

MEDIA REFORM AND DEMOCRATIZATION:
A COMPARATIVE ANALYSIS OF FOUR EAST-CENTRAL EUROPEAN COUNTRIES

by

PATRICK JOSEPH McCONNELL

(Under the Direction of Alison Alexander)

ABSTRACT

More than a decade after the collapse of communism in Eastern Europe a number of countries in the region are well on their way to making a successful transition to democracy. It is often argued that the reform of a country's media system toward freedom and independence is an important part of this democratization process. But as some countries have progressed toward democracy more rapidly than others, one needs to consider whether certain patterns of media reform influence the democratization process in either positive or negative ways. To do so, this study examines reform efforts in Bulgaria, Hungary, Poland and Romania by addressing three research questions: What are the dimensions of media reform? What is the relationship of the various dimensions of media reform during the democratization process? And what is the relationship of media reform to political and economic reform during the democratization process?

While the prevailing model used to describe media reform during the democratization process is that of the "stages of transition" approach, a central claim made by this study is that media reform needs to be thought of as multi-faceted. Rather than a media system being considered a single entity, this study shows that various sectors of a media system progress

toward freedom and independence at differing rates. There are also competing press philosophies and competing actors that can influence the way media reform is carried out. And it is common for political and business elites to try to skew reforms efforts to their benefit. This study also found that while great progress has been made in reforming media systems, there are two particular areas of concern: the continued treatment of libel as a criminal offence and the continued politicization of the oversight and management of state-run public service television. Finally, it seems apparent that there is a strong relationship among political, economic and media reform, with democratization efforts most successful when these three areas of reform are mutually reinforcing.

INDEX WORDS: Democracy, Democratization, Media reform, Press freedom, Eastern Europe, Post-Communism

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DEDICATION

This work is dedicated to my wife, Peggy, and to mother, Patricia. Without their help and support over the years this would not have been possible. Thank you.

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CHAPTER 1

INTRODUCTION

More than a decade after the collapse of communism in Eastern Europe, a number of countries in the region are well on their way to making a successful transition to democracy. As an example, several of the post-Communist countries are among the ten nations that recently joined an expanded European Union. One question that researchers often consider is what are the conditions in a country that lead to a successful move from a non-democratic to a democratic state, most commonly referred to as the process of democratization (Linz and Stepan, 1996). Looking at the former communist countries of Eastern Europe, for example, some have fared better than others in democratization efforts. So what has allowed some countries to be more successful than others in making the transition to a sustainable democracy? Are there certain sectors of society where structural reform has led to more positive outcomes? How might one go about disentangling the various elements of democracy to better understand this process?

Over the past few decades there has emerged a more expansive view of what constitutes a democracy, from a more narrow political perspective to a perspective that includes social and economic criteria. This more expansive view is commonly referred to as liberal democracy. The components of a liberal democracy under consideration in this study are a free and independent media, often considered a part of civil society; a liberalized and open economy; and practices that provide for political participation for all citizens, such as free and fair elections. The development of a free and independent media, economic reform and reform of political

institutions all are important aspects of moving a state toward liberal democracy. But, while media reform is necessary to establish a free and independent media, media freedom is also facilitated by reform in other sectors of society. There is an interdependence among various sectors of a state that must be recognized in order to obtain the best outcomes in the democratization process.

For the purposes of this study, I use the concept of democratization in reference to the process by which reforms are attempted to institute improved political and social change within a liberal democratic framework. Democratic reform can be considered the progress made by enacting measures and practices through which sectors of a state evolve from a non-democratic regime (authoritarian, totalitarian, military rule, etc.) on one end of the spectrum, toward goals of liberal democracy on the other end of the spectrum. Thus, enactment of specific measures and practices in the political, economic and media sectors in countries attempting to transition from a non-democratic to a democratic regime is primary to the democratization process.

Problem Statement

Often cited in concepts of liberal democracy are, among other criteria, freedoms of association, information, and communication (Linz, 1975). These interconnected ideals, considered cornerstones of Western democracies, are enshrined in the First Amendment of the United States Constitution, as well as Article 19 of the Universal Declaration of Human Rights and Article 10 of The European Convention of Human Rights. The Council of Europe Parliamentary Assembly recently endorsed the belief that a “free and independent media are an essential indicator of the democratic maturity of a society” (Recommendation 1506, Article 1, 2001).

In addition, the United States government has increasingly viewed a free and independent media as a useful component in helping to develop democratic regimes (Carothers, 1999). In recent years, part of U.S. democratic development strategy is to use a portion of foreign aid, particularly through the office of the U.S. Agency for International Development (USAID), to assist in the establishment of a free and independent media in regions of the world where media are believed to be constrained. According to a technical publication published by USAID (1999), access to information is essential to the health of democracy for several reasons. First, this access ‘ensures that citizens make responsible, informed choices rather than acting out of ignorance or misinformation’ (p. 3). Second, the information ensures that ‘elected representatives uphold their oaths of office and carry out the wishes of those who elected them.’ In addition, the rule of law is expected to be strengthened by independent media that keep a check on the judiciary. Finally, independent media contribute to transparent elections by giving all candidates access to media outlets and by reporting on issues in a timely, objective manner.

There is also a growing body of literature that makes at least some claim that freedom of expression and of the press is essential to democracy. One reason that mass media are seen as having the potential to facilitate democratic practice is the recognition that the free access and exchange of information is indispensable to the notion of democracy (Berman and Witzner, 1997). The very nature of democracy suggests that free and open communication, through a variety of channels, is necessary to foster critical practices found in democratic societies. The literature further suggests that the mass media in a stable democracy are the principal institutions from which members of the public can better understand their society (Curran, 1991). Ideally, the media contribute to civil society by providing citizens with information about their world, by

fostering debate about various issues and by encouraging informed decisions to be made about available courses of action (Curran, 1991). The media are a site of contestation in which diverse positions are advanced, significant opinions are heard, interests and inner-workings are exposed, and input is received. These all contribute to public debate. The media are also expected to provide a monitoring function, commonly referred to as being “watchdogs,” on government, industry and society (Dahlgren, 1995).

According to this argument, a free and independent media is central to both the theory and practice of democracy (Garnham, 1992). The freedom of communication provided by mass media is considered a foundation of democratic rule, and without a free and independent media such rule is undermined (O’Neil, 1998). Gunther and Mughan (2000) call mass media the “connective tissue of democracy,” and go on to say that the media “are the principal means through which citizens and their elective representatives communicate in their reciprocal efforts to inform and influence” (p. 1). The conduct of politics, whether democratic or nondemocratic, depends more and more on mass media (McQuail, 1994), and a free press is considered as important in developing countries as in advanced industrial society (Ungar, 1990).

Such a view might be termed a media-centric position (McConnell and Becker, 2000). But the media-centric position, which posits a free and independent media as central to democracy, is not always appreciated by those most responsible for democratization efforts. Given the stated centrality of a free and independent media to democracy, it might be expected that the reform of a media system in an effort to bring about press freedom and independence would be a goal of governments in the democratization process. But evidence suggests there is no apparent coherent strategy for media reform in post-Communist countries. A reason for this

may be that one way a free and independent media contributes to democracy is by demanding accountability from political actors and public officials, the very people who in many cases have the most influence on institutional media reform.

Jakubowicz (2004) asks if it is even possible to speak of post-Communist countries as having a systemic media policy designed to foster reform of media systems. He argues that media policy, at a minimum, should identify issues that require action or resolution, analyze policies and options for proper policy instruments, develop regulatory means, and provide for implementation and evaluation of policies. But, Jakubowicz contends, policies of media reform in post-Communist countries are not at all clear: 'Policy has been at a cross-purposes: proclaiming media freedom, but at the same time seeking to retain instruments of their control. Accordingly there was a hidden, or not-so-hidden agenda behind every element of the process' (p. 66). Jakubowicz further argues that policy analyses have been lacking, in part, because economic, financial and technological aspects of media operations, as well as the impact of market forces, have been overlooked.

At this point a series of questions come to mind: Can patterns of media reform be detected and, if so, what accounts for these patterns? Do certain patterns of media reform influence the democratization process in either positive or negative ways? Is it possible that rather than a media system being reformed as a whole and advancing in stages, as is commonly argued, it instead has dimensions, with some areas of the media more easily reformed than others? Are these media reforms based on the media system itself, or do the characteristics of media reform mirror reforms in others parts of society? To what extent can discernable patterns

be detected among media, political and economic reform in the democratization process? And does this provide clues as to what conditions lead to a successful transition?

To answer some of these general questions, three key research questions will be addressed in this study. The first question to be examined is, what are the dimensions of media reform? While there are many ways to think about media reform (Rozumilowicz, 2002), a central component of such reform is the introduction and adoption of regulations that create the conditions necessary for the media in a given country to act independently. These regulations can effect the media directly or the institutions of society that have an effect on the media environment. Hamelink (1999), for example, defines media independence as “the autonomous control over editorial content by publishers, broadcasters, editors and journalists” (p. 9). He adds that this editorial control must be protected from third parties, such as public authorities and private-interest groups, as well as direct and indirect political pressures, financial pressures, control of production and distribution mechanisms, and pressures from media insiders such as owners, publishers and managers.

Hamelink sees media regulation, including laws, rules and institutional procedures, as one way that protection of media freedom and independence can be achieved. Media regulation helps to govern the relationship among the mass media, the political class, the marketplace and the public. As Hamelink points out, just having certain regulations in place does not assure media freedom and independence. But it seems to be equally true that without the proper regulations in place that serve to promote and protect a media system, media freedom and independence is difficult, if not impossible, to achieve. One focus of this study, then, will be on reform of the rules that govern media systems as well as reform of the institutions (political,

legal, economic) that either enhance or restrict the freedom and independence to be found within a media system.

After the various dimensions of media reform are identified, the second question to be considered is, what is the relationship of these various dimensions of media reform during the democratization process? While the question of media freedom and independence is important to any enquiry into the relationship between media reform and the democratization process, a central concern of this study is not necessarily whether a media given media system is indeed free and independent, but rather how does media reform evolve and what effect, either positive or negative, do certain types of institutional reforms have on the development of a media system. In other words, how do media and other institutional reforms serve to shape a media system during the transitional period and what impact does this have on the democratization process? If one media system develops in one way, and another in a different way, does this ultimately impact the potential for democratic development? It is expected that an examination of the dimensions of media reform will help to provide answers to these questions.

The third question to be considered, then, is does media freedom evolve independently, or is it instead dependent upon political and economic reform? In an attempt to answer this question, composite ratings of media, economic and political reform will be compared over a designated period of time in the post-Communist countries selected for this study. A rating of media freedom and independence developed for this study will be compared with ratings of economic reform developed by the European Bank for Reconstruction and Development (EBRD) and politic rights as rated by Freedom House to examine their relationship during the democratization process.

The EBRD has provided assessments of economic reform in transition countries since 1994. The annual *Transition Report* (TR) covers countries in central eastern Europe and the Baltic states (CEB), south-eastern Europe (SEE) and the Commonwealth of Independent State (CIS). There are 27 countries covered by the *Transition Report* including the four countries under consideration in this study. In its analysis of the transition ten years after the fall of Communism, the *Transition Report* offered this conclusion: "...experience has demonstrated that the process of transition...is complex, difficult and lengthy...The transition is not a steady forward march, or a linear process; there have been and will be setbacks and crises along the way (*Transition Report*, 1999; p.3).

The EBRD transition indicators and the political and civil liberties index of Freedom House show a positive relationship between economic reform and the consolidation of democracy (TR, 1999), meaning the countries rated to have moved the furthest toward democratic consolidation also have a greater level of economic reform. But while there is a relationship between economic reform and the consolidation of democracy, the exact nature of that relationship is uncertain. Considering whether democracy promotes economic reforms or whether a market economy promotes democracy, the EBRD report speculates that democracy and the market are mutually reinforcing, with "feedback effects" that enhance both (TR, 1999; p.113).

Four Countries of East-Central Europe

Central to this study is the systematic comparison of a set of four post-Communist countries. It has been pointed out that the number of cases of national systems change that occurred almost simultaneously in East-Central Europe in the 1990s invites "systematic cross-

national comparison' (Pridham 2001; p. 1). Thus, after considering a variety of potential groupings of countries from many parts of the world, four states in post-Communist East-Central Europe (ECE) were selected for this study: Bulgaria, Hungary, Poland, and Romania.

There are several reasons why these four countries were selected. First, the four countries are attempting to make the transition to democracy from similar social, political and economic positions. This is because all of the countries are former members of the Warsaw Pact, the bloc of communist states in Eastern Europe that were not part of the Soviet Union.

The Warsaw Pact was formed in 1955 as a response to the countries of the West creating the North Atlantic Treaty Organization (NATO) in 1949 and was the Soviet Union's central means of maintaining political and military control over its East European allies. The original members of the Warsaw Pact were Albania, Bulgaria, Czechoslovakia, Hungary, Poland and Romania. East Germany joined in 1956. Out of these countries, Bulgaria, Hungary, Poland and Romania were chosen as countries to be examined in this study, in part, because of their shared political past, consistent integrity of national boundaries, and efforts at integration into the EU. Albania withdrew from the Warsaw Pact in 1968 and is not being considered for European Union (EU) membership at this time. Since the collapse of communism in 1989, East Germany has been reunited with West Germany. In addition, Czechoslovakia split into two countries, the Czech Republic and the Slovak Republic, in 1993.

Second, the countries included in this study began their transitions after the collapse of communism in 1989 and have been going through the democratization process for a similar length of time. This gives greater continuity when comparing measurements of democratic progress over time.

Third, the four countries under consideration have either recently joined the European Union or have applied for membership in the EU, and by doing so agreed to the accession process with its rigorous demands for meeting the criteria for attaining an acceptable level of democracy. Hungary and Poland were among the 10 new member states which joined the European Union on May 1, 2004, adding to the existing 15 member states. In addition, the two other countries being considered in this study, Bulgaria and Romania, have applied for EU membership, and are currently in the process of attempting to meet the accession criteria in order to join the EU in 2007.

Finally, of the four countries in this study, Hungary and Poland are considered to be among the “first wave” of countries that were most successful in post-Communist Eastern and Central Europe in making democratic progress, while Bulgaria and Romania were much slower to enact democratic reforms. Thus, this study set will provide an opportunity to compare two countries deemed to have made substantial progress on democratic reform with two countries judged to have been slower to do so. This comparison of countries is expected to yield insights into potential patterns of institutional reform that may shed light on the democratization process.

An important consideration when using the comparative approach to the study of democratization is the “historical determinants,” defined as the inheritances from the previous regime as well as long term historical influences (Pridham 2001, p. 10). It has also been pointed out that because the cultures and histories of countries are so unique, comparisons among countries are difficult to make (Grugel, 2002). While it is acknowledged that it is a challenge to control for all the variables in a study such as this, this set of countries does ensure, as much as is possible, that the four countries are attempting to transition from a similar geopolitical

environment, have all been in a period of transition for a similar length of time, have all had similar recent experiences regarding issues of stateness and national identity, and all are subjected to the same conditions of an external superstructure, the European Union. These are all important considerations for making the comparisons that are contained in this study.

External Influence of the EU

While the experience of each state is unique, this group of East-Central European nations share a political history of having been part of the former Soviet Union, and share a political future of voluntary membership in the European Union. Given the importance of the influence the EU has had on democracy building efforts in the countries being considered in this study, it is important to take a closer look at how the EU exerts that influence.

One example is the political and economic criteria for accession to the EU, which was established by the Copenhagen European Council in June of 1993. Known as the “Copenhagen Criteria,” it has since been enshrined as a constitutional principle in the Treaty of the European Union. The Council stipulated that before joining the EU the candidate countries must have achieved “stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities” (2002 Regular Report on Czech Republic’s Progress Toward Accession; p. 18). In its annual reports, the EU assesses the progress each country has made toward reaching the goals of the accession process. The EU measures progress in the areas of the Copenhagen Criteria based on “decisions actually taken, legislation actually adopted, international conventions actually ratified (with due attention being given to implementation), and measures actually implemented” (2002 Regular Report on Czech Republic’s Progress Towards Accession; p. 9-10). According to the EU, such concrete progress permits a more objective

assessment of the steps each country has taken to meet membership requirements. Legislation or other political measures in various stages of preparation or approval are not taken into account.

As part of the accession process, the EU issues documents that detail each countries progress toward accession. Beginning in 1997 with the documents entitled“Agenda 2000-- Commission Opinion on [country] Application for Membership in the European Union,” to the most recent country reports, the EU has issued annual reports on each country’s progress toward accession. The initial Agenda 2000 reports of the Commission Opinion on Application for Membership of the European Union for each of the candidate countries, issued in 1997, defines and assesses the criteria for membership in the EU. The political criteria includes an assessment of democracy and the rule of law, human rights and the protection of minorities, and a general evaluation. Democracy and the rule of law contains an assessment of the structure and function of a country’s Parliament and Legislative powers, executive branch, and judiciary. For an assessment of human rights and the protection of minorities, areas evaluated pertain to civil and political rights, including issues concerning freedom of the press; economic, social and cultural rights; and rights and protections for minorities.

Second is an assessment of economic criteria, also considered key in the process of democratization by the EU. The evaluation of economic criteria includes efforts to liberalize the economy and develop a stable and functioning market economy, focusing on structural change, economic and social development and competitiveness. The subsequent annual reports then provide an evaluation of the progress each country has made in meeting the proscribed criteria for membership in the EU. The annual country reports not only provide assessments of the Political and Economic Criteria as described above, but also include detailed assessments of

progress toward meeting specific requirements of 29 chapters of the *acquis* (e.g.; free movement of goods, agricultural policy, transportation, taxation), which is necessary to “close” said chapters in order to meet membership requirements.

Another example of the efforts of the EU at democracy promotion is the PHARE program, the EU’s reconstruction aid program. The PHARE program currently covers 10 countries, including the four countries of this study. It was originally introduced in 1989 to provide support for economic restructuring and was expanded in 1992 to include democracy development (Gower, 1999). Following the invitation to join the European Union made to former Central and Eastern European countries by the Copenhagen Council in 1993, the PHARE program was restructured to assist countries in preparations for joining the EU. The focus of PHARE was to help candidate countries strengthen public administrations and institutions toward EU standards, to promote convergence with EU legislation and to promote economic and social cohesion.

Michael Kraus (2003) contends that “the role of international influences and international actors, especially the EU and NATO, in East European democracy-building has been enormous...” (p. 62). As an example Kraus cites efforts by the Czech government to get the accession process back on track after a negative report from the EU regarding reform efforts to meet accession criteria during 1998-2000. And NATO has been seen as a way to increase the security of states formerly dominated by the Soviet Union (Nagle and Mahr, 1999). Kraus concludes that “Since the process of accession has entailed domestic institutional and legal reform aimed at harmonization with EU standards, its large-scale implementation over the past four years significantly improved the legal and regulatory framework, and enhanced transparency in most policy areas...” (p. 59).

Areas of reform such as improving the legal and regulatory framework and increasing transparency to battle corruption are generally considered to be positive measures of democratization.

Conclusion

What follows in chapter two is a broad examination of the literature that deals with media and democracy in their own right, as well as the confluence of media and the democratization process. Chapter three will explain the methods used in developing a system of rating the level of reform of the media toward freedom and independence in the countries selected for this study and how overall scores for media freedom, political rights and economic reform will be presented for each country. An overview of media reform in the four designated countries will be presented in chapter four using reports and analyses provided by informed observers. These country reports are designed to provide a more complete picture of what has taken place in each country since the end of Communist rule. Chapter five will present a comparative analysis of what has been learned from the examination of media reform in each country and will also provide an overview of the relationship among media, economic and political reform in an effort to provide insight into the potential explanations as to why the democratization process has generally been more successful in Hungary and Poland than in Bulgaria and Romania.

CHAPTER 2

LITERATURE REVIEW

Democracy

From reading a broad cross-section of literature from political scientists, communication scholars and government officials, the impression that emerges of democracy and the democratization process is one where liberal democracy, or at least the ideal of a democratic state with a culture of democratic practice, is more than just the meeting of the minimal political requirements of institutionalized competition for power, as suggested in the work of Joseph Schumpeter in the 1940s (Nagle and Mahr, 1999). In 1971 Robert Dahl introduced the concept of polyarchy, which is defined as “democratized regimes” that have been popularized and liberalized through public contestation and inclusiveness. The regimes are democratized if there exists a number of freedoms and rights, including the freedom to form and join organizations, freedom of expression, the right to vote, eligibility to public office, the right of political leaders to compete for votes, alternative sources of information, free and fair elections, and policy-making government institutions subject to votes by the general public. Dahl’s concept of polyarchy has been credited as the basis for describing characteristics of a liberal democracy (Grugel, 2002). In extending the work of Dahl, Juan Linz (1975) argues that a state should be considered democratic when it complies closely, if not fully, with the following criteria: allowing for the free formulation of political affiliations; the use of basic freedoms of association, information, and communication; free competition between leaders for open and fair elections

conducted at regular intervals; without excluding any significant political offices from competition or prohibiting any members of the political community from expressing their preference.

Bollen (1993) has defined liberal democracy as “the extent to which a political system allows political liberties and democratic rule” through participation and representation (p.1208). Likewise, for Schmitter and Karl (1991) modern democracy is a system of governance where citizens are able to hold their rulers accountable through the competition and cooperation of elected representatives. But Schmitter and Karl further contend that democracy can best be understood in terms of concepts (competition, cooperation, etc.), procedures (rules, laws, regulations) and principles (beliefs and behaviors). Taking a more holistic approach, democracy can also be seen as encompassing attitudes and values as well as beliefs and behaviors (Diamond, 2002). For Linz and Stepan (1996), a democracy can be considered mature when democratic practice is deeply ingrained in society in “social, institutional and even psychological life” (p. 5). Or, according to the authors, when democracy becomes the “only game in town” behaviorally, attitudinally and constitutionally.

Rozumilowicz (2002) looked at 12 definitions of democracy and found two central features: competition among political actors is necessary to provide legitimate electoral choice and to hold elected officials accountable; and participation is necessary to ensure proper constituent representation. There is also general agreement that freedom of expression, freedom of the press and the freedom to organize all help to create a healthy political culture and more desirable political outcomes. The literature on democracy is vast but the above guidelines

provide a general starting point for understanding some of the central elements of the democratic equation.

Democratization

The concept of democratization itself has been described in a number of ways since its emergence in the 1970s and 1980s (Grugel, 2002). Originally, democratization was presented as a process of transforming a political system from a non-democratic regime toward a representative government. For Rozumilowicz (2002), democratization is a process that “implies progress toward some ideal of democracy...” (p. 9). As the concept of democratization has been employed over the years, it has been variously advanced as meaning a specific set of institutional changes, forms of elite behavior, or broader public participation in the political process, among others. For the purposes of this study, democratization is defined as the attempt to advance the political and social conditions in non-democratic regimes toward more normative practices of a liberal democracy through the process of reform. This will be discussed in greater detail below.

Stages of Democratization

The literature suggests that there are four stages that a country or territory goes through on the path to becoming a stable democracy (O'Donnell, Schmitter and Whitehead, 1986; Higley and Gunther, 1992; Linz and Stepan, 1996; Diamond, 1999). These four stages of societal development can be labeled pretransition, transition, consolidation and stable (or mature). The pretransition stage focuses on societal conditions under the old regime, while the transition stage is that historical moment when the previous regime no longer holds political power. A state becomes consolidated when the ideals of democracy are accepted and adhered to, and then is

considered stable when democracy functions over a period of time (Linz, Stepan, and Gunther, 1995). The democratization literature most often focuses on the transition and consolidation stages.

The Transition Phase

Before a formerly authoritarian or totalitarian state becomes a stable democracy it will, under most circumstances, go through two distinct phases; the transition phase and the consolidation phase (Gunther et. al., 1995). While these phases are conceptually different, in practice there is the possibility of overlap or simultaneity. There is also no guarantee that progression toward full democracy is linear, as there is always the danger that a state may actually retreat from democratic commitments, particularly during the transition phase.

The transition phase can be characterized as that historical moment when the previous regime, with its various coalitions and factions, no longer maintains political power; when the military is removed from the function of governing and is placed under civilian control; when political parties are formed and open, fairly contested elections are held; and when a constitution is drafted and political institutions are established (Linz, Stepan and Gunther, 1995). The manner in which the transition phase is entered into can greatly effect opportunities for democratic consolidation. In addition, the political and social histories of a state or territory, including the nature of the previous regime, are strong determinants in the potential for a successful transition to democracy. For example, previous experience with democracy (as with the Czech Republic and Spain) is seen as beneficial, as are the more fully developed economics and civil societies that are likely to be found in authoritarian regimes. In fact, the liberalization of economies and civil societies is often a major factor in helping to bring about the breakdown of a nondemocratic

regime. Whereas states or territories undertaking transition from a totalitarian system with a restricted economy and civil society face the difficulty of simultaneity, of attempting to develop the political, economic and civic realms at the same time.

As mentioned, the first step in the transition phase toward democracy is the breakdown of the previous regime, either through all-out collapse or a negotiated political settlement. The breakdown of a nondemocratic regime is usually a complex process that may have actually been in the works for some time. The recent case of Serbia provides a good example. While it may be easy to provide the date that Slobodan Milosevic was ousted as president of Serbia, it is much more difficult to clearly identify when the process began, and just as difficult to pinpoint what led to the disintegration of his regime. There are many factors that helped to bring an end to Milosevic's rule, such as the daily living conditions for the populace in the aftermath of the Balkans war, economic sanctions by the West and the promise of financial aid once the nondemocratic regime was no longer in power, NATO air strikes, an election won by opposition candidates, media scrutiny, the thousands of people demonstrating in the streets of Belgrade and other areas of Serbia, etc. These and other factors, over an extended period of time, all contributed to the downfall of Milosevic and his regime, which illustrates that it is difficult to say with certainty what the political stability of a state under siege may be at any particular time. Therefore, it is always important to keep in mind that there is nothing inevitable about the democratization process.

Consolidation

As difficult as this process of transition is, the next phase, that of consolidation, may provide even more obstacles. For while the institutions and other structures of democracy are put

in place during the transition phase, whether or not the ideals of democracy are accepted and adhered to determines if a state can claim to be a consolidated (e.g.: functioning) democracy. In consolidating a state to a democratic regime, several elements must be in place: The state (which includes political society, rule of law, and state bureaucracy), civil society and economic society. Of these, the most necessary of all components is a strong, working state that is fully committed to the democratic process, and in doing so has gained the confidence of its citizens (Linz and Stepan, 1996). As “democracy is a form of governance of a state,” according to Linz and Stepan, “no modern polity can become democratically consolidated unless it is first a state.” For a state to make the transition to democracy and, more importantly, to consolidate a lasting democracy, democracy must become “the only game in town” behaviorally, attitudinally, and constitutionally; or as Linz and Stepan point out, when democracy is deeply ingrained in society in “social, institutional and even psychological life.”

A state commitment to democracy may be even more important than economic reform. In fact, Linz and Stepan argue that without a developed state that has the confidence of the people, economic reform, such as a move toward a market economy, will have a difficult time succeeding. A market economy does not operate by a “magic hand,” but is made viable by the state providing intervention through law and regulation in such areas as currency, banking, business practices, taxation, property ownership, etc. These difficulties are evident in Russia, where inadequate laws and regulations in tax collection, protection of foreign investment, privatization, etc. have contributed to a continuing financial crisis.

It is important to note, though, that the process of democratization is not linear, always moving in a single direction. A nation’s movement toward democracy is not guaranteed, with

regression a real possibility. In fact, Carothers (2002) argues that the assumption ‘that any country moving away from dictatorship was ‘in transition to democracy’ has often been misleading and inaccurate’ (p. 13).

Components of a Liberal Democracy

The most commonly acknowledged components of a liberal democracy are articulated, in one way or another, as encompassing political institutions, rule of law, and civil society (Hyde-Price, 1994). Others add that some form of a liberalized economy (rather than a state-controlled command economy) is necessary for a state to become a functioning democracy (Linz and Stepan, 1996). The media-centered position is that a free and independent media is central to democratization. This section will look more closely at the primary components of a mature liberal democracy and areas of reform for each component.

Political Institutions

The establishment of democratic institutions, and the design of those institutions, is seen as fundamental to the democratization process (Lijphart and Waisman, 1996; Clark, 2002). Institutional design refers to the formulation of economic institutions, which are discussed in greater detail below, and political institutions. North (1990) sees institutions as the rules of the game in a society, or as the ‘humanly devised constraints that shape human interaction’ (p. 3). Furthermore, institutions are structuring devices of human exchange in the political, social or economic realms. The way societies evolve over time is shaped by institutional change and therefore is central to understanding historical change.

Democratic political institution-building often starts with the adoption of a new constitution (Beyme, 1996). A constitution is a necessary but not sufficient condition of a

consolidated democracy. It defines the ground rules by which government operates and provides legitimacy to the extent that the rules are adhered to. A constitution also imposes legal obligations on relevant political actors and provides citizens with legally enforceable rights. A constitution provides the framework within which there is participation and competition through free and fair elections, determines executive-legislative relations, and provides for freedoms and protections for all citizens. Studies considering political institutions often focus on the executive-legislative relations as embodied in a constitution as well as on the design of electoral systems (Elster, Offe and Preuss, 1998; Clark, 2002).

When considering the design of the executive-legislative institutions, analyses have often centered around whether the presidential or parliamentary model is the more desirable form of government to be adopted by newly democratizing states (Lijphart and Waisman, 1996). Diamond, Lipset and Linz (1987) have argued that proportional representation is preferable in countries in transition to democracy because in such a system the parliamentary seats are allocated with less distortion of the popular vote and because it is easier for minor parties to win representation, thereby ensuring broader participation and support. A presidential system, on the other hand, tends to spawn a two-party system and to concentrate power in the executive branch. It is also seen by some as a 'winner-take-all' proposition (Gill, 2002). Bunce (1997) rejects this argument saying that there are advantages to a powerful executive branch in a nascent democracy as it can provide decisive leadership at a time when it is most needed. Bunce further observes that in the case of Eastern Europe, most states have actually opted for a mixed model that combines a parliamentary government with a directly-elected president.

“A system of free and fair competitive elections,” Lewis and Millard (2001) contend, “is the most important institutional mechanism of a functioning liberal democracy” (p. 180). Free and fair elections encompass both the notions of participation and competition that are viewed by many as essential to democracy (Dahl, 1971; Vanhanen, 2000). Participation includes not only the act of citizens voting, but also the right to vote for all citizens. In addition, participation means that groups can organize and attempt to influence the political process (Reisinger, 1997). Competition also entails the organization of groups, particularly political parties, that attempt to gain the support of the public. Moreover, competition includes the actions of elites who attempt to gain political office (Parry and Moyser, 1994).

Constitutions help to establish and maintain a robust civil society in part by legally providing for human rights and the protection of minorities. For Arato (1994), fundamental rights, civil rights and political rights are “major building blocks” of a liberal constitution. Such rights can be seen as negative rights, and include the rights to life, liberty and property, as well as freedom of speech and of the press. A constitution can also promote positive rights, such as education, health and welfare. Negative rights protect an individual against actions of the state and are considered much easier to write into law. Positive rights are those that an individual can claim from the state, but require more intentional government action (Elster, Offe and Preuss, 1998).

Fundamental to democratic political reform, then, is the establishment of the political institutions for elections to be carried out in a free and fair manner based on participation and competition, measures to ensure representative governance by the executive and legislative

branches, and mechanisms that provide for the legal protections of citizens, supported by the rule of law.

Rule of Law

As noted above, some legal rights and protections are accounted for through the development of a constitution. But, while rule of law is linked to political institutions, it can and should be treated separately. In fact, many studies of rule of law look specifically at the degree of autonomy the courts have in regards to the legislative and executive branches (Clark, 2002). Rule of law can be thought of as limiting public and private power through legal means (Reitz, 1997). While there is overlap between political institutions and legal institutions, the “justification of a legal decision must include, as a formal matter, reference to the rules recognized to have the force of law” (p. 122). Rule of law sets standards of procedure and application that ensure predictability. Rule of law also demands transparency and accountability of the legal system. Ciurlizza (2000) writes that rule of law is “a fundamental conception of liberal democracy” (p. 214). Democracy is ultimately tied to institutions which are to be democratic in nature and “the evidence of this ‘democratic character’ can be found in the concepts of rule of law and human rights.” Thede (2002) sees rule of law as a “culture of legality” which she defines as “a society where citizens and institutions have integrated rule-based conduct as a basic element of their values and functioning” (p. 5).

Steps taken to reform the legal sector in an attempt to establish rule of law are a necessary aspect of the democratization process. Thus, reform of the penal code, the establishment of an independent judiciary, police adherence to legal norms, and equal treatment of citizens under the law are all necessary to strengthen rule of law.

Civil Society

The concept of civil society as an important area for study has seen a resurgence in the past decade (Keane, 1998). There are many ways to think about civil society, from the classical formulations of Marx, Hegel and Gramsci, to more contemporary conceptions (Cohen and Arato, 1992). In some political science literature, civil society is simply that which is not of the state. In more general terms, civil society represents public groups of private citizens acting on behalf of democratic beliefs and values (Rieff, 1999). Civil society can be thought of as that realm that is public but not part of the state; where the role of the state and the rights of the citizen are publicly negotiated; where the state attempts to control the political discourse; and the site at which society enters into a relationship with the state (Chandhoke, 1995).

Civil society may be seen as outside the political and legal realms, and thus beyond a minimalist definition of democracy, but the notion of civil society as integral to democracy has been gaining greater acceptance in the democratization literature (Grugel, 2002). A well-developed civil society is considered critical to creating an atmosphere supportive of democracy (Schmitter and Karl, 1991). According to this argument, if the authority to rule in a democracy comes from the consent of the people, the “people” are integral to democracy. Further, only through the will and consent of a country’s citizens can democracy take hold and become consolidated.

Civil society is found not only in democratic countries, but can be found in non-democratic societies as well. The difference, though, is that in democratic countries, civil society is usually robust by comparison, as non-democratic regimes often attempt to stifle the development of civil society. Many times it is liberalization in the realm of civil society by the

state that provides an opening for destabilizing the existing non-democratic regime, which can then lead to a transition toward democracy (Gunther and Mughan, 2000). But the existence of a civil society is not enough to claim a state as democratic (Chandhoke, 1995). As transition gives way to consolidation, what proves to be vital for the permanent establishment of civil society in a democratic state is a guarantee of the rights of citizens through legislative mechanisms, including the adoption of a constitution.

The development of a strong civil society can be beneficial in the transition to, and consolidation of, a democratic regime. Seong (2000) argues that in South Korea's transition to democracy from an authoritarian regime, the continued development of civil society made an important contribution to the democratization process. As civil society grew, and democratic practices and expectations became more deeply rooted, the likelihood of a return to an authoritarian regime in South Korea became more remote.

According to Freedom House (2003), the development of a strong civil society is beneficial to the democratization process by allowing citizens to practice democracy, by providing representation to a number of groups, and by helping to develop elites. The development of civil society, then, is also a necessary component of democracy. Thus, reform that promotes the establishment of human rights laws, minority protections, and the freedom to organize for labor and other civic groups is important to the process of democratization.

Free and Independent Media

Which brings us to media reform. The media-centered position claims that a free and independent media is crucial to the success of the democratization process, so much so that without a free and independent media the democratization process can not move forward and a state cannot become a stable and mature democracy overtime. As such, a free and independent media is a central component of democracy on the level with political institutions, rule of law and civil society.

The normative model of a free press is one in which there is freedom from any government regulation and control that would suggest censorship or limits on the ability to disseminate information, news, and opinion. In addition, media should have economic and political independence, access to channels for a plurality of voices, and provide a benefit to the audience (McQuail, 2000). In the technical publication *The Role of Media in Democracy* (1999), USAID considers a media system free and independent if it moves “from one that is directed or even overtly controlled by government or private interests to one that is more open and has a degree of editorial independence that serves the public interests” (p. 3). In the service of democracy, a media system should “develop a range of diverse mediums and voices that are credible, and to create and strengthen a sector that promotes such outlets.” Thus, according to USAID, a free and independent media sector should have editorial independence, financial viability, a plurality of voices, and serve the public interest.

Rozumilowicz (2002) contends the question of who has control is the critical consideration as to whether media are free and independent. There must be a diffusion of control and access supported by a nation’s legal, institutional, economic and social-cultural systems.

Thus, free and independent media “exist within a structure which is effectively demonopolized of the control of any concentrated social groups or forces and in which access is both equally and effectively guaranteed” (p. 14).

Media independence in democratizing societies is the outcome of a process of media reform. The general assumption is that the media “should progress ever nearer to an ideal of freedom and independence and away from dependence and control” (p. 12). From this view, a media structure that is free of “interference from government, business, or dominant social groups is better able to maintain and support the competitive and participative elements that define the concept of democracy and the related process of democratization.” For Rozumilowicz, socio-cultural support for a free media comes from training for, and professionalism among, journalists; a general educational system that instills values of tolerance within society; and training for politicians on the workings of a free press in an open society.

In outlining media reform, Rozumilowicz uses a typology that consists of four stages. First, the *Pre-transition Stage*, lays the groundwork for subsequent change. During this stage, there is a freeing of a previously constrained media system as the regime signals a greater willingness to tolerate criticism and expressions of alternative points of view. During the *Primary Transition Stage* there is a systematic change within the formerly authoritarian regime. Statutes on access to information, defamation, ownership, and the like are passed and the culture of censorship is disrupted. In the *Secondary Stage*, both politicians and journalists participate in training seminars to explain and clarify the new institutional and legal order. Networks of media professionals develop and journalists receive training in new skills of investigative and responsible journalism. The final stage is called the *Late or Mature Stage*. At this point, legal

and institutional questions have been resolved. Educational opportunities for journalists are well established and instruction to provide support for open communication is incorporated in early schooling.

Economic Reform and Democracy

The economic structure of a state may be treated as distinct from the political, legal and civil society components, but it is considered no less important. As early as 1959 Seymour Lipset suggested that there is a relationship between economic prosperity and democracy, and many subsequent studies have been convincing enough that reform from a state-controlled or planned economy toward a more liberalized and open economy is seen as an important aspect of the democratization process. For example, Lipset, Seong and Torres (1993) argue that economic development and political democratization are “inextricably bound together” (p. 155). Pridham (2001) refers to economic liberalization and the democratization process as a “dual transformation” with interaction between parallel developments (p. 11). According to Diamond, Lipset and Linz (1987), economic development enhances democracy by producing greater economic security and raising levels of education, reducing socioeconomic inequalities and mitigating feelings of injustice among the lower classes, and by helping to generate a more pluralist distribution of resources.

Those who take an economic-centered approach to democratization argue that economic liberalization can lead to other democratic reforms. Gill (2002) also sees a relationship between the scope and speed of economic reform and the political regime, but with a bit of a twist in the East-Central European countries: “Rather than a market system generating democratic politics,

the post-communist case is one where the political regime has introduced marketing reforms, and those reforms have been carried the farthest and the fastest in the more democratic states' (p. 176).

Major structural reforms are needed to move from a state-controlled economy to an open economy, including changes in institutions, ownership and laws (Gomulka, 1994). Restructuring the economy is often based on two sets of policy issues (Mutti, 1997). One set of policies are designed to address more immediate concerns of stabilizing the economy and cover areas such as the budget deficit, rate of growth, and value of the currency on international markets. The second set of policies are meant to deal with the long-term structure of the economy and include deregulation, elimination of state subsidies, improved free trade and investment, and the privatization of state enterprises. In the realm of economic reform, then, the financial sector, the structure of economic policies, privatization, and market liberalization are important.

At this point, it can be said that democratization involves the reform of political institutions, the legal system and civil society. Treating reform of the legal system as separate from political reform is possible but in the literature the two are often aggregated. Economic reform is often viewed as distinct from core democratic reform, but economic liberalization has become a pillar of democratization efforts. The primary focus of this study, though, is on media reform and the relationship of a free and independent media with other areas of reform within the democratization process. As such, a more extended treatment of the subject follows.

Media and Society

A free and independent media is often posited as an indicant of civil society, along with such indicators as freedom of religion, and the freedom to organize labor unions and civic

associations, among others. But those who argue from the aforementioned media-centric position are, in effect, arguing that a free and independent media has the potential for causality rather than being just a consequence of democratization. It is not unusual to find in the literature an indicator that has been pulled from a component of democracy and championed as the most important indicator among indicators, which has often been the case with a free and independent media. In a similar way, it has been argued that the establishment of competitive political parties (Mair, 2002), or the holding of free and fair elections (Lewis and Millard, 2001; Diamond, 2002) are most important to democratization.

It is possible that reforms initiated for a free and independent media have equivalent reforms aimed at the privatization of state industries. Even if one believes that media are different, it is still appropriate to ask whether the way in which media reform evolves affects the democratization process. Advocates of a free and independent media, though, rarely consider the possibility of the shape of reform as having an impact on democratization. While it is acknowledged that reform in some political and economic dimensions may have negative rather than positive short-term consequences for democracy, seldom is the same said of media reform. But it would seem relevant to consider whether this were not the case.

Many of the studies on media and the democratic process take either the macro-level approach and look at media systems and how they effect politics, or take the micro-level approach to examine how political communication affects the individual, such as during elections (Mughan and Gunther, 2000). This study will focus on the macro-level approach, in part to learn if media reform is a driving force behind democratization or whether reforms in other sectors of society create the environment for a free and independent media to emerge.

Jakubowicz (2002) acknowledges that “[t]he issue of whether mass media lead or follow change, whether they mirror or mold society, and whether they should be conceptualized as agents of change or of the status quo have yet to be resolved” (p.203). McQuail (1992) has no such reservations, offering the view that the media do indeed follow, rather than lead, in efforts to affect societies. According to McQuail, the power of the media to advance collective ends is latent and is exercised sporadically and selectively for two reasons: the goals of the media organization take primacy over other social goals; and the media are generally instruments of social forces rather than primary social actors.

The Role of Media in Democratization

As mentioned previously, there are at least four stages of sociopolitical development to consider when assessing the role of media in the democratization process: the pretransition, transition, consolidation, and stable (or mature) stages. Vicki Randall (1998) supports a “stage-ist” approach, suggesting that it is necessary to consider the role of the media under the previous regime, as that will impact the media’s rate of evolution toward independence and its ability to gain credibility with the public during the transition and consolidation phases. According to this approach, when a transition initially takes place, media tend to be most supportive of democracy in the early, often euphoric, period after the previous regime has fallen. Journalists as well as other citizens are enjoying new found freedoms. But as the transition process moves toward consolidation, the media as well as the public can become more cynical, particularly in the face of continued political wrangling.

Pretransition Stage

The previous regime type has a strong impact on the shape and form of a state's transition to democracy. Gunther and Mughan (2000) point out that most political elites, regardless of regime type, believe media to be important in shaping the views of the public and have attempted to develop policies to suit their economic, social and political purposes. Media regulation varies in scope and practice, with a strong determinant being the perceived role of the media in democratic and non-democratic political systems. In contrast to some of the characteristics of a free and independent media found in democratic societies, the non-democratic regime media model is one of strict government control to achieve objectives set by self-selected, unaccountable political elites who exercise unconstrained power over the media systems in their country.

In some authoritarian states media have a certain autonomy, particularly when reporting on non-political matters. In a few authoritarian states the media even may have been privately owned (Fox, 1998). In totalitarian regimes, media were mainly considered to be an organ of the state with the job of transmitting state propaganda (O'Neil, 1997). Despite some differences between totalitarian and authoritarian regimes, dealings with the media are similar: strict censorship, repression of freedom for journalists, and tight controls on information to the public (Gunther and Mughan, 2000).

Even with the many limitations placed on media under non-democratic regimes, Bennett (1998) claims there are two important roles the media can play in the pre-transition stage: *witness role of the media* and the *reifying or confirming role*. The witness role is the process of making public the transformations that are taking place in society, as the old regime starts to lose

its hold on power. The reifying role of the media is to confirm and legitimate the changes taking place by providing a variety of images and information that coincide with one another, which in effect makes the shift in society seem “real.”

Mughan and Gunther (2000) note that liberalization has been the principal form of deregulation in authoritarian regimes, and this liberalization of the media has played a role in the process of political change. As control of media becomes more relaxed, a diversity of political messages appear in the media, serving to undermine the legitimacy of non-democratic regimes.

Transition Stage

The goal in the transition stage is to work toward a consolidated democracy. Bennett suggests that the forces that help bring about the downfall of the old regime are not always prepared to work toward democratic consolidation. The old adage that it is easier to oppose than to rule may be applicable. Groups that came together to force social and political change often times come from weak or nonexistent civil societies. Once the previous regime collapses, what follows may look like a political free-for-all, and in some cases a political power grab. The media are quickly secured as an ally by various parties in an attempt to gain strength of voice and therefore support and legitimacy. New sources of media proliferate, while established sources many times have to remake themselves. Grievances and ethnic conflicts that were suppressed under the old regime surface. In this environment, media are asked to educate the public, promote political and social cooperation, and present in a fair manner competing political messages. Efforts are needed to create a harmonization between forms of communication and emerging social institutions or a free press can actually do more harm than good. To aid in the

transition to a consolidated democracy there needs to be the establishment of media policy, as well as support to solidify and institutionalize democratic practice (Bennett, 1998).

Consolidation Stage

As the transition to democracy begins to take hold, the media further the resocialization of the public to democratic processes through providing information on the basic values of democratic practices. The media aid in the resocialization of the public by acknowledging the legitimacy of the new regime, by serving as the principal channels for partisan cues, democratic values and political information, and by normalizing tolerance for differing political views. Democracy becomes a realistic and attractive alternative to authoritarianism or totalitarianism. A principal function of the media during the transition and consolidation stages is to channel messages that originate among the political elite to the general public (Gunther, Montero, and Wert, 2000).

Mature Stage

The mature stage of media development has already been discussed earlier as the normative theory of how a free and independent media contribute to democracy. The rationale for a relationship between media reform and democratization is that a media structure free of interference from government, business or dominant social groups is better able to maintain and support the competitive and participative elements that define democracy and the related process of democratization (Rozumilowicz, 2002). Free and independent media also buttress the societal objectives of democracy, including a particular economic structure, greater cultural understanding and general human development. It allow individuals to find a public forum in which to express opinions, beliefs and viewpoints to their fellow citizens. Free and independent

media inform, entertain and enrich life through the profusion of ideas, opinions and visions, provide for an expression of options so meaningful decisions can be made, and guarantee access to the less privileged in society, giving them voice. In sum, according to this argument, free and independent media are necessary for the functioning of democracy.

CHAPTER 3

METHODOLOGY

The goal of this research project is to provide a systematic examination of media reform as well as to examine the relationship of media reform with economic and political reform in the designated countries, starting with the end of communism in 1989 and continuing through more than a decade of democratic transition. This study will focus on two specific areas: the dimensions of a free and independent media; and media, economic and political systems as components of democracy. The objectives of this study are to determine if there are discernable patterns of media reform over time and then to determine to what extent media reform is related to economic and political reform as part of democratization efforts in the four countries under consideration.

It is expected that patterns will emerge by examining the components of media reform and that will in turn demonstrate how media reform takes shape in a country that is making progress toward democracy. In addition, by examining the relationship among media, economic and political reform, all considered pillars of democratization, insight can be gained into how major components of democracy interact. This will provide evidence of whether media reform has a significant influence on the democratization process in the following way: If, for example, a greater degree of media reform precedes subsequent economic and political reform for a country that has made positive progress in the overall democratization process, this would lend weight to the argument that a free and independent media is central to that process. On the other

hand, if media reform follows economic and political reform in a country that is making positive progress toward establishing democracy, this would bolster the argument that while a free and independent media may be desirable, it is a secondary rather than primary influence on democratization. The results for the four countries in this study will be compared to determine if there is corroborative evidence of certain patterns of democratization in order to provide insight into the role of the media in the democratization process.

Rating Media Freedom

For the purposes of this study it was necessary to create a ratings system that would capture the level of press freedom and provide a more detailed analysis of media reform in the four countries under consideration. This is because no systematic ratings and analyses exist for the years covered in this study and consistent written reports on press freedom in a large number of countries on a yearly basis dating back to at least the early 1990s are limited.

There were two major steps in developing the media ratings system: First, it was necessary to determine what are the components of a free and independent media system and, second, to develop indicators for each of these components. Four main sources, all of which publish ratings or indices of their own, were used to develop a list of requirements for a free and independent media: Two annual publications, *Freedom of the Press* and *Nations in Transit*, from Freedom House; the *Media Sustainability Index* (MSI) published by the International Research and Exchanges Board; and the *Worldwide Press Freedom Index*, published by *Reporters sans Frontiers*.

Perhaps the best known source for rating press freedom in a large number of countries is Freedom House, with its annual publication *Freedom of the Press*. The annual report has been

published since 1980 for most of the countries of the world. From 1980-1993 Freedom House provided a designation of Free (F), Partly Free (PF) or Not Free (NF) in its freedom of the press ratings. In 1994 Freedom House introduced an 100-point scale with the following ratings system: Free (0-30), Partly Free (31-60) or Not Free (61-100). Using a variety of sources for its ratings information, this points system, as it is currently employed by Freedom House, is based on the consideration of three areas: the legal environment, which encompasses laws and regulations that effect the media, legal guarantees that protect the media, and libel, defamation and others laws that can negatively impact the media; political influences, such as censorship of the media by political actors, access to information and intimidation of journalists; and economic pressures, including media ownership, control of production and distribution, and licensing (*Freedom of the Press 2003*, xi).

Unfortunately, it is not possible to determine with any accuracy as to why a country received the ratings it did in the years from 1980-1998, and more importantly for this study, what took place within a media system that may have moved it from Not Free to Partly Free or from Partly Free to Free, or vice-versa. Only since 1999 has Freedom House included more detailed analyses to accompany its ratings, thereby providing a written explanation as to why certain ratings of the level of press freedom have been given to a particular country.

Another publication that rates and analyzes the level of press freedom in a number of countries is *Nations in Transit*, also published by Freedom House. This publication provides numerical ratings for different dimensions of democratization, including independent media, and indicates changes taking place in 28 post-communist countries considered to be in transition. For assessing media independence, *Nations in Transit* examines legal protections for press freedom,

such as protections for journalists and media outlets as well as libel laws and other penalties imposed upon journalists, harassment of journalists, editorial independence, financial viability of the media and access to the Internet (*Nations in Transit*, 2001; p. 10).

While these ratings and analyses are quite informative, *Nations in Transit* has been published only since 1997, thus it does not provide the needed information for the crucial period immediately after the fall of communism in 1989. Some of the methodology, though, and in particular questions used to assess press freedom, have been adapted for this study.

Additional efforts at providing a more systematic analysis of media development and the status of press freedom on a country basis include the *Media Sustainability Index* (MSI) published by the International Research and Exchanges Board (IREX). The *Media Sustainability Index*, published since 2001, is prepared in cooperation with the United States Agency for International Development (USAID) as a tool to assess the development of independent media systems over time and across countries. The report provides an index of media sustainability for 20 countries in four regions: Southeast Europe, Russia and Western Europe, Caucasus, and Central Asia.

The MSI assesses five “objectives” considered necessary for a successful media system: legal and social norms that protect and promote free speech and access to public information; journalism that meets professional standards of quality; multiple news sources that provide citizens with reliable and objective news; independent media that are well-managed businesses, allowing editorial independence; and supporting institutions that function in the professional interests of independent media. These objectives were judged to be the most important aspects of a sustainable and professional independent media system and serve as criteria for the MSI

country ratings. A score is given based on a rating of seven to nine indicators for each of the five objectives, and then a composite score is given to each country as representative of its ability to sustain a free and independent media.

For the past three years *Reporters sans Frontiers* (Reporters without Borders) has published the *Worldwide Press Freedom Index*. Billed as the first worldwide index of press freedom, it measures the amount of freedom journalists and the media have in each country and the efforts made by governments to see that press freedom is respected. A survey of 50 questions is sent to journalists and foreign correspondents living in the designated country, researchers, legal experts, specialists on a region, and the researchers of the Reporters without Borders International Secretariat. The questionnaire is based on what RSF considers to be the main criteria for press freedom. It asks for details of direct attacks on journalists (murders, imprisonment, physical assault, threats) and on media (censorship, confiscation, searches and pressure) and about the degree of impunity enjoyed by those responsible for such violations. In addition, the questionnaire inquires about the legal environment for the media (punishment for press offences, state monopolies, and the existence of a regulatory body) and the behavior of the state toward the public media and foreign press. Also noted were attempts to stem the flow of information on the Internet. Threats from armed militias, underground organizations and pressure groups are considered, as are the resources the state uses to capture and punish those who commit violent attacks on journalists. The countries included in the index are those for which completed questionnaires were received from several independent sources.

The Media Freedom Rating System

The various indicators, questions, and lists for determining a free and independent media were compiled from the above sources and then grouped together based on shared characteristics. In addition, the World Press Freedom Committee's *Criteria For Press Freedom*, which consists of 20 questions to consider for press freedom, and *Charter for a Free Press*, which lists 10 principles for a free press, were also consulted. Six categories for assessing the status of a media system emerged: Legal Protection for Media/Journalists (LP), Media Ownership (OWN), Economic Viability (EV), Government Control (GC), Editorial Independence (EI) and Alternative Sources of Information (AI). These six categories were judged to be the key components of a free and independent media.

After devising the six categories, the information from the sources was consolidated so as to avoid repetition and then turned into a series of questions. The questions represent what conditions need to be present within each of the categories if a media system is to be considered free and independent. A total of 28 questions were developed for the six categories and then provided to the researchers to serve as criteria with which to assess each country report (see Appendix). After the rating of reports took place, the category of Economic Viability was dropped from the final analysis as this category was not scored often enough to produce a reliable rating.

A four-point scale was employed to rate the "current status" of the media in each of the five remaining categories. A brief description of what each numerical rating corresponds to follows:

1- **Free and Independent:** No significant restrictions on freedom of the press. Generally meets Western standards for a free and independent media.

2- **Partly Free and Independent:** Some restrictions on freedom of the press. Meets Western standards for a free and independent media in most but not all areas.

3- **Partly Restricted:** A number of significant restrictions on freedom of the press. Meets Western standards for a free and independent media in a few but not most areas.

4- **Restricted:** Significant restrictions on freedom of the press. Generally does not meet Western standards for a free and independent

Although there is a degree of subjectivity with any such ratings, continued discussions among those participating in the ratings took place in an effort to be as consistent with the scoring as possible.

It may be noted that the scoring was based on a comparison to Western media standards. This is for two reasons: First, the countries in this study are subject to the EU accession process, which relies on Western European standards for a free and independent media as the model against which to measure the level of media development in candidate countries. And second, it is generally Western ideals of a free and independent media from North America and Western Europe that have been propagated as the standards by which the level of press freedom in the rest of the world is to be judged.

Sources for Rating Media Freedom

The ratings system was developed to assess the efforts of media reform as well as additional criteria which give an indication of the level of press freedom in a country. The rating of a nation's media system is to be accomplished by assessing published annual country reports. Four sources that report on various aspects of press freedom were used to provide the ratings for this study. The two publications that provide the most consistent reports on the conditions of the

media in a large number of countries covering a number of years are the U.S. Department of State *Country Reports on Human Rights Practices*, (Section 2.a. Respect for Civil Liberties and Freedom of Speech and the Press), and the International Press Institute's (IPI) *World Press Freedom Review* annual report. In addition, *Reporters sans Frontiers* (RSF) and the Committee to Protect Journalists (CPJ) also offer yearly reports, although not for every country in every year. The U.S. Department of State annual reports tend to focus on the structure of a media system based on legal protections, whether media outlets are privately or state owned, media regulation and government censorship. Whereas the annual reports of CPJ, IPI and RSF tend to examine issues of press freedom mainly from the point of view of journalists. The latter three place an emphasis on rights violations and also play advocacy roles on behalf of journalists (Becker, 2003; pg. 107). Profiles of the four reporting organizations follow:

Committee for the Protection of Journalists (CPJ)

Founded in 1981, the Committee to Protect Journalists is an independent organization that seeks to promote press freedom and defends the rights of journalists worldwide. CPJ investigates reports of threats or attacks on journalists as well as legal action, and works on behalf of journalists and their news organizations. According to the CPJ website (www.cpj.org) press freedom is important because "Without a free press, few other human rights are attainable." A free press "encourages growth of civil society, which leads to stable, sustainable democracies and healthy social, political and economic development."

CPJ provides an annual report on media freedom, media regulation, and violence against members of the media for over 100 countries. Country reports are compiled by CPJ program coordinators monitoring the press in the Americas, Asia, the Middle East, Africa and Europe.

Developments are tracked through independent research, fact-finding missions and contacts in the field. CPJ shares information with other press freedom organizations worldwide through the International Freedom of Expression Exchange (IFEX).

The International Press Institute (IPI) World Press Freedom Review

The International Press Institute (IPI) was formed in 1950 as a global organization “dedicated to the promotion and protection of press freedom and the improvement of the practices of journalism” (www.freemedia.at). IPI membership is made up of editors and media executives as well as journalists and claims members in over 115 countries. The philosophy of IPI is expressed as follows: “that freedom of expression is the right that protects all other rights and that this freedom needs to be promoted and protected.”

Prior to 1995 IPI issued country reports as part of their regular publication *IPI Report* and then from 1995-1999 as a special edition of *IPI Global Journalist*. IPI has provided annual country reports on the state of press freedom as the *World Press Freedom Review* since 1997. Compiled by country experts from various organizations, the study provides a comprehensive review of media freedom in over 178 countries and territories around the world.

Reporters sans Frontiers (Reporters Without Borders)

Reporters sans Frontiers (RSF) has been operating for more than 17 years and currently has a network of over 100 correspondents who condemn any attack on press freedom worldwide through press releases and public-awareness campaigns (www.rsf.org). The association defends journalists and other media contributors who have been imprisoned for their work and is also fighting to reduce censorship and to oppose laws designed to restrict press freedom in accordance with Article 19 of the Universal Declaration of Human Rights. Every year on May

3rd, RSF celebrates World Press Freedom Day by publishing a full report on the status of press freedom in more than 150 countries. The RSF *Annual Report* examines the state of press freedom in each of the countries by considering the following: murders and disappearances; arrests, imprisonments and torture; attacks and physical violence; threats and harassment; obstacles to the domestic and international free flow of information; and administrative, legal and economic pressure. The reports are compiled by using information from local correspondents as well as national and regional organizations.

U.S. Department of State

In accordance with the Foreign Assistance Act, the U.S. Department of State has issued the *Country Reports on Human Rights Practice* on an annual basis since 1977. The *Country Reports on Human Rights* consider individual, civil society, worker and political rights based on the Universal Declaration of Human Rights. This includes basic freedoms of expression (speech and of the press), association, assembly, movement and religion. The reports assess the state of democracy and human rights in most countries of the world, calling attention to violations and providing a basis for U.S. policy, diplomacy and resource allocation decisions. The country reports use information collected by U.S. embassies and representatives throughout the world. Sources for this information include government officials, journalists, human rights monitors, academics and activists. The embassy reports are then reviewed by the Bureau of Democracy, Human Rights and Labor in cooperation with the State Department. Analyses of the reports are conducted by foreign government officials, United Nations representatives, and academic and media experts, with a stated goal ‘to ensure that all relevant information was assessed as objectively, thoroughly and fairly as possible’ (www.state.gov).

In Section 2.a: Respect for Civil Liberties and Freedom of Speech and the Press, the reports provide an analysis of press freedom, discussing media ownership, law, regulation and government censorship. Catherine Fitzpatrick (1997), of the Committee to Protect Journalists, writes that the U.S. State Department Country Reports on Human Rights Practices “generally do a good job of covering press freedom issues” and while there is some unevenness in the reports from country to country, some sections show that “report writers follow media issues quite closely” (1).

Rating the Country Reports

After devising the ratings of media freedom, the next step was to carry out the scoring of the reports. To provide for greater reliability, two fellow graduate students, both of whom have professional experience working in the media or media relations, were recruited to help the principal researcher with the ratings. Scoring sheets were devised with a table for rating the five categories for a free and independent media along with the corresponding list of 28 questions, as well as an explanation of the scoring system. These scoring sheets were then given to each participant and a general discussion took place as to how to score the country reports. To provide training, the three participants all rated one common set of country reports and then met to compare rating scores, address any problems and to refine the ratings system. After this initial trial, a revised ratings sheet was provided and the scoring of another set of country reports took place. A second meeting was held to compare ratings and discuss any difficulties with the ratings system. At this point further adjustments were made and it was agreed that the full scale ratings of the country reports could take place. Any additional questions that arose during the course of

the ratings activities were discussed between the participants until a suitable agreement was reached.

The available country reports from the four sources listed above (see section Sources for Rating Media Freedom) were divided up by countries and analyzed by the principal researcher and the other participants, with each report rated by two people. There was the potential for a total of eight scores for each category of media reform (four sources scored by two researchers), for each country in each year. The reported scores were recorded and then averaged to provide a total score for each category by country and year (see Table 3.1). In addition, the five categories of media reform were then averaged to provide an overall country media freedom status score for each year of the study. The average score provides a baseline on a four-point scale as to the freedom and independence of a media system at a given point in time.

Table 3.1 Rating Media Reform

Romania 2002	Media Reform Score: 2.2					
Category	Researcher	DOS	IPI	CPJ	RSF	Final Score
LP	R1	3	2	2/3	3	LP avg.
	R2	3	2	2/3	3	2.625
OWN	R1	2	2			OWN avg.
	R2	1	2	2/3	2/3	2.0
GC	R1	3	2	3	2/3	GC avg.
	R2	3	2	3	2/3	2.625
EI	R1	3	2	3	2/3	EI avg.
	R2	2	2	3	2/3	2.50
AI	R1	1	1			AI avg.
	R2	1	1	1/2	2/3	1.33

Legend: In **column 1** are the categories of media reform: LP (legal protection for media/journalists); OWN (media ownership); GC (government control); EI (editorial independence); AI (alternative sources of information). **Column 2** identifies the researcher providing the score. Columns 4-7 are the raw scores for the reports from the following sources: U.S. Department of State (DOS); International Press Institute (IPI); Committee to Protect Journalists (CPJ); Reporters Sans Frontiers (RSF). **Note:** Cells with two scores are counted as the lower number plus .5 (e.g. 2/3=2.5).

An average of 5.5 scores per category/country/year were recorded, a rate of 68% of the total number of scores possible. The discrepancy between the possible number of scores and those actually recorded was mostly due to the fact that while the DOS and IPI reports consistently covered each country in this study for the applicable years, the CPJ and RSF reports may not have covered a particular country in a given year. In addition, not all reports dealt with every category of media freedom in each year, as some reports focused more on one category than others. For example, the reports produced by the U.S. Department of State tend to focus more on government influence of the press and the ownership structure, while the Committee to Protect Journalists reports focus on the treatment of journalists. But taken together, the reports do provide a rather comprehensive picture of the status of media freedom in a given country at a particular moment in time.

The rate of agreement among the participants using the four-point scale was 63%, while agreement within one ratings point was an additional 32%. Thus, in 95% of the cases, the participants either agreed or were within one ratings point in the scoring of the categories of a country's media system. In only 5% of the cases were the scores off by two ratings points. There were no cases of a disagreement by as much as three ratings points. Additionally, there was 80% agreement among the participants as to whether to provide a score for a specific category/country/year for a given report.

The first step of this research project was to develop a way to measure the components of media freedom in order to determine what patterns there may be in reform of a media system that would enhance freedom and independence. The next step is to then compare the measurement of media reform with those of economic and political reform.

Measuring Democracy and its Components

There are two approaches most commonly used in organizing measurements of democracy: either by concepts or by its components. One group of researchers identify what they consider to be key concepts of democracy and then use existing data to create indices that measure those concepts and thus provide an indication of the level of democracy. Representative of this approach are the studies of Foweraker and Krznaric, and Vanhanen. In developing their measurement of *Liberal Democratic Performance*, Foweraker and Krznaric (2001) decided that liberty and equality are the two key concepts of democracy, as upheld by the rule of law and the sovereignty of the people (3). They then chose eight values, four for each category, that represent the rule of law (the individual experience of democracy) and the sovereignty of the people (institutional efficacy of democratic government). Rule of law is then represented by the legal values of civil rights, property rights, political rights and minority rights. Sovereignty of the people is represented by the institutional values of accountability, representation, constraint and participation. Foweraker and Krznaric used existing databases for each of the eight values, selecting those databases that were most valid in accordance with the liberal democratic value to be measured (5). Rather than an aggregated score, a ‘performance profile’ was developed in order to maintain a multidimensional approach to liberal democratic performance. The intent of this design was to allow the authors to compare the quality of democracy from 1970 to 1998 for 40 different country cases (1).

While Foweraker and Krznaric determined liberty and equality to be the key concepts of democracy, Tatu Vanhanen (2000) focuses on two different concepts, competition and participation. In developing his *Index of Democracy* (IDEM), Vanhanen argues that the higher

the degrees of competition and participation in a particular political system, the higher the level of democratization. Competition is measured by electoral success of smaller parties based on proportion of votes won by those parties in parliamentary and presidential elections.

Participation is the percentage of the total population that has voted in elections. The two indicators are weighted equally and a composite score is then provided. A low level of either score indicates a low level of democratization.

Political and Economic Reform

Another way to attempt to measure democracy is to focus on the what are believed to be its main components, which is the approach to be used in this study. Various organizations publish ratings, indices and analyses for several general elements of democracy, such as media freedom, civil society, economic development, rule of law and political development. In considering the level of development in the economic and political sectors of the four countries under consideration, existing ratings and analyses will be used.

For the measure of political development, this study will use ratings provided by Freedom House. Of the many efforts to measure the level of democracy in a given country, perhaps the best known is the *Freedom in the World* index, published annually by Freedom House. Freedom House provides a country status rating as to the perceived level of democracy in a country based upon a measurement of political rights, which will be used for this study, and civil liberties. The rating of political rights for each country is based upon a review of the electoral process, political pluralism and participation, functioning of government and additional discretionary political rights questions. The ratings are determined by reports from 30 analysts/writers and senior-level academic advisors who use a broad range of sources of

information, including foreign and domestic news reports, NGO publications, think tank and academic analyses, professional contacts and region visits to prepare their reports.

For a measure of economic reform this study will rely on the *Transition Report*, published annually by the European Bank for Reconstruction and Development (EBRD). Based in London, the EBRD is an international organization which supports the transition toward open-market economies. The *Transition Report* focuses on 25 countries of Eastern Europe, the Baltics and the Newly Independent States (NIS). Although first published in 1994, existing economic data has been used to provide ratings as far back as 1991. The *Transition Report* scores eight economic dimensions on a four-point scale: price and trade liberalization, small-scale and large-scale privatization, enterprise reform, competition policy, reform of the banking sector and reform of other financial institutions. The scores include a plus or minus beside the rating if the raw score is at the high or low end of the rating interval. The global score for an economy in a single country in a particular year is the average score across the eight dimensions of economic reform.

Comparing the Ratings

The media freedom rating devised for this study is a four-point scale, with the lowest number representing a more free and independent media. For the purposes of comparison with the EBRD four-point rating system, in which the high number represents a greater level of economic reform, the media freedom rating has been inverted. Thus both the media and economic ratings will be presented on a four-point scale with 1 representing the least amount of reform and 4 the highest level of reform.

In order to compare the media freedom ratings and the EBRD economic reform ratings with the Freedom House ratings for Political Rights, it was necessary to invert the Freedom House Political Rights scores and then to convert a seven-point scale to a four-point scale. Freedom House uses a seven-point scale with the lower the number representing a greater degree of political rights and the higher the number, a lesser degree of political rights. Thus it was necessary to invert the scores to match the order of the media freedom and economic reform scores. Second, as Freedom House uses a seven-point scale and both the media freedom ratings and the EBRD economic reform ratings are on a four-point scale, it was necessary to convert the Freedom House Political Rights scores. This was done by the conversion formula of $N \text{ times } 0.57 = X$. For example, a Freedom House Political Rights score of 2 is inverted to 6 and then converted to the four-point scale by 6 times 0.57 for a new rating of 3.43. The 0.57 score conversion rate was arrived at by a four-point scale accommodating seven intervals (4 divided by 7 = 0.57).

CHAPTER 4

MEDIA REFORM

In this section media reform and the general media environment will be examined for the four countries considered in this study. The five dimensions of media reform outlined in this study will be examined for each country under consideration. The Legal Protection for Media and Journalists (LP) will focus on the development of constitutional protection for freedom of the press; the legal environment, including press laws, penalties for libel and defamation, and other penal and criminal statutes that effect the media; laws on access to information and other legislative protections; and legal protection and treatment of journalists. The reform of Media Ownership (OWN) will track the privatization of state media as well as opportunities for public and private media to be developed. The dimension of Government Control (GC) considers to what extent the government controls access to state-run media, means of production and distribution, government advertising and other sources of funding for the media; restrictions on programming and content through censorship or other means; and government control of any media oversight boards. The dimension of Editorial Independence (EI) considers the independence of the media to present information and opinion without interference from the state and other actors, as well as less obvious pressures that may lead to self-censorship. Finally, the dimension of Alternative Sources of Information (AI) considers if there are a number of media outlets available that freely express a wide range of views, if there is unrestricted public access to the Internet, if foreign or international media is available, and if minority language media exists.

In the following section, the developments in each of the five dimensions of media reform in post-Communist Bulgaria, Hungary, Poland and Romania will be examined. This section will detail the status of the media environment at the end of the communist regime, what has transpired during the past 13 years, and what the media environment is like at present.

Bulgaria

The date most commonly associated with the start of transition from a Communist state toward a more open, democratic society is November 10, 1989, when long-time Bulgarian Communist Party leader Todor Zhikov was ousted by colleagues after a period of turmoil in the Politburo and growing restlessness among the public (Banks, 1991; Ognianova, 1997). A new leadership emerged with Foreign Minister Petur Mladenov in charge, promising a series of reforms including greater freedom of speech, assembly and association (DOS, 1989). Shortly thereafter, the Communist Party renounced one-party rule and was renamed the Bulgarian Socialist Party (BSP), while opposition parties were formed and talks were held on political and economic reform. Parliamentary elections took place in June 1990, and while the BSP won a small majority of the seats, the opposition Union of Democratic Forces (UDF) won a third of the seats and the Movement for Rights and Freedoms (MRF), a pro-Muslim group, won the third largest block of seats (DOS, 1990).

It was at this time the media system began to open up, especially in the urban areas. A meeting held that November by Petur Mladenov with the “Glasnost Club,” a group of 72 intellectuals who were pushing for the introduction of greater human rights, including freedom of

speech and of the press, was considered an encouraging development as it was the first time such a meeting had taken place between a Communist Party official and a reformist group in Bulgaria (IPI, 1989).

Bulgaria, as did most Communist states, attempted to strictly control the media with harsh measures. The U.S. State Department report on press freedom in Bulgaria at the time of Zhikov's ouster in 1989 paints a bleak picture. The Communist party used a variety of laws to repress the media even though the Bulgarian constitution at the time allowed for freedom of the press. The penal code provided for punishment for "crimes against the People's Republic," and "anti-state agitation and propaganda," as well as slandering the State, spreading allegations against the State, creating distrust toward the Government, and disclosing unpublished information on economic or demographic statistics without authorization from the State. A number of people were tried, convicted, imprisoned and exiled under Zhikov's rule for criticizing the State or Party officials (p.1050).

Bulgaria's radio, television and press were state owned and state controlled. Most journalists, writers, artists and academics were careful to follow implicit government guidelines and practiced self-censorship. In addition, there was no unofficial publishing allowed. In 1989 this all began to change, most immediately in the area of new publications. Privatization of broadcast media, particularly television, was slower to come. After an early burst of media reform, subsequent political leaders tried to reign in the media, either to use on their behalf or to intimidate as a way to suppress criticism. Opposition parties were often strong defenders of a free press until gaining power, when they would show some of the same repressive tendencies as their predecessors. An analysis of the media ratings system used in this study suggests that some

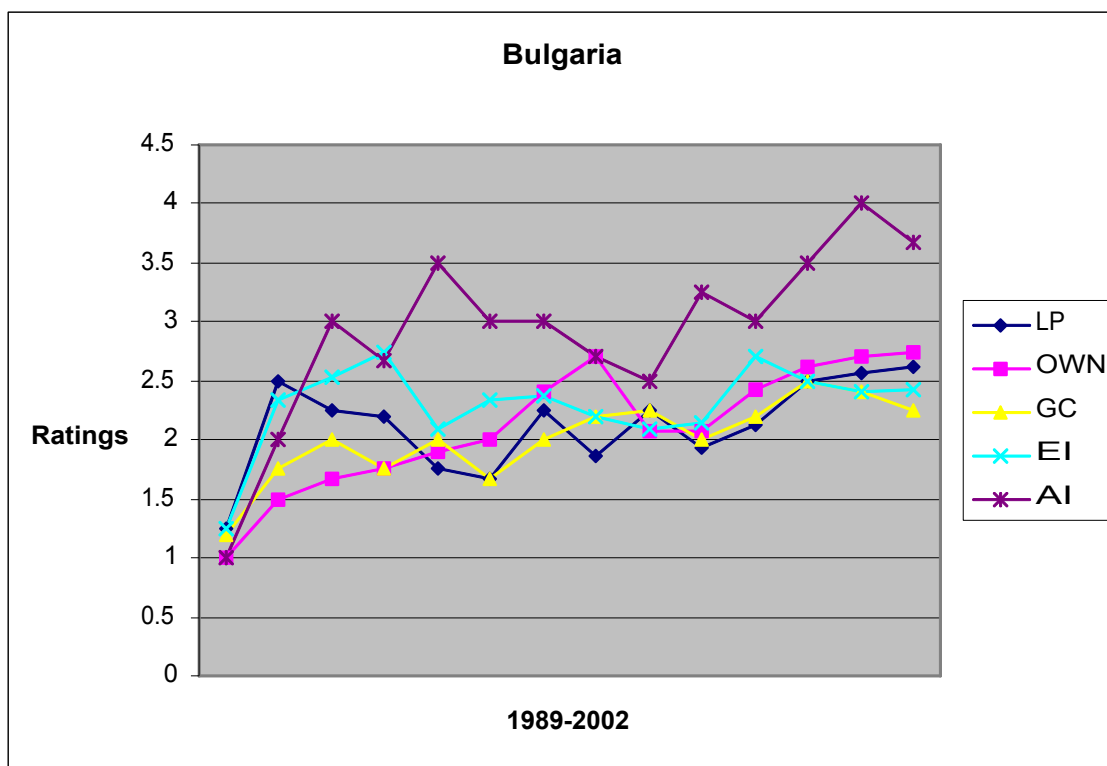
important strides in media reform were made quickly after the fall of Communist rule in the areas of Legal Protection for the Media and Journalists, Ownership, Government Control and Editorial Independence, only to see uneven progress, and even sometimes regression, after that (see Chart 4.1). The one area where there did seem to be steady progress toward a more free and independent media was in the Alternative Sources of Information dimension, due in part to technological and economic advances that made cable and satellite television, and eventually the Internet, more widely available to the general public.

Legal Protection for Media and Journalists

While the media environment has improved greatly since the fall of communism, the legal environment still poses a problem for journalists who fear being subjected to libel and insult laws contained in the Penal Code. A number of groups and individuals have applied pressure on the Government to amend articles of the Penal Code pertaining to libel and insult, including non-governmental organizations, Members of Parliament, International Organizations and former Bulgarian President Petar Stoyanov (Boev, 2001). And while penalties for libel and insult now amount to fines rather than imprisonment, such cases are still prosecuted under criminal law rather than civil law.

The Bulgarian Constitution, adopted July 13, 1991, provides for freedom of the press in Articles 39 and 40, and for gathering and disseminating information in Article 41. Article 39 guarantees freedom of expression in the following passage: "Everyone shall be entitled to express an opinion or to publicize it through words, written or oral, sound or image, or in any other way." Article 40 states "The press and other mass information media shall be free and shall

Chart 4.1 Bulgaria Media Reform



Legend

- LP = Legal Protection for the Media and Journalists.
- OWN = Ownership
- GC = Government Control
- EI = Editorial Independence
- AI = Alternative Sources of Information

not be subject to censorship.” Paragraph one of Article 41 reads “Everyone shall be able to seek, obtain and disseminate information,” but with the caveat, “not to be exercised to the detriment of national security, public order, public health and morality.” Paragraph two of Article 41 allows citizens to “obtain information from state bodies and agencies on any matter of legitimate interest to them” as long as it is not a state or official secret or does not affect the rights of others. The Media Sustainability Index (MSI) report on Bulgaria for 2003 describes a mixed picture when it comes to legal protections for media outlets and journalists. The MSI panelists agreed that Bulgaria has put in place much of the necessary legislative framework for the continued development of a free and independent media, but adds that “the political will is deficient when it comes to taking the needed legislative action, and the public is passive in defending freedom of speech” (pg. 26).

Libel

Despite constitutional protections, the legal environment for the media in Bulgaria continues to be of concern for journalists and free press advocates. Perhaps most troublesome are Articles 146-148 of the Penal Code that deal with libel and insult. While there have been modifications of the penalties imposed under such provisions of the Penal Code, libel and insult remain a criminal offense in Bulgaria. In most of the libel cases brought against journalists the courts have supported the media, but in a few cases the law has been used by the government to intimidate journalists (DOS, 2003).

In July 1998 the Parliament amended the Penal Code to eliminate imprisonment as a punishment for libel and insult and instead allowed for the imposition of a fine of up to 30,000 Lev (about \$16,200). While this was seen as a step in the right direction, the amount of the fine

was considered prohibitive for most journalists based on the economic conditions in Bulgaria. After President Petar Stoyanov vetoed the original version of the amendment, the Parliament enacted a modified amendment to the Penal Code that reduced the fine for libel and insult to 15,000 Lev, still a heavy fine in the context of the Bulgarian economy (DOS, 2001).

The amendment to the Penal Code did change the punishment for libel from possible imprisonment to a fine, but libel still remains a criminal offense and journalists convicted of libel have a criminal record. Further, a convicted journalist would still face imprisonment for failing to pay the fine. In addition, journalists also saw their right of appeal for libel sentences reduced. And while the courts generally support the notion of a free media in libel cases, there have been a number of high-profile libel cases in recent years, which are seen by some as attempts to suppress press freedom (DOS, 2003).

A study by the Bulgarian Helsinki Committee found that there actually had been a slight increase in the number of libel and insult cases filed after the change in law. In 2001 there were a total of 115 cases reported, while in 2003 a total of 131 cases were recorded. Most of the cases filed involving charges of libel and insult were due to investigative reporters looking into corruption or bad governance, thus the sense that libel and insult charges were used as a way to discourage aggressive reporting. The study also found that many cases were dismissed and in those cases where the journalists were found guilty, most fines were considered to be reasonable within what is allowable by law. Freedom House (2004) recently dropped the status of the media in Bulgaria from Free to Partly Free in part because of the number of libel suits filed against journalists and publishers.

Media Law

The National Assembly in 1996 made its first attempt to pass a new media law, but most of the provisions of the bill that was passed were ruled unconstitutional by the Constitutional Court. The National Assembly finally adopted the Law on Radio and Television in October of 1998 in an effort to sort out the regulatory confusion. The revised bill of 1998 was originally vetoed by President Stoyanov over issues of prime-time commercial advertising, the structure of the National Council on Radio and Television, the funding of Bulgarian National Television (BNT) and Bulgarian National Radio (BNR), and minority language programming. The changes offered by President Stoyanov were accepted by the National Assembly, with the exception of a proposal to lift the ban on prime-time advertising, and then withstood a constitutional challenge from opposition Members of Parliament (M.P.'s). The M.P.'s were particularly concerned about the influence of the ruling political party on the National Council on Radio and Television (NCRT), the appointed body that oversaw state national media and regulated private media (DOS 1997, 1999). The NCRT was eventually replaced by the Council for Electronic Media (CEM) in 2001.

The Law on Radio and Television, while providing a regulatory framework, has been amended on an almost yearly basis since 1998 (Popova, 2004). The most recent attempts at modifying the law have been met with a mixed response. Article 19, a free expression advocacy group, reviewed the changes proposed in 2003 and concluded that while the amendments were a step forward in areas of fostering independence for radio and television broadcasters, there is still concern about the political influence over regulatory bodies and the granting of broadcast

licenses and frequencies. Freedom House (2004) also cites political influence over state broadcasters and the allocation of licenses as a cause for concern.

Access to Information

Paragraph two of Article 41 of the Bulgarian Constitution allows citizens to obtain information from state bodies and agencies on any matter of legitimate interest to them as long as it is not a state or official secret or does not affect the rights of others. Public access to government information was further established with the Access to Public Information Act (APIA), enacted in 2000. While government officials and the public seem to have been slow to take full account of the act, journalists are using the act more often in an effort to obtain government information. According to the U.S. Department of State, the non-governmental organization Access to Information Program (AIP) reported having 515 consultations with various parties about using the APIA during 2001, up from 135 consultations the previous year. The AIP reported having some success in getting government agencies to respond to APIA requests, and that of the 25 municipalities it surveyed, all but two had appointed an official to handle APIA requests, although only one of those officials was full-time (DOS 2002).

In an interview with the *Sofia Daily Echo* in 2003, Dimitar Sotirov, Executive Director of the Bulgarian Media Coalition, says that the law is a positive step forward because it “creates premises for journalists to do their job well, that is, to inform society.” But he adds that there are still problems with the application of the law because civil servants must overcome the “psychological barrier from the past [which dictated] to always search for ways to restrict the outside view on their activity,” and because journalists do not use their rights to the full extent to which the law allows.

Also of concern were attempts to restrict the access of journalists to political leaders. In 2002 the Prime Minister's office closed press briefings to all but four radio and television stations, two of which were state-run radio and television (FH, 2003). In 2001 rules regarding press reporting on the activities of the Council of Ministers were amended in an effort to restrict media access to the Council. But after protests by journalists, the only restriction was that Ministers could not take questions before Cabinet sessions, and statements were often issued to the press afterwards. In May 2001 the Supreme Administrative Court ruled that the Council of Ministers had unlawfully declined, under APIA, to make the transcript of a ministerial session available to a journalist from the news weekly *Kapital* and ordered the Council of Ministers to reconsider its position (DOS, 2002).

Attacks on Journalists

Legal protection for journalists remains weak as there is no specific legislation to protect journalists from victimization, either by the state or other actors (NIT, 2004). Violence against journalists is mainly carried out by organized crime and there is a "climate of impunity" due to a weak judicial system. A number of journalists who were investigating organized crime or government corruption were attacked in 2003, which has led to self-censorship in the media (FH, 2004). Only one assailant has been brought to justice in recent years, in July 2003 (IPI, 2004). There have also been reports of police harassment and physical intimidation of journalists. In the case of Anton Lukov, editor of a local daily and an online newspaper, he was attacked outside his house in May 2003 and hospitalized with multiple head injuries. Lukov had reported receiving threats after his paper had criticized the mayor of Varna. A police investigation was closed after reportedly not finding any evidence that could help identify the possible attackers

(RSF, 2004). An editorial in the *Sofia Daily Echo* in May 2003, citing the Lukov case, complained that cases involving attacks on journalists are rarely followed up with successful prosecutions of the attackers, which calls into question how committed the Bulgarian government is to freedom of the press: “If the Government intends to turn a blind eye every time a journalist is battered, it should be honest and confess that this is a matter of policy, and that it is prepared to allow the crippling of a vital element of democracy.”

In its 2002 report on Bulgaria, the Committee to Protect Journalists noted the case of Pavel Nikolov, owner of Radio Montana, who was beaten with metal pipes by several assailants. Nikolov had received death threats for reporting on local government corruption, and the attack was seen as an attempt to keep him and his station from pursuing such stories. In its 2001 report, CPJ contends that journalists and media outlets continued to face harassment and intimidation for investigating government corruption and organized crime. There were also several instances of violent attacks on journalists in 2000, including physical assaults and bombings of newspaper offices (DOS, 2001), and in February 1999, a reporter for the news weekly *Kapital*, who frequently reported on the judicial system and on military affairs, had his car blown up in front of his home, although no one was injured in the explosion (DOS, 2000). According to the NGO Human Rights Watch, at least 11 violent attacks were carried out against media representatives in 1998, including physical assaults and bombings of newspaper offices. There were also several reports of police abuse of journalists (DOS, 1999). The incidences mentioned do not provide an exhaustive list of the attacks against journalists in Bulgaria in recent years, but they do suggest that this is an ongoing problem that shows no sign of abating any time soon without stronger legal action by the state to protect journalists.

Ownership

Print

The Bulgarian media market saw a tremendous increase in the number of publications in the years following the fall of the communist regime. With a number of small publications appearing and then quickly disappearing, it is hard to state exactly how many papers and magazines were in existence in the early 1990s. The first publication to be produced by the opposition was *Svobodan Narod* (Free People), which was revived after 43 years by the Social Democratic Party (IPI, 1990). Shortly thereafter a number of papers were produced, many by political parties, trade unions and government ministries (Banks, 1991). By 1993 there were 928 newspapers and 777 magazines, with the number of magazines exceeding 1,000 by the following year (Rubin, 1999).

The current print media market is robust with 533 newspapers and magazines in Bulgaria as of 2002, most of those privately owned (NIT, 2004). There is no direct government control of the print media (Nahadedian, 2002). Even the papers considered mouthpieces for political parties that had been very much a part of the media landscape in the early post-Communist period have not been able to make a go of it in a competitive marketplace, although there have been many efforts to revive such papers (Popova, 2004). Rather than government or party control of the print media, a bigger concern has been the near monopoly of the print market by the German ownership group Westdeutsche Allgemeine Zeitung (WAZ) (MSI, 2003). WAZ owns two newspaper publishing companies that produce three of the largest dailies among its 13 titles, as well as one of the largest newspaper distribution companies and publishing houses.

WAZ entered the Bulgarian media market in 1996 by buying a stake in 168 Casa Press Group, which owned a daily and a weekly. A year later WAZ took over full ownership of the publications, and later bought a controlling interest the Media Holding company, giving WAZ close to 42% of the market. This prompted action from the Competition Protection Committee (CPC), which ruled that WAZ had to divest some of its holdings. WAZ now controls approximately 35% of the print media market. WAZ has also been innovative in putting together a joint advertising policy that has allowed it to leverage its many holdings to gain a large share of available advertising revenue. This has led to criticism by some of the smaller print media outlets, which have had trouble competing against such an arrangement.

Electronic Media

Until 1993 television was a state monopoly under parliamentary supervision. There were just three channels, two of which broadcast in Bulgarian, and another which broadcast Russian programming (DOS, 1993). The first private television station in Bulgaria received a license in 1993 and began limited regional broadcasting in July 1994, mainly a mixture of Cable News Network International and French-language programming (DOS, 1994).

The first privately-owned television channel with nationwide coverage, btv, was issued a license in April 2000. The license went to the Balkan News Corporation, a company owned by media mogul Rupert Murdoch. A second license for a nationwide private television channel was awarded in October 2000 to Nova Television (NTV), but it was revoked in July of 2001 after the Supreme Administrative Court (SAC) ruled that the license had been awarded in violation of proper procedures (DOS, 2001). After appealing to the SAC, Nova Television was awarded a national license in the summer of 2003. Including the state owned Bulgarian Nation TV (BNTV),

there are now three national television broadcasters in Bulgaria, two privately owned (Popova, 2004). The latest count shows that there are 63 television stations, most of which are on regional cable networks (NIT, 2004).

In 1989 radio broadcasts were limited to those of state-owned Bulgarian National Radio (BNR) (DOS, 1989). By 1990 some initial steps were taken to provide a greater degree of editorial independence for BNR, which was controlled by the National Assembly, and to allow for more coverage of opposition candidates during the election campaign (DOS, 1990). More than 25 new radio stations received licenses in 1992, including six in Sofia, and by 1993 there were more than 30 independent local or regional radio stations. The growth of privately owned radio stations was significant over the next ten years. There are now 11 radio stations with national coverage, all but one privately owned, as well as 98 radio stations that broadcast in local markets (NIT, 2004).

Government Control

Attempts by the Government to maintain a degree of control over the national electronic media is still cause for concern in Bulgaria (Tabakova, 2002). The 1998 Law on Radio and Television redefined state-run media as public service broadcasters, but many of the old practices are prevalent. Press freedom groups cite the ability of the Government to influence the managerial appointments for Bulgarian National Television and Radio as well as providing most of the annual operating funds as key reasons that the Government wields too much influence over the public media (Article 19 2003). For its 2004 *Freedom of the Press* survey, Freedom House downgraded the status of Bulgarian media from Free to Partly Free in part because of concern over continuing government influence over public media outlets (FH 2004).

Government control of the media was a central feature of the communist state. In 1989, the state owned and controlled television, radio and the press (DOS, 1989). Bulgarian Radio and Television were placed under the supervision of the General National Assembly in 1990 and began to provide a more balanced account of the news. Different political parties were allotted airtime on radio and television during the 1990 election campaign, although there were complaints of bias in favor of the Government. There also was concern over the Government's control of newsprint, which gave it influence over the press by denying some publications access to newsprint supplies. Newsprint was available through independent suppliers but only if one had hard currency (DOS, 1990). This changed in 1991 as newsprint was sold for local currency which made it more available to larger organizations, but still proved to be too expensive for some smaller publications (DOS, 1991). Government control of printing and distribution is no longer of great concern as private ownership of printing facilities and distribution centers is strong and adequately meets the needs of the Bulgarian press (MSI, 2003).

In 1995 the Constitutional Court and Parliament disagreed over who was to have control of the electronic media, which had been placed under parliamentary supervision in 1990. After this arrangement was found to be unconstitutional, the Parliament passed legislation claiming the right to control the national electronic media, which the Constitutional Court again struck down. (DOS, 1995). But as new media legislation wound its way through the political process, national television and radio broadcasting remained under parliamentary supervision for several years (DOS, 1996).

In 1998 the Law on Radio and Television provided for the creation of the National Council for Radio and Television (NCRT), responsible for overseeing public radio and television

(DOS 1999). When President Stoyanov signed a new media law in 2001, the Council for Electronic Media (CEM) was created to replace the NCRT. The CEM regulates programming, as did its predecessor the NCRT, and issues licenses for electronic media, which was previously done by the State Telecommunications Commission (DOS, 2001).

In 2001 there was growing concern that the Government was continuing in its attempts to control state-owned media. Passing controversial measures regarding the CEM, removing the Director General of BNT, and taking a television talk show host, who was critical of the Government, off the air, were moves seen to be orchestrated by the Government as ways to exert its influence (DOS, 2002).

In 2003 criticism of the Government for its dealings with media issues continued. The Parliamentary Assembly of the Council of Europe (Doc. 9640 revised) issued a statement that was highly critical of the Government's undue influence over public media outlets. The dismissal of journalists that appeared to be politically motivated was cited as a serious problem, as well as proposals for a new media law that would give the majority party a great deal of control over major media outlets.

The ability to issue broadcast licenses was still being sorted out in 2003. Amendments to the Law on Radio and Television passed in 2001 that authorize the CEM to issue licenses for radio and television programming require the CEM to consult with the Communications Regulation Commission (CRC), which allocates broadcast frequencies, before making decisions regarding programming licenses. However, amendments passed in 2002 to the Law on Radio and Television require the CEM to issue radio and television programming licenses only in accordance with the Strategy for Developing Radio and Television Activities, which was

submitted to the National Assembly and still had not been approved by year's end. Therefore, the CEM could not put new licensing procedures into effect. As of October 2004, new legislation clarifying the broadcast licensing procedure was still pending.

The CEM has been left to focus on monitoring and administrative activities. During 2003 the CEM imposed 77 fines against television operators and 13 fines against radio operators for violations of the Radio and Television Act. In November 2003 the CEM revoked the license of Union Television, owner of the satellite channel Den, citing violations of the RTA and broadcasting a television show that incited ethnic intolerance (DOS, 2003). Den TV resumed broadcasting after a wave of protests from media groups and press freedom advocates. In addition, the CEM was seen as acting in a political way, as Den TV was critical of one of the parties in the ruling coalition, and only the courts have the legal right to suspend broadcasts according to the Constitution (NIT, 2004).

Editorial Independence

As all media was controlled by the state at the time of the fall of the communist regime, media was expected to reflect the official view. Even though there was no official censorship, the media operated within known government guidelines, practicing a form of self-censorship (DOS, 1989). As the press became more independent, the government developed various ways to exert influence on the media, such as maintaining control of newsprint. As the opposition press grew, accusations were exchanged by the various political parties over who had greater access to state-owned radio and television, and which side was being provided more favorable coverage (DOS, 1990; DOS, 1991).

Many publications were financed by opposition groups, leading to self-censorship among journalists who conformed to heavily politicized editorial views. As the market economy developed and more of the press became privately owned, another concern arose: direct intervention to control editorial content by large financial groups that held interests in several nominally independent newspapers (DOS, 1993). Even though media outlets have made gains in establishing economic viability, the influence of business interests on news content remains a concern. The MSI 2003 report on Bulgaria noted that “Self-censorship continues to be an issue for Bulgarian journalism because of the strong dependence of editorial policy on the economic interests of publishers and outlet owners” (pg. 28).

Although there is little evidence to back charges of government intimidation of editors or broadcasters, there does seem to be a belief among media professionals and the broader public that the Government exerts an unduly large influence on the media, mainly through official channels, such as the Council on Electronic Media, and in subtle ways, such as by influencing advertisers not to use media outlets that are critical of government policy or officials.

According to the 2000 U.S. State Department Report, surveys by the Bulgarian Helsinki Committee showed that significant numbers of journalists in Bulgaria felt constrained in their reporting because of government influence, and one-third of the journalists surveyed reported having received pressure from government officials or business interests in response to their work. In addition, journalists who were critical of the judicial process reported that prosecutors attempted to intimidate them (DOS, 2000; DOS, 2002). Further evidence of concern over editorial independence includes public statements made by journalists protesting government interference in state-owned radio (DOS, 2001).

Alternative Sources of Information

While other dimensions of media reform saw a certain retrenchment by the state after an initial period of rapid progress, alternative sources of information continued to be available in the Bulgarian media market without much constraint. Radio Free Europe (RFE), which began broadcasting into Bulgaria in 1950 during the communist period, continued broadcasting until recently. In 2003, the U.S. Congress decided to stop funding and broadcasting RFE in a number of Eastern European countries, including Bulgaria (NIT, 2004). There were also foreign government radio programs available, such as British Broadcasting Corporation and Voice of America, which had unrestricted access to commercial radio frequencies in Bulgaria (DOS, 1993).

By 1990 papers serving the Turkish speaking minority began to appear and within a few years were well established. A newspaper serving the Roma population was also published, although it would later run into financial difficulties (DOS 1990; DOS, 1991). Foreign newspapers and books circulated without restrictions, although the costs of such publications were prohibitive for many citizens.

In 2000, after years of plans and promises, Bulgarian National Television launched Turkish-language newscasts for the first time for the benefit of the country's ethnic Turkish minority. Local affiliates of Bulgarian National Radio also broadcast limited Turkish-language programming in regions with ethnic-Turkish populations. A Romani-language radio and cable TV operation began broadcasting in Vidin but had difficulty in obtaining a broader broadcast license for the region (DOS, 2001).

Internet access is unrestricted, and although many citizens cannot afford computers, Internet cafes are common (DOS, 2003). As of June 2003, research showed that 16% of the Bulgarian population had access to the Internet (NIT, 2004).

Conclusion

Bulgaria has made great strides in media reform since the fall of communism more than a decade ago. There is a wide range of media products available to the general public, and as economic conditions improve, more and more people will be able to afford cable and satellite television as well as the Internet. There are a multitude of news sources providing a variety of viewpoints, and a number of news outlets that provide objective and reliable information (MSI, 2003). But the Government has been reluctant to give up control of state-run media, particularly television, has been slow to fully reform libel and insult laws, has attempted to maintain influence regarding the issuing of broadcast licenses, and has exerted influence when possible on editorial content. So while one can applaud the progress that has been made since 1989, it is also necessary to recognize that many areas of the media environment need further reform.

Hungary

Sometimes referred to as a “soft dictatorship” or as “goulash communism,” Hungary was considered less of an adherent to the Soviet Union’s controlled political and economic model than other countries in Eastern Europe (Kovats & Whiting, 1995; p. 103; Lanczi & O’Neil, 1997; p. 82). Thus, the move away from communism came a bit earlier to Hungary than other countries in Eastern Europe. After a change in leadership in 1988, the National Assembly legalized freedom of assembly and association in 1989. Following this political liberalization, a large demonstration took place in Budapest with participants calling for free elections and the removal of Soviet

troops. Shortly thereafter, negotiations began between Communist and opposition party leaders regarding the transition to a multiparty system. The Communist party remade itself into the Hungarian Socialist Party, and legislative elections in 1990 brought the opposition Hungarian Democratic Forum to power with Josef Antall leading a center-right coalition government. Subsequent elections have been deemed to be free and fair with the peaceful passing of government control among competing political parties (FH, 2004).

The Hungarian Constitution of 1949, amended in 1972, was revised in October 1989. The revised Constitution provides protections for civil and human rights, a multiparty parliamentary system, and separation of the executive, legislative and judicial branches of government (Banks, et al., 2002). It also recognizes freedom of speech and of the press. Hungary submitted its application for full membership into the European Union in 1994, a year after the EU had established criteria for membership. Hungary entered into formal negotiations with the EU in 1997 and, after meeting the accession criteria, achieved full membership on May 1, 2004. Hungary is also a member of NATO, having joined in 1999.

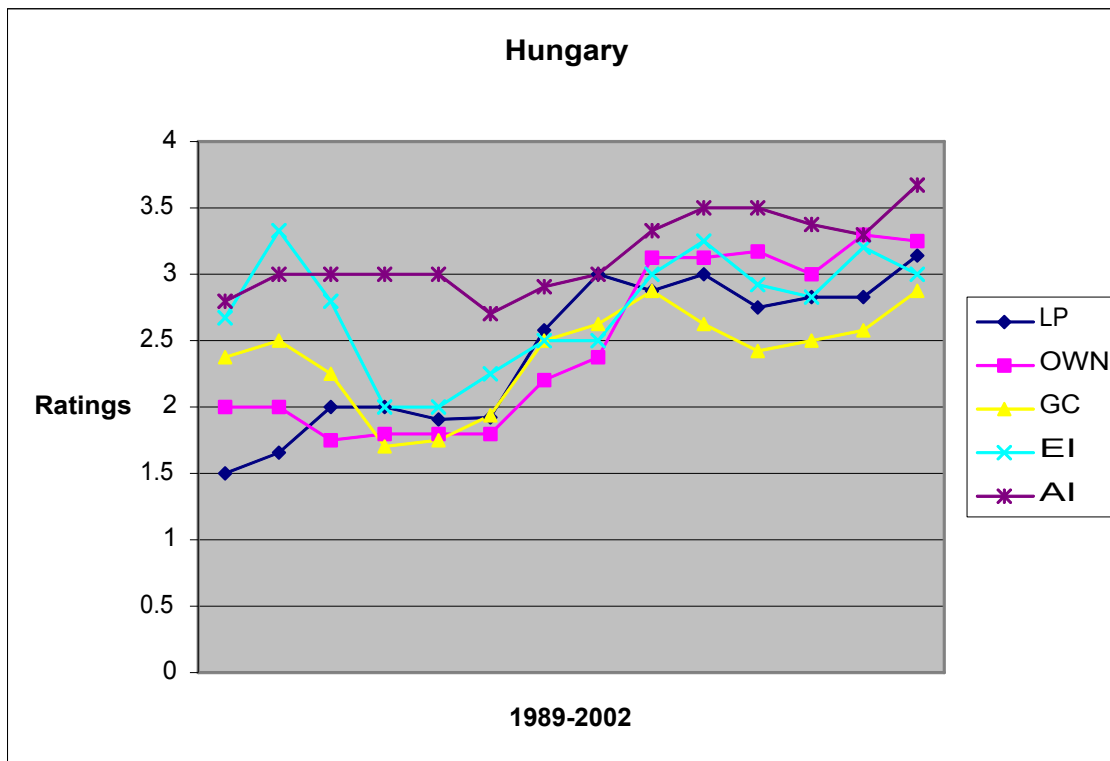
The Hungarian media environment at the time of transition from communist rule toward a more open political and social system was not as dire as in other post-Communist countries. Even Hungarian journalists saw themselves as having somewhat more freedom than their counterparts in nearby countries, such as Romania, Czechoslovakia and Yugoslavia (Kovats and Whiting, 1995). After a change in the leadership of the Communist party in 1988, there was further liberalization of the media. Certain limits on freedom of information were removed, lesser laws affecting media were repealed, more free enterprise in the media was allowed, and efforts were made to reduce the control of the media by the Communist party and the state. The

market for the printed media soon flourished as hundreds of new publications appeared and state requirements that a publishing license be obtained were eventually dropped.

This brief period of media activity was soon followed by an attempt by the government to reign in the media. Following the 1990 elections, the ruling coalition government accused the media of being too pessimistic and of undermining their rule. This open tension between the government and the media in the early 1990s was referred to as the “media wars.” One result of this political infighting was to create a three-year delay in establishing a broadcasting law, the Bill on Radio and Television, which was eventually passed in late 1995, and implemented in 1996. The delay meant that for that time period the media developed in an unregulated manner (Giorgi, 1995).

The scores for Hungary using the ratings system in this study reflect the events mentioned above (see Chart 4.2). At the time of transition in 1988-89, the media had some amount of freedom, particularly when compared with other communist countries at a similar point in their history. After a brief period of liberalization, the “media wars” brought many of the needed reforms to a standstill as various factions battled for control of the regulatory environment and state broadcasting. There was also an attempt to backtrack on some of the gains that had already been made by the media. When the Bill on Radio and Television was finally passed, Hungary embarked on a less than steady path toward a free and independent media. There are still concerns today, especially over the influence of government on public service radio and television, although Hungary is considered to have a free and independent media by Freedom House (FH, 2004).

Chart 4.2 Hungary Media Reform

*Legend*

LP = Legal Protection for the Media and Journalists.

OWN = Ownership

GC = Government Control

EI = Editorial Independence

AI = Alternative Sources of Information

Legal Protection for Media and Journalists

The Hungarian Constitution, revised in 1989, protects freedom of expression and of the press in Article 61. Paragraph 1 states “everyone has the right to freely express his opinion, and furthermore to access and distribute information of public interest.” Paragraph 2 specifically recognizes and respects the freedom of the press. Paragraphs 3 and 4 set the requirements at a majority of two-thirds of the votes of the Members of Parliament present to pass laws on public access to information of public interest, freedom of the press, the supervision of public radio, television and the public news agency, as well as the appointment of the directors, on the licensing of commercial radio and television, and on the prevention of monopolies in the media sector.

In 1989 the new Prime Minister announced that he would pursue a media law in Parliament (DOS, 1989). But attempts to craft a media law would become entangled in partisan fights and concerns over who would be responsible for overseeing state-run media and the broadcast licensing process (DOS, 1991). After several years of debate Parliament passed a media law in December of 1995, and it was subsequently ratified as the Broadcasting Act of 1996. The new media law set regulations for awarding new broadcast licenses, set guidelines to allow state-owned radio and television to have greater independence as public service broadcasters, and created a regulatory body, the National Television and Radio Board (ORTT) (DOS, 1997). In preparation for joining the EU, the Broadcasting Act of 1996 was amended in 2002 to harmonize with European Union standards (DOS, 2003).

Hungary does have a freedom of information law (The 1992 Act for the Protection of Personal Data and Disclosure of Data of Public Interest), although as is the case in many other

post-Communist countries, the law is vaguely worded and in practice many journalists still face obstacles when requesting government information (Gerin, 2000). Journalists have a legal right to access government information as long as it is not a state secret, but many politicians still seem to act in a way similar to the days of the communist regime by restricting information. For example, government officials can refuse to respond to inquiries and a law passed in 1998 prohibits the recording of government sessions (NIT, 2001).

In January of 2004 two journalist received prison sentences for libel, the first time a journalist has been sentenced to jail in Hungary since the fall of communism (RSF, 2004). An editor of the weekly *Magyar Demokrata* was sentenced to ten months in prison, suspended on appeal, while a journalist for the paper was given a suspended sentence of eight months. They were convicted for an article written in 2001 that accused a leading politician of denouncing to authorities four revolutionaries in 1956, all of whom were eventually hanged. The court ruled the article had seriously damaged the politician's reputation. The case is notable because the Constitutional Court had struck down as unconstitutional Article 232 of the criminal code on libel in 1994, which greatly limited the use of such a law as a way to intimidate journalists. The Court argued that the public had a right to hold government officials and politicians to a higher standard of public scrutiny and criticism than private citizens. A new law passed in 2000, which allowed the government to treat libel as a criminal offense, was objected to on the grounds that it violated freedom of speech and could be used to intimidate journalists.

Ownership

Ownership of the written press was controlled by the Communist party until media liberalization began in 1988. A license to publish was required based on a 1986 law, but this

requirement was abolished in 1989 (Galik, 2002). As communism fell there were few restrictions on ownership and some of the state and party owned publications privatized themselves before a new government was established, in what has been termed a period of 'spontaneous privatization' (Lanczi & O'Neil, 1997; Galik, 2002). Other publications went out of business, with journalists and editors turning to investors to relaunch old titles and to launch new ones. Privately owned newspapers, magazines and tabloids appeared and disappeared in a market shakeout. The German conglomerate Bertelsmann AG and the British-based media mogul Robert Maxwell were each allowed to buy a 40% stake in respective former government dailies in 1989, the first of many foreign investors in the Hungarian media market (Banks, et. al., 1990).

The lack of capital by potential Hungarian investors in the early 1990s and the absence of a media law that restricted foreign ownership resulted in foreign investors buying up many important media properties. For example, in 1990 the Axel Springer ownership group bought up seven regional dailies with a combined circulation of over 340,000, with the changeover all taking place on the same day (Kovats and Whiting, 1995). There is some concern, though, that too many publications are owned by foreign companies. Seven of 10 national dailies and 24 local dailies are owned by foreign publishers (Kaposi, 2002; FH, 2004). Axel Springer publishing now owns ten local newspapers, while WAZ, which owns a numbers of titles in other Eastern European countries, owns five local dailies, and the Associated Press owns three (Kaposi, 2002). The Swiss company Ringier controls over two-thirds of the national newspaper market, including two of the top news dailies (*Nepszabadsag* and *Magyar Hirlap*), a sports daily and tabloid papers. All the written press is now privately owned.

It is a different story for the broadcast media. During the communist era there was no commercial broadcasting, and state-controlled Hungarian Radio and Television had a monopoly on the market (Kaposi, 2002). In 1989 a few small private stations were able to acquire broadcast licenses, but it would be several years before legislation was enacted that would allow national and regional commercial stations to obtain broadcast licenses (Galik, 2002). The passage of the 1996 Media Act cleared the way for privately-owned commercial television channels. In October of 1997 broadcast licenses were awarded for two privately held channels, *TV2* owned by the Scandinavian Broadcast System and *RTL Klub*, with an ownership group comprised of foreign and Hungarian investors. Currently there are several commercial channels that air locally and on cable and satellite. Approximately 42% of Hungarian households had cable as of 2002 (Kaposi, 2002).

The 1996 Media Act also called for the state-owned outlets to be transformed into public service broadcasters. Hungarian Television (*Magyar Televizio- MTV*) had been financed in part by a fee paid by citizens who own a television, but this arrangement was abolished in 2002 (WPFR, 2003). Funding now comes through carrying advertising and from state resources, which has created concern about political influence over public broadcasting (FH, 2004). There are currently three public service channels available that make up Hungarian National Television and that are funded by the state: the national broadcast channel *MTV*, a second *MTV* channel on cable and satellite, and *Duna TV*, a satellite channel dedicated to providing programming to Hungarians living outside the country. The channels have had continuing financial troubles and rely on the state for funding schemes, which makes them susceptible to political influence (FH, 2004).

Hungary's former state-owned national radio channel (*Magyar Radio*) is now a public service broadcaster and receives funding from the state. There are two national commercial stations, *Danubius* and *Slager*, that combined have an audience share of just under 50% (Galik, 2002). There are also eight radio networks, the largest headed by *Juventus* radio, and over 200 regional and local stations, including nonprofit and community stations (NIT, 2004).

The Hungarian language media are still reliant on the state-owned news agency MTI (Magyar Távirati Iroda). MTI is Hungary's oldest national news agency and has a virtual monopoly on the Hungarian language media market. It is controlled by a board of trustees which is comprised of appointees from the political parties in Parliament (Kaposi, 2002). An attempt by Reuters to establish an alternative to MTI failed. There are a few alternative news agencies that deal with specific areas of news reporting.

Government Control

While the media in Hungary may not have been as repressed as the media in other Eastern European communist countries, the reform of the state-controlled media toward freedom and independence has been difficult, and the "media wars" of the early 1990s have returned. The battle over state controlled media began early in the transition period and came to the fore in 1992 with a showdown between the President and the Prime Minister over who had the authority to make appointments to head Hungarian Radio and Hungarian Television. The President and Prime Minister originally were in agreement over the nominees, but both appointees eventually came under criticism from the party of the Prime Minister, the ruling MDF party. There were attempts made to have the two removed from their positions, but the President argued such action needed his approval, which was not forthcoming. The Prime Minister and his allies in

government resorted to other measures. There were street demonstrations both for and against the appointees, one appointee was charged with mismanagement of funds and had to defend himself in court, funding was cut for the two agencies, and a competing satellite TV channel was authorized. There was even an attempt to impeach the President. The two directors eventually bowed to the pressure and left their posts without resigning, but the President refused to approve replacements. The ruling government had deputy directors take over and used other powers to force the situation to their favor (Sparks, 1998).

The 1996 Media Act was supposed to diffuse the problems over government control of state media and transform Hungarian National Radio and Television into public service broadcasters. One provision of the Media Act was the creation of the National Radio and Television Board (ORTT), a supervisory body for the regulation of broadcasting. Intended to depoliticize the media oversight process, the personnel make up of the board and some of its actions have been the source of a second round of “media wars” (International Federation of Journalists, 2001).

After coming to power in the elections in 1998, the conservative coalition government, led by Viktor Orbán, criticized the media for what it perceived as its left-leaning bias and the government declared its intention to bring more balance to the media through its political influence (IJNET, 2002). This newest phase of the “media war” has been characterized by the battle over political appointments to the National Radio and Television Board for public media, the firing of journalists from state-run media, increased government funding of conservative publications, and the attempt to pass a law on the right of reply.

According to the 1996 Media Act, the governing coalition can name half of the eight member presidium that oversees Hungarian Television and the opposition parties are allowed to nominate four representatives. The appointments to the Board of Trustees turned contentious in 1998 when a smaller right-wing party demanded two of the four opposition posts, which would have left the larger opposition parties with only two posts among them (NIT, 2001). As an agreement could not be reached by the opposition parties on its four nominees to the oversight board, the ruling coalition went ahead with its appointment of four members and took full control of the board. A similar scenario played out in 2000 regarding the boards that oversee Hungarian National Radio and the state satellite channel *Duna*. Ironically, after the former ruling FIDESZ party lost control in 2002, it accused the newly installed Social-Liberal government of attempting to influence state-run television (WPFR, 2003). Thus, rather than the proportional representation called for by the 1996 Media Act that was meant to reduce political influence on public service broadcasting, the various ruling coalitions have been able to stack the oversight boards with political appointees.

Editorial Independence

The battle over control of public service broadcasting also has had implications for editorial independence. While the vast majority of print and broadcast media are privately owned, heavy handed attempts by successive governments to wield political influence over state-run broadcasters has created a sense of crises in the media environment. A study in 1999 found that 80-90% of political programming on state-run radio and television was used to cover representatives of the parties in power (NIT, 2001). And the 2003 *Nations in Transit Report* states that “The dark shadow over editorial independence is clear” (p. 298).

As has been the case since the first elections were held in Hungary in 1990, changes in government have often times led to changes in personnel at the national broadcasting outlets. Many times those who are then offered a position with state-run broadcasters have ties with the political parties in power. For example, the appointment of Karol Mendreczky as president of *MTV* in 2001 was criticized by the International Press Institute because of his past associations with the Fidesz government (WPFR, 2002). Mendreczky eventually resigned under heavy criticism.

Alarmed at the growing problems in Hungarian media, the International Federation of Journalists advocacy group went on a fact-finding mission in 2001 and reported many irregularities that effected the editorial independence and economic viability of Hungarian media. Of particular concern were efforts by the government to “balance” news coverage by providing funding to print and broadcast media outlets favorable to the government, selectively allowing access to government sources to media outlets, dismissing editors, journalists and other media workers (it is estimated that over 1,000 employees have lost their jobs), and cancelling programs for perceived political bias. Referring to the situation as a “profound crisis,” the report states that “Particular controversy has surrounded government efforts to influence the media market by giving preferential treatment and subsidies to friendly media and by manipulation of how public advertising is allocated” (p. 4-5).

Along with government influence is the pressure for self-censorship based on the editorial policy of the paper (Galik, 2002). Three of the leading papers are considered left-leaning (*Nespszabadsag*, *Magyar Hirlap* and *Nepszava*), while *Maygar Nemzet*, which was sold

in 2000 to a publisher supportive of the Orban government, is considered more sympathetic to the right-center political parties (Banks, et al., 2002; NIT, 2003).

There are also concerns about conflicts of interest due to business influence. Publications have been known to put out special sections covering various industries, such as the banking or energy sectors, that are sponsored by the major actors in those industries, and with the pieces written by journalists who normally cover those industries. There are also reports of “journalists for sale,” journalists who write articles as undisclosed PR pieces or advertisements. The 2001 *Nations in Transit* report on Hungary states that “it is fair to say that corporate interest, rather than fears of direct government retaliation, are the major source of media bias” (p. 200).

Alternative Sources of Information

There is access to a number of minority language papers and broadcast programs. Hungarian National Radio broadcast daily programs for a number of minority groups in Romanian, Slovak, and Romani, among others (DOS, 2003). In October 2002 *Radio C* began broadcasting after receiving a seven-year broadcast license. *Radio C* is a nonprofit station that serves the Roma population in Hungary. There are also several English-language weeklies covering news and business, as well as weeklies in German and Italian (NIT, 2004).

The Internet is easily and readily available although the cost of services is still high relative to the income of many citizens (NIT, 2004). In order to facilitate the growth of Internet use the government took steps to reduce costs of phone charges and Internet service providers and was able to negotiate a 25% reduction in fees. As a result Internet usage has steadily increased from just under 1% of households in 1997 to close to 18% today (NIT, 1998, 2004). In

addition, there are a number of Internet cafes and the government has programs in place to increase Internet usage in public schools and universities.

Conclusion

The overall media market in Hungary provides enough diversity that concerns over the continuing political feuds surrounding public service broadcasting and political influence of some publications are lessened. Most of the public gets its information from the private sources, and despite its high profile, state-run television attracts only 10% of viewers (NIT, 2004). A wide variety of radio channels and print publications also adds to the choice people have for news and information. But the ongoing fights over public service broadcasting and the inability to pass legislation that effectively deals with the problems associated with the “media wars” is troubling to press freedom advocates.

Lanczi and O’Neil (1997) argue that with the way in which the media transformation took place in the early 1990s it was almost predictable that state broadcasting would become a political battleground. The authors contend that as the state did not have an opportunity to control the privatization of the press, the competing parties sought to gain control of state radio and television to use to their advantage, even before a newly formed government came to power in 1990. And this political battle over state-run broadcasting continues to this day.

Poland

Perhaps the two most enduring symbols of the collapse of communism in Central and Eastern Europe are the fall of the Berlin Wall and the workers’ strikes in Poland that helped usher in a new political era in Poland and gained full force in 1988, following proposed economic reforms by the government (Banks, et al., 1990). The reforms, which included steep price

increases, were opposed by the Solidarity movement and its leader, Lech Walesa. The workers' strikes forced the Communist government into negotiations with Solidarity, even though the union was outlawed at that time. The negotiations resulted in the legalization of Solidarity and other unions; political reforms that included freedom of speech and of association, democratic elections for state offices and judicial independence and liberalization of the economy. In June of 1989, elections were held in which Solidarity captured one-third of the seats in the lower chamber (*Sejm*) and all but one of the seats in the Senate. In December of 1989 a number of constitutional amendments were approved, including a name change for the state from the People's Republic of Poland to the Polish Republic, and the elimination of the Communist party's leading role in the state as well as the socialist economic system. Shortly thereafter the communist Polish United Worker's Party (PZPR) disbanded and reemerged as a political entity called the Social Democracy of the Polish Republic party (SDPR).

Elections were held in Poland in 1990, and after two rounds of voting, Solidarity leader Lech Walesa was the eventual winner, taking office for a five-year term in January of 1991. Poland has held free and fair elections, with several changes in government, since 1990. Changes to the constitution in 1989 created a bicameral legislature with the existing 460 seat *Sejm* joined by a newly created Senate, with 100 members. In 1990 constitutional change called for a popularly elected president to serve a five-year term. In 1992 a "small constitution" became effective, redefining the powers and relations of the legislature, presidency and government. A popular referendum was held in May 1997 on a new "large constitution," which included a charter of liberties and human rights. It passed with close to 57% of the vote.

Poland made moves to more fully integrate with the west in the mid-1990s. The Polish government joined NATO's Partnership for Peace in 1994 and, along with the Czech Republic and Hungary, became a full member of NATO in March 1999. Poland also applied for membership in the European Union in 1994 and began accession talks with EU leaders in 1997. Poland was one of ten countries admitted to the EU on May 1, 2004. Poland also joined the Organization for Economic Cooperation and Development (OECD) in 1996, and participated in a joint agreement with other Central European countries in establishing a free trade area.

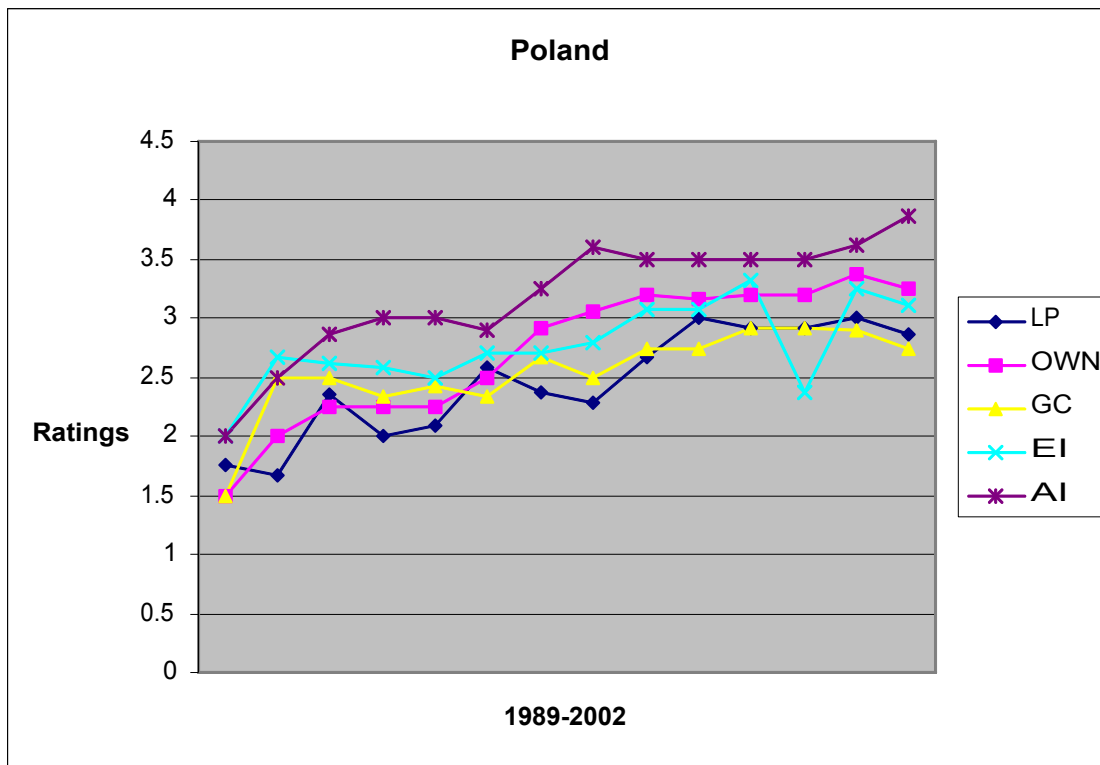
The media in Poland, as in Hungary, already had a greater degree of freedom than media in other Communist countries at the time of the fall of communism. Jakubowicz (1995) traces a gradual evolution for a more independent media in Poland to the 1950s, with increasing liberalization of the media as a result of a number of political crises over the years. This was particularly true after political crises erupted in 1956, 1970 and 1980. After each crisis, the Communist party succumbed to pressure and allowed the media to be more open in its reporting. But, as there were no real structural changes, party leaders would soon follow these brief periods of liberalization with efforts to reassert their control over the media.

Solidarity, in its First Congress of 1981, openly challenged the Communist regime over control of the press and state broadcasting. Solidarity developed its own print media and reached an agreement with the Communist leadership to have access to state radio and television, although that agreement never came into effect. Solidarity did have some success in advocating press freedom, including its involvement in the drafting of a law on censorship that gave more rights to journalists. The law was passed in 1981. Also important during this period were the '*samizdat*' underground publications that circulated within a burgeoning civil society.

By 1989 changes in the political landscape were gaining momentum. At the Roundtable Conference in the Spring of 1989 members of the opposition demanded changes to the media environment. Party leaders conceded control over the printed press but insisted on maintaining control over state radio and television. On May 8, 1989, the first independent daily, *Gazeta Wyborcza* (Electoral Gazette), was published by a group linked to Solidarity, which had gained political power in a series of agreements in April and would subsequently have electoral success in June of that year (Banks, et al., 1990). *Gazeta Wyborcza* has become one of the largest circulation dailies in Poland.

The Solidarity-led government proceeded to introduce a number of reforms in 1990, including the dismantling of a large Communist-party controlled publishing house (RSW), the abolishment of official censorship, amendments to the Press Law of 1984, and a Telecommunications Law. In addition, a new Broadcasting Act was adopted in 1992. The march toward a more free and independent media was aided by structural reforms to the media sector in the early years of the transition. The media environment in Poland today is considered diverse and vibrant, with a wide range of print media available (see Chart 4.3). But government control of national radio and television, as well as remaining insult laws and a recent scandal over media ownership regulation, continue to be of concern. Freedom House rated the media in Poland as “not free” in 1988, “partly free” in 1989, and “free” from 1990 to the present.

Chart 4.3 Poland Media Reform

*Legend*

LP = Legal Protection for the Media and Journalists.

OWN = Ownership

GC = Government Control

EI = Editorial Independence

AI = Alternative Sources of Information

Legal Protection for Media and Journalists

There are several legal protections for media and journalists in Poland, but also areas for concern. Numerous reforms of the legal environment for the media have taken place during the transition period of 1989 onwards. The Polish constitution of 1952 was revised in 1989, followed by an interim ‘small’ constitution adopted in 1992. In October of 1997 the permanent ‘large’ constitution, which included guarantees for freedom of the press, was enacted. Article 14 of the constitution states: “The Republic of Poland shall ensure freedom of the press and other means of social communication.” The government generally respects the right of a free press, although there are some restrictions due to current media laws (DOS, 2003).

The changes to the Press Law of 1984 that occurred in 1989 and 1990 helped to transform the Polish press (Jakubowicz, 1995). Most notably, amendments were passed to the law that did away with the licensing requirements for publications to be replaced by a system whereby publications need only register with the Regional Court, which has 30 days to respond or the publication can begin operations (Kaminski, 2000). This change led to a proliferation of new publications in the early 1990s (Goban-Klas, 1997).

Still in effect from the Press Law of 1984 is a rather vaguely worded “right of correction and reply” that requires the publication of corrected information which is deemed to be inaccurate or untrue when requested by an individual, business or organization (Kaminski, 2000). While publications often print corrections when information is found out to be inaccurate, the parameters for a right of reply are broad enough to allow for abuse by aggrieved parties.

In Poland, as in many former communist countries in Eastern Europe, laws on libel and defamation continue to be of concern. Although a new penal code was adopted in 1998, it still

contains several measures considered to be restrictive of the media (NIT, 2003). Article 270 of the penal code provides for six months to eight years imprisonment for anyone who “publicly insults, ridicules, and derides the Polish Nation, the Polish Republic, its political system, or its principal organs...” (P. 302). While Article 273 contains provisions for prison terms up to 10 years for anyone who violates Article 270 in the press or mass media. In addition, the law stipulates that a person can be sentenced up to three years for libeling the president, two years for a member of government or the Parliament, and one year for public officials (NIT, 2004). Another law in the Penal Code allows for up to three years in prison for anyone who insults a foreign head of state. Even though such cases often result in fines rather than prison sentences, laws that subject journalists and media organizations to criminal penalties are believed to have a chilling effect on the Polish media.

Several cases point to the degree to which the law impinges on freedom of the media. In a recent case, Jerzy Urban, publisher of a satirical weekly *magazine (Nie)*, was fined approximately \$6,400 on January 25, 2005 under the law that makes insulting a foreign head of state a criminal act for insulting Pope John Paul II . The prosecutor in the case had also sought a 10-month suspended prison sentence, although this was denied by the court in Warsaw.

The charges against Urban stem from an article published in August 2002 titled “Walking Sado-Masochism,” in which the Pope was likened to former Soviet leader Leonid Breznev. The article was published just prior to the Pope’s visit to Poland. Several press advocacy groups have protested this finding by the court, including the International Press Institute, ARTICLE 19, and Reporters San Frontiers. The groups argued in a joint press release that Polish libel and

defamation laws are in conflict with Article 10 of the European Convention on Human Rights, a treaty to which Poland became a signatory upon joining the EU in 2004.

There have been other recent cases against journalists and editors that have created cause for concern. Andrzej Mareck, editor-in-chief of the weekly *Wiesci Polickie* was convicted of libeling a city official and sentenced to three months in prison. The article, which was published in 2001, accused a spokesman for the local city council of corruption. Marek was ordered by the court to apologize to the offended party, but he refused and was thus ordered to serve a three month sentence. And in May 2004 a journalist working for the daily *Gazeta Pomorska*, Beata Korzeniewska, was found guilty of libeling a judge and was given a one month suspended sentence. Mareck and Korzeniewska were the first journalists to be convicted for libel in Poland since the fall of communism in 1989.

As many as 40 investigations were pending against journalists and editors at the end of 2003 for violations of press laws, defamation, or misuse of confidential information (FH, 2004). In July 2004, the International Federation of Journalists (IFJ) reported that there were 18 different court cases pending against reporters who work for the newspaper *Rzeczpospolita*. In a press release condemning recent court rulings against journalists and editors, Aidan White, General Secretary of IFJ, was quoted as saying “This disgraceful abuse of power in a new member state of the European Union threatens to put free journalism under lock and key and is completely unacceptable” (2004).

In addition to criminal penalties for libel and defamation, there is also the possibility of civil penalties with fines attached. In May 2000, President Alexander Kwasniewski won a lawsuit against the daily *Zycie* for claims made in a series of articles published in 1997 (NIT,

2001). The articles alleged that in 1994, a year before Kwasniewski was elected president, he spent time at a seaside resort with a known Russian secret agent. Kwasniewski denied the allegations and demanded an apology, as well as a fine (\$580,000) that would be donated to charity. The court ruled in favor of the president, but required *Zycie* only to apologize while not calling for any financial penalty.

The court ruled that the publication of the articles had been irresponsible in giving the impression that there was a link between Kwasniewski and the Russian agent. The court also noted that Kwasniewski, as president, should expect a high level of public scrutiny and allowed the situation to become controversial by not responding to requests for an interview.

Poland enacted a freedom of information law in July 2001 (NIT, 2004). The law is considered a step forward and, generally, journalists have gained greater access to public documents. But there is still resistance from government officials, who are able to refuse access to requested information by citing the protection of personal data.

Ownership

Under the Communist regime broadcast media were state owned while the press consisted mostly of party organs (Goban-Klas, 1997). With the political transition of 1989, the printed press was privatized and now competes in a commercial market. And while there is also private ownership of broadcast media, the state still maintains control over Polish national television and radio (Klimkiewicz, 2002).

Most recently, efforts to change media ownership rules in Poland have been rocked by a scandal, sometimes referred to as "Rywingate." It started with a broadcast law that was passed in 2002 designed to limit media cross-ownership (FH, 2004). Supporters of the law say it was

necessary to slow down media conglomeration, but critics argue it was aimed mostly at Agora, owner of *Gazeta Worborza*, which was looking to buy into a television station. Lew Rywin, a film producer, is accused of influence peddling after seeking some \$17.5 million in payments from Agora media in exchange for his seeking through his supposed political contacts a preferential ruling regarding amending media ownership rules (NIT, 2004). Adam Michnik, editor-in-chief of the leading daily *Gazeta Wyborcza*, which is owned by Agora, secretly recorded conversations in which Rywin reportedly offered to secure passage of legislation that would have allowed greater media cross-ownership, legislation that Agora supports. Rywin gave the appearance that he was working as a liaison for influential members of the ruling SLD party. Government officials have denied any connection with Rywin and investigations in 2003 were inconclusive. Meanwhile, legislative changes to media ownership rules have been put on hold and suspicions of governments attempts to influence and manipulate the media remain strong.

Print Media

When changes were made in 1989 that eliminated the need for obtaining a license in order to publish, several new titles began to appear. The first privately published national newspaper was *Gazeta Wyborzca* (Election Gazette), appearing in 1989. *Gazeta Wyborcza* is still a leading daily in Poland with a circulation of over 500,000 (16% of the market), and is owned by Agora publishing, a company started by former Solidarity members (Goban-Klas, 1997; Klimkiewicz, 2002). Originally linked to the Solidarity movement, it carried the Solidarity logo and a masthead that read “There Is No Freedom Without Solidarity.” But according to Adam Michnik, a leading dissident who became editor-in-chief of *Gazeta Wyborcza*, it was never their intent to be simply an organ for Solidarity: “For we wanted to work for a democratic Poland, not

for successive Solidarity union bosses or any other political party' (1999, p. 88). *Gazeta Wyborcza* is still owned principally by Agora, but U.S.-based Cox Communications holds a 10% stake in the paper.

While *Gazeta Wyborcza* was launched during the political transition of 1989, several titles that survive today were under the control of the state or political parties during the Communist regime. A crucial initial step in the liberalization of the print media came with the breakup of RSW Prasa-Ksiazka-Ruch, the publishing conglomerate controlled by the Communist Party (Jakobowicz, 1995). By 1989 RSW controlled 26 press and book publishing houses and agencies, 17 publishing houses, and 24 commercial companies that included a press distribution system, an extensive network of news stands and books shops, and press clubs.

A law was passed that allowed for the liquidation of RSW. There was a six month period in which the previous owners of titles and companies that had been taken over by RSW could file claims to have their property returned. 70 of 171 newspapers and periodicals were taken over by their staffs, and the remaining titles were sold. Newly formed political parties as well as foreign investors bought up the publications.

One of the most widely read former government newspapers is the daily *Rzeczpospolita* (Republic), with a circulation of approximately 250,000 or 6% of the market (Klimkiewicz, 2002). *Rzeczpospolita* was founded in 1982 as an official government daily, but after Solidarity came to power in 1989, a 49% stake in the paper was sold to French publisher Robert Hersant and his company Socpress. In 1992 the government tried to reclaim editorial control over the paper but was unsuccessful in doing so. In 1996 a Norwegian company, Orkla media, bought a share of *Rzeczpospolita*, and now holds a controlling interest (NIT, 2004).

The printed press market is robust, with numerous titles and coverage of an array of issues. One of the more popular dailies is *Super Express*, with a circulation of approximately 400,000 (15% share of the market). The newest daily is *Fakt*, launched in 2003 by the German publisher Axel Springer. Axel Springer is the publisher of the highly successful German daily *Bild*, and the circulation figures for its new entry into the Polish market were impressive (410,000). The oldest existing daily in Poland is *Zycie Warszawy*, which was established in 1944 (Goban-Klas, 1997). The paper was privatized in 1991 and is mostly owned by an Italian company. Other national dailies include *Przegląd Sportowy*, *Nasz Dziennik* and *Trybuna*. There are also over 40 regional dailies, and several English-language papers, such as *Warsaw Business Journal* and *Warsaw Voice* (NIT, 2004).

The top news weeklies include *Newsweek Polska*, started by Axel Springer in 2001, *Polityka*, which was first published in 1957 and is now owned as a journalists cooperative, and *Wprost*, which first appeared in 1982 and was also taken over by a journalists cooperative in 1991, although it is now published by the Agencja Reklamowo-Wydawicza (Advertising-Publishing Agency). Agora and H. Bauer publish a wide range of magazines covering topics from gardening and the home to computers and motor sports. Some of the top selling magazines are women's weeklies and monthlies, as well as those focusing on television and entertainment (Klimkiewicz, 2002).

Press distribution is still controlled to a large extent by Ruch, which is owned by the state. It handles roughly half of the distribution market. A privately-owned company, Kolporter, has over 30% of the market. Foreign media is distributed by Eurpress Polska, a joint venture between publishing giants Axel Springer and Hachette. American company RR Donnelly & Sons

owns one of the largest printing houses in Poland. The main news agency is the Polish Press Agency (*Polska Agencja Prasowa-PAP*), which is assisted by the Polish Information Agency (*Polska Agencja Informacyjna*) (Banks, et al., 2002).

Electronic Media

While the print media are privately owned, the main broadcast outlets in Poland are still under state ownership (NIT, 2004). The Broadcasting Act adopted by Parliament in December 1992 converted national radio and television into public service broadcasters and ended the state monopoly by opening the way for private ownership of electronic media. Even so, the television sector of the media market is dominated by Polish Television, which operates two national channels (*TV1 & TV2*), a regional network (*TVP3*) and a satellite channel (*TV Polonia*). Combined, the Polish Television outlets commanded 53% of the viewing market in 2001, with privately held television channels holding a 47% share (Klimikeiwicz, 2002). The channels that comprise Polish Television are owned by the State Treasury and are funded by advertising, viewing license fees, sponsorship and other sources.

Bidding for the first private television broadcast license took place in 1993-94. A group that included media heavyweights Time Warner, Bertelsmann and Reuters lost out when the National Broadcast Council chose to give preference to domestic rather than foreign ownership (Klimkiewicz 2002). Polish businessman Zygmunt Solorz-Sak was awarded a license in 1994 and launched *Television Polsat*, which is now the largest private channel in Poland. *Polsat* broadcasts 24 hours a day and can reach as much as of 80% of the population.

The second largest private channel is *TVN*, which began operations in 1997. The majority owner of *TVN* is ITI Holdings, which bought out the shares of Swedish Scandinavian

Broadcasting Systems (SBS), shares that were originally owned by American CME, which has been involved in ownership deals in several East European television markets. Another top private station is *TV4*, which began operations in 1998. Originally named *Nasza TV*, it became part of the Polsat group in 2000 and was relaunched as *TV4*.

Privately held radio broadcasters have had more success in gaining audience share versus the former state broadcasters than have their television counterparts. The Polish national radio broadcaster, *Polskie Radio*, has been transformed from state radio to a public service broadcaster and is owned by the State Treasury. Polish Radio has four national channels- *Program I, II, III* and *Radio Bis*- and seventeen regional channels. With a combined audience share of close to 29% in 2002, Polish national radio is the leading individual broadcaster. But unlike television, overall, private radio broadcasters command a greater share of the audience.

The leading private radio channels are *Radio Muzyka Fakty* (RMF FM) and *Radio Zet*. RMF FM was founded in 1990 as *Radio Malopolska Fun* in cooperation with a French radio group. The current RFM ownership group, Holding FM, was formed in 1993 and now has complete control of the broadcasters after buying out stakes of one of its principal investors, the state run Bank BPH. RFM attracted the largest audience share of any single radio station in 2002 with over 22% of the audience. *Radio Zet*, which in 2002 garnered a 17.5% audience share, is owned by a company called Eurozet. It began broadcasting in 1990 in Warsaw and went national in 1994. Another important privately-held station is Radio Maryja. Although its listenership is small in comparison to other private broadcasters, it is influential in that it is the national Catholic channel, founded by the Redemptorist Fathers in 1992.

There are also several radio networks in Poland. Agora, owner of the daily *Gazeta Wyborcza*, owns 28 local radio stations. Another company, Holding ZPR, owns 24 stations, most of which are part of the *Eska* network. And *Radio Plus* is a network of 22 Catholic radio stations owned by individual dioceses.

Government Control

While the state has given up a great deal of control over the media since the political transition of 1989, concerns over government influence and interference still remain, particularly with national radio and television. Much of the concern centers on the National Council of Radio Broadcasting and Television (KRRiTV), which is provided for by the Broadcast Law of 1992 (Millard, 1998). Article Six of the law gives the council the power to protect freedom of speech, the right to information, and the public interest regarding radio and television broadcasting. The council can also issue regulations and adopt resolutions. The council, which was set up to operate outside of political influence, was given responsibility for frequency allocation and granting of broadcast licences, as well as compliance with broadcasting laws and license requirements (Jakubowicz, 1995).

The council has nine members, with six appointed by the Parliament, (four by the lower chamber and two by the upper chamber), and three by the president. To limit the political influence regarding the appointment of members of the council, members are to resign affiliations with political parties, civic organizations or media positions. This seeming safeguard has failed to keep the politics out of council appointments, as it is the Parliament and the president who make the appointments to the council (NIT, 2001). In addition, the council appoints the members of the Board of Directors for Polish Radio and Polish Television, as well

as an advisory Programming Council. The Board of Directors, in turn, have a say in who is appointed to key positions within the management of the national radio and television broadcasters. So even though the National Broadcast Council does have a great deal of independence, lack of accountability and oversight by a government agency has led to a politicization of the council, which has had the ability to influence the tone and content of political coverage on television and the allocation of broadcast licences (NIT, 2004).

Editorial Independence

The Main Office for the Control of Press, Publishing and Public Performances, which oversaw all media activity and was responsible for state censorship under communism, closed in March of 1990 (DOS, 1989; DOS, 1990). And while there is no longer formal censorship in Poland, political and financial pressures threaten the editorial independence of the media (FH 2004).

From the outset, the national radio and television broadcasters have been at the center of a political struggle in Poland, with the party in power seeking to use the state, and later public service, broadcasting to their advantage. As Jakubowicz (1995) notes, “There is little real belief in the ideal of autonomous, impartial and politically neutral public service broadcasting because it is quietly assumed that every government will seek to bring pressure to bear on it in any way it can” (p. 141).

When Solidarity first came to power, it proposed a broadcasting bill that would have given the government considerable authority over the new public service broadcasting system. Subsequent governments have alternated between favoring more market based reforms or strengthening government oversight. Poland now has an established duopoly, with public service

radio and television sharing the broadcasting market with commercial enterprises. But this has not lessened the desire of the government to influence media coverage. Over the years, the ruling party has secured its choices as president of Polish Radio or Polish Television and as head of the television news department.

In addition, government officials make it known when they disapprove of the way a particular story has been reported. Speaking about Polish media in general, and public service broadcasting in particular, Ryszard Holzer, an editor at *Gazeta Wyborcza*, observed that politicians do not directly tell journalists how to cover stories, instead they exert pressure on media executives as to “which stories get covered, who receives coverage and how much coverage a story receives. In this way the pressure is covert, not overt” (2000).

Economic pressure, which is manifest in a number of ways, is another factor impinging on editorial independence. There is pressure from the owners of the media outlets, who may be concerned about offending political and business elites; from advertisers, who use their financial leverage to avoid negative press; and from media executives, who can pressure journalists by threatening to terminate their employment (Klimkiewicz, 2002).

Alternative Sources of Information

There is a wide variety of information available in Poland, both in and beyond the mainstream media. In the print media, there are six general interests dailies with national coverage, four financial and business dailies, two sports dailies and two free dailies (Klimkiewicz, 2002). In addition, there are hundreds of local and regional dailies and weeklies published by private owners, local governments, the Catholic Church, schools and companies. There are also over five thousand magazine titles available, with everything from Reader’s

Digest, to Playboy, to National Geographic. The government provides subsidies for periodicals aimed at ethnic minority audiences, and there are English-language papers available, such as the *Warsaw Business Journal* and the *Warsaw Voice*. A number of papers and magazines are also available on the Internet.

There are approximately 70 television stations and 250 national and regional radio stations in Poland. There are also approximately 4 million households with cable subscriptions and 2.5 million with satellite dishes (NIT, 2004). Through cable and satellite viewers have access to international channels such as MTV, Eurosport, RTL and the Cartoon Network (Pieklo, 2002).

Use of the Internet has risen dramatically in Poland. In 1998, the number of Internet users in Poland was estimated at 500,000 out of a population of more than 38 million (NIT, 1998). By 2000, the estimated number of users had grown to between 1.5 million and 2.5 million (NIT, 2000). According to Internet World Stats (2005), the latest estimates show that there are now close to 9 million Internet users in Poland, a growth rate of 220.4% between 2000 and 2005, which is one of the highest growth rates in all of Europe. Poland has kept pace with Internet growth in many parts of the world over the past five years and now claims Internet usage by 23.5% of its population.

Initially, most Internet usage occurred at work, universities and schools and at Internet cafes. Home usage was through dial-up connection, but access charges were rather high making it prohibitive to much of the population. Cable television operators are now competing with Polish Telecommunication by offering less expensive Internet access, which has allowed more people to have access at home. As a result, e-shopping and e-banking are becoming more popular, especially with younger, better educated Poles. There are a number of Internet portals in

Poland, the most successful being onet.pl, which is owned by ITI Holdings. In 2002, it had over 43% of the market (Pieklo, 2002).

Conclusion

The drive for a free and independent media in Poland has been steady and, for the most part, successful. As the Polish economy continues to improve and consumers are better able to afford new technologies, such as cable and satellite television and the Internet, the media landscape continues to diversify. Generally, Poles have access to a wide range of information and entertainment from both foreign and domestic media sources.

Areas of concern in the Polish media environment are similar to those found in other countries in the region. First, even though state radio and television have been transformed into public service broadcasters, political influence on national radio and television has been cause for criticism. Because there is a political element to appointing members to the National Broadcast Council, the actions of the Council are often scrutinized for political ramifications. The practice of appointing the heads of the national television and radio by the Council, which is seen by some as a way to influence media content, is also contentious. And what happens with the national broadcasters is of particular importance in Poland as Polish Television attracts a significant share of the viewing audience.

Along with concern over influence from the government, there is also concern over the concentration of ownership of privately held media, and how this effects journalistic independence. Legislation meant to address media concentration is also at the heart of the 'Rywingatę' scandal.

Another area closely watched by free press advocates is that of the libel and defamation laws. The continuing treatment of libel and defamation as criminal acts, and in particular the recent jail sentences handed out to journalists, is a worrisome situation. Even though libel and defamation cases often end up in civil court, the threat of a criminal charge is believed to have a chilling effect on journalists who may otherwise pursue more aggressively investigative stories. The criminal code has given political and business elites a powerful threat to wield against journalists, which in turn harms the public's right to know.

Romania

Unlike many former Soviet countries that were able to begin the transition from communism toward more liberalized societies without a violent revolution, such was not the case for Romania. For example, in Czechoslovakia, the peaceful change of political systems has been referred to as the "Velvet Revolution." But in Romania, a violent struggle took place as the Ceausescu regime tried to hold onto to power in the face of the political changes sweeping through Eastern Europe in 1989.

Ceausescu came to power in the mid-1960s and he remained the leader of Romania until he was literally chased from office in 1989 (Banks, et al., 2002). Upon returning to Romania from a state visit to Iran in December of 1989, Ceausescu was faced with anti-government demonstrations by ethnic Hungarians in the city of Timisoara that turned violent and quickly spread to other cities. At what was supposed to be a pro government rally held in Bucharest on December 21, Ceausescu was jeered by the crowd. The next day a group known as the National Salvation Front (FSN) announced it was forming a provisional government and a revolt was underway. Several army units joined in the revolt and the government responded with heavy

armaments, resulting in fierce fighting in Bucharest and elsewhere that brought about a number of civilian casualties. Ceausescu and his wife were captured fleeing Bucharest and on Christmas day they were secretly tried and executed. The next day Ion Iliescu of the FSN took over as the provisional head of state.

The FSN suspended basic law, dropped the “Socialist Republic” part of the official name of Romania, and pledged to work toward democratic change, including multiparty elections and the introduction of a market economy. Under pressure the FSN agreed to elections and in May 1990, Iliescu was overwhelmingly elected president, with the FSN holding majorities in both houses of Parliament. The Parliament was responsible for writing the new constitution, which was adopted in November of 1991 and ratified by referendum in December of that year.

In 1994 Romania became the first former Communist country to join the NATO Partnership for Peace program. Romania’s bid for entry into NATO in 1997 was backed by France, Italy and Spain, but was blocked by the United States after Russia voiced concerns. On March 29, 2004 Romania was finally welcomed into NATO as one of seven European countries to formally join the organization that day in the largest one-time expansion in NATO history. Romania also began talks with the European Union in 1994 and a year later submitted a formal application to join the EU. Accession negotiations began in 1999 and Romania is expected to become a member of the EU in 2007.

Romania, though, has had a difficult time breaking with its Communist past. Iliescu, the former Communist who led the FSN in the aftermath of Ceausescu’s downfall, served as the President of Romania from 1989 to 1996 representing the renamed Social Democratic Party (SDP). Emil Constantinescu (Democratic Convention of Romania) was elected President in 1996

and served until 2000, when Iliescu again won a four-year term as President. Adrian Nastase, a long-time ally of Iliescu, served as Prime Minister during this time and was considered the heir apparent to Iliescu. But in an electoral upset, Traian Basescu, the Mayor of Bucharest, defeated Nastase for the Presidency (Dempsey, 2004). This signals a potential change in Romanian politics by weakening the SDP's hold on the power it enjoyed for the past 15 years; a period marked by social and political change as well as economic stagnation and corruption.

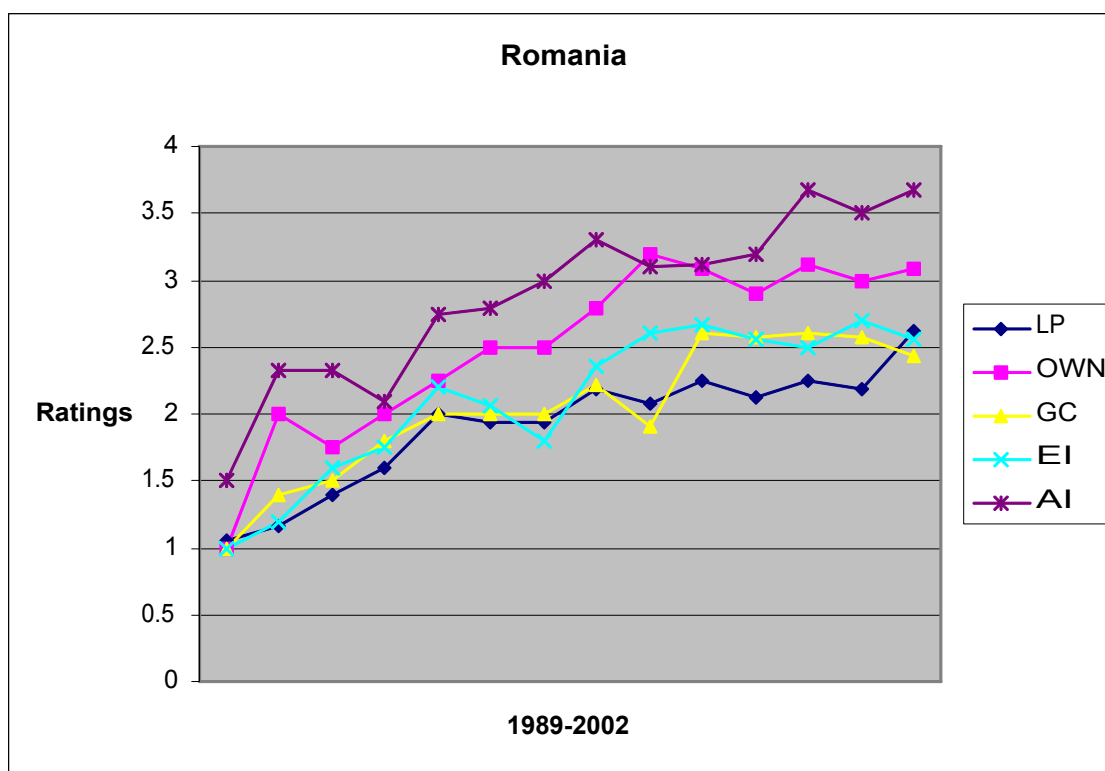
The media environment in Romania under the Ceausescu regime was one of the most repressive in Eastern Europe. All media were owned by the state, strictly controlled, and used principally as a means of promoting the propaganda of the Socialist government (DOS, 1989). The state controlled such essential materials as newsprint as well as the distribution networks for any publications. Even though the Constitution provided for freedom of speech and of the press, expressing viewpoints that differed with the government or strayed from the Communist party line could be punishable by up to 15 years in prison. And as journalists worked for the state, they could be dismissed from their positions. The importation or distribution of foreign publications was forbidden without state approval, with materials often being confiscated at the border. Publications from the West or other Communist countries were generally not available, although Romanians were able to listen to foreign radio broadcasts.

After the fall of the Ceausescu regime in 1989 there were immediate changes in the media environment. State censorship was abandoned as were licensing restrictions on new publications. This allowed a number of new privately-owned publications to come on the market (DOS, 1990). The national broadcast media remained under state control, although a few regional independent stations began to operate in the provinces. A draft law on the press was

introduced by the new government, but it was quickly withdrawn after heavy criticism. The constitution adopted in 1991 provides for freedom of speech and of the press, and the Audiovisual Act of 1992 created a duopoly of public and private broadcasters (NIT, 1998).

Despite the dramatic improvement in the media environment since 1989, Romania still has a ways to go before conditions are optimal for a free and independent media to flourish (see Chart 4.4). Concerns include the use of libel laws to intimidate journalists and media outlets. Over 400 criminal cases were brought against the media in 2003, the majority for libel and defamation (FH, 2004). There were also a number of physical assaults against journalists who were investigating corruption and other controversial issues. Another concern is the influence the government and business have on editorial content. With a struggling economy, journalists and media outlets are subject to economic pressure coming from the state, which subsidizes advertising and has contributed financial assistance to media outlets, and also from business interests involved in private ownership groups. According to Freedom House, Romania's media was rated "not free" until 1990, and then "partly free" from 1991 to its latest rating in 2004, with the exception of 1992 when the media was rated as "free."

Chart 4.4 Romania Media Reform



LP = Legal Protection for the Media and Journalists.
 OWN = Ownership
 GC = Government Control
 EI = Editorial Independence
 AI = Alternative Sources of Information

Legal Protection for Media and Journalists

In 1991 Romania adopted a new constitution, replacing its communist era constitution of 1965. The constitution of 1991 guarantees freedom of expression, freedom of the press and the right to information. Article 30 provides for freedom of expression of “thoughts, opinions or beliefs,” prohibits any form of censorship and protects freedom of the press and the freedom to publish without fear of being suppressed. Article 30 also attempts to establish that the media are subject to legal authority and that “Indictable offenses of the press shall be established by law.” Article 31 addresses the right to information and states “right of access to any information of public interest cannot be restricted.” Article 31 also asserts that public and private media are “bound to provide correct information to the public opinion.”

While the constitution purports to protect freedom of the press, criminal laws against libel and insult, which are often used to threaten journalists and media outlets, tend to restrict press freedom. Facing criticism at home and from the EU as well as the United States, the Romanian government has taken some steps toward lessening the penalties for libel and insult (NIT, 2004). In 2002 the penal code was modified to eliminate prison sentences as punishment for libel as well as to reduce possible sentences for calumny (IREX, 2004). A draft law proposed in 2003 (and under consideration in parliament) would change the criminal code, removing insult and defamation of the “nation” as a criminal offense. In addition, a journalist convicted of libel against a person or persons would be subject to “fine days,” a legal construct to permit substituting a fine for a jail sentence. Critics of the new law point out that, even though the law is an improvement, libel and insult would still remain a criminal rather than civil offense and would be registered as a criminal conviction on the record of a journalist (Percival and Visoiu, 2004). In addition, the

finer for libel and insult can range from \$5,000 to \$20,000 (IREX, 2004). With the average salary for a journalist being \$120-\$130 a month, such fines are prohibitive for most journalists. The draft law also allows journalists to use a defense of truth if they can prove that the facts of their story are indeed based on truth.

Ownership

Under the communist regime all media was operated by the state. As was the case in many other former communist countries after the fall of communism in 1989, the print media was quick to take advantage of new press freedoms. After taking power, Ion Iliescu and the NSF liberalized the Romanian media system to the extent that independent, privately owned newspapers, magazines and other publications were established (DOS, 1989). Initially, though, radio and television remained under state control.

Print

When the requirement was lifted that all newspapers and other publications be state owned, a number of new titles appeared on the Romanian market (DOS, 1990). And while the government did not restrict the licensing of new publications, there were allegations that authorities manipulated the supply of newsprint and interfered with the distribution of independent and opposition publications. But the cost and supply of newsprint and difficulties with distribution did not significantly slow the growth of the print media market. In 1989 there were 36 dailies and just over 450 periodicals (Ulmanu, 2002). These numbers jumped to 100 dailies and 1,094 periodicals by 1994, and peaked at 106 dailies and 1781 periodicals in 1996. The print media market declined slightly in 1998 and has since leveled out.

The top selling daily in Romania is *Libertatea*, a tabloid owned by the Swiss media group Ringier, with a circulation of approximately 250,000 (Preoteasa, 2002). Ringier recently bought a top selling news and information daily (*Evenimentul Zilei*), and also owns a business and economic weekly (*Capital*), a sports newspaper (*Pro Sport*), and several magazines. With an estimated 40% of the dailies' market, along with its many other publications, Ringier dominates the print media market in Romania (NIT, 2004).

The top selling news and information daily is *Adevarul*, the most influential political newspaper with an estimated circulation of 150,000. The *Adevarul* title replaced *Scanteia* in 1990, which was formerly the Communist Party organ and had an estimated circulation of 1.4 million (Banks, et al., 1991). After the fall of communism, a joint stock company led by several employees was formed to take control of the paper, but there is controversy about the actual ownership of the paper (Preoteasa, 2002). Dumitru Tinu, who was General Manager, was considered to be the principal owner of the paper. But after Tinu died in a car accident on New Year's Eve 2003, various claims were made on his share of the paper. A daughter and a son separately made claims on the inheritance, but allegations also were made that a businessman with ties to the SDP was really the principal owner. Tinu was suspected of acting as a front for the ownership to conceal the true owner's identity and relationship to the SDP. The businessman, Fathi Taher, was believed to have provided the money for Tinu to buy his share of the paper. And although Taher denied the accusations, the case is an example of the concerns about a growing lack of transparency of the identity of ownership groups of media outlets in Romania.

The German media group Westdeutsche Allgemeine Zeitung (WAZ) is the principal owner of the dailies *Romania Libera* and *National*. *Romania Libera*, founded before World War

II but severely repressed during the Communist era, has a current circulation estimated at 75,000-100,000. The East European Development Fund is also a significant investor in *Romania Libera. National*, with an estimated circulation of 60,000, is co-owned by a group of journalists who helped found the paper.

Businessman Dan Voiculescu and his family, who own radio and television outlets, are also owners of the daily *Jurnalul National* and the sports daily *Gazeta Sporturilor* (Ulmanu, 2002). *Jurnalul National* was recently relaunched and is now one of the most important dailies in Romania, and *Gazeta Sporturilor* recently increased its circulation after hiring several journalists away from a competitor (*Pro Sport*) that was sold to Ringier. In addition to his media business, Voiculescu is also the founder and leader of the Humanist Party and has been known to use his media outlets to promote his political agenda.

Along with *Capital*, owned by Ringier, the most successful weekly is *Academia Catavencu*, with a circulation of 56,000. *Academia Catavencu*, owned by a group of journalists, is a satirical paper that also features investigative reporting and derives most of its income from direct sales.

Ownership of the largest print distribution company, Rodipet, has also been controversial (Preoteasa, 2002). Formerly owned by the state, Rodipet was finally privatized in December 2003 when it was sold to Magnar System Com for 7.5 millions euros. Rodipet had been criticized for restricting distribution of local papers which were considered to be critical of local officials. Swiss Ringier was also critical of Rodipet and accused the company of censorship. Newspaper executives complain that Rodipet is slow in its delivery, with some papers taking 48 hours to reach more remote areas, and it does not provide accurate sales figures (IREX, 2004).

While owned by the state, Rodipet was seen as being politically motivated in its actions. It may be too soon to tell if a change in ownership will improve the distribution of print media in Romania, but the new ownership group has also come under scrutiny. It has been reported that principals of the new ownership group, Magnar System Com, were once the target of an investigation for fiscal fraud. In response, some publications are setting up their own regional and local distribution networks.

A plurality of printing facilities, both foreign and locally owned, has provided an adequate level of competition. Many newspapers have also set up their own printing facilities. If there is any political interference, it is with the availability of newsprint. Although it was reported that the Mayor of Bacau, a member of the SDP, bought a printing facility to complement his media holdings, which include newspapers, radio and television.

Electronic Media

Radio and television broadcast were tightly controlled by the state during the Ceausescu era. In the aftermath of the overthrow of the regime, the state retained control over the country's two national broadcast channels, although a few independent television stations began operating in the provinces (DOS, 1990). By 1991 a number of local stations were operating under provisional licenses, as there was no formal body to grant permanent broadcast licenses. In 1992 the Law on Radio and Television Broadcasting was passed by Parliament, creating the National Audiovisual Council(NAC). The 11-person NAC was given the responsibility to issue licenses to private radio and television broadcasters. The first independent national broadcaster was SOTI-TV, which produced approximately 60 hours of programming a week that was carried on Romanian Television (RTV) channel two, but it went out of business in 1994 due to financial

reasons (DOS, 1993; Banks, et al., 2002). By 1993 the NAC had issued more than 40 television licenses and 14 private stations were broadcasting. Most of the licences, though, were restricted to low power and with limited range. There were also some 200 cable companies that had begun operations and the number of privately-owned satellite dishes was growing rapidly.

In 1994 Parliament adopted the Public Television and Radio Law (No. 41), which reorganized state radio and television. Currently, the public broadcast television stations are controlled by the state agency Romanian Radio and Television. There are four public television channels under the control of the state: the two main channels *TVR1* and *TVR2*; *TV Cultural*; and the satellite channel *TVR International*. *TVR1* and *TVR2* both reach almost all of Romanian viewers and command a nationwide audience share of approximately 31%, with particular strength in the rural areas (NIT, 2004).

While public broadcasting still commands a large share of the viewing audience, the most popular private station is *ProTV*, owned by the Mediapro group (Ulmanu, 2002). Mediapro, whose majority owner is American-based CME, with a 66% share, is involved in producing a number of media products, including newspapers, magazines and films. Local businessman Adrian Sarbu also has a significant stake in the ownership group. Along with *ProTv*, the group also owns *Acasa TV*, a channel that caters to female audiences, a film channel called *Pro Cinema* and *ProTV International*.

Antena 1, which reaches roughly 68% of the population, is a main competitor for *ProTV*. *Antena 1*, licensed in 1993, is principally owned by the Voiculescu family, which also controls newspapers and radio stations. Another privately held channel is *Prima TV*, which was started in 1997 by Cristian Burci, a Romanian-American. The license holder for *Prima TV* is a company called Amerom Television, a Romanian company that is owned by Amerom Television, based in

New York. The Scandinavian Broadcasting Company (SBC) also owns a 38% share of *Prima TV*. Through a series of partnerships that include both private groups and governmental agencies, *Prima TV* was financed in large part by the Romanian Transportation Ministry. Other private stations of note are *Tele 7 abc*, in operation since the mid-1990s; *Realitatea TV*, launched in 2001 as an all news channel and recently bought by an Italian media company; and *National TV*, started in 2003 by the Micula brothers, successful businessmen with ties to the SDP party.

State radio, like television, was controlled by the Communist party until 1989, broadcasting domestic as well as some foreign programs (Banks, et al., 1990). A number of small independent stations went on the air immediately after the political transition, including several in the capital of Bucharest, but no new licenses were granted pending the passage of a new broadcasting law (DOS, 1991). After Parliament passed the Law on Radio and Television in 1992, the former state radio was reorganized as a public service broadcaster (Romania Radio). The law also created the NAC, with the authority to issue new licenses to private entities. The number of radio stations grew rapidly to better than 110 private radio stations by 1996, to over 150 private radio stations in Romania today.

The top station is *Europa FM* with a coverage area of 80% of the population and an audience share of over 19%. The majority owner of *Europa FM*, which was founded in 2000, is the French company Lagardere. Along with *Europa FM*, Lagardere also has a significant share of *Radio XXI*, a station that attracts a large following with under-30 listeners. But Lagardere has run into a great deal of criticism over its connection with the government. Lagardere is also part of the ownership of the European Aeronautic Defence and Space Company (EADS), which includes the aircraft maker Airbus. There have been complaints that Lagardere has influenced

editorial content of news on its stations so as not to offend Romanian authorities and thus damage its prospects for selling aircraft to the Romanian government.

Some groups that are involved in television and print media are also involved in radio. *ProFM* is a network of 25 local stations that is part of the group that owns *ProTv*. *ProFM*, which was started in 1993, has the second largest listening audience. One of the country's oldest stations, *Kiss FM*, is controlled by the Romanian Investment and Development company (RID), which also has a stake in *Prima TV*. Led by Cristian Burci, RID took over the station in 2002 and changed the name to *Kiss FM* from *Contact FM*, which was founded in 1990 as one of the first private stations in the post-communist era. As part of its media group, RID also controls *Star FM*, which has as its target audience women under the age of 30. As with *Prima TV*, RID received some of its financing from the Ministry of Transportation, which has led critics to complain that the radio stations lack editorial independence due to their ownership structure.

Government Control

Government control of the media in Romania comes in many of the forms seen in other countries, such as politically motivated appointments to a media oversight board, political and legal intimidation of journalists, and installing managers at the public service broadcasters who support the ruling party. But one area where the Romanian media environment differs with the other three countries of this study, at least in degree, is in the relationship between the state and media groups on the matter of financing. While the previous section laid out the various groups involved in the ownership of media properties, the involvement of the state in providing financial assistance to the media raises further questions of government control of the media.

The National Council of Broadcasting (CNA), established in 1992, is the state agency in charge of issuing broadcasting licenses in Romania. The 11 members of the council, which

reports to parliament, are appointed by the president and other legislative bodies to four-year terms. The CNA has come under criticism for a lack of transparency and fairness in its license granting procedures (IREX, 2004). On the occasion of awarding a license to Realitatea-TV, the CNA was accused of political favoritism and the move was seen as an attempt by the government to control the influential news station during an election year.

The president and the parliament also appoint the directors of state radio and television, who can, and often times do, influence the content of the state broadcasters. After parliamentary elections in 2000, the board of National Radio changed, as did its editorial policy. This prompted the resignation of two of the station's producers, who cited management interference as the reason for their leaving. Such an arrangement also allows the government to maintain its control over state television.

The control of the state over the public service radio and television broadcasters is also due in part to the way the state broadcasters are funded. There are three sources of funding for public service broadcasters: direct state subsidies, subscription fees for owners of radios and televisions that are mandated as compulsory by the state, and advertising, much of which comes from state controlled companies (IREX, 2004).

The state also has been involved in the funding of private media companies by providing financial assistance to ownership groups. A case in point is that of *Prima TV*, which is the product of two companies, Ameron Television and Creative Vision International (Preoteasa, 2002). At least 5 million euro was filtered down to the media operations by the state Transportation Ministry through a series of state-owned agencies, including the National Railroad Company, the National Harbour Administration and the Railroad Freight Company. Those agencies contributed money to Maritime Training Centre Television, which in turn

provided financial assistance to Global Media and Romania Investment and Development (RID), both controlled by Cristian Burci, a key figure in Ameron Television and Creative Vision International. Direct state subsidies to private media are forbidden by law, but laws regarding disclosure of media ownership are vague, allowing for complex arrangements that make following the money difficult.

Another leading television station also found itself beholden to the state for financial reasons. *Pro TV* was indebted to the state for more than 6 million euros in tax liabilities, which were rescheduled by the Ministry of Finance in December of 2003. The EU commission's report on Romania's progress toward accession cited the dependence of *Pro TV* on the government's willingness to reschedule the tax liability as cause for concern. *Pro TV* is just one of five private television stations to have rescheduled public debt, a total debt of over \$20 million (Media Monitoring Agency, 2004).

The government is also able to maintain a degree of control over the media through the allocation of advertising dollars (IREX, 2004). The Romanian media market is considered too small and the economy too weak to support the number of media outlets at their current level. The 2004 IREX report on Romania states: "Romanian media generally are not profit-generating businesses. In an overcrowded market, with a poor consumer base, media outlets struggle to survive" (p. 84). Some newspapers are set up by local politicians or businessmen as a way to burnish their image. But the most important source of revenue is advertising, of which the state plays a key role. Using its financial ability to buy advertising allows the government to influence the media. Public institutions and companies as well as state-owned companies bought advertising, particularly print ads. This included advertising for state railways, airports, tourism

and youth programs. A recent study showed that there was no coherent strategy for state-sponsored advertising and that it was a way for the government to influence the media.

Editorial Independence

Editorial independence in Romania is threatened by several factors. A report on freedom of the press in Romania in 2003 by the Media Monitoring Agency (MMA) cited control of media by businessmen and politicians in local markets and physical intimidation of journalists among the ways that editorial independence was being hampered. The MMA referred to the ‘Berlusconization’ phenomenon in Romania, in reference to the Italian Prime Minister Silvio Berlusconi, who rose to political power through the aid of his media empire. In Romania, media is often viewed as a way to gain political power or as a tool for businessmen to answer their critics. In such cases, the editorial line is to support the political or economic goals of ownership. This particularly true at the regional and local level, where politicians and prominent businessmen control newspapers, radio and television (IREX, 2004). In the Media Sustainability Index for 2003, one panelist is quoted as saying, ‘Unfortunately certain kinds of media companies proliferate. They are not profit-oriented, but used as means for exercising the government’s influence, protecting owners’ businesses, and attacking economic and political adversaries’ (p. 78). A prime example is Dan Voiculescu, leader of the Humanist Romanian Party (PUR) and a wealthy businessman who owns radio, television and newspaper outlets.

The MMA report cites several instances where editorial independence was compromised. In 2003, the general director of Romania public radio, a political appointee, was accused of attempting to influence and control editorial policy for the station. According to newspaper accounts, the general director oversaw all news reports at the station and reserved the right to approve who was to be interviewed for news stories. Another case involves three managers in the

news department of the radio station *Europa FM*, who resigned their positions in protest of perceived interference with their editorial independence. The three news managers complained that station management pressured them not to air any news stories that might be considered critical of the ruling party, which could harm relations between the station's owner, the French company Lagardere and the government. Lagardere's principle business activity is airplane manufacturing and officials were concerned that critical news reports about the ruling party could harm airplane sales to the state. At the regional level there were several reports of the managers of local television stations being pressured to by local businessmen or politicians to influence editorial decisions. The local print media also saw its share of pressure from politicians. In the town of Fundulea, an attempt was made to ban *Gazeta de Fundulea* after the local daily published a series of articles critical of the local council. Council members asked the mayor to order the police to prohibit the sale of the newspaper at news stands and to sue the paper.

Another factor that erodes editorial independence is the lack of professionalism among journalists (IREX, 2004). Due to the low status of journalists and the low pay, many journalists leave the profession after a short time. And during the period while they are working as journalists, they are susceptible to outside influence. The economic situation for many journalists is such that they adhere to the wishes of management for fear of losing their jobs. And journalists increasingly accept payments from political parties or businesses to write positive article or to avoid writing critical articles. Even those journalists who work full-time for a media outlet may be designated a contributor and is paid on a per article basis.

Alternative Sources of Information

Perhaps more than most former Soviet countries, alternative sources of information were vital during the communist era and have remained so during the years of transition (Gross, 1996). Because of the Ceausescu regimes tight control over the domestic media, Romanians looked beyond their borders for news and information. In the 1970s, a large number of Romanians tuned into Radio Free Europe radio broadcasts that were in the Romanian language. The BBC, Voice of America, and Radio Paris were also popular with Romanians, as well as radio broadcasts from Germany, Italy, Hungary, Bulgaria and the Soviet Union.

From 1975 to the fall of the Ceausescu regime, foreign media was officially forbidden in Romania. Nonetheless, in the 1980s Romanians came to increasingly rely on foreign television broadcasts. Those with satellite dishes were able to tune in Sky News, CNN and broadcasts from Austria. In the border regions, viewers were able to watch television from Hungary, Yugoslavia, Czechoslovakia and the Soviet Union. Some have credited reports on Hungarian television with helping to spark the 1989 revolution in Romania, and the BBC and Radio Free Europe of keeping the public informed of the uprisings that eventually led to the ouster of the Ceausescu regime (Gross, 1996).

While foreign broadcast media proved to be important in keeping the Romanian public informed of events within and beyond its borders during the Communist era, foreign publications were forbidden, with frequent reports of materials being confiscated at the border (DOS, 1989). Foreign print media, whether from the West or from other Communist countries, was not widely available, although some publications were allowed to be distributed by cultural centers and libraries with government approval. Restrictions on the importation and distribution of foreign publications were lifted after the political transition of 1989, and foreign news agencies were

allowed to operate in Romania (DOS, 1990). But some publications from Hungary were not permitted to enter the country by customs officials on the grounds that they were anti-Romanian and posed a threat to national security (DOS, 1992). These restrictions were eventually eased, and foreign publications are imported and distributed freely, although their high cost compared to domestic publications limits circulation (DOS, 1993; DOS, 2000).

Like other post-Communist countries, Internet usage in Romania has risen dramatically in recent years. There are no government restrictions on access to the Internet, but the high telephone charges are prohibitive to the average person. Most people who do use the Internet do so at Internet cafes, the workplace, universities, libraries and other public facilities. It was estimated that only 1.6 to three percent of the population used the Internet by 2000 (NIT, 2001). By 2002 it was reported that 13% of Romanians used the Internet, although half of the people surveyed had never used the Internet (NIT, 2003). And as of February 2005, another survey estimated that there were approximately four million Internet users, out of a population of just over 21 million people. It is estimated Internet usage has grown by 400% over the past five years, with close to 19% of the population reporting that they now use the Internet (Internet World Stats, 2005).

Conclusion

Of the media systems in the four countries examined in this study, the media system in Romania appears to be the least reformed from its communist past. In most areas considered vital to developing a free and independent media, reform in Romania has lagged behind reform in Bulgaria, Hungary and Poland. There seems to be a good deal of interdependence between the political elite, many of whom are former communists, and the business community, who seek to use the media for their own gains rather than to develop media as an independent actor. The lack

of progress in media reform compared to the other countries of this study mirrors the stagnation in political reform, as many of the current political leaders have been in or near the center of political power since the fall of communism. And the poor economic conditions, in the media sector as well as other segments of the economy, have created a situation where media outlets have turned to the state to provide needed financial backing. Thus the state has an investment in private media as well as control over public broadcasters Romania Radio and Television, making it a key player in the Romanian media market and an obstacle to further media reform.

CHAPTER 5

DISCUSSION

This study was designed to examine the five sectors of institutional media reform determined to be essential to creating the necessary conditions for the media to operate freely and independently in transition countries. In the discussion to follow, I will consider what has been learned by this examination, both in general terms about media reform and about particular media reform efforts. A secondary concern of this study, to be taken up later in this chapter, is the question of the relationship of media reform with economic and political reform, and whether there is evidence that the reform of a state's media system either leads to, or follows from, reform of the economic and political systems.

First, though, a word about some of the limitations of this study. To begin, there are the potential difficulties associated with how the ratings were arrived at for this study. To an extent, the researchers' evaluations of media reforms efforts were limited by what was contained in the reports consulted. In other words, the ratings were only as good as the reports that were used to arrive at the ratings. While it is true that the reports covering the early years of the transition provided fewer details and were occasionally inconsistent in their content, by the middle of the 1990s the reports provided accounts of media reform activities that were consistent with any number of reporting agencies. The fact that evaluations of media systems not used in this study corroborated much of what was reported in this study, even in the early years of the transition,

gave the researchers a level of confidence that the information being used to arrive at the ratings was accurate, if at times a bit sparse.

A second concern was whether the researchers doing the ratings perhaps succumbed to a predetermined outcome. After all, it is well known by now that all of the countries of this study have made progress in reforming their media systems. While this is possible, the results would seem to counter such a notion. For example, the ratings in Hungary reflect early success in media reform then show a decline that coincides with the “media wars” over public service broadcasting, only to once again show positive gains that match the resolution of certain media policy issues (see Chart 4.2). So while the ratings eventually show that Hungary has made great strides in reforming its media system, they also show the ups and downs over the years that correspond with actual events taking place at a given time. This would suggest that those doing the ratings were accurately evaluating what was taking place in the area of media reform.

A third area of concern is that this study focused mainly on assessing institutional media reform. There was no attempt to judge the quality of the journalism practiced or to examine any potential changes in content over the years, other than to try to determine if journalists had the ability to publish and broadcast freely. The development of professional journalistic standards through training and education is an important part of media reform efforts in transition countries and is worthy of detailed examination. But such an examination is beyond the scope of this study.

An Alternative View of Media Reform

This study sought to provide a more complex understanding of media reform without fully jettisoning the “stages of transition” approach. As noted earlier, Rozumilowicz (2002) has argued that media reform can be seen as progressing from pre-transition, to primary transition, to

secondary, to late or mature stages, coinciding with the stages of democratic reform, which can also be seen as progressing from pre-transition, to transition, to consolidated, to mature stages. The author then suggests strategies to employ in an effort to further enhance media reform at the various stages. This “stages of transition” approach relies on a model of linear progression, one in which media reform is treated as a single entity, though she acknowledges the potential for backsliding on reforms. Thus, during the various stages of democratic transition there is a corresponding level of media reform. Such a model implies that political reform and media reform are progressing at a similar rate and that all elements of media reform are progressing at more or less the same pace. This assumes that all aspects of media reform are at stage one (or two, three, or four) at the same time. The stages approach does not allow for some areas of media reform to be at stage two, while other areas of media reform may be at stage three or even stage four.

One key difference between viewing media reform as occurring in stages and considering reform of the various components of a media system is that certain segments of a media system may be reforming or developing quite rapidly, while other segments of a media system may show little or no progress toward reform, as this study demonstrates. For example, access to alternative sources of information, which was crucial to citizens during the communist era and its immediate aftermath, is a key component of a free and independent media system. In all four of the countries of this study, there has been steady progress in the availability of alternative sources of information toward a level that has aided in the development of a free and independent media. On the other hand, political battles continue over the control of the former state electronic media turned public service broadcasters to the point that a country such as Hungary, which has made great strides in reforming its media system overall, is considered to be

backsliding in its efforts to de-politicize the oversight and management of public service broadcasting.

Another obvious area of difference is between regulation of print and broadcast media. While newspapers and other publications have had little to contend with in terms of regulation regarding the right to publish, the broadcast media has had to deal with many issues involving licensing, ownership structures and broadcast markets. This suggests that certain areas of a media system are easier to reform than others, a point to be taken up below. This is not to say that there is no merit to a “stages” approach. In fact, this study employs a four-point rating scale in an effort to track media systems that can be seen as reaching certain levels, or stages, of media reform. But this study adds another level to the analysis of media reform by looking independently at the various sectors of a media system.

The result is a picture in which reform of a media system is multi-faceted, with the various component parts not always moving in the same direction. Ognianova (1997), in examining post-Communist media in Eastern Europe, sees an antagonistic nature in transitional media systems, with various press philosophies competing: “The media systems of such societies inevitably share common characteristics: they are in a state of transition marked by a mixture of press philosophies” (p. 35). The press philosophies that Ognianova sees as competing in transition societies are authoritarian, communist, social responsibility, and democratic socialists. Thus, not everyone within a society is in agreement as to how a media system should be reformed, including journalists and other media professionals. And as was shown in the examination of media reform in the four countries of this study, oftentimes political and business elites seek to gain control of media outlets in order to further their own interests rather than to benefit society at large, and therefore seek to influence any media reform in their favor.

Another way to think about the mixed picture of media reform in a given country is to consider in what ways a media system is more easily reformed and what ways may take more time and concerted effort. In its analysis of transition countries of Eastern Europe, the European Bank for Reconstruction and Development (EBRD) looked at what are the most important influences on economic reform (which will be addressed below). It determined that “initial phase” reforms that are not too complex and mainly involve reducing state intervention are the easiest to enact. But “second phase” reforms that are more complex, require state involvement and face opposition from affected parties, are difficult to implement and take time. Initial phase reforms are referred to as liberalizing reforms, while second phase reforms are considered institution-building reforms (TR, 2003; p. 20). This can create a reform imbalance, a situation where some areas of society are changing more rapidly than others, that can lead to a degree of instability and consequently resistance to further change. In this analysis, it is the nature of the reform being attempted, as well as the socio-political conditions, that determine how quickly and successfully reforms can be implemented.

In the transitions that followed the fall of communism in the four countries of this study, one can see the initial retreat of the state and then later attempts to reassert government authority in areas of media reform. In the early stages of the transition, all four of the countries were able to include a provision for the constitutional protection of freedom of expression and freedom of the press. This meant that many of the restrictions placed on the media by the Communist regime were no longer in force and the media was, in effect, liberalized. For example, the ban on printing newspapers was lifted and censorship laws were repealed, the state no longer prohibited media properties from being privately owned, and foreign publications were allowed to enter the country. As important as these steps were, such reforms mainly entailed the state retracting from

its previous position of having total control over the media and were carried out without too much resistance. But subsequent reforms, which required a reassertion of state authority, proved to be much more difficult and at times resulted in bitter political battles. This was due in part to the weakened nature of the state itself and the lack of strong institutions, but it was also due in part to the complexity of the reforms being attempted.

A third general observation to be made from this study is that the greater the concentration of power, the more overlap there is between categories of media reform and the more difficult it is to separate out specific media reform efforts. A case in point is Romania, the country which has arguably made the least amount of progress toward democratization in a number of areas, including media reform. It is also the country of the four in this study that has had the least amount of political turnover and has maintained the highest level of centralized control of the media. Ways in which the state maintains a degree of control over the media include through the continued use of libel laws to intimidate journalists, state control of public service broadcasting, politicians and a small number of business elites involved in the ownership of media properties, as well as state financing of private media ownership groups and the rearranging of tax debt for many of those same groups.

Five Sectors of Media Reform

In comparing the five sectors of media reform across the four countries in this study, some more specific observations can be made. Certain patterns were revealed regarding media reform in the countries under consideration. But while there were similarities in media reform efforts that constituted these patterns, when one looked in more detail at the specific actions, it was most often the case that these actions were unique to the actors and the circumstances within which they operated. Therefore it was necessary to try to judge the proper distance from which to

view these events. Like trying to adjust a camera lens, pulling back too far or drawing in too close can equally take one out of focus. I have chosen what could be called a medium-distance focus, one that is close enough to allow for the outlines of the patterns of media reform to emerge, but distant enough to see a more complete picture.

Legal Protection for Journalists and the Media

In the area of Legal Protection for Journalists and the Media, all four countries had provisions guaranteeing freedom of the press in their respective constitutions. Actual protections, though, depended on how much progress has been achieved in areas such as political reform and the development of the rule of law and an independent judiciary. Bulgaria, Hungary, Poland and Romania all still treat libel as a criminal offense and journalists are charged under the penal code. While amendments to libel laws have been initiated in all four countries with some success, it is also the case that the courts have acted as moderating influences, often times dismissing cases or imposing suspended sentences with modest fines. Recent prison sentences for journalists facing libel charges in Hungary and Poland, though, have been seen as a setback to media reformers. And in Bulgaria, as well as in Romania, there are still a large number of journalists brought before the courts to answer libel charges, with guilty verdicts resulting in prison sentences or fines that are financially prohibitive.

All countries have enacted some form of regulation regarding freedom of information, although there have equally been complaints from media reformers that the regulations are often vaguely worded and that government bureaucrats are able to stall the information gathering process, particularly at the local level. And legal protection from violence for journalists continues to be a concern, with authorities at times suspected of being behind attacks, or at least

showing no interests in pursuing the cases to capture and prosecute the perpetrators of the crimes.

Media Ownership

In a comparison of media ownership in the countries in this study, the print media is mostly privately-owned, while for the electronic media there is a dual system with private ownership groups as well as public service broadcasters controlled by the state. The print media market appears to be competitive and robust in all four countries, although there are complaints that tabloid papers that rely on sensationalism have gained popularity at the expense of the more serious newspapers. Many specialty publications, such as women's magazines or sports weeklies, are readily available.

As for electronic media, private television and radio stations are plentiful, although there has been concern about the politicalization of the licensing process. In addition, the economic viability of some broadcast outlets is in doubt due to the high cost of operating broadcast media and the under development of advertising markets. On the whole, privately-owned radio and television channels are very competitive and the degree to which the public service broadcaster can dominate the national market varies greatly from country to country. For instance, the three channels that make up Hungarian National Television attract only a 10% share of the viewing audience, while Polish Television, with two national channels, a regional network and a satellite channel, command on average better than 50% of the viewing audience. As there is variance as to the reach of state radio and television, the impact that state-run broadcasters have on a given national media market depends greatly on the market itself.

Another feature of media ownership in the post-Communist era is the amount of foreign capital that flowed into the media properties in East-Central Europe. Some countries, such as

Bulgaria, attempted to regulate and restrict foreign ownership, while others did not, reflecting, in part, how quickly new governments were able to deal with media legislation. In both print and electronic media a few large media corporations were able to move into media markets and quickly dominate by virtue of having ready access to financial capital along with business and technical expertise. Foreign ownership groups such as the German companies Axel Springer, WAZ and Bertlesman, along with the Swiss company Ringier, are dominant forces in print media. The American company CME and the Swedish company Scandinavian Broadcast System have been significantly involved in operating television channels. Along with concern about foreign ownership has been an attempt to limit the consolidation of large companies owning several media properties. This is most evident in the previously discussed 'Rywingaté' affair in Poland.

Government Control

For the most part direct government control of the media has eased considerably and its impact on a particular media market is lessened by the number of media outlets available. Perhaps the biggest concern of government interference in the media has to do with the way ruling parties have sought to maintain a degree of control over the state-run broadcasters. In particular, political appointments to media oversight boards and installing political allies in top management positions in public service radio and television have been seen by critics as ways in which the ruling party at the time tries to exercise overt control over state-run media. In addition, having control over much of the funding for state broadcasters also leads to government influence. Occasionally there are still problems with the distribution of print media by government-run publishing and distribution houses, particularly in the rural areas. But

competition from private publishers and distributors has given print media outlets viable alternatives, thus lessening the impact of any restrictive actions by government authorities.

Editorial Influence

The most direct political influence on editorial independence is at the state-run public service broadcasters. Top level managers of state radio and television are often seen as championing the views of the party responsible for their appointment to such important positions. Many such appointments have led to protests from working journalists in attempts to resist the politicalization of their news gathering. There have been instances of politicians attempting to influence editorial content, particularly in the local areas, but such efforts do not appear to be systematic nor do they have much impact on national coverage.

Business interests constitute another threat to editorial independence. In these developing commercial media markets, business interests have sought to use their ownership of media outlets as a way of advancing their own business or industry, or to promote political leaders whom they favor. In addition, with an increased number of media outlets chasing a limited amount of advertising revenue, journalists have been reluctant to offend top business leaders or even state industries for fear of losing advertising income. And journalists themselves, with low wages and a lack of professional training, are oftentimes paid by the industry they cover to write what are essentially public relations pieces in the guise of news stories.

Finally, while there are many examples of courageous journalists aggressively pursuing investigative pieces on powerful politicians, important business leaders and organized crime, continued violent attacks on journalists, of which some have been deadly, has had a chilling effect on editorial independence.

Alternative Sources of Information

The sector of the media systems under study where the most progress has consistently been made is in the development of alternative sources of information. One of the early actions taken after the fall of communism was to lift the ban on publications being brought into the respective countries of this study. And although these materials were at times prohibitively expensive for the average citizens, some of the publications were available in places such as universities and libraries. Technology has also played a major role in making more foreign media available through the development of cable and satellite television, as well as the Internet. Again, the costs of these media technologies was initially prohibitive for many. In the case of the Internet, citizens gained access through Internet cafes, universities, libraries and the workplace. But in recent years, as incomes have grown and the costs of such technologies have come down, there has been strong growth in cable and satellite television, and a real explosion of Internet usage.

One final area of growth in providing alternative sources of information is the development of minority-language media for large ethnic populations. As markets grow and wages increase, more and more communities are developing media that provides news and cultural programming that caters to their particular populations. This media, which includes newspapers and specialty publications as well as radio and television programs, may be privately funded and market competitive, or in some cases, developed with funding provided by the state or non-governmental organizations.

Overview

The reform of a country's media system toward freedom and independence is an important element of the democratization process. The prevailing model used to describe the

democratization process, including the area of media reform, is that of the 'stages of transition' approach. A central claim made by this study is that media reform needs to be thought of differently. Rather than a media system being considered a single entity, it is multi-faceted, and through the tracking of media reform efforts, it has been shown that various sectors of a media system progress toward freedom and independence at differing rates. There are competing press philosophies and competing actors that can influence the way media reform is carried out. And it is possible that political and business elites will try to skew reforms efforts to their benefit.

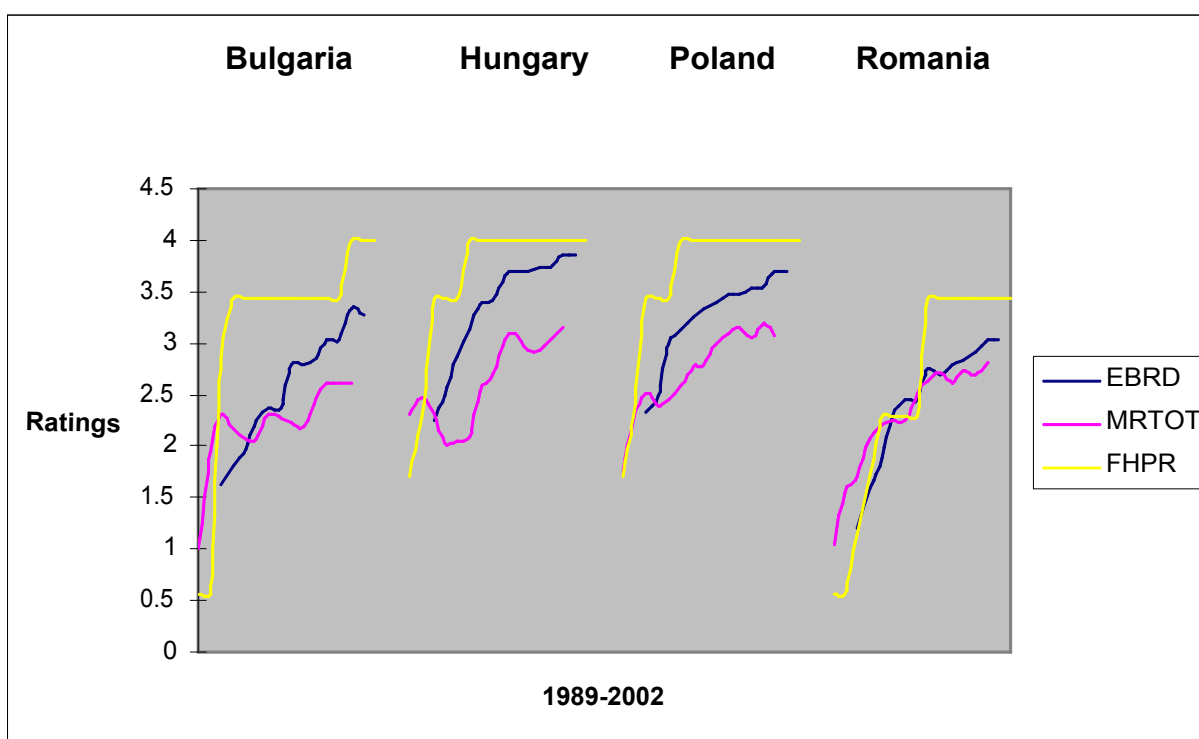
While great progress has been made in reforming the media systems of Bulgaria, Hungary, Poland and Romania, much more work needs to be done. There are two particular areas of concern: the continued treatment of libel as a criminal offence and the continued politicization of the oversight and management by the state of public service television. This study, though, is descriptive rather than prescriptive. But hopefully by gaining a more complete understanding of the nature of media reform, it will be possible to develop more useful reform strategies.

This study looked at four countries in post-Communist Eastern Europe. And while it was evident that media reform progressed more quickly in Hungary and Poland than in Bulgaria and Romania, the patterns of the reform efforts were similar. A useful comparison to this study, which featured all post-totalitarian countries emerging from centralized control, would be to look at a small group of countries attempting to transition to democracy from authoritarianism, dictatorship, military rule, or rule by royal family or clan. Thus countries from Asia, Africa, Latin America and the Middle East would make for useful, and hopefully insightful, comparisons.

Economic Reform and the Political Transition

Another important consideration of this study is the question of whether the media lead or follow in the democratization process. The problem with this question is that it presumes an ability to determine cause and effect in the democratization process. Does a free and independent media lead to further democratization in other areas of a society, or does there need to be a democratic opening for a free and independent media to emerge? While this study does not directly attempt to answer such a question, it does appear that based on a comparison of the ratings of political, economic and media reform, that in all the countries considered in this study, political reform advanced ahead of economic reform, to be followed by media reform. Chart 5.1 shows a comparison of the ratings for the following categories: Political Rights as per Freedom House (FHPR), Economic Reform from the European Bank for Reconstruction and Development (EBRD), and the Media Reform ratings (MRTOT) developed for this study. Such a comparison clearly shows that reform allowing for greater political rights precedes economic reform as well as media reform. This being the case it seems necessary to look briefly at what has been learned about the relationship between political and economic reform during the transition period and to speculate how this might impact media reform.

Chart 5.1 Economic, Political and Media Reform



Legend

Economic reform (ERBD)
 Media reform (MRTOT)
 Political reform (FHPR)

Political and Economic Reform

While much can be said about economic reform itself, it is also relevant to consider what is the relationship between political and economic reform. It seems that both benefit from competition (TR, 1999). The EBRD study found that weak political competition has been associated with a lack of economic reform. When there is weak political competition, politicians are less likely to put forth reform proposals, with groups interested in maintaining their advantages seeking to influence or stymie the political process. As was the case in a number of transition countries, vested interests were able to influence political actors, which effected policy in their favor and threatened economic reform. In addition, those groups that gained economic advantage early in the transition process through their influence on the state, were able to gain significant economic power and were able to influence reforms later in the process.

The EBRD points to five political factors that have effected economic reform in the transition countries. The first factor is the initial turnover of political elites following the collapse of communism. Those countries where a new government replaced leaders from the Communist era were much more likely to achieve economic reform than those countries where members of the former ruling elite repackaged themselves as democrats and stayed in power (as was the case in Romania). Second, a broad consensus in society on the need for necessary reforms made it easier to implement reforms. A polarized society creates the potential for sharp policy differences and political uncertainty. Third, groups that are able to consolidate power early on in the transition, such as political or business elites, can create obstacles to reform as they work to protect their advantages. Fourth, despite arguments that political consistency would lead to greater reform, the opposite appears to be true in the post-Communist countries. Those with the most competitive political systems were able to make the most progress in economic reform.

And finally is the role of external factors. Those countries that have joined or are attempting to join the EU and/or NATO and that are in close proximity to the West, did better in economic reform than those countries further East and that are not in negotiations to join a multinational organization.

Patterns of Economic Reform

An analysis of the patterns of market reform from 1989 to 2002 showed three significant factors in sustaining progress in economic reforms. First, for competitive market conditions to be created, comprehensive economic liberalization must take place (TR, 2002). In addition, businesses need the support of solid institutions and fair practices in order to succeed in competitive markets and to compete in international trade, thus generating a demand for market-supporting institutions. Second, a competitive political environment through free and fair elections have produced the strongest and most sustained economic reforms. Thus market liberalization works best in transition countries that are also politically competitive. Third, the transition process can be greatly influenced by international integration. Those countries that were or still are a part of the EU accession process have been able to better sustain economic reforms than countries that are not. Aspirations to join other international organizations, such as the World Trade Organization, also have a positive effect on economic reforms.

In its 2002 *Transition Report* the EBRD cites positive progress over the past three years in the general movement toward market-oriented economies in the transition countries. The report credits EU integration as a main driving force behind continued economic reform. This has allowed some of the less advanced transition economies to draw closer to the more advanced transition economies. With many of the short term economic reforms well underway, the more advanced countries are now attempting to deal with long term institutional reforms.

By looking at the timing and order of reforms since 1989, the EBRD's analysis shows that there are two phases to successful economic reform (TR, 2002). The "initial phase" reforms take place in the early years of transition and are considered more simple to put in place. Early reforms include price and trade liberalization as well as small-scale privatization. They are seen as easier to implement as they mainly involve reducing state intervention and are rather straightforward. By 2002 such reforms had mostly been put in place in the transition countries.

More difficult to implement are the "second phase" reforms. The second phase reforms focus on institution building and include competition policy, enterprise restructuring, development of market-based institutions and reforming the infrastructure. Second-phase reforms are deemed to be more difficult because they are more complex, require the state to have the ability to implement such reforms, and because deeper reforms often times face stiff opposition from groups that stand to be disadvantaged by such significant reforms.

Using the average transition indicator scores for 1989-2002, the pattern that emerges is one of rapid progress in the region from 1989-1995, a slowdown in initial phase reforms over the next four years (1996-1999), and then an increase in initial phase reform performance beginning in 2000, as many countries made progress in liberalization and privatization. Further, 2002 showed more progress on institutional reforms, leading to improvements in governance and enterprise restructuring. What this suggests is that there is an imbalance that occurs in economies in the intermediate stage of transition, which can create volatility (TR, 2002). Rather than economic reforms occurring simultaneously, reforms in the initial phase, namely small-scale privatization and liberalization, outpace deeper institutional reforms thereby creating a situation where a segment of the economy is moving more rapidly toward market-oriented practices than

another segment. It is at this intermediate stage that the reform imbalances are the largest, thus creating obstacles to maintaining reform momentum.

The question then arises as to how best to keep the reform momentum going through the difficult intermediate stage, particularly when facing objections from segments of the population who are unsettled by the uncertain economic environment and from those who have a vested interest in maintaining the status quo. Economic progress through initial phase reforms, though necessary, may not be enough to spur second phase institutional reforms, particularly when the capacity of the state is weak. Other factors, such as political liberalization and competition, international integration, and social and cultural changes are also critical in advancing economic reforms (TR, 2002).

The 2002 *Transition Report* concludes that solid gains have been made in transition economies. After the first decade, reform efforts were focused more on institution-building leading to progress in this area. In addition, the less advanced countries began to catch up with the more advanced transition economies. But looking at the first decade, there was a great deal of discrepancy among rate of reform for the various transition countries. One reason offered was that the vested interest had “captured” the state (30). Those who had economic power and political influence used these advantages to slow down reforms in order to maintain their advantages. Secondly, it was suspected that a weak state and a lack of political competition also led to state-capture, thereby slowing the progress of reforms. But further analysis suggests that this concept of “state-capture” may have not been as strong as first thought.

According to the *Transition Report*, there were two developments that may have lessened the impact of state-capture (TR, 2002). First, international integration as well as economic competition has created business opportunities that a new business class seeks to

benefit from. This has led to countervailing interests that have challenged the vested interest of the old guard. As the economic environment stabilized, new businesses were created to take advantage of further economic liberalization and in turn pushed for even greater reforms, particularly at the institutional level, to protect their gains. At the same time, with an increase in political competition and changes in political leadership, governments had incentives to replace the “grabbing hand” of the state with the “taxing hand” of the state, leading to a more pro-business climate which would allow for more economic growth and thereby increase the revenues of the state (TR, 2002).

Influences on Reform

In analyzing ten years of transition indicators, the EBRD suggests there are at least two patterns of economic reform that are worth noting (TR, 1999). First is the geographic region within which a country is located. Simply put, the closer to Western Europe, the greater the level of economic reform. Based upon the transition indicators, Hungary and Poland are among the countries that have achieved the greatest economic reform. Bulgaria and Romania are among those that have reached a moderate level of reform, with countries further east, in the Caucasus and Central Asia, judged to have a low level of economic reform.

One obvious reason for the relationship between economic reform and geographic location is the so-called “demonstration effect.” Since the collapse of communism, countries that border or are in close proximity to EU countries have benefitted from being integrated into the economic spheres of those countries through business and political cooperation. A second factor is that many of those countries closest to Western Europe have the advantages of their history, having been independent states prior to becoming part of the Soviet bloc following World War II, and maintaining a certain level of economic independence afterward. Thus they were not as

confined by legacies of a centrally-planned economy when it came time to implement economic reforms. While initial starting conditions may account for some of the difference, it is not necessarily determinant. There are transition countries, such as Poland, that have made greater advances in economic reform than others considered to be at a similar point in economic development at the time of transition, such as Romania.

Given what has been learned over the first decade of transition in Eastern and Central Europe, the EBRD suggests four lessons that scholars and policy makers should keep in mind when assessing the economic transition. First, such a transition takes time. Any thoughts that ‘shock therapy’ would be a quick and easy path to economic transformation have been dashed by the realities. Some economic reform measures worked well, and received political and popular support, while others did not. Second, a country’s starting position in the transition process does play a role, but the choices made by policymakers along the way are also of importance. Third, institution building is a fundamental challenge of the transition, but institutions need to be supported by government and the private sector so that they become part of social norms, practices and behaviors. Finally, the creation of new opportunities is the driving force behind a successful economic transition, therefore there must be a level playing field for these new opportunities to arise.

Reform and Democratization

Rozumilowicz (2002) has argued that the ‘[c]onsistent concentration of resources in the hands of one group seems to be antithetical to the development and consolidation of democratic forms of government’ (p. 13). But in doing so, she also seems to call for a different way of thinking about the democratization process. So rather than a ‘stages of transition’ approach, where everything is moving in a coordinated fashion, might it not be more the case that there is a

dispersal from the center of power, like a starburst, with actors moving in various directions at differing rates of speed away from centralized control? And in doing so, this enlarges the circle of power and increases the number of stakeholders in society in a way that is the essence of democracy.

The central question of democratization is, after the controlling regime is no longer in power, how best to move the various sectors of society from a situation where there is control by a few to a situation where there is a mutually reinforcing system of competition and participation by many. This study suggests that the optimum way to achieve success in the democratization process is to first reform political institutions. Political reform is necessary for the democratization process because in the final analysis democracy is a way to politically organize society. Political reform will necessarily create an opening for a degree of reform in civil society. This is because democratic political reform ensures that there will be competition through the development of elites and organizations, and participation through free and fair elections. Additionally, democratic political reform will lead to a degree of reform in the legal sector. Development of the rule of law through the adoption of a constitution is necessary as an underpinning of democratic political institutions and civil society. Thus, the democratic reform of political institutions in the first instance leads to a more open civil society and a strengthened rule of law in the initial phase of democratization. Legal reform and the development of civil society may flow from political reform, but in the final analysis all are interdependent. Democratically reformed political institutions, an open civil society and strengthened rule of law help to create conditions for a free and independent media and a liberalized economy to emerge. And as a free and independent media and a liberalized economy evolve they also become mutually reinforcing.

The process can be thought of this way: A democratic transition begins when the controlling regime is no longer in power and reform of political institutions is initiated, which leads to reform of civil society and the rule of law. This in turn creates the conditions for media and economic reform. As this pattern repeats itself an interdependency among sectors begins to develop.

This study has considered the question of whether cause and effect can be determined in the democratization process. While there is no definitive answer offered, there does appear to be strong relationship between political reform and economic reform. Progress in media reform also relates to political and economic reform. But while it seems apparent that political reform is necessary to create the conditions for continued economic and media reform, it is perhaps more useful to think of the components of democracy as mutually reinforcing.

Final Thoughts

The fall of communism brought with it an expectation that the media would quickly move toward more western-style practices. As this study has shown, significant progress has been made, and there is agreement the media has considerably more independence than during the communist era. Still, the legacies of communist institutions, along with the prevailing attitudes of politicians and journalists, have hindered the development of a fully independent media. As Millard (1998) writes of efforts in East-Central Europe, "Creating an institutional framework securing freedom of expression and responsible journalism proved a minefield of continuing controversy everywhere" (p. 85).

The media played a much different role under communism from what is expected in democratic societies. The media was considered a "transmission belt" that disseminated information from the Communist party to the public and therefore was instrumental in the

maintenance of communist ideology (O'Neil, 1997). The media not only served to promote the ideas of communism, but also to discredit and stifle opposing viewpoints. The assumptions that the media in East-Central Europe would quickly develop into a western-style press with the fall of communism failed to account for the political, institutional and civic cultures that were established under communist rule (O'Neil 1997).

The legacies of communism are still very influential on the process of media reform. Milton (1997) argues that "radical change of the media's role and function is unlikely because the existing political organizational structure has not been sufficiently transformed" (p. 15). Even though in some cases there have been new democratically-minded political elites coming to power, the media is still too often seen in its old role of serving those in power. Politicians have used their institutional power to impede the independence of the media in various ways, including legally and economically.

The media have developed differently in the various countries of East-Central Europe and have in many ways mirrored liberalization in other parts of society, such as politics and the economy. Jakubowicz wrote in 1995 that "a system of free and democratic media cannot be created without a stable democratic system of government in an open society" (p. 130). To create the necessary stability there must be public agreement on the systems of government and the economy, including a stable party system and a successful market economy. This provides the "indispensable foundation of press freedom and a democratic media system" (p. 130). Jakubowicz cites Poland and Hungary, along with the Czech Republic, as the countries most advanced toward achieving these conditions, despite some of the difficulties outlined.

The media do not operate in any country independent of the political, economic, legal and social structures in which they exist. Thus, the goal of a free and independent media,

unencumbered by political and legal maneuvering, economic pressures and social acceptance, seems highly optimistic at best. It should be noted, though, that East-Central Europe is not alone in this regard. Even in the United States, often held up as the model of journalistic freedom, many of the same scenarios take place, albeit with their own particular hues. In the U.S., conservatives complain the media is too liberal, liberals complain the media is too corporate and lacking in diversity, critics warn of the ever-growing practice of global media conglomeration, and citizens object to sensationalism by the media. In other words, there are political, legal, economic and social pressures on the media. There was hope by many media scholars that East-Central Europe would provide an opportunity to take the lessons learned in other parts of the world and use that knowledge in an attempt to create a better media model, one that might better serve the public interest. It remains to be seen if this will be the result of media reform efforts in East-Central Europe.

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APPENDIX

Rating Analysis Sheet

Country:

Year of Report:

Reporting Organization:

Researcher:

Date:

Category	Current Status	Reform Attempted	Reform Enacted
Legal Protection Media/Journalists			
Ownership			
Economic Viability			
Government Control			
Editorial Independence			
Alternative Sources of Information			

Ratings Explanation:

Current Status:

- 1- Free and Independent
- 2- Partly Free and Independent
- 3- Partly Restricted
- 4- Restricted

Reform Attempted/Enacted:

- 1- Yes
- 2- No

1- Free and Independent: No significant restrictions on freedom of the press. Generally meets Western standards for a free and independent media.

2- Partly Free and Independent: Some restrictions on freedom of the press. Meets Western standards for a free and independent media in most but not all areas.

3- Partly Restricted: A number of significant restrictions on freedom of the press. Meets Western standards for a free and independent media in a few but not most areas.

4- Restricted: Significant restrictions on freedom of the press. Generally does not meet Western standards for a free and independent

Rating Analysis Questions

Country:

Year of Report:

Reporting Organization:

Coder:

Date:

LEGAL PROTECTION FOR MEDIA/JOURNALISTS:

1. Is there constitutional protection?
2. Are there restrictive press laws?
3. Are there any new media laws?
4. Are there legislative protections?
5. Is there legally protected access to information?
6. Are there registration requirements?
7. Is there prosecution of journalists?

8. Are there penalties for libel and defamation?
9. Are there penal code and other criminal statutes?
10. Are journalists harassed?

OWNERSHIP

11. Is there private media?
12. Is there state-owned media?

ECONOMIC VIABILITY

13. Does government pay journalists?
14. Are newspapers /broadcasters subsidized?
15. Are media economically viable?

GOVERNMENT CONTROL

16. Does state-owned media allow equal access to the opposition?
17. Are journalists required to be licensed?
18. Is there government censorship?
19. Are there restrictions on means of production?
20. Is there an independent media oversight board?
21. Is government advertising allocated fairly?
22. Are there legal restrictions on content/programming?

EDITORIAL INDEPENDENCE

23. Are media editorially independent?
24. Is there self-censorship?

ALTERNATIVE SOURCES OF INFORMATION

25. Are there a variety of newspapers representing a spectrum of views?
26. Is there unrestricted access to the Internet?
27. Is minority language media available?
28. Is foreign or international media available?