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## UKRAINE GOT RID OF TOTAL STATE CONTROL ON PRESS ACTIVITY

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*The article of the Head of the State Committee for Television and Radio Broadcasting of Ukraine Oleh Nalyvaiko is devoted to the reform results of state and public print media in Ukraine. This process, as is known, began three years ago in accordance with the Law of Ukraine. The appearance of such a law is due to the state's international obligations towards Parliamentary Assembly of the Council of Europe.*

*The statistical data are analyzed in terms of regions, as well as by one of periodicals typological feature — state and public. It is emphasized that if out of 662 public newspapers, 507 are reformed (80 percent of those that were published), than out of 98 state newspapers and magazines, 27 are no longer under state's regulatory protection (this is only 33 percent).*

*Among the weaknesses that did not allow to effectively and fully implement extremely important reform, the author names the following: a number of "white spots" in the holistic legislative mechanism for the implementation of declared intentions at the governmental level; deliberate inhibition of this process by a number of print media founders; not the willingness of the editorial boards themselves to take the initiative and responsibility to work in new conditions, their hope for financial support from the central or local budget.*

*The article states that the completion of mass media denationalization process in the legal time-limits means that from January 1 of this year financing from the authorities and local self-government bodies was stopped to those editorial boards that for any reason have missed the deadlines. However, the Law provides opportunity for local media to obtain financial assistance under certain conditions: preservation of publication name, language and thematic focus.*

*It is emphasized on the importance of journalists' qualifications improving and the special mission assigned in this case to the reformed Ukrainian Institute of Advanced Training for TV & Radio Broadcast and the Press experts.*

**Key words:** State Committee for Television and Radio-Broadcasting of Ukraine, media reforms, press founders, press denationalization, state and public press, editorial policy, state press support

## УКРАЇНА ПОЗБУЛАСЯ ТОТАЛЬНОГО КОНТРОЛЮ ДІЯЛЬНОСТІ ПРЕСИ З БОКУ ДЕРЖАВИ

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*Стаття присвячена підсумкам проведеного в Україні реформування державних і комунальних друкованих засобів масової інформації. Цей процес, як відомо, почався три роки тому у відповідності із Законом України. Поява такого закону спонукала міжнародними зобов'язаннями держави перед Парламентською Асамблеєю Ради Європи.*

*Проаналізовано статистичні дані в розрізі областей, а також за однією із типологічних ознак періодичних видань — державні і комунальні. Наголошено: якщо із 662 комунальних газет реформовано 507 (80 відсотків тих, що виходили в світ), то із 98 державних газет та журналів із-під опіки держави вийшло лише 27 (це складає лише 33 відсотки).*

*Серед слабких місць, які не давали можливості ефективно й сповна провести архіважливу реформу, автор називає такі: низка «білих плям» у цілісному законодавчому механізмі реалізації декларованих на урядовому рівні намірів; свідоме гальмування цього процесу з боку низки засновників друкованих засобів масової інформації; не готовність самих редакцій брати в свої руки ініціативу й відповідальність працювати в нових умовах, надія їх на фінансову підтримку з центрального чи місцевого бюджету.*

*У статті наголошується, що завершення процесу роздержавлення ЗМІ у передбачені Законом терміни означає, що з 1 січня цього року припинилося фінансування з боку органів влади та органів місцевого самоврядування тим редакціям, які з тієї чи іншої причини не вклалися в терміни. Втім, Закон надає можливість отримання редакціями місцевих ЗМІ фінансової допомоги за певних умов: збереження назви, мови і тематичної спрямованості видання.*

*Наголошується на важливості підвищення кваліфікації журналістів редакцій, що реформуються, та особливій місії, яка покладається в цій справі на реформований Український інститут підвищення кваліфікації працівників телебачення, радіомовлення і преси.*

**Ключові слова:** Держкомтелерадіо України, реформи ЗМІ, засновники преси, роздержавлення преси, державна і комунальна преса, редакційна політика, державна підтримка преси.

In recent years, Ukrainian journalistic community has formed a clear understanding of the need for a number of necessary reforms. The two most important of them were large and ambitious, because they affected life basics not only of newspapers, television and radio labor communities, but also numerous consumers of their products — readers, listeners, viewers.

The first reform concerned radical changes in the state TV and radio companies and the creation of a public broadcaster on their basis. The second was about the same changes in state and public print media.

At the same time, last year, the State Committee for Television and Radio Broadcasting also took care of a number of other issues concerning the development and approval of the national information space and its introduction into European and global context.

Among the most important are the following: transition of Ukrainian television to digital broadcasting; protection of national information space by limiting the access to Ukrainian market of foreign anti-Ukrainian printed materials; the issue of European and Euro-Atlantic integration of Ukraine; ensuring citizens constitutional rights to freedom of speech and information; journalists' professional rights protection.

Consider it worthwhile to focus on one of the main areas of our work on reforming the national information space, bringing it closer to European standards — denationalization of print media.

Due to the Law of Ukraine dated December 25, 2015, “On the Reform of State and Public Print Media”, this reform lasted for three years and actually ended last December.

To do so, we have been prompted by Ukraine's international commitments to the Parliamentary Assembly of the Council of Europe, and this process was intended, first of all, to limit the state's influence on the media.

What are the results of our work in this direction?

We can state with certainty that now Ukraine has actually abandoned the legacy of the Soviet past, when there was total control by the state over the media.

Problematic issues that arose during the implementation of the Law, were considered by the Board of State Committee for Television and Radio Broadcasting every six months. Particularly, detailed analysis of cases was carried out in the context of certain regions, for example, Zaporizhzhya, Dnipropetrovs'k, Zakarpattya, Kyiv Regions. Each time at such meetings it was emphasized the need to intensify cooperation with regional organizations of the National Journalists Union of Ukraine in order to coordinate joint actions.

What about the reformed editions?

760 state and public print media, of which 662 — public, 98 — state, were included in the Consolidated Reforms List. At the end of 2018, 607 public and 81 state print media actually were published. The Consolidated List was

posted on the official website of the State Committee for Television and Radio and updated monthly.

As at 28 January 2019, 507 print media and editorial boards were reformed, of which 480 were public and 27 were state-owned. This represents 80 and 33 percent of the total number of actual publications.

Analyzing statistics data in the context of regions, one cannot ignore such an outspoken tendency. The editorial boards of newspapers and magazines that for a long period did not have significant financial revenues in the form of budget subsidies were reformed among the first ones, and vice versa, those editions that received significant funds from the state treasury (at the expense of the central or local budgets), were not reformed at all or delayed the necessary procedures to the last.

Interestingly that changes in the status of state media took place much slower than in the public press.

Reasons?

In this category of newspapers and magazines, the fundamental issues of implementing editorial policy, including the right to choose reform method, were mostly determined not by labor collectives, but by structural units of government or relevant state-owned enterprises. In such cases, the only way to preserve such media after the release of central executive bodies from the co-founders was to acquire owners from among government agencies and state-owned enterprises, rather than labor editorial teams.

At the end of last year the leaders of the media denationalizing process were Kropyvnytsk, Zhytomyr, Khmelnytsky, Mykolaiv, Poltava, Ternopil regions. Instead, Kyiv, Zakarpattya regions and the city of Kyiv were on the list of those where this process was unjustifiably hindered.

Here I highlight typical problems of media reform.

Firstly, even at the start of this work, a number of “white spots” were identified in the legislative mechanism for reform implementing. It is clear that the lack of practical experience in the participants affected this process. Therefore, repeated attempts were made to improve the legislative regulation of the reform process. Unfortunately, not all proposed bills were supported by the Verkhovna Rada of Ukraine.

Secondly, for three years the reform process has deliberately been hampered by the print media founders and editorial boards. Not accepting or delaying the adoption of the relevant decisions by the founders led to rights violation of editorial boards labor collective. Also this applies a number of central executive authorities who have not taken appropriate measures, aimed at reforming those print media whose founders they are.

Thirdly, there was inertness, uncertainty, and even the indifference of many editorial teams, who hoped, apparently, to prolong the terms of denationalization or rely on financial support from the local authorities.

Which obstacles were identified in this complicated and lasting process?

Here you can find out two groups of difficulties — organizational and legal.

I will bring forward the most obvious difficulties from the organizational group:

- problems with an agreement conclusion between the founder and the successor, necessary for the state re-registration of the publication in the justice bodies;
- difficulties in providing the editorial staff of the reformed media with a priority right to cover the activities of local executive bodies and local self-government bodies;
- violation of the guaranteed right to preferential lease of premises.

Worse situation is in the legal sphere.

The absence of an effective mechanism of influence on the founder (co-founders) that violates the requirements of the Law, as well as the clear definition of jurisdiction in disputes on reform issues has caused a number of conflict situations and non-coordination of actions between editors and founders. Often editors, carrying out several activities, could not make a distinction of property from a public company.

There was a lack of concrete, understandable to both parties, decisions of military-civilian administrations on the reform of those print media, whose founders by 2014 were the relevant local self-government bodies. In a number of cases there was a barrier to such a legislative norm as the prohibition of an institution transformation as an organizational-legal form of a legal entity. All this gave rise to labor and property disputes between editors and their founders. Often, such disputes were considered, and now are being considered, in the courts — both administrative and economic.

The termination of media denationalization process in the terms stipulated by the Law means that from January 1 of this year financing from the authorities and local self-government bodies was stopped to those editors that for any reason had missed the deadlines. Of course, this has been painfully struck by a number of local and central periodicals editions.

As is known, the Law provides opportunity for local media to obtain financial assistance under certain conditions: preservation of publication name, language and thematic focus.

However, it is sad to state that the Law of Ukraine “On the State Budget of Ukraine for 2018” did not foresee expenditures for state support to the reformed print media of the local distribution sphere.

We hope that the situation will improve this year.

The Government Priority Action Plan for 2019 provides the submission to the Cabinet of Ministers of Ukraine for approval of the Procedure of targeted financial support to the reformed print media of the local distribution sphere. In this regard, the State Committee for Television and Radio Broadcasting submitted proposals to the Ministry of Finance in terms of foresee-

ing in the State Budget of Ukraine for 2019 expenditures for this at a rate of 37 million UAH. Moreover, taking into account the need to complete the reform and to preserve periodicals as an important source of information for Ukrainian citizens, agreements were reached with the Ministry of Justice of Ukraine to facilitate the re-registration of those publications, which editors submitted necessary documents to the territorial departments of justice until 31.12.2018.

We can state that despite all difficulties that accompanied the reform process, the vast majority of public print publications exercised their right to independent editorial policy. Obviously, the number of reformed media would be even greater if the proposed legislative initiatives have been taken in time by our legislators.

It is also emphasized on the importance of journalists' qualifications improving. To do this, we fully use possibilities of the Ukrainian Institute for Advanced Training of Television, Radio Broadcasting and Press Workers. Over the past two years, the work of this institution has revived. A series of training seminars and workshops on topical reform issues were conducted for editors of public editions.

Very important was the cooperation between the State Committee for Television and Radio Broadcasting, the National Union of Journalists of Ukraine and other journalistic organizations within the framework of the project "Support to the Sustainable Reform of State and Public Media" which was carried out with the support of the Project Co-ordinator of OSCE in Ukraine. The cooperation in the project framework "Freedom of the Media in Ukraine" with the assistance of the Council of Europe and the European Union was also productive.

The experience gained and a clear vision of prospects will contribute to the full work of the editions in the new market realities.

The digital revolution opens new opportunities for print media. The reformed press should use online tools in its work, be actively present in social networks.

I am convinced that the state, for its part, will support the reformed publications at this stage of their development.