalists
- 15:00 Working Session 5**
Support for the Independence of Media
Introducer: Ms. Zhanna Litvina
Belarusian Association of Journalists
Discussant: Ms. Olga Tomashevskaya
Belarusian Business Newspaper
- 16:00 Adjourn**
- 16:15 Conclusions of the working sessions**