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### PUBLIC BROADCASTING: STANDARDS AND THE EXPERIENCE OF UKRAINE

Before moving directly onto the theme of public broadcasting standards, I shall allow myself to digress slightly. The principles of freedom of speech mean that the state and the mass media ought to be clearly differentiated, just as freedom of religion demands the separation of church and state. If the mass media are government-owned, there can be no freedom of speech. Mass media that are not independent cannot perform their main function in society—that of a watchdog of democracy. It is not for nothing that journalists are referred to as “the fourth estate”: they are part of a system of checks and balances that prevent other branches of power from overlooking abuses. For just this reason, creating public broadcasting is for most countries the path to democratic reform of government-owned television and radio.

It is my conviction that there are only two criteria that public television should conform to. I shall call these criteria “independence” and “identity.” All of the standards described in the recommendations and works of various authors come under either the first or the second criterion. Public broadcasting’s independence, both from the government and from big business, is an extremely important feature that distinguishes such broadcasting from its governmental and commercial counterparts. The management system plays an important role with regard to independence: management and monitoring ought to be structured in such a way as not to allow the possibility of government interference in the work of any broadcasting company. Identity is a no less important criterion, one which decrees that public broadcasting’s product should reflect primarily the interests of citizens and the interests of society, rather than the interests of the government (bureaucrats) and the interests of commercial sponsors.

Two of public broadcasting’s greatest problems are inextricably bound up with these two criteria, problems that simply cannot be ignored. In my opinion, the loss of independence and the loss of identity are the two greatest risks of public broadcasting in Europe, and around the world. For the countries of the former Soviet Union that have decided to develop public television, the main problem is more often that of independence. In a number of countries (Moldova and Armenia, for example), the established public broadcasting companies have remained under strict government control (which essentially prevents us from referring to them as public). At the same time, the problem of an identity crisis has become quite serious for the countries of Western Europe. Following the loss of monopoly rights to broadcasting, the difference between commercial and public broadcasters is increasingly eroding. It turns out that commercial broadcasters are also capable of producing socially important programs and transmitting them nationwide.

Let us examine in a bit more detail, yet still briefly, the main standards of public broadcasting. Within the limits of the independence criterion, we should note the specifics of management, editorial freedom, financing, and legal guarantees. The main functions of managing and monitoring public broadcasters are, as a rule, the responsibility of collegial councils. The manner in which such councils are appointed differs greatly, as does their membership; most important, however, is that council members ought to be independent and impartial. As a rule, it is the councils that select the heads of the broadcasting companies and approve all major editorial documents.

Independence is impossible if there is no editorial freedom. The latter requires that the public broadcaster alone decides which programs shall and shall not be broadcast. Outside interference is unacceptable. Financing is a no less important issue. On the one hand, the broadcaster should have

enough money to produce quality programs; on the other hand, the funding procedure should not undermine the broadcaster's independence. The excessive solicitation of advertising can lead to dependence on advertisers, while any considerable amount of government financing will always tempt a bureaucrat to try to influence the broadcaster.

It is also important that the principle of independence and the outlawing of interference be fixed at the level of parliamentary law. It is possible, of course, to get by without this, if there are good traditions. Nevertheless, the significance of the independence principle is greater once it is set down in the written law. In addition, written law always means greater stability, compared to, say, government decrees. It would be best if all matters, including the systems for management and financing, were fixed by law. There is then a greater chance that new governments coming to power will not try and take back the freedom granted.

The standards of public broadcasting that determine its identity are acting in the interests of society as a whole (supporting not just the majority but the rights of the minority as well); the mission of bringing together and consolidating the public; high standards of journalism; and the special demands of ensuring pluralism and the objectivity of programs. One also often hears that a special feature of public broadcasting is the absence of commercials. This is only partially true, since far from all public broadcasters refuse commercial advertising. There are, for example, no commercials in Great Britain, while there are a great many in France. More likely, one should say that there are fewer commercials on public channels than there are on commercial ones.

### **Public Broadcasting in Ukraine**

In 2005, Ukraine took several important steps on the road to approving standards for public broadcasting. The Ukrainian reforms are unique in that no law on public television was formally adopted; in practice, however, a great many changes have taken place. Ukraine is following the path of the European countries, for which public broadcasting means the reform of government broadcasting. Public broadcasting primarily means content, rather than form. This is why it has always been thought that the venue for public broadcasting is Ukraine's National Television Company and National Radio Company. (In Ukraine, the two companies are separate.) The main changes that have taken place are as follows.

Most important is the substantial change in editorial policy. Ukraine's National Television Company has for many years been the government's most reliable mouthpiece; it has eagerly and cynically carried out "government orders" against the opposition, and unfailingly praised the regime in power. In recent years, the opposition has been prohibited from appearing on this channel; if it was shown at all, it was exclusively in a negative light. One of the new government's considerable achievements has been to grant the National Television Company's management with a great deal of editorial freedom, something that was immediately noticeable in its news programs. The guarantees of editorial freedom were also set down in writing in a special trilateral memorandum signed by the Ukrainian Cabinet of Ministers, the directors of Ukraine's National Television Company, and its journalists.

The new team of professionals has completely redesigned the channel, hired new experts to oversee its news programming, and embarked on the production of socially important programs. These changes demonstrate that, in practice, the standards of public broadcasting are being realized in Ukraine. At the same time, the passage of the new law is dragging somewhat in parliament. The new draft law on the public broadcasting service, drawn up with the participation of nongovernmental organizations, was approved in its first reading in July 2005. Its redrafting for the second reading is, however, proceeding slowly. Passage of the law is important not only for the carrying out of reforms, but also to provide stability to those changes that have already been made.

If a provision is set down in writing in a law passed by parliament, it will be extremely difficult to change it later.

I shall briefly lay out the model for management and public control that is specified in the draft law. According to the draft, the current Ukraine National Television and National Radio companies are to be reformed, respectively, into the Public Television and Public Radio national broadcasting companies. The proposed management system is two-tiered: a single Oversight Committee and separate Boards of Directors for each broadcasting company. The broadcasting organization's Presidency is its executive organ. The logic of creating two bodies with oversight authority is as follows: the Oversight Committee deals with matters of program content, editorial standards, and electing the President, while the Board of Directors is a watchdog body in the area of management and finances. Different experts and a variety of approaches toward organizing work are required to perform these functions.

In conclusion, I would like to note that, despite a certain crisis of public broadcasting in the nations of Europe, this type of broadcasting organization is of great importance in the countries of the former Soviet Union. Public broadcasting is one form broadcasting takes under a democratic government. It is no secret that nations are extremely unwilling when it comes to privatization of the broadcasting sector; for just this reason, the introduction of public broadcasting standards is a top priority and a guarantee that the human right to freedom of expression is observed.

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