



Promoting independent and ethical Journalism in the Southern Caucasus

A Report by the International Federation of Journalists



With the Support of the Council of Europe

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- **The IFJ** believes in freedom of political and cultural expression and defends trade union and other basic human rights.
- **The IFJ** is the organisation that speaks for journalists within the United Nations system and within the international trade union movement.
- **The IFJ** supports journalists and their unions whenever they are fighting for their industrial and professional rights and has established an International Safety Fund to provide humanitarian aid for journalists in need.
- **IFJ** policy is decided by the Congress which meets every three years and work is carried out by the Secretariat based in Brussels under the direction of an elected Executive Committee. Last Congress took place in Seoul on 11-15 June, 2001.

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Preface

The IFJ has worked closely with the Council of Europe for many years in promoting independent and professional journalism. The mission to the Caucasus aimed to provide an overview of the state of journalism in the region and efforts to raise ethical standards through the promotion of self-regulation. In particular it examined the conditions in which journalists and media operate, the political and economic pressures applied and the efforts of journalists' organisations to improve their conditions and their performance.

The mission took place in April 2002. Three seminars were organised, one in each of the three republics Azerbaijan, Georgia and Armenia, with local journalists and journalists organisations. Each seminar addressed the questions of professional journalism with a special focus on ethics and self-regulation.

The IFJ asked Ronan Brady, a freelance journalist and part time lecturer in journalism at Griffith College, Dublin to conduct the mission on behalf of the IFJ. He is a member of the National Union of Journalists of Great Britain and Ireland and former member of the NUJ's Irish Executive. He is an expert on journalistic ethics and structures of self-regulation and has represented the IFJ on many previous occasions in former Yugoslavia, Bulgaria, Romania and Russia.

We would like to express our thanks to Ronan Brady for the time, effort and diligence he has committed to this work. We would also like to thank Azer Hasret Chairman of the Journalists' Trade Union (JuHI), Azerbaijan, Zviad Pochkhua, President of the Independent Association of Georgian Journalists and Boris Navasardian, President of Yerevan Press Club, Armenia, who assisted the IFJ in arranging meetings and organising the journalists seminars.

Finally we thank the Council of Europe for supporting the mission.

Please note that the comments and opinions contained in the report should be considered as recommendations to the IFJ and to the Council of Europe and do not necessarily reflect the view of either the IFJ or Council of Europe.

Introduction

Press freedom in a given country is partly dependent on the rights of journalists - including the right to earn a decent living - and on the well-being of the media economy. It is also dependent on a liberal approach from the state. In the South Caucasus region, these conditions are practically absent, although there have been some improvements over the last year.

According to the **Freedom House** *Press Freedom Survey*, Georgia and Armenia are 'Partly Free' while Azerbaijan is 'Not Free'.¹ While there may be arguments about grading countries in this way, this thinking does reflect to a certain extent the level of state control over the media in these countries. Or at least it reflects the situation until recently. Events since then include a modicum of reform and promises of more in Azerbaijan and increasing censorship in Armenia, so the figures may be different in later surveys.

But, because it is principally designed to cover pressures on the media rather than problems within the media, it does not account accurately for the crisis now affecting the press sector in Georgia, Armenia and Azerbaijan.

In the last 12 or so years since the collapse of the Soviet Union, all the post-communist states have suffered from excessive factionalism. The development of civil society and of durable state institutions which stand above the political fray have been intensely difficult - more difficult in some states than others. This has been particularly serious for the mass media, especially the press.

The development of professional journalism has been especially difficult in the South Caucasus as in all other post-Communist states where war has occurred. It should be noted that wars in this region continue in Georgia and that tension over the Karabakh region could well spark off another war between Azerbaijan and Armenia.²

This situation gives an added importance for journalistic education designed to decrease inter-communal tension. One example would be the **Internews** project which provides a news programme in Russian, staffed by Armenian and Azeri journalists and broadcast in both countries. Initiatives involving Azeris working in Armenia and Armenians in Azerbaijan are difficult to organise. For perfectly reasonable reasons, they require the assistance of the police and the foreign affairs departments in both countries. Special protection units need to be assigned to guard the foreign journalists.

¹ The survey assesses the degree to which each country permits the free flow of information and specifically ignores press responsibility. Roughly speaking it gives each of the 187 countries it covers a specific number of points under the headings of legal controls, political influence and economic influence. Each country's point score determines whether it falls into the 'Free', 'Partly Free' or 'Not Free' sector.

² On May 7th 2002 the Azerbaijani Defence Minister Safar Abdiyev said that his troops were ready to take Karabakh. He alleged that the enclave was being used for drug smuggling and terrorism during a meeting with his Turkish counterpart. The Turkish minister then promised to support Azerbaijan unreservedly.

But, because these programmes are of a high standard, they achieve a substantial audience. That means the public in both countries sees something useful in practical co-operation. In a situation of potential conflict, there could be few better symbols to display.

Due to time constraints it was not possible to examine the situation in the disputed regions of Georgia. There, measures to reduce conflict in the journalistic sphere are likely to be much more complicated further exacerbated the fact that there is less co-operation among the Georgian associations of journalists than among those in either Armenia or Azerbaijan.

Press Devaluation Syndrome

It is therefore of serious consequence on many levels that professional matters such as the separation of fact from comment, relevance, balance and the reliance on more than one source are not properly observed especially in the press of the three countries. Although I have, through my translators been able to read a tiny amount of the press output here, my evidence of this comes directly from the editors and journalists themselves. When I generalise about press standards in this report, it is on the basis of my interviews. Time did not allow me to be as diligent as I wished, but I have tested what opinions I have come to in front of seminars in all three countries and have found broad acceptance for them.

So this report will centre on a syndrome which affects the press in all three countries and which threatens the very survival of newspapers over the coming decade. I refer to it as one of 'press devaluation'.

Essentially this means that the press has become excessively factionalised at the expense of professional standards. Newspaper sales have fallen to unsustainable levels. In order to survive, editors and publishers have been forced to seek 'sponsors' among the political or business elites. As a result, the papers have become propaganda sheets for these sponsors. One consequence has been that readers have begun to desert the papers as they lose trust of the printed word and as the newspapers move ever further from the concerns of the general public. With the loss of readers comes an inevitable loss in advertising. The vicious circle then continues with the papers coming to rely further on their political (government or opposition) or business sponsors, thus losing yet more readers.

The press devaluation syndrome has affected each of the three countries in slightly different ways. But what is striking is that all the editors and especially the media NGOs that I spoke to, gave evidence of some aspect of the problem. Almost all the editors I met were aware of the ultimate consequences of this process - that they might lose an entire generation of readers. But their explanations of its causes differed somewhat.

One group saw the syndrome as an inevitable effect of the economic collapse which accompanied the devaluation of the Rouble in the 1990s. They could see no salvation for the press until the economy revives. I found this view more common in Georgia and

especially Azerbaijan where hopes of an economic revival are stronger, but even here it seemed a minority viewpoint.

The alternative, which I found most common of all in Armenia, was that part of the solution lies in the hands of the press itself. This means a fundamental redirection of the press towards quality, professionalism and accountability. I strongly agree with this view. Of course, such a change could not, of itself, solve the problem. But it is a key aspect of an overall strategy to reverse the syndrome.

This crisis has devastating consequences for the rights of journalists in the three countries. When newspapers become dependent on powerful 'benefactors' rather than readers, journalists lose any independent bargaining power. They also lose hope in ever improving their situation through collective action. Any solidarity among journalists, vis-a-vis their employers, evaporates and the formation of journalistic trade unions is seriously retarded.

In all three countries salaries are extremely poor, even when they are supplemented under the 'piece rate' procedures which involve payment by article. For example, staff journalists often earn no more than the \$150 per month. Collective bargaining as understood in, say, Croatia or Slovenia is unknown.

State Interference

To deal with low professional standards before addressing the state's responsibilities is not to underestimate governmental interference with press freedom. From this standpoint, the criticisms in the *Press Freedom Survey* are broadly correct. In different ways, the governments of all three countries infringe upon fundamental rights of public discourse:

- The concept of public service broadcasting, whereby the state-owned broadcasting system serves the entire people, not just the members of the administration, has yet to be implemented in the Caucasus. Journalists working for the state systems are not allowed to adopt an independent and (where necessary) a critical view of government. On this point it would not be fair to criticise each country equally. While Georgian officials are trying hard to move towards European broadcasting norms, the Armenians are moving much more slowly and their Azeri colleagues have hardly begun.
- Defamation legislation in each of the countries operates as a silent threat to journalists. Criminal sanctions remain in all three although the Georgian state has, once again, shown a greater willingness to reform. The notion that people in power need greater scrutiny and therefore have to put up with less privacy and more criticism is not always well-understood in Western countries. But it is entirely alien to the political systems in Azerbaijan and Armenia.
- Violence against journalists flourishes in each of the three countries. In Azerbaijan journalists covering demonstrations have suffered violent attacks from

the police. In Armenia, the presidential guard seems inviolate. But in Georgia, where two journalists have been murdered in recent years, the situation is most serious. States need to realise that they have a duty to ensure that journalists do their work in an atmosphere of safety. Where such an atmosphere is absent, it is hard to categorise the state as a democracy.

In general, politicians in the South Caucasus are still unwilling to accept that openness and accountability are essential and that the mass media have a duty to burrow away in a manner that may disconcert. However it must be noted that change is occurring as the political elites in these countries enjoy greater contact with other politicians and other political systems.

Methodology

This report is mainly based on interviews with the people listed at the end of each section and on my experience, talking informally to journalists in the main media houses. I went to the South Caucasus having read a considerable amount about the media from the IFJ and from sources such as Human Rights Watch, Amnesty and the ICFJ. I put a shortened version of these views to all the editors I met and asked them if this was a fair account of the press. This report contains my summary of their answers and data from other sources which I feel are relevant.

The IFJ is particularly concerned with the professional and economic rights of journalists. We seek to develop their collective activity to secure improvements in these two spheres. But from the beginning of my time in the South Caucasus, I realised that the media, especially the print sector, were operating under huge difficulties. In fact newspapers are not paying propositions – on the whole. For that reason, I have paid particular attention to the economic situation in each of the three countries.

It seems to me that the international community has a responsibility to assist in ensuring the viability of the newspaper industry in Transcaucasia. In order to do that, imaginative methods may have to be tried. If this industry collapses or continues at its present catastrophic level, accountability to the public will suffer and the process of democratic modernisation will be impeded.

Azerbaijan

Economy

Azerbaijan is afflicted by systemic corruption. The source of that corruption is of course the government which retains centralised control, whether through state ownership or through the family/clan network. But it has spread through all sectors of the economy. To get a job in the state sector, the office-holder must pay a backhander to his/her superior and then must recoup that money by exacting similar backhanders on those lower down. When the office-holder deals with the general public, the public has to pay that tribute. Students in higher education have to pay their professors, motorists have to pay the extraordinarily high number of traffic policemen and foreign companies have to pay huge under-the-counter subsidies to officialdom.³

The elite expects to be extremely wealthy in the early decades of this century. Azerbaijan's oil, which was not exploited to the full during World War II and is in plentiful supply, will come properly onstream between 2005 and 2011. Currently the situation is far from affluence, except for a small layer at the top. The per capita gross domestic product is only \$600 per year.⁴ The expensive infrastructural development required by the oil industry is still going on. In addition, over 800,000 refugees from Karabach remain as a drain on the state's resources. The regions face even greater problems. Industrial activity outside Baku is at subsistence level.⁵

According to some World Bank analysts, Azerbaijan suffers from 'state capture'. What this means is that the state has been taken over by a group who control its entire operations in their own interests.⁶ **Transparency International**, which provides an index of world corruption, categorises Azerbaijan as one of the five most corrupt states.

The general atmosphere of corruption has an inevitable effect on the media economy. All the Azeri publishers I spoke to lamented the lack of investment in the industry. The collapse of the Russian economy in the 90s with the devaluation of the Rouble, sparked off a similar development in Azerbaijan. This collapse is not the only economic problem faced by the Azeri mass media but it certainly contributes to their difficulties.

Politics

Azerbaijan has never had fully democratic elections. President Aliyev succeeded to power in the second of two bloodless coups resulting from the defeat in Karabakh in 1993. After that, he won a measure of popular support by taking a pro-Western rather than a pro-Russian stance and adopting a strong alliance with Turkey. He also won a massive majority after a rigged poll in 1998, which he could probably have won without the manipulation. The same is true of the parliamentary election in 2000, when his New Azerbaijan Party romped home. The fact that he chose to stuff ballot boxes and

³ **Transparency International**: *Global Corruption Report*; p119.

⁴ **US Department of State Country Reports, 2001**: Azerbaijan.

⁵ **US Department of State Country Reports, 2001**: Azerbaijan.

⁶ **Transparency International**: *Global Corruption Report*; p 113, see also the **World Bank** report *Anti-Corruption in Transition*.

intimidate the opposition, simply served to further discredit political institutions and to factionalise political discourse.

As is to be expected in so centralised a state, the courts in Azerbaijan are subject to direct manipulation by the Presidential apparatus. Arbitrary arrest is common.⁷ The police, whose members are seriously underpaid, have often beaten opposition demonstrators and journalists alike [see below]. Even the association of war veterans from the Karabakh conflict has been taken over by the government because of criticisms it made of the political elite.

Trade union rights have been heavily attacked since independence. There have been attempts to set up an independent union of the oil workers but these have been bitterly resisted. The registration of the Journalists' Union JuHI earlier this year is therefore a very significant step forward.

Media Freedom

Officially, only 15% of the press in Azerbaijan is state-owned, with around 30% - 35% in the hands of the opposition. But, in fact, the Presidential entourage owns or controls 80% of the print media through the family/clan network. State-run newspapers have an inbuilt advantage as state officials must buy and distribute a substantial number.

State control of the airwaves is secured through direct manipulation of the state radio and TV; *AzTV 1* and *2* (the only broadcaster allowed to cover the entire nation), and through the withholding of licences to independent broadcasters who carry or quote the opposition's points of view. In the above survey, *AzTV* is watched by around 76% of the population, while one in three watches *ANS* (Azerbaijan News Service) and a quarter of the population watches the other independent channel *Space*.⁸

The 1995 Constitution guarantees freedom of the media, a principle which has been flouted since its adoption. Newspapers must be registered with the government and the applicants have been denied information about the criteria for this registration.⁹

Azeri legislation provides a number of opportunities for unfair libel cases against journalists. The angry litigant can choose between Art 4 of the Law on the Mass Media, which bans "assaults on the honour and dignity of citizens" and a host of articles within the Criminal Code. Art 121 on libel punishes "false and dishonouring comments". Art 122 punishes insults. Art 188.6 specifically prohibits "critical comments on the activity" of the President. (For the purposes of simplicity, I refer to this Article as the 'Law of Insult to the President', a term used by my interviewees.). Under Art 19 of this law a newspaper could, until last year, be closed if it was found guilty of libel three times.¹⁰

Limitations on media freedom can be roughly categorised in the following way:

⁷ **US Department of State Country Reports, 2001:** Azerbaijan.

⁸ **Yeni Nesil:** *Garabagh Conflict in the Mirror of Media and Public Opinion*, Baku 2002, p 12.

⁹ Interviews with editors and **Freedom House:** *Nations in Transit* Report.

¹⁰ **Freedom House:** *Nations in Transit* Survey.

- Abuse of the defamation laws
- The Law of Insult to the President & State Officials
- Manipulation of the Broadcasting System
- Manipulation of the State-Owned Printing and Newspaper Distribution Systems
- Official Harassment of Opposition Newspapers and Independent Broadcasters

Abuse of the defamation laws

Last year three papers were closed by the courts and the editors were imprisoned under Art 19 of the Press Law. The editors were only released after a united campaign by the journalistic associations and the Union of Journalists, backed by international pressure. Later Article 19 was rescinded. In the year 2000 alone, the fines imposed on media outlets as a result of libel cases totalled 808,500,000 Manats (around €146,000).¹¹

The Law of Insult to the President & State Officials

During 2001, a court ordered the closure of *Milletin Sesi*, an independent weekly for defaming an ex-chairman of the State Property Company. The allegations, which involved misconduct in a privatisation deal, had already been publicised in the New York Times and a Russian economic journal.¹²

Manipulation of the Broadcasting System

Last year, Faig Zulfugarov, an independent broadcaster whose station ABA covered half the country, closed his station and sought political asylum in the US. The station had started by simply rebroadcasting Russian-language TV. But in May it carried a daily half-hour CNN news programme in Azeri. Zulfugarov said that he had come under pressure to hand over control to the Aliyev family. The state responded by claiming Zulfugarov owed hundreds of thousands of Euros in back taxes.¹³

A Law on TV and Radio Broadcasting was passed by the Milli Majlis (Azeri Parliament) on its third reading in early July 2002. It was expected to provide a transparent licensing mechanism for broadcasters, as well as create a national regulatory body to oversee broadcasting. However there are serious problems with it, including the fact that the President will nominate members of the regulatory body, leaving little chance for a truly independent board. Licensing procedures are not defined clearly and the board does not have to make public its activities and decisions.¹⁴

Manipulation of the State-Owned Printing and Newspaper Distribution Systems

Human Rights Watch reported in 2002 that "the mayor of Baku ordered the removal of newspaper kiosks belonging to private distribution companies. In September a court ordered the closure of the Baku Printing Press and imprisoned its director on tax charges. He had reduced rates for independent newspapers, challenging the monopolistic high

¹¹ **Committee to Protect Journalists**: *In Azerbaijan a Press Only So Free*, by Lupis & Tarasov.

¹² **ICFJ**: *IJNet - Azerbaijan Press Overview*.

¹³ **ICFJ**: *IJNet - Azerbaijan Press Overview*.

¹⁴ **Internews** press release July 1st 2002. www.internews.az/lang_en/pressrel01.html

prices for printing and newsprint set by government-controlled enterprises". In addition, a number of publications had been deliberately hidden in state-owned kiosks.

Official Harassment of Opposition Newspapers and Independent Broadcasters

Two years ago the papers observed a voluntary shutdown in protest against the jailing of an editor. The TV company Sara has been closed since October 1999. In February 2000, Shahriyar Rauf, its editor-in-chief was beaten by unknown assailants. He had been campaigning for the closure to be lifted.¹⁵

Despite these failings, Azerbaijan was admitted into the Council of Europe in January 2001. International human rights agencies bitterly criticised this decision. In its annual report for 2002, **Human Rights Watch** wrote that "the Council of Europe squandered its leverage over Azerbaijan at the beginning of the year by admitting it to membership despite the fraudulent election [in 2000]. "

It remains to be seen whether that view is proved right. The burden of this report is that - for the moment - the state seems to be trying to conform to international standards as a result of pressure from the Council. What is more, the reporters, editors and domestic NGOs whom I met also seemed willing to give the state some time. It is indeed hard to be optimistic. But the following example is, I think, illustrative:

Yeni Musavat (New Musavat), an opposition newspaper owned and controlled by the Musavat party, has been particularly targeted by the government. In February 1999, the paper's offices in the enclave of Nakhichevan were ransacked. In August, police arrested Rauf Arifoglu, its editor and a candidate for the parliamentary elections, interrogated him for several hours without a lawyer, and searched his apartment. He was charged with conspiracy to commit a terrorist act, an air hijack, calling for a coup d'etat, and illegal possession of a firearm (which he said was planted on him by the police). Arifoglu was later released on October 5, but charges against him remained. In August 2000, police in northern Azerbaijan blocked his tour of party branches. But when I met Mr Arifoglu in Baku, he was unwilling to go into this history and said that "a state of ceasefire" existed between the opposition and the government.¹⁶

It could be said that a certain optimism seems to be developing among journalists. This might simply be a tactical decision to welcome compromise on the part of the authorities in the hope of encouraging more. The alternative would be a grudging response, designed to embarrass the President. The recent decision by the Committee to Protect Journalists RUH to award President Aliyev with the title of "friend of journalists" should be taken in this vein. Of course it is also quite possible to take it as the deepest of irony.

As an example of the move towards compromise by the government are the events following an opposition demonstration on March 23rd this year in Baku. As usual, the local police beat the demonstrators and journalists were also beaten, an equally frequent event. After protests and a discussion with the relevant minister, the government agreed

¹⁵ **International Helsinki Committee**: *Human Rights in the OSCE Region, 2001 Report*, p43.

¹⁶ Interview with Mr Arifoglu and **Human Rights Watch Annual Report 1999 and 2000**.

to an investigation. A monitoring group was set up and the minister himself suggested journalists send a lawyer to represent them on this body. Further demonstrations are to be videotaped and dayglo orange jackets are to be issued to the journalists by the Baku Press Club and the Yeni Nesil Journalists' Union.¹⁷

Despite the above, I (and many Azeri journalists) remain quite unsure about the state's bona fides on the question of reform. On my first visit to Baku, I met Mr Nazim I. Issayev, Vice-Chairman of the Social-Political Department of the Presidential Apparatus. I came away from that meeting believing I had been given a promise that the Law on the Insult to the President would be repealed and that state officials would cease harassing the press through the defamation laws.

But when these points were put to Mr Ali Hasanov, Mr Issayev's superior, during the Seminar on Self-Regulation in Azerbaijan he seemed to say exactly the opposite. He justified the Insult Law and emphasised the right of officials to defend their good names. Whether my original impression occurred through a misunderstanding in translation or through some other form of misunderstanding, I do not know. However, it slightly undermines my confidence in the state's commitment to reform.

Mr Hasanov's contribution on the Law of Insult to the President laid heavy stress on a claim that other countries in Europe and elsewhere have laws protecting the head of state from insult. Without having made an international comparative legal study of this matter, I feel he confused legislation designed to protect the ceremonial character of national symbols with a kind of *carte blanche* to political leaders. States may well wish to elevate their national symbols (flags, monarchs etc), placing them outside the political realm. Any such legislation for ceremonial heads of state such as the German, Israeli and Irish Presidents would be of a similar character.

In presidential systems of government (such as in Azerbaijan), the ceremonial office is combined with the active political role in one person. But in both France and the United States, for example, presidents are only protected, whether by convention or by law, when they perform the ceremonial role. As the recent experience of Mr Chirac (labelled 'supermenteur' by sections of the press and by one of his opponents during the recent election) or the Lewinsky affair showed, democratic presidents are subject to the rough and tumble of politics. If President Aliyev wants to be numbered amongst these, he must develop a slightly thicker skin.

Nonetheless, Mr Hasanov did emphasise his commitment to reform at the seminar. He committed the government to lifting the discriminatory powers under the newspaper licensing process, promising that "anyone" would be able to open a newspaper a week after it had been registered with the Department of Justice, under regulations issued only a month earlier.

¹⁷ Interview with Arif Aliyev.

Problems of Circulation

According to a credible recent survey, around 36% of people throughout the country say they do not read newspapers (although anecdotal evidence would suggest the real figure is higher). The leading newspaper was *Yeni Musavat*, with 31% of the national readership. It is directly connected to the Musavat Party. *Azadliq*, another opposition paper with slightly looser political ties (this time to the Popular Front), secured over 15% and *Zerkalo*, the Russian language paper got just under 17%.

Around 4.5 million newspapers are published each month in Azerbaijan, around half of which are unsold. Three years ago the total print run was 8 million. *Yeni Musavat* sells around 14,000 copies per day. Like the other papers most of its sales are in Baku which has a population of 1.7 million people. This is an extraordinarily small circulation for so large a city.¹⁸ Of course the sales of its main competitor, *Azadliq*, are proportionately lower. *Zerkalo* manages to exist on advertising revenue, but this is unique. It has a weekly circulation of 10,000 and a daily circulation of 5,000.

The sad truth is that the papers have lost readers because of their failure to reflect the concerns of their readers. As John Boit of Internews told me “They love writing boring articles about meetings between low level Azeri officials and low-level OSCE or Council of Europe officials. Who cares? How about a story about corruption or a business profile or even a gardening column? They need to appeal to everyone, to broaden the scope of their reporting.”

Press Council

There can be no doubt after the Seminar on Self-Regulation in May, that self-regulation is seriously on the agenda of the media in Azerbaijan. Work done at that seminar and previously by Yeni Nesil and the JuHI was of a very high standard and clearly emphasised to both the newspaper editors and the government officials present that concrete action is planned.

A draft Code of Conduct has been drawn up and is being discussed. In addition a Charter is being prepared. The seminar considered the various forms of press council and deep consideration was given to their appropriateness for Azerbaijan.

Serious worries remain about the intentions of the government with respect to press regulation. Legislation designed to create what would amount to statutory regulation was forestalled earlier this year by an intervention from **Article 19** (the NGO, not the subsection of the Mass Media Law) and by the Council of Europe. One might have assumed that the dropping of its original proposals meant government acceptance of the self-regulatory principle, and officials have certainly given that impression.

But, in his contribution at the May seminar, Mr Ali Hasanov advocated a press council comprising largely of politicians. What is more, he seemed to be using the future tense about his ideas, as if this was what is going to happen rather than what should (although this may have been a lapse in translation).

¹⁸ I am grateful to John Boit of Internews - Azerbaijan for this point.

Journalistic Solidarity

The conditions under which Azeri journalists work are deeply disheartening. Everything the government could do to divide and isolate them, it has done. In other post-communist states, these measures might have worked. But it seems to me that the sense of solidarity among Azeri journalists has won out against the odds, every time it has been tested. Now that the pressure seems to be lifting, if only for a time, that solidarity is still holding, an additional sign of its depth.

External pressure especially from the Council of Europe has been vital in securing change. But, in my opinion, almost equally vital has been the way in which the various journalistic associations and unions work together for a common goal, such as the creation of a press council or protection of journalists from police assault. The maintenance of this unity of purpose is the strongest card in the hands of Azeri journalists.

The JuHI has set up a coalition of organisations operating in the journalistic and in related fields. Yeni Nesil has stated that it is unwilling to joint at this time. But I have observed a high degree of collaboration and co-ordination between the two groups on the issue of the press council and on other matters. I would strongly advise against any course of action which might prejudice that in any way.

The JuHI and the coalition have also committed themselves to assisting their colleagues in the Central Asian states. There already have been approaches to colleagues in Turkmenistan and Uzbekistan and the objective seems to be to draw them together in an international coalition which will strengthen each constituent organisation against its own repressive government. This initiative is of particular importance, given the rigid constrictions under which the Central Asian colleagues work.

Those met included:

Azer Hasret, Founder & Chairman of the Journalists' Trade Union (JuHI)

Arif Aliev Chairman of the Yeni Nesil Journalists Union of Azerbaijan and Director of the Baku Press Club.

Aflatun Amashov Chair of the Azerbaijan Committee to Protect Journalists (RUH)

Farda Asadov Director of OSI Azerbaijan

Nazim I Issayev, Vice Chairman of Social-Political Department of the Presidential Apparatus (i.e. press secretary).

Rovshan Haji, Editor *Azadliq*

Margo Squire, Country Director The Eurasia Foundation.

Mubariz Ahmadoglu, Chair of the Centre for Political Innovation and Technology

Rauf Arifoglu, Editor, *Yeni Musavat*

John Boit, Director of Internews (Azerbaijan)

Ali Hasanov, Presidential Aide

Georgia

Economy

According to the **US Department of State** "Government efforts to develop a market-based economy have been stifled by corruption and mismanagement."¹⁹ President Shevardnadze would seem to agree. He referred to corruption as a "mortal danger" to national security when he signed a decree in March 2001, setting up a council to fight it. He then fired his Minister for State Property for inaction.²⁰ One World Bank analyst found this "a ray of hope".²¹ But some local experts were less excited, believing his hands were tied. Transparency International quoted Ghia Nodia of the Caucasus Institute for Peace: "He is afraid to weaken his power and is not ready to take radical measures."²²

Per capita GDP is around \$648 per year.²³ That makes Georgia the richest of the three countries in the South Caucasus, but only places it just ahead of Senegal (around \$500 per year) and far behind Romania (\$1639 p. y.). It should also be noted that income actually dropped between 1998 and 1999.²⁴

One indicator of future economic trends is the fact that Georgia is likely to get a spin-off from the Caspian oil industry when the pipeline from Baku to Ceyhan in Turkey (passing through Georgian territory), is finished. If the economic redevelopment of the South Caucasus is to occur, then the oil industry is likeliest to play the central role.

Politics

Georgia's political system is the most sophisticated of the three South Caucasian states. But that is not the same thing as saying that it is the most democratic, the most honest, or the most law-bound. Its institutions fall almost as far short of these three ideals as those of its neighbours. Indeed, in certain small ways, Georgia's sins are greater than either of theirs. However, Georgian officials are making serious attempts to develop legislation which conforms to the country's treaty obligations.

Freedom of speech is greater here than in Armenia, where two TV stations have been switched off in recent months, or than in Azerbaijan. But the quality and credibility of Georgian public speech is sometimes lower than elsewhere in the region. Both the Baku and the Yerevan governments indulge in more direct manipulation of the airwaves. Tbilisi has learnt some lessons for the Rustavi -2 debacle [see below]. Subtler, more personal, means of influence (and, maybe even, some harsher ones) are used in Georgia so that the establishment gets the broadcast coverage it wants. Corruption may not be as total and as systematic as in Azerbaijan. But it is endemic.

¹⁹ **US Department of State**: *Country Reports on Human Rights 2001*: Georgia.

²⁰ **Transparency International**: *Global Corruption Report 2001*, p112.

²¹ **World Bank**: *Anti-Corruption in Transition*, p73.

²² **Transparency International**: *Global Corruption Report*, p120.

²³ *Country Reports 2001*: Georgia (extrapolation from data provided).

²⁴ **Georgian State Department of Statistics**, quoted in **World Bank**: *Anti-Corruption in Transition*.

Georgia's most unique characteristic is the way in which power is divided. This is, after all, a country vitiated by two civil wars, neither of which is within the remotest sight of resolution. Mr Shevardnadze once bargained on behalf of a superpower. But now he is a power-broker among the factions and the regions of his state. He is prevented from taking the domestic political initiative, unlike either Presidents Kocharian or Aliyev who 'make the weather' for their opponents.

Another uniqueness, of less immediate importance to our enquiry, concerns the Georgian approach to its internal strife. This is one of the very few states in the world to have so close a military alliance with both Russia and the USA that troops from both countries are assisting it to quell uprisings simultaneously. Of course, reliance on two outside forces could be interpreted as a sign of desperation on the part of the government. But it probably has more to do with the facts that Azerbaijan has turned westward and Armenia towards Russia. How better to avoid being sucked into their dispute than to befriend the friend of each?

Media Law

The Georgian Constitution of 1995 states that "The mass media are free; censorship is impermissible". It goes on to say that "the State or separate individuals do not have the right to monopolize the mass media or the means of disseminating information ... Citizens of the Republic of Georgia have the right to express, distribute and defend their opinions via any media, and to receive information on questions of social and state life".²⁵

Furthermore, Article 24 of the constitution "clearly prohibits prior restraint".²⁶ It is also particularly noteworthy that the Supreme Court has acquired for itself an independence from political interference. The OSCE's Fifth Country Report states that it "as a rule sides with the media".²⁷ In this, Georgia is significantly different from its two neighbours.

In addition to this, Georgia has "one of the strongest freedom of information statutes in the CIS", according to the Fifth Country Report.²⁸ A draft of the civil libel law would place the burden of proof on the litigant rather than the defendant (usually the journalist), a considerable advance on the situation in many Western countries. However this has still to be transformed into legislation. The removal of libel from the Penal Code has also been proposed.

However this country is far from a nirvana for journalists. In fact it is the most dangerous in the South Caucasus. In July 2000, Giorgi Sanaia, the host of a nightly political talk show was found dead in his apartment in Tbilisi, shot in the head by an unknown assailant. President Shevardnadze took a personal interest in the case, calling in foreign

²⁵ Article 24.2, quoted in OSCE: *Freedom & Responsibility Yearbook 2000/1: Current Media Situation in Georgia*, p 191 also known as 'Fifth Country Report'.

²⁶ *ibid*, p199.

²⁷ *ibid*.

²⁸ *ibid*, p 190. I am particularly indebted to Dr Muskhelishvili for clarifying the nature of this legislation.

assistance. A defendant was arrested and confessed to the crime. But deep suspicions remain among some journalists that this was a false confession and that the government had a hand in the killing.

Then, just over two months after Sinaia's death, another broadcaster - Antonio Russo from the Italian station *Radio Radicale* - was found murdered outside Tbilisi. In Russo's case no suspicions attached to the Georgian government. But some journalists do believe the murder was a reprisal for his coverage of the war in Chechniya.²⁹

Even if it were not for the effects of the violence, I suspect that freedom of speech in Georgia would fall far short of the ideal state envisioned in the 1995 Constitution. For instance, the Law on the Press and Other Mass Media of 1991[later referred to as 'the 1991 law'] sets out principles necessary in an open society. But there is no institution with the duty of overseeing the implementation of these principles.

In addition, Dr Muskhelishvili writes that this law “should be cited with caution, since it is widely agreed, that lots of its articles are outdated, and are not actually working”. She adds that some of its most outdated articles were already amended in 1997.³⁰ The Fifth Country Report states that some of the 1991 law's formulations are vague enough to allow the state to "exert subtle pressure if it wants to do so".³¹

Georgia joined the **Council of Europe** on April 27th 1999, the first of the Transcaucasian republics to do so. Since then membership has entailed a struggle among the factions of government to comply with the Council's recommendations. One positive example of this struggle is the new draft Law on Freedom of Press and Speech, which was published in April with the assistance of the **Council of Europe**. It adds clarity in what was a murky area of the law and the authorities show a definite commitment to iron out any inconsistencies within it.³²

Defamation is defined as a statement containing “substantially false facts” made with “advance knowledge of falsity” and the onus of proof is laid on the plaintiff. If the plaintiff is “a public person”, he or she must also prove malice. There are defences of ‘reasonable care’ and ‘public interest’.³³

However, all that is for the future. At present in media cases, judges frequently come under the direct influence of politicians from the various factions inside and outside

²⁹ Interviews with journalists. These suggestions are also to be found in **US Department of State : Country Reports on Human Rights 2001**: Georgia.

³⁰ Letter to this author.

³¹ *Current Media Situation in Georgia*, p191.

³² For instance, in March and later in April, Dr Avaliani hosted meetings with CoE experts to arrive at a wording of the act in concordance with the ECHR. The latter meeting was a seminar involving a substantial number of leading journalists.

³³ The draft law is available on the Media section of the Council of Europe website and this is accompanied by comments from CoE experts Andrew Nichol and Prof Dirk Voorhoof.

government and from the rich. The lower courts are more vulnerable and their rulings are often at variance with any conception of free speech.³⁴

In the year 2000, the President publicly criticised the newspaper *Rezonansi* for reporting a call for the overthrow of the "Shevardnadze regime". This statement was made in parliament by an opposition member. Shevardnadze asked the Procurator to investigate the paper, which he claimed had a history of provocative, anti-government coverage.³⁵ Quite apart from the President's refusal to accept that statements in Parliament are privileged, this action shows that older, Soviet-style reflexes remain.

Direct control of the two state TV stations (*State TV 1* and *Channel 2*) and the State's attempts to control the rest of the broadcasting sector are further evidence of the above. *State TV 1* and *Channel 2* are also the only stations able to broadcast over the entire country. Next year it is expected that the Parliament will adopt legislation designed to transform state broadcasting, giving it a 'public service' ethos.

At present the government considers the two State TV channels as its own mouthpiece. For example, the **European Institute for the Media** said that broadcast coverage of the 2000 presidential campaign "was dominated by Eduard Shevardnadze". He received around two thirds of the time and space devoted to the candidates on television, radio and newspapers they monitored. The agency reported that the "allegiance of the state media to the incumbent, the weak position of the print media ... combined in this election" to prevent voters getting "a full, fair and balanced" account of the available options.³⁶

This occurred despite the fact that Article 17 of the Presidential Election Law states that "the presidential candidates, from the moment of their registration ... shall participate in the election campaign on the basis of equality". Article 7 of the same law obliges the media to "cover the preparation of holding of the election thoroughly".

The **OSCE** Office for Democratic Institutions and Human Rights (**ODIHR**) also observed the election and broadly agreed with **EIM**'s analysis. Its report stated that "outside the free airtime allocated to registered candidates, the state media failed to provide balanced reporting on candidates and gave the incumbent a clear advantage".³⁷

The battle over the independent TV channel *Rustavi 2* provides further evidence of the government's centralist intentions. But it also shows that government censorship can be overturned in Georgia. The station began life in 1994 as *Gamma Plus*, based in the town of Rustavi, south of Tbilisi. Its founder Georgy Akimidze then changed the name to *Rustavi 2* and began to provide fair and balanced news coverage. This proved so popular, he became a direct competitor of the state TV service.

³⁴ cf: *Current Media Situation in Georgia*, "the behaviour of Georgian courts ... leaves no ground to regard them as allies of freedom of the press", p193.

³⁵ **US Department of State**: *Country Reports on Human Rights 2001*: Georgia, Sec 2.a.

³⁶ EIM: www.eim.org.

³⁷ **ODIHR** June 9th 2000, *Final report on Republic of Georgia Presidential Elections*.

Within seven months, he had been shut down. The Rustavi municipality applied to the government to re-allocate the frequency from *Rustavi 2* to its own company, *Kldekari*. The government ruled that an information agency (such as *Gamma Plus*) was not entitled to own a TV channel and terminated the license. In May 1997, the Supreme Court ruled in favour of *Rustavi 2* and the station was able to re-open. There can be little doubt that, as a result of this decision, broadcasting in Georgia provides a better service than is available in either Armenia or Azerbaijan.

Outside observers frequently note the prevalence of self-censorship in the Georgian media, especially among journalists working for the state-owned media.³⁸ But this is hardly surprising when we consider the number of serious attacks on journalists. As has already been suggested, these are very frequent and often very serious.

The case of Akaki Gogichishvili, host of the *Rustavi 2* news programme *60 Minutes*, illustrates this problem. During a programme in May 2000, he exposed corruption in the Union of Writers of Georgia, using information from the National Audit Chamber. He was then summoned to the Deputy State Prosecutor's office where he was advised to consult with his parents about the dangers of proceeding with such broadcasts. The next day he received a death threat through a relative. He then held a press conference to publicise the threats. But it was only after a three-day protest outside the Presidential residence, that Mr. Shevardnadze announced that he had ordered protection for Gogichishvili.³⁹

Questions remain to be answered about the licensing process for independent broadcasters. A round of license awards was postponed earlier this year because new legislation was needed. However amendments have been made to the Law on Communication and Post and it is expected that the process will begin later in 2002.

Zones of Conflict and Tension

Any account of the press in Georgia is almost bound to be incomplete if it covers only Tbilisi, as I had to do. Abkhazia, Ajara, South Ossetia and especially the Pankisi Gorge are either zones of war or quasi-military bastions of power outside the control of the central government. Events in these regions also affect the freedom and rights of journalists in the metropolitan area. After all, Shevardnadze himself narrowly escaped an assassination attempt.

Observers note that the media are especially unfree in the Autonomous Republic of Ajara in the South-West. Here the dictator Aslan Abashidze has total power. In May 1997, before Giorgi Sinaia began working with *Rustavi 2*, he published a series of articles in the newspaper *Rezonansi* about ecological problems in Ajara. The mayor of Batumi, the largest city in Ajara promised to "hang Sanaia on the pier".⁴⁰

³⁸ c/f US Department of State: *Country Reports, Current Media Situation in Georgia*, OSCE, etc.

³⁹ OSCE: *Freedom & Responsibility Yearbook 2000/1: Current Media Situation in Georgia*, p 202.

⁴⁰ OSCE: *Freedom & Responsibility Yearbook 2000/1: Current Media Situation in Georgia*, p 203.

The conflict in Chechnya has already created an unusual anti-terrorist alliance in Georgia. It often impinges upon journalistic freedom. During my stay, I was approached by Sourkho Idiev of the Caucasian Information Bureau on behalf of Islam Saidiev, a journalist and citizen of Georgia who claims he is held without evidence on terrorism charges.

He and Zurab Khangushvili, a colleague from the Chechen - Caucasian Committee of Georgia, have stated publicly: "We have never supported, are not supporting and do not intend to support terrorism in any form ... [including those forms sponsored by] ... governments of certain countries who are trading with their history, beliefs and people."⁴¹ While I have not been able to make a special study of this case, the firmness and breadth of that statement undermines the credibility of the charges against these men.

Print Media - the Internal Problem

So far in this section I have examined the media problems imposed by external forces (government, judiciary, paramilitaries, etc). But the most pressing problem for the print media in Georgia is an internal one - a serious failure of professional standards in many newspapers and on the part of many journalists. The US Department of State expresses it in a nutshell:

"The press frequently criticises senior government officials; however, few newspapers are editorially independent or commercially viable. Typically newspapers are subsidised by and subject to the influence of the patrons in politics and business." The press in Georgia is being forced to sell itself to the highest (or at least the most regular) bidder.

A similar point is strongly felt by one of the **IFJ** affiliates in Georgia. Zviad Pochkhua, President of the **Independent Association of Georgian Journalists**, wrote in his annual report for 2001 that there was a serious national problem with journalistic ethics. This was caused by "the non-existence in Georgian publications of the principles of self-regulation." Most papers don't have internal guides or rule-books. Most editors don't regard that failing as important.⁴²

There is another point of view. The **OSCE** seems to examine the matter through a pair of rose-coloured spectacles. It sees "dozens of independent outlets [which] operate freely, frequently criticising high-ranking officials". It also recognises that there is yet no independent paper with "a large national audience, although several have emerged as serious and reputable sources of information".

Keyhole-style journalism - the type that sees freedom of speech as the ability to make unproven allegations stick in some way to the subject - is what many Georgian journalists regard as freedom of speech. The notion of journalistic responsibility is something these colleagues have yet to take on board. That is not necessarily a criticism of the individual journalist's personal value system. Georgia is a place where individual journalists have been placed under greater pressure than elsewhere in the South Caucasus. It is only

⁴¹ Georgian Times article 05.04.02 www.geotimes.ge.

⁴² **IAGJ**: *Annual Report 2001*.

natural for the more combative among them to rebel by rejecting any form of control - including even self-regulation.

But that is not balanced, nor is it in the interests of investigative journalism in Georgia. Journalistic freedom is a collective thing, shared by all, equally - or not at all. It goes hand-in-hand with journalistic responsibility. In Georgia, where it is easier than elsewhere in the South Caucasus to accuse, the truth seems to mean less because so many untrue allegations are made. Self-regulation is more essential here than elsewhere. The readers need to know that serious journalists can examine what their colleagues produce. Journalists need to know that their work might lead to something. Otherwise the readership will just melt away.

According to a recent survey carried out for **ICFJ**, only 6.1% of people bought a newspaper 'nearly every day' and over 22% 'never' did so. One explanation of this may be contained in the answers to other questions. When asked 'In general, how accurate is the information published in the Georgian press?' only 0.6% answered 'very accurate'. When asked to 'list any newspapers you strongly trust', 95% answered 'none of them'!

These points have been made forcefully to me by Bob Ortega of the **ICFJ** office in Tbilisi and backed up, in one way or another, by all of my interviewees. Alex Tskitishvili, who runs the serious weekly *Akhali Versia*, is one of the exceptions, in that he operates without a patron. His paper sells around 40,000 copies and is almost able to break even. But it can only do so by paying salaries which are almost beneath subsistence level. Journalists at *Akhali Versia* earn GEL 200 per month, rising to GEL 250 with bonuses (the equivalent of around \$100 to \$125). This is slightly below the industry norm. As with many other publications, payment is partly by the number of articles written, a practice which can encourage poor journalism. Its sales have fallen over a year from 60,000 - a phenomenon to be found to a much greater degree in other papers.

Sales of other newspapers are much less than the above. The largest-selling daily, *Alia*, claims a circulation of 12,000. *Akhali Taoba* claims 9,000 and *Rezonansi*, 6,000. Many journalists felt these figures were somewhat exaggerated. But, even if they are accurate, they are insufficient to leave the papers financially viable. Extra funds are required from patrons.

Most Georgian journalists explain the drop in sales in the same way their Azeri colleagues do. They see it as an effect of the economic crisis. "People are unable to afford to buy a newspaper every day," is the most commonly-heard rationalisation. But, despite their poverty, you can see people using their hard-earned savings to buy expensive television sets, Bob Ortega points out. If they wanted the newspapers, they would find a way to pay for them. The problem is that the newspapers have lost their trust.

Seminar

The **IAGJ** organised a half-day seminar towards the end of my stay in Tbilisi. This was attended by around 35 journalists and NGOs concerned with the press. The seminar opened with an introduction from Zviad Pochkua of the **IAGJ**. I then gave a preliminary summary of my experiences in Georgia and raised some of the questions which have appeared in this report. In particular, I raised the question of journalistic ethics, arguing that the public had been turned off by factional and biased journalism and warning that people might well lose the habit of buying newspapers.

I explained that my primary motive and that of the IFJ was to raise the living standards of journalists through professional and ethical journalism and that the vital component for that was journalistic solidarity. I went on to argue that the newspaper industry in Georgia was now in such a weak financial state that the potential value of such a combination was seriously undermined.

A lively debate ensued in which some colleagues seemed to confuse the concepts of investigation and of accusation. When I criticised accusations made without proof, they responded as if I was restricting their right to freedom of speech.

Self-Regulation

One important means of regaining the trust of the public would be for the Georgian journalists to seriously consider the formation of some kind of press council. I have to admit that this matter does not seem to have been seriously considered yet by the journalists, although a discussion has emerged in the **IAGJ**. The vital element here is that the initiative must come from within the industry and should come from the journalists themselves.

There are many reasons for journalists to see the formation of such a body as something in their own interests. In particular there is the possibility that fairer defamation/libel procedures will take the place of the current situation. Under the new civil libel law, the burden of proof has been shifted from the defendant (usually the journalist) to the plaintiff or accuser. However, when the law was approved in September 2001, Supreme Court Justice Nougzar Skhirtladze stated that the new procedures would not work unless the media developed "self-regulating agencies".⁴³ The strongest possible hint was being given to the industry to clean up its act. It should be remembered that this comes from a bench known to strongly favour freedom of speech.

Problems of Solidarity

One major difficulty for Georgian journalists is the lack of cooperation among their organisations, especially compared to the other two countries of the region. This may well be a side effect of the pressures placed on individual journalists and it should not be read as a criticism of any one organisation. But it was illustrated for me by the fact that I was unable to meet Mr. Sikharulidze of the **Federation of Journalists of Georgia**, despite numerous attempts through Zviad Pochkhua and his colleagues of the **IAGJ**.

⁴³ OSCE: *Freedom & Responsibility Yearbook 2000/1: Current Media Situation in Georgia*, p. 193.

Being able to speak with a collective voice is a key requirement for journalistic organisations - especially in the post-communist states I have visited. Before journalists can hope to influence societies which are undergoing so rapid a transformation as these, their different bodies must come together and establish a common set of priorities. This happens in both Armenia and Azerbaijan. It badly needs to happen in Georgia as well.

Those met include:

Dr Nana Avaliani, Ambassador at Large, Ministry of Foreign Affairs, Georgia
Michael Chachkhunashvili, Executive Director, Open Society - Georgia Foundation
Giorgi Gabashvili, Programme Co-ordinator, Open Society - Georgia Foundation
Malkhaz Gulashvili, President of the *Georgian Times* group
Sourkho Idiev, Caucasian Information Bureau
Nuzgar Kifiani, News Director Cannel 9 TV
Dr Marina Muskhelishvili, Head of Centre for Social Studies, Georgia
Bob Ortega, Director ICFJ Georgia
Zviad Pochkhua, President Independent Association of Georgian Journalists
Winfried Schieder-Deters, Director, Friedrich Ebert Stiftung, Tbilisi
Elena Tevdoradze, Parliamentary Deputy and Chair of the Parliamentary Committee on Human Rights and Ethnic Relations
Alex Tskitishvili, Editor of *Akhali Versia*, a weekly paper

Armenia

Economy

Armenia's population is haemorrhaging and its people are getting poorer while its economy is growing. The Armenian state has produced no reliable statistics but the **US Department of State** quotes unofficial estimates which put the population at 2 million, down from the last official census figure of 3.4 million ten years ago.⁴⁴ Others suggest that the real figure is lower still. What is certain is that a very large number of Armenians are leaving the country, with no intention of returning and that a high proportion of these are young. These are matters of observable fact, every day at Yerevan airport. Their departure places an ever-growing burden on those who remain and the country seems to be entering a vicious spiral of counter-development where poverty and unemployment lead to emigration which in turn leads to further unemployment.

According to the Government, the unemployment rate is 10% but the reality is thought to be around 40%, a significant majority of which is made up of women. Coexisting with the legitimate economy is a black economy, estimated to be half the size of the official one. Per capita gross domestic product is around \$550, the lowest of the three South Caucasian countries.⁴⁵ But corruption levels are significantly lower than in Azerbaijan and a **World Bank** report characterises Armenia as a "reformist state".⁴⁶

A huge proportion of the state's wealth goes into the defence of Mountainous (or Nagorno) Karabakh and preparations for war, should the current ceasefire break down. Resolution of this conflict with Azerbaijan could give that vital spurt which would stop the country's economy from unravelling entirely. The **World Bank** estimates that reopening the borders "could result in a reduction in transport costs of 30-50%, a doubling of exports and an increase of 30-38% in GDP."⁴⁷

As it is, the defence budget of a nation of at most 2 million people needs to be enough to fend off an attack from one of around four times that population. In the current tense situation [see above], this places intolerable burdens on Armenia.

It also places heavy burdens on the media. The decreasing population means that sales and advertising revenue are slipping away. Increasing poverty exacerbates the problem. Meanwhile, the small but significant element of inflation which accompanies economic growth tightens already taut margins. Furthermore, talk of war inevitably adds to the pressure on professional standards.

⁴⁴ **US Department of State**: *Country Reports on Human Rights 2001*: Armenia.

⁴⁵ *ibid*

⁴⁶ **Transparency International**: *Global Corruption Report 2001*, p 113 and **World Bank**: *Anti-Corruption in Transition*.

⁴⁷ **World Bank**: *Armenia Country Assistance Strategy*, Sec III, Box 2.

Politics

Under the regime of Levon Ter-Petrossian which followed the downfall of communism, the Armenian media were given relatively wide rein. Ter-Petrossian was forced out in a 'velvet coup d'etat' in 1998 and replaced by Robert Kocharian, formerly leader of Mountainous Karabakh. The relatively liberal approach remained until a terrorist attack on the Armenian Parliament in October 1999 when both the Prime Minister and the Speaker of the House were murdered. Since then, Kocharian has increasingly targeted the media.

In April 2000 Vahram Aghajanian, a journalist with the paper *Tasnerord Nahng* was jailed for 'libelling' the chief minister of the self-proclaimed 'Republic of Nagorno-Karabakh'. Aghajanian was released after two weeks of protest by the Armenian media. The in June, Vahang Ghukasian, a freelance, was held for nine hours and beaten after publishing a report on the 1999 attack on the Parliament.⁴⁸

According to the **Yerevan Press Club**, the increasing tension may stem partly from two opposing interpretations of the 1999 attack. One group believes that the killers were linked in some way to the President. The other defends Kocharian and accuses his accusers of bias. The **YPC** also records a heightening in the propaganda war between opposition and government since the attack.⁴⁹

This increasing pressure has culminated in the closure of two independent broadcasting stations in a clear breach of Armenia's responsibilities under the European Convention and the International Convention on Civil and Political Rights (ICCPR). In both cases, legal technicalities were invoked. But the overall pattern is quite clear. These two stations, *Noyan Tapan* (Noah's Ark) and *AI+*, provided balanced reporting, independent of government, opposition and business interests. Their closure is a fundamental attack on the Armenian people's right to know. But, before examining these two cases, we need to look at Armenian media law.

Media Law

The Law on Print and other Mass Media, introduced in 1991, is seen as vague and outdated by journalistic organisations. According to the **ICFJ**, "although it lists a number of media freedoms, it fails to guarantee them".⁵⁰ The **International Helsinki Federation** also pointed out that the law does not spell out the relative rights and obligations of the founders as against the managers of a media outlet. This has led to problems with a number of newspapers.⁵¹

The Law on Television and Radio Broadcasting of October 2000 was criticised by **Article 19**, for giving a 'double warning' on matters such as advocating discrimination or war, thereby creating a chill effect. This law also stated that a minimum of 65% of

⁴⁸ **ICFJ**: *Armenia Press Overview*.

⁴⁹ **YPC**: *On the Situation of Media in Armenia in 2000*. www.ypc.am

⁵⁰ **ICFJ**: *Armenia Press Overview*.

⁵¹ **IHF**: *International Report 2001*, p 20

airtime should comprise of home-produced programmes. This unreasonably high requirement could actually keep competition out of the broadcasting market.⁵²

But the most serious section of this law set up a Council of the Public Television and Radio (with five members) to regulate the state sector and a nine-strong National Commission on TV and Radio for the independent stations. Crucially, these bodies have come under the direct influence of the President, who nominates members for both. Apart from anything else, these procedures breach the ICCPR which prohibits state officials from interfering in the functioning of television and radio companies. Ironically, three months after President Kocharian signed the bill into law, his country became a permanent member of the Council of Europe.

It was the National Commission on TV and Radio which first of all took away *Noyan Tapan's* broadcasting licence and then that of *AI+*. In both cases, the frequencies were re-allocated to other companies. However these companies have yet to start using the new frequencies. In *Noyan Tapan's* case the frequency went to *Shoghakat* - a station founded with financial support from the Armenian Orthodox Church. The present Catholicos [pontiff of the Armenian Orthodox Church] sponsored the company before his elevation to the Holy See of Echmiadzin. This is despite the fact that church bodies are specifically excluded from owning broadcasting stations under Armenian law. Here the technicality involved the fact that the broadcasting licence had already been awarded to a defunct company bought out by *Noyan Tapan*.

In *AI+'s* case, the frequency went to *Sharm*, a show-business company, specialising in popular music concerts, advertising and comedy films. Here the laughable claim was that the station which had been producing high-quality programming since 1997, produced an unprofessional and sloppy tendering document. On the contrary, it was the National Commission on Television and Radio which acted unprofessionally.

It is clear from the above that they approached their job without any clear criteria for awarding the franchises. Which criteria, for example, could possibly embrace both *Sharm*, (the show-biz company, without any broadcasting experience) and *AI+*, which has years of experience in professional and balanced journalism? I have not been able to see the criteria adopted by the NCTR (if any). But I find it impossible to conceive of any formula which would cover two entities so diverse, while providing an adequate means of evaluating one company's worthiness for the frequency against the other's.

Even if such a formula were to be cobbled together, the evaluation process would have to take into account the almost unique role that *AI+*, and to a lesser extent *Noyan Tapan*, have played in the Armenian media. Almost all the journalists I met agreed that these two provided relatively balanced news services. Very few other Armenian media outlets do that. The country's need for Hollywood-style amusement may well be great. But is it so great as to outweigh balanced TV news?

⁵² **A19:** *Memorandum on the Law on Television and Radio Broadcasting in the Republic of Armenia*, February 2001

Finally, the members of the NCTR need to explain why they found it impossible to satisfy the wishes of all four stations simultaneously. Was it really impossible to award *Sharm* and *Shoghakat* new frequencies and to leave *AI+* and *Noyan Tapan* on air? It should be noted that, directly after the decision to withdraw the licence to *AI+*, its studio was padlocked.

The belief that these two stations were put off air as a result of political pressure is widely held. Large anti-government demonstrations occurred after the NCTR decision. Almost all the journalists I met are critical of the NCTR decision, as is the Yerevan Press Club. The few who might demur work for government organs and could hardly be expected to express opinions critical of government. But even they abstain from wholehearted support for the NCTR.

Print Media

Hayastani Hanrapetutyun is a state-owned newspaper - a joint venture between the National Assembly and its staff. It enjoys an advantage over its private competitors in that it has a cushion of sales to state functionaries. Both here and in Armenpress a certain degree of self-censorship has been alleged.

A board was created in 1997 to oversee the privatisation of Armenpress, the state-owned printing works and the state newspaper distribution service, but this has been inactive for a number of years.

Among the private, independent newspapers, the liberal *Aravot* (Morning) is the most popular and claims a circulation of 5,000. *Hayots Ashkhar* claims to sell 3,500. *Azg* (Nation) and *Haykakan Zhamanak* each sell around 3,000, and the other newspapers sell even fewer copies.

Professional Problems

If the Georgian and Azeri newspapers are suffering from journalistic devaluation, then Armenia has a double dose. The one major difference is that here, a serious debate has begun about the matter and the formation of a self-regulatory press council is quite likely in the short term.

Shushan Doydoyan of the Association of Investigative Journalists in Armenia expressed the problem thus: "I think newspapers do not care about their readers. Their central intention seems not to be to serve their audience but to serve their masters." She links this to the degree of press patronage. "Even if they wanted to be independent, they cannot be. They're all financed by business figures, by opposition figures or by the government. She adds that the level of party propaganda and factionalism drives out coverage of issues in which the public is interested. "There is nothing about the average citizen. Nothing about me or you."

Her organisation is a collection of investigative journalists, mainly freelance and she is also critical of the level of investigative reporting in Armenia. "In other countries, they pay well for serious investigation. Here it sometimes happens that an editor will ask a journalist for money before he will publish a controversial investigation."

I put a shortened version of her views to all the editors I met and asked them if this was a fair account of the press. Each one agreed that the newspapers were factional and unprofessional and that they were dependent on sponsors. Each had his own rationalisation. The government-oriented press, such as the news agency Armenpress admitted its dependence openly.

Hagop Avedikian of the newspaper *Azg*, explained that he raised funds through a yearly trip (funded by a benefactor) to the Armenian diaspora in the US. Aram Abrahamyan of *Aravot* told me that he did not take money from any one individual, but from more than one, so as to balance off the influence of one against that of the others. He believed that taking \$500 from ten donors placed him in a stronger place to assert editorial independence than if he received \$5000 from one. While his logic is probably correct, it is also quite dispiriting.

In Azerbaijan and especially in Georgia, I felt that editors had yet to be fully persuaded of the need to raise standards before newspaper-buying became a thing of the past for a whole generation. A lot of progress has been made in Azerbaijan. But, among the Armenian journalistic community, I am convinced that there is a wide understanding of the urgent need for action to create a press council and to persuade the public of the value of their product.

Seminar

This is largely based on the proceedings of a seminar which was organised during my very short stay in Yerevan. Here, much of the initiative was taken by Hagop Avedikian, one of the editors. At such events suggestions and new ideas often come from the outside speaker. Sometimes they come from local professionals involved in one of the media NGOs. But the fact that, at this seminar, the new ideas came from the industry itself, shows Armenian journalists are serious and committed to the issue.

The seminar involved around 50 journalists and media NGOs. A number of editors of leading publications were in attendance. There was a lively debate around the issues I have raised in this report. Encouragingly, there was widespread agreement around the need for self-regulation and the dangers of political manipulation.

The most urgent issue for the participants was the closure of the news stations *AI+* and *Noyan Tapan*. They emphasised the importance of these two (and especially *AI+*) for the health of all Armenian journalism. I undertook to press the Council of Europe and other international organisations on their behalf and on that of the closed stations.

But self-regulation was the matter on which the discussion proved most fruitful. Issues such as chauvinism, hate speech and the danger of whipping up feelings at a time of tension were also raised to underline the importance of creating press accountability.

Those met included:

Boris Navasardian, President of Yerevan Press Club

Astghik Arsen Gevorkian, President, Union of Armenia's Journalists

Nouneh Sarkissian, Managing Director of *Internews*, Armenia

Aram Abrahamyan, Chief Editor, *Aravot*

Hrayr Zoryan, Executive Director, *Armenpress* news agency

Mezrop Mousesgan, Executive Director, *A1+ TV*

Hagop Avedikian, Editor in chief, *Azg* daily

Tigran Harutiunian, General Director, *Noyan Tapan* group.

Recommendations

For all three governments and international agencies

- that tax on newspaper advertising be lifted or reduced. This is a controversial argument and the international banking agencies have generally advised the post-communist countries to improve, regularise and remove anomalies from their tax systems. To introduce an exception for the press would run counter to the established wisdom. But the alternative may be that the collapse of the industry denying the public necessary information about political, economic and social affairs. No democratisation process can succeed under these circumstances.

To lift taxes in a blanket fashion may, in some cases, be inadvisable. The governments may, for example, consider associating the removal of the taxes with the agreement of the industry to form a self-regulatory agency for the press.

For all three governments

- the adoption of laws designed to provide open, fair and accurate broadcasting systems. Public service broadcasting needs to be adopted as a goal.

For the press in all three countries

- the formation of self-regulatory bodies and the agreement among staff journalists, editors and owners (where the editor is not also the owner) about codes of conduct, penalties and other procedures.

For the Armenian government and the Council of Europe

- reversal of the decision to terminate the broadcasting licenses of AI+ and Noyan Tapan. The situation with AI+ and Noyan Tapan is particularly urgent, especially as some international organisations have been reluctant to confront these closures as acts of censorship. Mr. Freimut Duve, OSCE Representative on Freedom of the Media, has recommended the Armenian government to conduct a new tender for all frequencies and that AI+ and Noyan Tapan should be encouraged to take part. He also suggests an amendment to the law allowing a TV company which has lost its licence to continue broadcasting until the new licensee is ready to replace it. I support these recommendations.

Against this, it might be argued that the law is being tailored to suit one or two 'hard cases' or that legal anomalies might be created. But that would be an excessively formalistic approach. It also ignores the fundamental wrong done to the two stations and their viewers. Where mistakes are made it is better to remedy them as quickly as possible. Devising the perfect legal formulae may take more time than the Armenian public has at its disposal. Armenia is building up a corpus of law. More importantly still (in my opinion) it is creating a body of procedures and social relations which are often

referred to as ‘civil society’. Free and balanced media are vital engines of this process. Switching them off in the name of legal purity is deeply mistaken, to my mind.

In this case, it is vital that the Council of Europe adopts a firm line in defence of the two stations.

For the government of Azerbaijan

- that President Aliyev refuse to sign the Law on TV and Radio Broadcasting into law, sending it back instead to the Milli Majlis for redrafting. I agree with the recommendations from Internews on this proposal and feel the international community should also urge the President to refer it back. In particular the law should grant a truly independent broadcasting regulatory board, without any financial or political interests in the broadcasting sphere. Licensing procedures should be clearly defined and the body should operate by open accountability procedures.⁵³

In the case of Georgia

For the IFJ:

- increased IFJ assistance to the two journalistic organisations in Georgia, to assist them on ethics, professionalism and salary negotiation.

- that journalists in the zones of conflict and tension be brought together to discuss immediate issues (such as security), with the assistance of the IFJ affiliates and hopefully under governmental protection.

For International bodies:

- assistance to help initiate and widen discussion around media self-regulation.

Newspapers need to be drawn together around a basic set of principles which can be published and some form of accountability needs to be generated.

- assistance to journalistic organisations in developing specific programmes designed for journalistic enterprises in the zones of conflict and tension.

⁵³ See above in the section on Azerbaijan, footnote 12.