

GEORGIA¹

On 22–23 November 2003, a coup d'état better known as the 'Rose Revolution' took place in Georgia. The post-revolutionary society did not forgive the ruling party for the mistakes it made during the parliamentary elections (inaccurate voters' lists, fraud, manipulation, etc.) and did not let the newly elected parliament start its work. Citizens and the opposition leaders, Mikheil Saakashvili among them, burst into the session hall holding roses and wrecked the legislative body's first meeting, preventing it from legitimisation itself. President Edward Shevardnadze resigned, putting an end to his 11-year long presidency (1992–2003). Prior to that, during the Communist period, he had headed the Soviet Socialist Republic of Georgia for 13 years (1972–85).

Mikheil Saakashvili's first presidency lasted for four years instead of five. Events unfolded in October–November 2007 (when police using heavy-handed tactics, including tear gas and water cannons, broke up the opposition demonstration) and the political crisis forced him to announce snap presidential elections. As a result of the 5 January 2008 presidential elections, Mikheil Saakashvili received 53.47 per cent of votes, while his opponent from the opposition coalition, Levan Gachechiladze followed with 25.69 per cent.

These have been two politically crucial dates which have significantly changed the landscape of democratic development in Georgia during the last five years. On the surface, the Saakashvili government accepts the major democratic values: the rule of law, a free media, and the sanctity of private property. The laws bear this out. In fact, the government's actions bear the marks of authoritarian rule, which it justifies by pointing to the peculiar circumstances of the transitional period. Meanwhile, the democratic institutions in the country, the including media, are in stagnation.

1. GENERAL INFORMATION ON MEDIA AND MEDIA USE

Georgia is located south of the Caucasus mountain ridge. It borders Russia, Turkey, Armenia and Azerbaijan. Officially the country covers 69.700 square kilometres. The Abkhaz and Ossetian autonomous territories are also formally part of this area, though as of today, they are not under the jurisdiction of the Georgian government. According to the last, 2002 census, the Georgian population is 4.4 million (SDS 2008). Social and economic problems and military conflicts which occurred as a result of the collapse of the Soviet Union caused 15 per cent of the Georgian population to leave the country: some emigrated, some returned to their ethnic home lands.

These processes also influenced the quality of education. For several years, the work of schools, especially in the regions, was disrupted; the free dissemination of information and knowledge transfer was impeded because of the ruined communications. Eighty-eight per cent of the population over 15 years old can effectively write, read and exchange information in the Georgian state language (SDS 2002). This is because the people in the regions populated by the minorities (Kvemo Kartli, Samtskhe-Javakheti) do not in practice speak the Georgian language. During the Soviet times, they studied in Russian, which remained a tool of communication only in these regions and stopped being a language used by the state.

Literacy and education

Media landscape All television stations in Georgia operate in the Georgian language. The Law on Broadcasting in Georgia obliges them to translate all movies, soap operas and other products produced abroad before they are put on air. Private television stations avoid non-Georgian language programmes because they are not commercially viable. Only the Public Broadcasting Service of Georgia periodically airs news in the Abkhaz, Ossetian, Azeri, Armenian and Russian languages.

The Public Broadcasting Service (GPB) of Georgia was established pursuant to the Law on Broadcasting adopted by Parliament on 23 December 2004 and enacted on 18 January 2005. It was launched on the basis of the former state television, which included two television channels and three radio frequencies. On 10 June 2005, the Georgian parliament elected the first Governing Board of the GPB. On 19 August the same year, the board nominated a director general through an open competition. Formally, the Public Broadcasting Service had been protected from political, commercial and private interests, but the first governing board could not ensure this. The GPB went into crisis, which led to the board's resignation before the end of its term.

Three television companies, Rustavi 2, Imedi and Mze, broadcast nationally. All three companies are private, though with clear political stands. During the Rose Revolution in November 2003, Rustavi 2 was the station closest to the opposition. It refused to stand between the two conflicting parties and preferred to become the opposition's partner. This decision damaged the station's reputation as well as the role of the media in general. After this, Rustavi 2 changed ownership several times. Currently, TV Mze, entertainment television Stereo 1 and Rustavi 2 comprise one media holding owned by the offshore company Geo Media Group, registered on the Marshall Islands and the Industry Group, which, in turn, is owned by MP David Bejuashvili (his brother, Gela Bejuashvili was the minister of foreign affairs in 2005–08 and is currently the head of the Intelligence Department).

Tycoon Badri Patarkatsishvili was the founder of Imedi TV.² He returned to Georgia from Russia in 2001 and established his own media holding. Imedi TV played exactly the same role during the November 2007 events as Rustavi 2 had done four years before, the main difference being that its co-owner had political ambitions and decided to run for the presidency himself during the snap elections. The current government appear to be much more radical than its forerunner. On 7 November special task forces completely illegally burst into the Imedi premises, damaged the equipment, harassed the staff and turned the station off the air. As a result of international pressure and civil protests, the television was allowed back on air; later on, however, Imedi itself temporarily suspended broadcasting. Badri Patarkatsishvili decided to pass on his shares and managerial rights to News Corporation.

National television companies as a rule are owned by entrepreneurs for whom the media is not their major business. They run other, more significant businesses, the success of which depends on the government's favour. All television companies are subsidised except for the GPB, which is funded by all taxpayers liable to income tax. 1.5 per cent of income tax goes to the GPB's budget. In 2006, the amount comprised 18.45 million GEL (approximately EUR 8.2 million) (GPB 2008).

The majority of radio stations are situated in the capital. Twenty out of 30 licensed radio stations broadcast from Tbilisi (Media 2008). They easily retransmit their programmes to the regions via relay lines as well as through partnerships with the regional radio stations. Radio Imedi, GPB, Radio Green Wave and Radio Sakartvelo have the best networks. Radio Sakartvelo is the only radio holding in Georgia; it unites four radio stations: Fortuna, Fortuna +, Ar Daidardo (Don't Worry) and Autoradio.

Two community radio stations have existed in Georgia since 2006: Radio Marneuli and Ninotsmida community radio, NOR. The radios were established by local communities with the support of BBC World Service Trust and the local Association Studio Re. Unfortunately, the Georgian National Communications Commission does not grant licences to community radio stations and they have had to go on air through loudspeakers.

If broadcasting needs to be formally licensed, only registration at the Tax Service is needed to publish a newspaper. The registration procedure is quite simple. Altogether 88 newspapers are published in Georgia; out of these, 31 are produced in Tbilisi. Only four newspapers are published daily: Rezonansi (the 'oldest' Georgian paper, moderate publication), Akhali Taoba (New Generation), 24 Saati (24 Hours) (the most loyal to the government) and Sakartvelos Respublika (Republic of Georgia) (former government publication). Their cumulative circulation reaches 10–12,000. Newspapers Versia and Alia come out three times a week (cumulative circulation 12–13,000). Additionally, four sports newspapers are published on a daily basis.

Weekly publications have higher circulation figures. They range from 40,000 to 80,000. Weekly newspapers include Kviris Palitra, Kronika, Asaval-Dasavali, The Georgian Times, and magazines include Sarke, Tbiliselebi, Rating, Gza. Weekly publications are notably more "yellow press". The publishers justify this by saying it is what the market and public demands.

There are no daily newspapers in the regions. Almost all regional papers are weekly. Some publications come out even more rarely. While regional television companies are marginally funded from the local budgets and governors' funds (financial resources allocated to informational support to televisions' activities), newspapers operate with very scarce funds with a significant donor support. Among the more distinguished donors are the Institute for War and Peace Reporting (IWPR), the Open Society – Georgia Foundation (OSGF) and the Eurasia Foundation. In 2005–2007, Konrad Adenauer Foundation provided support to the local media through seminars and training led by local and international trainers. Donor activities contributed to the preservation of the local newspapers' editorial independence and neutrality. Especially notable are newspapers in Batumi, Kutaisi, Gurjaani and Akhaltsikhe.

Without donor support, the local print media would have experienced major difficulties surviving, but this support has not been regular. Currently, the Media Development Loan Fund (MDLF) is implementing a project with Newspaper Batumelebi (Batumi, 4,000 circulations). The project envisages turning the newspaper into a solvent publication in two years and supporting its institutional development. Dutch foundation Press Now implements a project with the Samkhretis Karibche newspaper (Akhaltsikhe, 3,500 circulations).

In Georgia, the law prohibits the state and political parties from owning media outlets. Currently there are no government shares in any of the 7 Tbilisi-based and 31 regional television companies (Media 2008). The only exception is Ajara TV. Despite some envisaged reforms the status of Adjara TV has not been decided upon until today, most probably because the management does not want to give up the state subsidies that are paid to Adjara TV.

Party media

Internet access is not limited by legislation in any way. The Georgian National Communications Commission only regulates cable services policies. Several internet service providers exist, offering different services in terms of quality, form and price. ADSL service price varies from 50 to 70 GEL (approximately EUR 20–30). Despite the obvious growth, internet access among the population still remains low, especially in regions where no modern telephone systems exist and living standards are low. Age is also an issue. The majority of the population over 40 does not have computer user skills.

Internet media

All national television companies have their websites, which are updated several times a day (www.gpb.ge, www.rustavi2.com, www.imedinews.ge, www.mze.ge). Several Georgian newspapers also have websites (24 Saati – www.24saati.ge, Asaval-Dasavali – www.asavali.ge, The Georgian Times – www.geotimes.ge, and the web portal www.open.ge, where electronic versions of different newspapers are posted). News agencies also have their own websites. The government has the same influence on these online resources as on the media outlets to which the websites belong. Though several independent electronic portals exist in Georgia (www.civil.ge, www.nregion.com, www.apsny.ge, www.iwpr.net, www.pankisi.info), as well as specialised electronic portals (www.media.ge, www.humanrights.ge, www.radio.ge), their successful operation is mostly ensured by donor support. Internet advertising is rare.

General media access By the end of 2006, the number of ADSL-internet users had grown by almost 81 per cent compared to 2005, reaching 27,700 (GNCC 2006). The internet is the second fastest growing segment of the communications market after mobile communication services. 2007 estimates show that the number of ADSL-internet users reached 75,000. ADSL technologies are mostly shared by several users, so the number of users, in fact, is four times bigger and is 300,000 (approximately 8.3 per cent of the population over 15 years old). Interest in the internet by the younger generation, under 15 years old, is growing particularly fast.

Currently, national television channels can be viewed in 92 per cent of actual Georgian territory. As mentioned above, this territory does not include the autonomous regions of Abkhaz and Ossetian, which comprise 18 per cent of the total country area. Ninety-five per cent of the Georgian population lives in the area covered and receives the television signal free of charge (indirect charges, such as electricity or public broadcasting fee (1.5 per cent of income tax) are not included).

Media consumption The population mostly uses cable broadcasting services to watch foreign channels. There are cable service providers in Tbilisi, Batumi, Rustavi, Kutaisi, Poti and Zugdidi offering users service packages which also include Georgian channels. In smaller cities and villages, the population uses satellite dishes. Rarely do local channels transmit foreign channels.

About 70.7 per cent of total broadcasting revenue belongs to air television broadcasting, 19 per cent to cable, and 10.23 per cent to radio broadcasting (GNCC 2006). 96 per cent of the population can listen to radio. This audience is served by national as well as local radio stations.

Newspapers' cumulative daily circulation figures reach 100–120,000. Various organisations and institutions are major subscribers. Most of the circulation is sold through stands and kiosks. On average, four people read each copy, which means that approximately 400–480,000 individuals a day refer to the print media (11–13 per cent of the population over 15 years old). A decrease in the size of the reading audience is obvious if compared to the 1970–80s. However, over the past few years, newspapers' circulation has gradually grown and a reading audience has again developed (SDS 2002).

Media influence on political opinion People in Georgia use all sectors of the media as sources of information. The frequency with which particular sources are referred to differs. Television is used as an information source very often, newspapers and radio are used often. The level of trust in online information sources is high among internet users, though the number of users itself is not high. An absolute majority of internet users are members of numerous forums and mostly use them as information sources. During the period 7–17 November 2007, when a state of emergency was in force in Georgia, all television broadcasters, except for the GPB, were prohibited from broadcasting news programmes, online forums became the major source of information in Georgia.

Information disseminated through television channels (to the least extent when disseminated through radio or news agencies) reflects the author's subjective position, comments and views. Such practices indicates low levels of professionalism and impedes the formation of independent public opinion, turning the media into a propaganda tool. As a result, political life takes on an extremely polarised character. Society is forced to accept or reject a declared evaluation rather than forming its own opinion based on the facts. This way, the media, especially broadcasters, do not influence the formation of public opinion but is busy with disseminating and propagating already established views. If assessed on the basis of television broadcasting, it can be said that the media have little influence on the formation of public political opinion. However, if the print media are included, the media can be assessed as having a significant influence.

State-owned media Radio stations, newspapers and online publications in Georgia are all private except for two public radios, which are part of the GPB. Otherwise, the law prohibits the state from owning media outlets. However, owners of almost all more or less influential electronic media are business partners of the government. The success of their businesses is directly related to the government's favour. In

the last four years, the government has gradually managed to spread its control over the activities of these businessmen. Formally, the government is kind and liberal; it freed businesses from 14 taxes, keeping only seven in force. Businessmen are grateful and regularly pay taxes without hiding their real figures. Whoever does not or cannot pay taxes is punished according to the law. In fact, the government toughened the administration of taxes so that payment of the remaining seven taxes became a very serious issue, weakening the businesses and significantly decreasing the number of solvent taxpayers. Amounts generated through the collection of taxes turned out to be low and not enough for the government to implement social projects. Therefore, the government publicly asks businesses to allocate funds in support of state projects. This angers businessmen but they still pay those unofficial taxes because they are aware that otherwise official tax collection procedures would be more strictly enforced. Over the last four years, the number of businessmen meeting with the president for 'candid conversations' has significantly decreased.

Owners of television companies are less worried by the profitability of their media businesses since their major concern is the profitability of their primary businesses. They do not focus on running their television companies for profit. Subsidised media are a good tool for government to manipulate: *State-owned media and published opinion*

- Journalists are under constant fear of losing their jobs, or that the owner will not be able to pay their salaries, or that television will be closed because it is not commercially viable. Scared journalist will not say anything which may the owner or the government unhappy;
- Owners have an acute desire to control editorial policies so that journalists do not say anything by chance which may displease the government and so spoil relations with the government;
- The government will always remind journalists that their owner can leave them jobless any time, which is why, if they wish to keep working, it is better they are friendly to the government.

Out of businessmen who own media, currently only Badri Patarkatsishvili opposes the government. Nevertheless, he is not interested in making his Imedi TV profitable. Two years ago, when he still had good relations with the government, at his request, footage on a corruption case was not aired during one of Imedi's most influential programmes, Droeba. Owners of such television companies actively interfere in management and human resources.

The only television where transparency of editorial policy is ensured by the law is the GPB. The GPB's governing board only nominates the director general, who announces open competition for all other managerial positions.

State owned Ajara TV as well as the GPB are rather very friendly towards the government. Any critical views about the government's activities are inconceivable. Privately owned Rustavi 2 became a propaganda tool in the government's hands. The government is aware that it can conduct a more successful propaganda campaign via an influential television channel. Badri Patarkatsishvili's Imedi TV keeps a critical stance towards the government, while Kavkasia TV's position is very critical.

A critical view of the government and scepticism over official information is mostly typical for newspapers and radio companies. So far capital controlled by the government has not been involved in this type of media. Even though these media, especially newspapers, are struggling financially, their editorial independence is quite secured.

Because of such healthy criticism and scepticism, newspaper reporters are not allowed or invited to the president's press conferences, which take place only a couple of times a year. These press conferences are officially called 'meetings with the media'. After the government sessions, ministers regularly come out to journalists and conduct briefings. When needed, they organise separate press conferences in the ministries. Attendance is not limited and broadcasting rights are not exclusive. However, there are some public servants who have not conducted a single press conference over the last two or three years (for example, the former Defence Minister Irakli Okruashvili, Interior Minister Ivane Merabishvili, former Prosecutor General Zurab Adeishvili). *Government press conferences*

The major goal of the press conferences is to promote achievements rather than provide the public with information. That is why public servants consider journalists as part of their PR campaigns rather than independent information providers.

2. LEGAL ENVIRONMENT

Freedom of expression On 24 August 1995, the Georgian parliament endorsed the constitution of Georgia which, with various amendments and additions, is in force to this today. This chapter of the constitution guarantees the major democratic rights for every citizen of Georgia. Any other law which would limit these rights has not been enforced. Chapter 24 of the constitution remains unchanged since that first day: Everyone has a right to freely receive and disseminate information, express and disseminate their opinion orally, in writing or otherwise. Mass media are free. Censorship is not allowed. State or individuals do not have a right to monopolise means of mass information and distribution. Rights envisioned by the first two points of this Chapter may be limited by the law to ensure conditions necessary for state security in a democratic society, territorial integrity or social security, crime prevention, protection of other rights and values, preserving information confidentiality or protection of the courts independence and objectivity.

On 24 June 2004, the parliament enacted the Law on Freedom of Speech and Expression. The law decriminalised defamation, which means that the criminal code no longer contains the chapter on the punishment for libel. Though the government never imprisoned anybody for libel, it does not mean that it did not use this chapter to intimidate the free media.

The new law provides a broader definition of the meaning of freedom of expression. Facts and opinions are separated. Opinion is defined as an evaluative statement, viewpoint, or comment, also any form expression of views which represents attitude towards any person or object and does not contain fact. Opinion is secured as an absolute privilege. Statements made during political debates, by members of the parliament or sakrebulo while fulfilling their duties, during pretrial and court sessions and in front of a public defender cannot be subjected to a libel case. Another novelty is that the new law obliges a plaintiff and not a defendant, when applying to court, to prove that the defendant's statement is arguable, damaging to dignity or false.

The Law on Freedom of Speech and Expression envisages that a person cannot be required to disclose secret information if its protection is a responsibility of his or her job and if its disclosure represents an obvious, direct and significant threat to the merits protected by the law. Journalists are not allowed to disclose information containing state secrets.

The right to freely receive and disseminate information is guaranteed by Chapter 24 of the constitution. Public discussion about the freedom of information lasted for four years and ended with the parliament enacting the General Administrative Code in June 1999. Chapter 3 of the administrative code is devoted to freedom of information. The freedom of information requirement applies to all state and self-governing bodies as well as to all bodies which are fully or partially funded from the state budget and carry particular authority imposed on them by the state. The code united all such individuals, bodies and organisations under one category: public institutions. Public institutions are obliged to immediately disclose public information. The maximum period for delivery of public information is ten days.

Media coverage The Georgian legislation is quite liberal. In addition, according to Chapter 24 of the constitution, the media are free and censorship is prohibited. None of the legal acts or decrees allows for any legal censorship by state bodies. No discriminatory laws exist which would prevent any person or group of people, organisation or union from entering journalism. No legal body exists which, on behalf of the state, would review published materials or footage in advance. These laws work, but the situation is far from ideal.

Regulation of media coverage However, the government which came in force as a result of the November 2003 revolution tries to impose limitations on freedom of information. No common system exists to regulate the proce-

dures for smoothly obtaining information from the ministries and other public bodies. It is especially difficult is to obtain information from the Interior Ministry, Ministry of Defence, city municipalities and energy distribution organisations. Information (or commentary) of any form or capacity from these and other bodies can only be provided upon the approval of the press service chief. It is almost impossible to contact press services especially for regional journalists. It is difficult to obtain official information but as soon as a journalist relies on undercover sources, reproaches are cast about violating professional standards. In the current circumstances, issues concerning the army, police and energy resources are off the journalists' agenda, which creates an information deficiency.

Another important factor impeding the full enforcement of the legislation is the lack of editorial independence. This is determined by the relations between the state and media owners on one side and between media owners and journalists on the other. The majority of media owners appeared to be on the government's side because of their business interests. As a result, media owners and journalists (editors) occupied opposing camps: media owners – side by side with the government; journalists – on the opposite side to the media owners and the government. Such a division complicates the conscientious activities of journalists (which should involve obtaining and publishing topical and challenging information) since it does not coincide with the media owners' interests. International organisations identified this as media self-censorship. In fact this is censorship exercised by the government via media owners.

What makes the situation even more difficult for journalists is the absence of a major defence tool: a fully fledged contractual system. The majority of journalists do not have working agreements or are on monthly contracts which do not indicate their real salaries and other information required by the labour code. Enforcement of the contractual system is related to the legalisation on the media environment, which can endanger many media outlets and lead to their closure.

An analysis of the media legislation as opposed to the real state of media activities is inadequate. During the last four years, media legislation has been liberalised and improved to the maximum. However, the media have not become freer. On the contrary, freedom of the media has experienced a slight decline. The operation of television companies and of newspapers and radios should once more be separated. The latter enjoy more liberty.

*Changes
in the past
five years*

After Mikheil Saakashvili first came to power (in January 2004), social-political talk shows on all national television channels were abolished. All media owners, separately from each other but simultaneously, announced that such programmes were not commercially viable and did not have high ratings; that society was tired of political discussions and it was better to start producing entertainment programmes. Again, simultaneously, all channels started airing satirical-comedy shows with a slightly mirthless humour, which resulted in the forcible closure of Iberia TV. Euphoria about the Rose Revolution was so strong in society in general and among journalists in particular that this fact did not cause any opposition.

In summer 2004, government arrested Revaz Okruashvili, the editor of the Gori-based regional newspaper Khalkhis Gazeti for drug usage and sale. In fact, he had not been forgiven for publishing reports critical of the local government. Okruashvili's arrest caused protests as a result of which he was freed through judicial procedures. Despite this outcome, a virus of fear infected the regional media. Local journalists who stand up to the government, risk paying a high price since local authorities, police and prosecutors have often sanctioned journalists working in Kakheti, Shida Kartli, Guria-based regional newspapers. Local television companies, for reasons already explained, are reluctant to air challenging footage and so avoid similar problems.

Legal censorship does not exist in Georgia. This is confirmed by Georgian legislation. However, illegal, covert censorship does take place, which is seen in the occurrences mentioned above. Information and proposals to toughen media legislation appear periodically but the only restriction imposed by the government in summer 2007 was a ban on video-audio recording during court sessions. Even if they want to take down court hearings in shorthand, journalists have to ask for

*Censorship
under the law*

the judge's approval; otherwise they will be asked to leave the courtroom and might be subject to administrative reprimand. The biggest threat for journalists under such covert censorship is of losing their jobs. This is a common practice as a result of which a system without working agreements (or short-term, one-month contracts) was established on the media labour market.

Media licences The Law on Broadcasting of Georgia enacted on 23 December 2004 states that only the Georgian National Communications Commission has the authority to accept licence applications, announce an open competition, and grant and administer the licences. The law, however, does not grant the commission sole authority to cancel the licences. This is a prerogative of the court. According to the law, television and radio companies are required to be licensed. Newspapers do not need licences; to start operating they only need tax service registration. The Georgian National Communications Commission is a public legal entity and has five members.

The commission rejects a licence application if all the necessary papers are not submitted, if it is submitted by an administrative body, a staff member associated with an administrative body, a legal entity related to an administrative body, a political party or if it is submitted by a staff member of a political party. In all other cases, the commission reviews the application and makes a decision on the basis of open competition.

The commission is authorised to warn and fine the licence holder, temporarily suspend the licence and point out to the licence holder the violations which need to be taken care of. A reason for licence to be cancelled can be the licence holder's request, his/her death, and the temporary suspension of the activities envisioned by the licence for three months in a row or for 120 days during a year. The commission is also authorised to cancel the licence if the licence holder fails to correct any violations in the set period of time.

So far, the commission has temporarily suspended the licences of only two television companies: Imedi and Kavkasia. Subsequently, however, the commission itself cancelled these decisions.

The Georgian National Communications Commission announces a licence competition if at least one candidate applies for the frequency. The competition is transparent and its process can be viewed by any interested party on the commission's website www.gncc.ge. However, since September 2006, the commission has not announced competition for two community radio frequencies (the candidates are two community radio stations in Marneuli and Ninotsminda). The commission justified the first refusal to announce a competition by citing the ongoing inventory of frequencies. The commission confirmed that the second request was accepted and that it will post the competition announcement on its website as soon as it is announced (though the commission was obliged to announce the competition immediately the request was received). The third refusal to announce the competition dated 26 December 2007, was justified by the commission as follows: 'Once in two years the Commission identifies and makes public the plan for broadcasting frequencies and teleradiobroadcasting priorities for licence seekers generated as a result of a public opinion survey. The research is planned to be conducted by June 2008. After that, the Commission will be able to review the compliance of the licence seeker's broadcasting conception with the identified teleradiobroadcasting priorities. Therefore, your request will be reviewed after the teleradiobroadcasting priorities are identified.' This fact confirms that the commission has a practice of rejecting licence requests.

The Law of Broadcasting of Georgia also obliges the commission to draw up and pass as law a code of conduct for licence holders. For more than two years various versions of the draft code have been reviewed by the commission with the participation of the broadcasters' representatives but the code still remains a draft.

In Georgian broadcasting it is an accepted norm that a broadcaster yields its licence under violence, blackmail or any other form of pressure. This is how a propagandistic TV Alania (targeted at the audience in South Ossetia) goes on air through the frequency of the TV Company Obiektivi, while military Channel Sakartvelo broadcasts through the TV 202 frequency. Evidence exists that

Sakartvelo belongs to the Ministry of Defence. In any case, in 2007, according to the Law on State Procurements, an agreement was signed between the Ministry of Defence and television company Sakartvelo. TV 202 director, Shalva Ramishvili, was arrested in August 2005 for extorting money from MP Koba Bekauri and still remains in custody.

Journalists do not have to receive any official approval from the state to enter the profession. It is enough for them to represent any registered media organisation. Since the state does not grant any approval, it cannot take it away. The status of independent journalist cannot be regulated. As to the government and parliamentary sessions, these are public and attendance at them is regulated by relevant acts. Accredited journalists are allowed to attend the parliamentary sessions but are placed on the balconies. Anybody other than members of parliament is prohibited from entering the session hall. The plenary sessions of the parliament are broadcast live by Channel 2 of the GPB. The government sessions are broadcast live only if they are attended by the president and he wishes these sessions to be broadcast live on all the channels. Accredited journalists are not allowed in the government session hall. They watch the live broadcasts of the sessions in the specially allocated rooms. After the sessions are over, they meet with the ministers in the briefing room.

Journalists' legal status

Journalists and non-government sector representatives mostly refer requests for public information to the courts. Public information remains topical for a certain period of time, after that it loses its news effect. Courts do their best to stretch out such administrative queries so that the requested information loses its importance.

The murder of the journalist Giorgi Sanaia in July 2001 has not been solved until today. Neither have the cases of physical pressure on journalists in Kakheti, Shida Kartli and Samegrelo been solved. The governor of Imereti, Akaki Bobokhidze, who together with his security staff after a live coverage had severely beaten up journalist Irakli Imnaishvili, temporarily stepped down, but later returned to the governor's position and occupies it to this day.

There are no monopoly limitations for newspapers and the internet. As to the tele- and radio broadcasters, the Law on Broadcasting of Georgia prohibits a person or a legal entity from possessing independently or with an interdependent person or legal entity more than one terrestrial broadcasting licence for television and one for radio in any one service area. Licences are of two types: general and specialised. General licence holders broadcast various social-political and scientific-entertainment programmes. Specialised licences are granted only to musical, entertainment, sports or any other specialised broadcasting. Currently, only Rustavi 2 TV violates this provision: it possesses 2 general licences in Tbilisi. The commission only regulates the activities of licence holder companies and not the identity of individuals or groups associated with them. This is why it does not have any mechanisms against the MP, David Bejuashvili who in different legal forms owns three general broadcasting licences in one broadcasting zone (Tbilisi): two belong to Rustavi 2 and one belongs to Mze TV. He also owns one specialised licence TV company, Stereo 1 which is musical-entertainment. Such a monopoly directly serves political goals: for the air to be filled with programmes of the same political orientation and ideology, for the news programme production and broadcasting to follow the same standard. The commission did not take any definite action against these violations.

Monopolies and cartels

3. POLITICAL CONDITIONS

The major problem in the Georgian media is the superficial coverage of government decisions/decrees. This is especially obvious when journalists argue with government representatives and, as a rule, lose. The reason for this is that a critical evaluation of the government's actions requires a certain degree of knowledge journalists often do not possess. One of the major challenges facing contemporary Georgian journalism is to increase the level of professionalism. The anchors of social-political talk-shows do not even try to examine the discussion topics. That is why discussions about Georgia's membership in NATO and about women's rights reveal an equally low level of professionalism.

Coverage of marginal groups

Xenophobic attitude in general and anti-Armenian and anti-Chinese hysteria in particular are visible in the Georgian media of the 21st century. If the first one is based on the historically established false stereotypes, the latter is developing in front of our eyes and is caused by the latest increase in migration from China to Georgia. The media give structural coherence to fears blindly occurring in societies, stirred up by various political and social groups. For example, Imedi's popular weekly programme Droebe aired footage stating that in Georgia, Azeri or Armenian families mostly have three or four children. Rustavi 2, in turn, expelled one of the participants on the reality show Geobar just because during the first live show he openly announced that he was a homosexual. The same can be said about the coverage of various religious groups, where negative views prevail. Professional standards are almost absent diversity coverage.

Such an attitude is not generated by government policies. The government is mostly interested in marginalising opposition political forces, in which television broadcasters readily provide their help. Excluding Imedi TV, all other television companies are political partners of the government.

Self-censorship As a result, self-censorship is much more obvious with television companies, rarer in the case of newspapers and practically absent in radio companies. An example of censorship is when journalists and producers negotiate their materials with the various officials. Often they do not even need approval since they know the officials' position and even share it. Investigation of information sources in different state and public institutions was replaced by selections of advisers and consultants who provide journalists with messages and point to the major directions.

Illegal state repression The government often turns to illegal acts of repression. There is no legislative basis for repression against the media. The government can, after all, still put pressure on media owners to fire journalists, cancel any programmes, even popular ones, and close down a television station. Otherwise, it can violently raid the premises of any broadcaster and take it off air, as happened to the television company Iberia in 2004 and television company Imedi in 2007.

On 7 November 2007, after having twice dispersed protest rallies in the city centre, the government showed that it could take even more radical measures. It considered that Imedi TV's broadcasting posed a threat and sent the special task force to the television company. Special task forces broke into the Imedi premises, physically and verbally harassed the journalists and other staff members and finally entered the operating room and the studio, taking the channel off the air. Such a violent closure of Imedi TV indicated two things: that the government is capable of conducting an illegal act (it did not have the legislative authority to halt the broadcasting of any television channel and suspend its licence); and that the government has a selective approach towards democracy (I will act as I want). At the time of writing, the property of the company's owner is still being held and the licence issue has been passed for resolution to the Georgian National Communications Commission.

Obstacles to internet access None of the regulating laws or legislative acts affect the internet. Sufficient funds and desire is enough to become a provider. The government cannot block internet users.

Changes in the past five years We can conclude that there is a real threat of government repression and the situation has strongly worsened, especially in the light of the events of 7 November 2007.

Government control over print media The government almost never uses such measures against the print media. This can partly be explained by the government not yet regarding newspapers as a serious power able to facilitate independent public opinion, and also by newspapers' low circulation, which makes them less profitable businesses. The salaries of journalists working in the print media are also much lower than for those working for television companies. However, President Saakashvili often says that he does not read newspapers. The State Chancellery, the ministries and local administrative institutions are strictly prohibited from subscribing to newspapers. This also is an indirect form of repression against the print media.

Newsprint is not produced in Georgia, but is imported from Russia, China and Turkey. The economic embargo put an end to the import of paper from Russia. Several private newspaper distribution networks exist which together do not cover the whole territory of Georgia.

4. ECONOMIC PRESSURES

Despite several exceptions, the Georgian media have not been able to sustain themselves as free businesses. This is impossible in a country where the market turnover for advertising in 2007 was 0.2 per cent of GDP. This equals EUR 25 million and is based on the price lists. The real amount is slightly smaller than that. According to the Georgian National Communications Commission, the cumulative revenue of the broadcasting companies (including VAT) is 52.2 million GEL (approximately EUR 23 million) (GNCC 2006). The share of advertising placed in the newspapers and weekly magazines is quite low.

State subsidies

Advertising sales are the major source of revenue for the media around the world. The low turnover of the Georgian advertising market is mainly caused by the low levels of competition in the Georgian business environment. Business and enterprise in Georgia is still oligarchic, which means that business groups are closely related to or dependant on the state.

The media business in Georgia is mostly subsidised. Such subsidies are not always transparent and a lot of so-called 'black' money is involved in the media business. Often media outlets and particular journalists are funded only to prevent them from producing and airing critical reports.

As mentioned above, the funding of the television companies running at a loss by businessmen close to the government is a kind of indirect subsidy from the government. Apart from this, certain ministries and institutions produce advertisements and place them on different channels to promote their activities.

Subsidies indirectly influence the print media as well. This is the model of exempting print media from certain taxes. At the start, this only involved exemption from value added tax; later on, during the parliamentary hearing, the print media were also exempted from income tax. The funds generated by these taxes are so small that the government can afford to liberate the print media from them. According to the Georgian tax code, these privileges will be in force until 2009.

This is as much a corruption issue as is the government's decision to sell the rights for publishing tender announcements and public information, which are required under the Law on State Procurements. The government sold the whole package as one lot. The winner was newspaper 24 Saati, which also kept this right in 2006 in 2007 and continues to publish these announcements in 2008. It seems that the government was so satisfied with the first tender, that it automatically extended the contract. Naturally, other newspapers are deprived of such benefits but they enjoy a higher level of editorial independence. The subsidised media are very friendly towards the government.

Further aspects

A similar situation prevails in the regions. Local authorities pass the funds allocated to support publicity and information to their favoured papers and television companies without announcing any tenders.

The biggest problem for the media companies is the unhealthy business environment when an advertiser places advertisements in a media outlet according to its political views. What's more, advertisers do not place advertisements in an outlet not favoured by the government. Using administrative resources in this way creates an uncompetitive environment in the media market.

5. NON-STATE REPRESSION

Repression by non-state groups The government so actively applies illegal repression that non-state repression is almost invisible. Such repression mostly becomes apparent when a channel or a newspaper publishes a story devoted to a religious issue. Immediately a priest will appear or a member of the Orthodox Parents' Union. Such actions are not planned by the Patriarchy though some representatives openly or semi-covertly support and manage such protests. The Orthodox religion and the church to certain extent are a taboo topic. Such protests are often directed against media outlets and particular journalists.

The other form of non-state repressions is the attitude of political parties' representatives towards journalists and media outlets. Representatives of the ruling party as well as opposition members selectively boycott different media and refuse to participate in their programmes. Several opposition parties in 2006 boycotted Rustavi 2 TV, while the ruling party representatives in 2006–07 boycotted Imedi TV.

Changes in the past five years No violent attitudes are noted towards journalists from the non-state bodies. As a result, there have been no cases of government institutions having to protect journalists from repressive actions. Therefore, to summarise the analysis of the last five years, it can be said that no qualitative changes have occurred.

6. CONCLUSIONS

Freedom of the media: general situation During the last four years, the government has shown that it not only can but is also willing to co-exist with clan groups. It manages to do so through establishing autocratic control and monopolising corruption. The government is well aware that the major interfering power in this case is a well informed society and that society is only well informed if the country has free media. This is why the government uses all available resources to establish control over the media: starting with covert censorship and brute interference in editorial policies and ending with encouraging the establishment of corrupt systems in the media. In this way, it is very easy for the media to lose society's trust. The quality of media freedom has significantly deteriorated during the last five years.

Major obstacles to free media coverage Taking into account all that has been said above, it can be said that media in Georgia are free but with significant limitations. Media legislation and the conscientious work of some journalists point to media freedom. The major limitations are illegally posed by the state.

Zviad Koridze

- 1] *Given the political, historical, cultural, and religious legacies and the way Georgians see themselves, the assignment of Georgia to Asia can be questioned. However, the 'boundary' between Asia and Europe is conventionally considered to run through the Dardanelles, the Sea of Marmara, the Bosphorus, the Black Sea, the Caucasus Mountains, the Caspian Sea, the Ural River to its source, and the Ural Mountains to the Kara Sea near Kara, Russia. Therefore, in a strict geographical sense Georgia belongs to Asia, whose most western point is defined at 26° 4' eastern longitude. The assignment of Georgia to Asia in this publication, however, for a yet further reason. The regional programme Political Dialogue South Caucasus that covers Armenia, Azerbaijan and Georgia is assigned both in terms of content and administration to the Asia division of the KAS.*
- 2] *While this document was in the process of submission, it was announced that on 12 February 2008, businessman Badri Patarkatsishvili had died of a heart attack at his home in London.*

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