

Azerbaijan

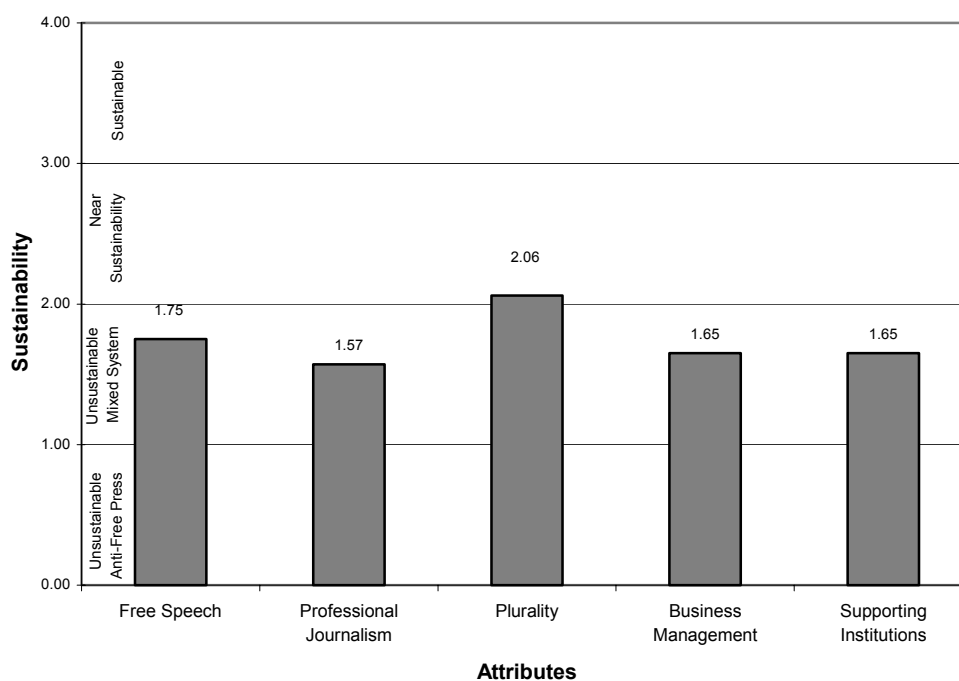
Introduction

Azerbaijan has made only tentative steps towards a sustainable media environment. The full range of legal protections of freedom of speech are not in place, and those that do exist are weak and in many cases counter to international standards. The lack of implementation and enforcement of existing legal norms indicates that the government values the practice of free speech less than the theory. The judiciary and police are not aggressive and independent in their application of the law. The Council of Europe (CoE) is working with the government to update its laws to correspond to CoE standards, but this is an ongoing process with seemingly little immediate impact.

The quality of journalism is not up to internationally accepted standards and varies between the capital and smaller cities. Editorial control inhibits professional journalism as many media outlets are politically connected and favor certain parties, groups, or individuals, restricting individual journalists' ability to work professionally. No widely accepted code of ethics exists for the profession, although some outlets adopt one version or another of existing standards. Training for journalists is poor, except for that provided by some local and international NGOs. The quality of university programs is poor and the faculties unprepared to teach modern journalism skills.

Azerbaijan has a variety of media sources for citizens, representing different views. However, they are generally not widely accessible to the public, particularly outside of Baku. Print media are not widely circulated so television, dominated by state television, is the main source of information. Citizens on the borders can receive foreign broadcasts although the quality of Iranian and Armenian news is similar to Azerbaijan and does not provide a credible alternative. Internet access is limited, particularly outside of Baku. News is generally political, particularly in state media, while the independent media covers issues such as economics and social concerns better than the state.

Media Sustainability Index - Azerbaijan



Scoring System

- 0** = Country does not meet indicator; government or social forces may be actively opposed to its implementation.
1 = Country minimally meets aspects of the indicator; forces may not be actively opposed to its implementation but business environment may not support it and government or profession not fully and actively supporting change.
2 = Country has begun to meet many aspects of indicator but progress may be too recent to judge or still dependent on current government or political forces.
3 = Country meets most aspects of indicator and implementation of indicator has occurred over several years and/or change in government, indicating likely sustainability.
4 = Country meets the aspects of the indicator; has remained intact over multiple changes in government, economic fluctuations, changes in public opinion and/or changing social conventions.

The scores for all indicators are totaled and averaged for each objective.

Each of the objectives can receive a score from 0 to 4:

Above 3: Sustainable and free independent media

2-3: Independent media approaching sustainability

1-2: Significant progress remains to be made; society or government not fully supportive

0-1: Country meets few of indicators and government/society actively opposing changes

Business management of independent media is hampered by a weak economy, a small pool of media managers, and government interference in business issues. Many media are supported by sponsors and as such focus more on projecting the viewpoint the sponsor is interested in, rather than sound business management. As with most countries throughout the region, the media market is saturated in Azerbaijan, fragmenting the advertising market that does exist. There are no consistent and reliable market research studies.

Azerbaijan has several established associations representing the interests of journalists, management, and ownership, as well as NGOs that are more concerned with free speech issues. These associations are not highly successful but have made progress in representing their members' interests, particularly on several important issues that have arisen when journalists have been targeted through the legal system. Formal journalism education is not up to professional standards at the university level. Training provided by local and international NGOs seems to offer the best professional instruction for journalists. Supporting functions, such as printing, are both privately- and publicly owned, and newsprint comes from Russia, offering some protection for independent media. However, the government controls distribution of print media outside of Baku, limiting print media's freedom. Private broadcasters use their own facilities, but have little money for adequate facilities.

Attribute #1: Legal norms protect and promote free speech and access to public information

Indicators
1. Legal/social protections of free speech exist and are enforced
2. Licensing of broadcast media is fair, competitive, and apolitical
3. Market entry conditions and tax structure for media are fair and comparable to other industries
4. Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare
5. State or public media do not receive preferential legal treatment, and law guarantees editorial independence
6. Libel is a civil law issue, public officials are held to higher standards, offended party must prove falsity and malice
7. Public information is easily accessible; right of access to information is equally enforced for all media and journalists
8. Media outlets have unrestricted access to information; this is equally enforced for all media and journalists
9. Entry into journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists

Azerbaijan took a step forward in February 2000 when its parliament passed a new media law. While this was a necessary measure, there remain many problems with both the media law and the civil code that

can seriously hamper journalistic progress. Current laws in Azerbaijan deal with mass media, freedom of information, and state secrets. No broadcast law exists, though the government plans to adopt one within two years. Also, a new law on freedom of information is supposed to be adopted before the year 2002

Azerbaijan has two years to implement legal changes pertaining to journalists and journalists' rights recommended by the Council of Europe. The country has already stated the necessity to change laws. On May 7, 2001, a special working group was established by the president's office to prepare amendments to the existing laws on mass media, according to the CoE recommendations. The group was supposed to introduce amendments to the laws on media and state secrets, as well as draft bills on TV and radio, information security, and journalists' responsibilities. Ali Hasanov, Chief of the presidential administration's Public-Political Division, was quoted by the Turan news agency as saying that the drafts will be first submitted to the CoE, and then to the Milli Mejlis (the Azeri parliament) for ratification.

Improving freedom of the press was one of the conditions of the country's entry into the Council of Europe. In February 2001, less than a month after Azerbaijan was granted full CoE membership, CoE Secretary General Walter Schwimmer expressed concern at new restrictions on press freedom. He called on Azerbaijan to change appropriate laws to conform to conditions of CoE membership (IJNet; "COE Secretary -General concerned by closure of regional TV stations in Azerbaijan"; <http://www.ijnet.org/Archive/2001/2/9-8506.html>).

In August 1998, President Aliyev signed a decree officially ending prepublication censorship and instructing the parliament to adopt laws ensuring freedom of the print media. This law was hailed as the first step in the direction of true freedom of speech. All MSI panel members agreed that the constitution is supposed to provide for free speech; however, laws are often not enforced and open to interpretation. The reality is that the court system does not apply the principles of freedom of speech evenly. In the regions outside of Baku they are often not enforced at all. Intimidation and harassment by tax and other government officials are used to censor rural media.

Although some media specialists find the updated 2000 media law more progressive, some of its provisions represent obvious setbacks. As mentioned by some panelists, two articles in particular cause journalists concern. Article 19 states that if a media outlet loses cases in court three times it can be subject to closure. Article 50 states that members of the parliament have the right to revoke an individual journalist's credentials. The journalist has no legal recourse to reverse the decision.

Uch Nogte, an independent newspaper, was closed in August 2000 after being convicted of violation of statutes three times within 12 months. The paper lost the case brought by the Siruz Tabrizli, Minister for Information and Press. Khoshgadam Hidayatgizi, the editor-in-chief of *Uch Nogte*, called the court decision "groundless and biased." The court ruled in favor of the minister despite protests by leading international media watchdog organizations and a hunger strike by journalists from 10 publications that lasted more than a week. (IJNet; "Court orders closing of an independent newspaper in Azerbaijan"; <http://www.ijnet.org/Archive/2000/8/31-47907.html>)

According to the present media law, all media outlets are supposed to be registered with the Ministry of Print and Information. However, on April 19, 2001, Azeri President Aliyev signed a decree eliminating the ministry, thus leaving the country without a government agency regulating the media. Without the ministry, no agency exists to fulfill provisions of the nation's media law to register media outlets, and even prior to the abolishment, the ministry had been refusing licenses for a month, without any explanation. The establishment of a new press council in the president's office is planned to replace the abolished ministry.

The adoption and implementation of new media laws, the need to create public television in Azerbaijan, and other similar issues were discussed at a meeting organized by journalists' Union *Yeni Nesil* with

assistance of the Council of Europe. Participating were different media assistance organizations, including Press Club and Internews.

However good the new laws are, their implementation depends on two factors: training of journalists and the reform of the judiciary system. Many good laws can be adopted but until they start working they make no difference. (Arif Aliyev, President of *Yeni Nesil*)

The situation with registration and licensing of broadcast outlets is worse than that of print media, since there is currently no law on broadcasting in Azerbaijan. The regulation on how to register a broadcasting media outlet and the process of obtaining a license theoretically consists of five steps, one of which requires the independent station to receive a certificate from state television about the quality of its equipment. This is ironic, because some independent stations have more modern equipment than the state ones.

Politics, bureaucracy, and corruption are all involved in the very difficult process of registering and obtaining a license. One panelist represented a newspaper that is unable to do strategic planning for longer than a three-month period due to the changing registration procedures. This newspaper was told it had been operating illegally for a year, thinking that it had successfully registered the year before. Its assets were frozen and the paper was asked to pay US \$42,000. Even when the matter was resolved some eight months later (after a smaller amount was paid), the paper was then informed that it had to pay a 15-million manat surcharge on the original fine.

Despite the existing procedure, no regional station except *Kapaz* in Ganja managed to obtain a license. Other regional stations operate without formal registration and are totally dependent on the will of local governors. When the authorities deny registration, they often use “technical” reasons that are very obviously not valid, such as “there are no frequencies available,” while the Internews representative stated that there are about 40 free channels.

The panelists agreed that the updated 2000 law does not protect journalists well. If a reporter is attacked and the police are informed, they will in the best of cases promise to investigate, but nothing will happen. There are very few independent media outlets in Azerbaijan. To survive financially a sponsor is usually found to provide the capital that is needed to operate. This involves being funded by the state, an opposition party, or a wealthy businessman. Having sponsors hinders the efforts of media to provide content free of any bias.

Market entry conditions and the tax structure for media are comparable to other industries, and the tax system is not fair to any industry. Time and again panel members stated that the government used tax authorities to pressure independent and opposition media outlets. Tax audits and inspection by fire officers, police, and other state departments are effective tools to tie up financial and human resources. Azerbaijani newspapers have special provisions in the tax legislation for lower taxes but apparently these laws don't work. Panel members mentioned that advertising revenues are not exempt from taxes, even though they are the main source of income for papers.

In March 2001, the parliament (Milli Mejlis) adopted a law exempting the local media from customs duties. The Amendment to the Law on Customs Tariffs stipulates that mass media products can be exported duty-free and importation of media equipment and products is exempt as well. (IJNet; “Media in Kazakhstan, Kyrgyzstan and Azerbaijan may soon be exempt from some taxes,” <http://www.ijnet.org/Archive/2001/3/22-8859.html>). For a while a “double taxation” on imported newsprint was imposed, which led to reduced number of copies and, in some cases, closure of papers. The artificially created newsprint shortage is one of the ways of local authorities to contain opposition papers' issues during important public events, such as parliamentary elections. (IJNet; “Azeri journalists protest newsprint shortages and attacks on reporters,” <http://www.ijnet.org/Archive/2001/2/15-8540.html>)

In May 2001, the Tax Ministry filed a criminal case against Shamil Sefiyev, the financial department chief of independent TV station ABA, for “tax evasion” and “use of forged documents.” Sefiyev was forcibly removed from his office by seven policemen on May 23 and delivered to the local police office, where he was not allowed to see his lawyer for several days. Apparently, the reason for this action was the station’s financial success, which was not “properly shared” with tax authorities.

On May 3, the committee for rights of journalists, RUH, distributed a statement on the occasion of the international day of mass media claiming that 40 violations of rights of journalists were registered in Azerbaijan during the first four months of 2001. During the reported period, journalists from nine mass media outlets were subjected to physical and moral harassment while on duty. Five journalists were detained for ten days, one for seven days, and one for 12 days. Lawsuits were brought against nine newspapers, and seven newsstands of the private firm Gaya were pulled down.

Libel articles exist in both criminal and civil codes. The MSI panelists pointed out that the category into which any particular case falls depends on who is libeled. Journalists sometimes get imprisoned, although this measure is not as widely used as economic pressure against media outlets. According to the recently adopted Law on State Secrets, any media outlet that publishes information containing “state secrets” (the definition is open to interpretation) must disclose the source of information and share the responsibility for it with the source. If the media outlet refuses to disclose the source, it will have to assume the full responsibility for the published information and be prosecuted. (IJNet; “Law on State secrets amended in Azerbaijan; www.ijnet.org/Archive/2001/3/9-8673.html). Cases of corruption among judges and prosecutors are widespread, including those dealing with cases of libel, and public officials are never held responsible for their deeds.

Technically, public information is available to all journalists. There are no legal regulations that stop media from accessing this information, except for information that is considered sensitive to state security and economic activities. This exception has been left open to interpretation. During MSI interviews, comments were made about how information is readily provided to media outlets loyal to the provider. In various instances, it was claimed that lower-level employees were told not to provide information to members of independent or opposition media. This is difficult to prove because the lower-level employees do not refuse to give the information; they simply do not volunteer it.

The laws on public information are often ignored. For example, one law stipulates that a government agency employee must respond to a media inquiry within 24 hours, but it doesn’t happen, especially with the law enforcement agencies. The higher the rank of the official approached for information, the less likely that journalists will have their requests addressed. Independent journalists’ organizations have no means to address the lack of access to information in any consistent or organized way.

Article 52 states that the citizens of the Azerbaijan Republic have the right to gain direct information from foreign sources, including mass media. Mass media in Azerbaijan do use the Internet to gather materials. MSI panel members mentioned that one obstacle is the lack of English language ability possessed by other journalists. Instead, Russian and Turkic sources are relied upon. Another barrier is the cost of access to the Internet and to news services due to the poor economic situation. There is almost no access to international media in hard copy. The discussion panelists suggested that workshops should be organized for journalists on effective use of the Internet, as well as English-language courses. Internews and the Soros Foundation have plans to do this.

All journalists must be accredited to report on government activities, according to Article 50 of the 1999 Mass Media Law. To be allowed into the parliament building, for example, journalists must receive accreditation from parliament. Credentials can be revoked by the accrediting organization, without legal recourse by the journalist. A panelist mentioned that when hiring a journalist, the advantage is given not to the candidate who has completed a journalism program but to the candidate who has a degree in economics, petroleum, or any other specialized knowledge. The number of journalism programs is

limited, with Baku State University still the largest establishment, and the one most harshly criticized for its low quality of teaching. One of the biggest problems in journalism education is the lack of new textbooks.

Attribute #2: Journalism meets professional standards of quality

Indicators
1. Reporting is fair, objective, and well sourced
2. Journalists follow recognized and accepted ethical standards
3. Journalists and editors do not practice self-censorship
4. Journalists cover key events and issues
5. Pay levels for journalists and other media professionals are sufficiently high to discourage corruption
6. Entertainment programming does not eclipse news and information programming
7. Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient
8. Quality niche reporting and programming exist (investigative, economics/business, local, political)

Very few media outlets can be considered truly objective or independent. Most newspapers publish articles whose content corresponds to their owners’ political agenda. There is no clear understanding of the criteria to judge who is objective in reporting in Azerbaijan. “Most journalists do not have a good understanding of what standards of quality are.

Entertainment prevails over news in the programming of most independent TV and radio stations. An Internews report says that “Azerbaijan is in need of improving its news quantity” and provides a figure of about 3.5 hours of news on average per independent station per week.

A local NGO developed an ethics code, which was open to voluntary signing by media. Only six organizations have signed this document to date. Many MSI panelists felt that the pressure to produce unethical material is due to the economic situation. The more financially secure a journalist or media outlet is, the more they are able to resist the pressure to publish articles that are biased. ANS TV station has developed its own code of ethics, mainly using the experience of Western broadcasters. The articles include a ban on showing decapitated bodies and identifying names and faces of rape victims, on demonstration of material erotic in nature before the evening hours, and other widely accepted world standards.

Self-censorship is practiced in Azerbaijan in order to avoid investigations, audits, threats, and beatings. This practice is in place due to the influence the current government and business environment exerts over mass media.

The overall opinion is that most of the media in Azerbaijan are politically affiliated with a source of funding. Opposition parties do not have adequate access to the government-owned media and create their own media outlets. Political figures buy media outlets, which serve their interests. There are many newspapers in Azerbaijan which sell for 100 manat (less than two cents USD); they are at the mercy of whoever pays for the content of the paper. Of course, it is difficult to speak about professional standards in the context of those papers. Even if journalists working there are professional, they cannot be objective and impartial.

The papers that charge a market price have higher professional standards. A newspaper with higher standards is more expensive to produce. Unfortunately, the processes going on in Azerbaijan at the moment is similar to the problems of Russia in the recent past, where the independent media have been almost totally destroyed. The government uses economic leverage to control independents, which means that most media outlets have to “sell” their freedom.

Journalists are able to cover key events and issues. However, sometimes covering a controversial event, such as a protest demonstration by an opposition party or a police attack on the offices of an opposition paper, can pose danger for journalists. There have been numerous cases when reporters were beaten and

jailed along with demonstrators, and their equipment damaged. (IJNet; “Journalists beaten and jailed covering protest in Azerbaijan”; <http://www.ijnet.org/Archive/2001/4/27-9412.html>)

Income levels for all journalists are low. In some spheres salaries have not been paid for months, and this leads to lower ethical standards, the departure of qualified journalists for other fields, and financial sponsorship which influences content. Journalists often accept bribes to produce favorable coverage. One of the panelists had met a young TV reporter who thought that filming people and getting money from them was the “point of being a journalist.”

Many statements were made about the public demand for sensational material, which in a way justifies producing such materials. However, the counterargument was that people know where they can get serious news. If an outlet participated too long in reporting sensational items, it would tarnish its reputation and might lose viewers or readers. Panelists tended to think that yellow journalism is popular now but will not last too long.

On the whole, media equipment is outdated by at least ten years. Computers are widely available. There are a limited number of media outlets that are modernized (ANS TV, *Azeri Times* and Turan Information Agency) but even at these outlets there is a desire to constantly upgrade equipment. This creates a technology gap not only between media outlets in Baku, but more important, between urban and rural populations. Internews has loaned out approximately US \$160,000 worth of television production equipment to independent stations in Azerbaijan—cameras, editing systems, microphones, lighting equipment, and tripods. In some of the smaller regional stations, Internews has provided up to 80 percent of the equipment.

Specialized publications exist in the economic and business, political, and arts and entertainment niches. Investigative reporting is almost nonexistent. TV programming also focuses on politics, economics, and business. There is a very popular program on ANS TV, which deals with the Azeri-Armenian conflict: “Telemost” (Space Bridge) uses technology to open the dialog between Armenians and Azeris.

The trend in hiring journalists is to prefer reporters with university degrees in specialized areas. Due to the existence of oil in Azerbaijan, qualified candidates in this field are sought after. Many publications either specialize in oil news or have big sections covering this area—especially the news agencies, whose biggest subscribers are Western oil companies.

Attribute #3: Multiple news sources provide citizens with reliable and objective news

Indicators
1. Plurality of public and private news sources (e.g. print, broadcast, Internet) exist and are affordable
2. Citizens' access to domestic or international media is not restricted
3. State or public media reflect the views of the entire political spectrum, are non-partisan, and serve the public interest
4. Independent news agencies gather and distribute news for print and broadcast media
5. Independent broadcast media produce their own news programs
6. Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates
7. A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources

People in Baku have greater access to media sources compared to people in the villages and smaller towns. Often in the village teahouse one can see one newspaper copy going from table to table because people cannot afford to buy individually. Only in the larger cities is there public access to Internet, which practically does not exist in the villages.

A variety of newspapers exists and provides a wide array of views. However, the population's access to them is limited. By different accounts, there are between 350 and 700 registered newspapers; about 150 of them are active, and only 60 are printed regularly. According to Yeni Nesil (the Independent Journalists'

Association), the number of papers printed per person is .08, which does not allow the population access to information. If 50 percent of the population can't get information, then the journalists' work is voided for those people, said Arif Aliyev, the head of Yeni Nesil.

The print media play only a secondary role in providing the Azeri public with information on developments in politics and other aspects of national life, because small numbers of publications are printed, and most readers have limited purchasing power. Rural audiences use TV as a main source of news, which is why the regional stations have problems registering. Today there are 13 independent TV stations operating (eight in the regions and five in the capital). People living in the regions bordering other countries (Armenia, Iran, Turkey) can receive programming from these countries. In the regions bordering Armenia, the TV program *Telemost* can only be watched through the Armenian channel. Most of the FM stations are concentrated in Baku, as transmission outside of Baku is limited. Thus radio programs outside of the capital are dominated by the government influence. BBC and Radio Liberty also broadcast outside of the capital.

Most private media outlets (print and broadcast) provide national and international coverage, as well as local news. Some publications, such as *Caspian Business News*, an English-language newspaper, cover regional news.

It is legal to listen to foreign broadcasts and read foreign news, and the government does not block access to foreign news sources on the Internet. Internet resources are inaccessible for financial rather than political reasons. There is no direct restriction on domestic or international media. The poor economic situation in Azerbaijan makes it difficult for people to have access to the Internet, cable TV, and newsprint. The average newspaper costs 1,000 manat (20 cents USD), cable TV costs US \$25 per month, and Internet connection costs up to US \$50 per month. To put this in a perspective: a loaf of bread cost 500 manat (10 cents USD). With a country of over 1 million internally displaced people and an average monthly income of \$43 per month (UNDP, Human Development Report, 1999), people are barely able to afford many of life's basics. In the regions, the government can restrict access to information through distribution, on which it has a monopoly.

The state-owned media devote all of their space and time to the official news and materials featuring the president and his immediate surroundings. Educational and cultural programming is weak. Independent media strive to provide a balanced view to the predominately state-run or opposition outlets. One repeated comment was that a better economic situation would allow media to be more profitable—that is, to increase revenues from advertisements. Financially sustainable media would lead to more independence. ANS, for example, can afford to show programs that reflect different, sometimes conflicting points of view on religious, military, and political issues. Panelists also mentioned that advertisers and investors are attracted to impartial outlets, which can boost their profits.

Public television will be created in Azerbaijan soon, in accordance with the requirements set by the Council of Europe. In early May 2001, one of the opposition parties submitted its draft law on public television to the parliament, suggesting that it should be structured as a closed-type joint stock company under public control. The draft also envisioned liquidation of the two state channels. However, parliamentary leaders opposed the idea and argued that the Council of Europe recommendations do not require the abolishment of state television, and that even democratic countries had stations financed and managed by the government. Most likely, one of the two government-owned channels—AZTV-1 or AZTV-2—will be transformed into a public channel. A project is in development to train specialists (managers, reporters, etc) for public broadcasting.

Most media outlets use information provided by news agencies, which have become very successful. Although 32 information agencies are registered in Azerbaijan, only about one third of them are in operation. Turan is by far the most successful; it was founded in 1991 and issues daily information on politics, business, oil and gas, and culture in Azeri, Russian, and English. Sometimes the papers

requesting agencies' information become heavily indebted and then the supply of news is cut off. However, some agencies, such as Turan, do not charge papers that cannot pay and provide information for free. The prices for business users are much higher compared to newspapers, and revenues from business subscribers are the main source of income for the agencies.

The most widely accessible media outlet in Azerbaijan is the state television channel, AZTV-1. It is the only broadcaster received throughout the country, and is considered the sole source of news and information for as much as half of the country's population. Its primary function is to provide information on political developments, specifically the activities of the head of state, government officials and bodies, and to explain state policies. There are also private television companies based in the capital, Baku: ANS, Space-TV, LIDER, ABA and AZAD-Azerbaijan, all with limited area of coverage. SPACE has just installed transmitters that allow it to be seen throughout the country. LIDER may be able to do the same by the end of the year. Regional independent stations are not registered and are dependent on the will of regional governors. ANS, SPACE, and LIDER produce their own news. AZAD-Azerbaijan does not produce or broadcast any news. ABA only produces a business news program. On May 24 ABA signed a long-term contract with CNN, Reuters, and Deutsche Welle to broadcast their news in Azeri.

The news produced by the state and private channels differ dramatically. The private ones tend to be more objective. For example, during the unsanctioned demonstration organized by the Democratic Party in April 2001, protesters were severely beaten by the police, which was reported by independent stations. At the same time, the state TV was showing policemen who allegedly suffered during the demonstration. People's trust in state-funded TV is very low.

Even though media ownership in Azerbaijan is by no means a transparent process, people in general know who owns most outlets. However, this information is mostly disseminated through rumors and is not officially public. Moreover, most of the country's profitable and influential businesses are, directly and indirectly, in the hands of individuals close to the president. Compared to the situation in Russia, where moguls sometimes represent the opposition to the government, and regional governors have wider independence, in Azerbaijan the government controls all major processes.

Media are available mainly in Azerbaijani, Russian, and English. There are five English language newspapers in Baku. BBC broadcasts 24 hours a day in all three languages. There is a program in French. TV broadcasts are in Azerbaijani and Russian. There are no illegal languages in Azerbaijan. Minority newspapers in Lezgin, Kurdish, and Georgian languages exist, but are only printed in the regions where there are higher concentrations of these ethnic groups. The number of copies printed is usually so small that it would be impossible to try to sell them throughout the country. State radio programming exists in the Armenian language, which broadcasts from Baku to the Nagorno-Karabakh region. Independent media cover social issues, although minority issues can be difficult and create tension because of the unsettled problems in Nagorno-Karabakh.

Attribute #4: Independent media are well-managed businesses, allowing editorial independence

Indicators
1. Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses
2. Media receive revenue from a multitude of sources
3. Advertising agencies and related industries support an advertising market
4. Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets
5. Independent media do not receive government subsidies
6. Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences
7. Broadcast ratings and circulation figures are reliably and independently produced

Azerbaijan has both state and private publishing houses. There is plenty of competition and prices are reasonable if newspapers are able to pay. State-supported media outlets are often allowed to pay late.

Independent and opposition newspapers are allowed to pay late as well; however they are pressured to pay their debts in full or face closure.

There has been a recent crisis with the rising cost of paper that has forced many papers to reduce the number of copies they print or even to close altogether. Newsprint cost goes up while the cost of services of printing houses goes down.

Many private media outlets cannot survive without subsidies from a sponsor, but most of the revenues for independent media come from advertising. Circulation provides income but usually does not cover even the cost of publishing. It is a very small market with many outlets competing for a limited amount of advertising funds. The oil-related advertising boom ended in 1998 when a great number of businesses closed their doors and left Azerbaijan. Since then it has been difficult for independent media to remain economically independent.

However, the tendency is that the more independent a broadcasting company is, the richer it becomes. In Georgia, Rustavi-2 has captured 70 percent of the advertising market and had US \$ 3 million in profits last year. Foreign investors get attracted to such revenues and express interest in purchasing these highly profitable enterprises. Some investors are also interested in buying some of the Azeri stations. However, there are hidden obstacles to this process. The government has ways of influencing the decision making process of many companies when it comes to advertising, and thus the stimulus to produce more objective reporting and attract larger audiences (and consequently more advertisers) also suffers.

There are over 40 advertising agencies in Baku; the majority of them are print-related. Larger international businesses use only advertising agencies to distribute their ad budget. There are a smaller number of local businesses that use the agencies. The trend among international aid organizations is to conduct business directly with outlets. According to Article 13 of the 1999 Mass Media Law, print publications should not contain more than 40 percent ad content, and in TV and radio programs [transmissions] advertising should be no more than 25 percent of the broadcast programming. Most print publications accepted this law because at this time there was not enough advertising to come close to 40 percent (the current average is approximately 20 percent.) When asked what they would do if there were more than 40 percent in ads, they said they would just increase the size of the paper. One newspaper representative explained how half of their ads were a form of a barter deal. This is a very common practice.

The advertising market is very limited and most media are engaged in fierce competition for advertisers. The oldest independent station, ANS, also considered the most successful one, has already felt the impact of LIDER's competition.

The government long ago learned not to directly close down outlets that were not favorable to them. They have tried to "purchase" the opinion of the paper and only a few have been able to avoid this. Since electronic media have higher operational costs, the issue of subsidies is more important for them. Some hope that the public television is the alternative to government-owned broadcasting that will not depend on either government subsidies or the political interests of the financing body.

However, many expect the experiences of neighboring countries Armenia and Russia to recur in Azerbaijan. In Armenia and Russia the content of public broadcasting is often identical to that of the government channel. Most hope that this process will gradually change within four to five years. One should compare the broadcasting situation in Azerbaijan with that of seven years ago; there are now five independent channels that strive to provide competitive programming.

This competition also helps raise the professional level, because the viewers are not going to watch 1.5 hours of news coverage about the president—a practice that AZAD-Azerbaijan and LIDER did before.

Now, they have to change with the market and broadcast what viewers demand. Everyone agreed that economic freedom is the most important part of independence.

Market research is not conducted on a professional level. No regular ratings for print media are produced by any commercial organization. Due to political and economic instability, planning is very difficult. The independent media association Yeni Nesil conducts what they call “monitoring” of the popularity of newspapers and topics, which includes surveys conducted several times a year. Some editors interview individual street vendors who can provide information on the level of interest generated by one or another topic. In broadcasting, rating studies are expensive: weekly reports cost US \$10,000 per year to produce.

Attribute #5: Supporting institutions function in the professional interests of independent media

Indicators
1. Trade associations represent the interests of private media owners and provide member services
2. Professional associations work to protect journalists' rights
3. NGOs support free speech and independent media
4. Quality journalism degree programs exist providing substantial practical experience
5. Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills
6. Sources of newsprint and printing facilities are in private hands, apolitical, and not restricted
7. Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted

Azerbaijan has various associations in place to assist and strengthen journalistic professionalism and unity. Among the more established media associations are Yeni Nesil (Press Club), the RUH Committee to Protect Journalists, and the Journalists' Trade Union. The Union of Journalists, established in Soviet days, is no longer funded by the government, and although it has the largest number of members, it is not very active in promoting journalists' rights.

With assistance from Internews, eight regional stations formed the Association of Broadcasters in December 2000, which also helps journalists to protect their rights through legal advice and by representing stations that are forced to close by the government. There is also the Council of Editors, which usually publishes notes of protest and joint statements of newspapers when journalists' rights are seriously violated.

The trade associations interviewed claimed that they are actively involved in promoting journalist' rights, lobbying the government, and improving ethical standards. The reaction of panelists was mixed when asked if there were trade unions and associations that work to protect journalists' rights. Several panelists gave the example of the international campaign to free the journalist Fuad Gahramanli, who was sentenced to 18 months in prison on questionable grounds. He was released after four months due to the pressure created by the Journalists Trade Union and other organizations. However, there were opposition opinions that local organizations really did not protect or help, and in fact it is the appeal to international organizations that has the most impact. One panel member suggested that more needs to be done to train both NGOs and journalists in their rights and obligations. Such seminars have been organized by the Press Club and by Internews in the past.

Similar actions were taken to free the editor of the *Eni Musavat* opposition newspaper Rauf Arifoglu, who was jailed on dubious charges of hijacking a plane. The Council of Editors then threatened the authorities that they would bring the case to the attention of the Council of Europe. The Council of Editors attracted much of the attention of assistance organizations in the international media (the Committee to Protect Journalists, Reporters Sans Frontieres, International Press Institute and others), members of which sent letters of protest to the Azeri government. The editor was released after the Ambassadors of two countries—members of the European Union—visited Arifoglu in jail to investigate the case.

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There are about 20 NGOs registered as organizations related to media work, advocacy, and human rights. According to panel participants only two of them function. NGOs such as Free Person (human rights) and the Association of Women Journalists exist, but their scope of activities is limited.

Many journalists have no formal training and get their experience on the job. The Baku State University and most private universities have journalism departments, Baku State being the oldest. However, the level of journalist education there is very low. Almost the entire teaching faculty consists of nonpracticing journalists. The biggest problem in journalism education is the lack of new textbooks: there is an acute need to prepare new teaching materials so that students can write objectively and use new equipment.

Students can get journalism degrees abroad, through the US State Department-funded Edmund Muskie program. A few exchange programs are now also being established. Even though media outlets are able to absorb journalism graduates, very few can offer the most qualified conditions attractive enough to make them stay.

Media training in Azerbaijan is mainly organized by foreign and local NGOs. The Center for Entrepreneurship Support also conducts training on business reporting. However, many journalists feel that more workshops take place than they have time to attend. In the view of editors, although in-house training may be useful, the best type of training is travel to international sites for practical exposure to different styles of management and operations.

Most of the newsprint is imported from Russia and is in private hands. However, the government can still exert pressure to control imports through customs. There are both private and state newsprint and printing facilities. According to panel members State printing faculties do not censor or ban any newspaper from printing with them (with the exception of photographs that do not flatter the president). Private print houses are cheaper and offer a variety of services, but papers with larger print runs prefer to use the larger, state-owned print house "Azerbaijan," as they cannot rely on the equipment of the private ones. According to some calculations, to open a modern, independent print house will cost around US \$3 million.

Panel participants agreed that the government controls the distribution of print media in the regions: "There is a monopoly on the distribution of information. For broadcasters, the government has the monopoly to grant frequencies and for print publications it has the monopoly on distribution." If an article appears in a newspaper that is unfavorable to the local governor, copies of that issue will not be distributed in that region. In Baku, there are two alternatives to the state distributor, the Gasid company. One is the privately owned Gaya firm and the other is the street vendors that represent small, often unregistered enterprises. Gaya kiosks were closed in a recent incident, which has been interpreted by many as a Gasid effort to protect its monopoly on the distribution market. However, individual street vendors are much harder to control.

Most independent channel transmitters are private and are placed on the outlet's own premises (SPACE uses the governmental one). In one instance, a new independent channel placed a transmitter on the government-owned TV-tower, but was later closed down by the authorities. The attempt to then remove the transmitter was unsuccessful, and the transmitter is still there.

List of panel participants

1. Khayal Tagiyev, ANS, an independent TV station
2. Ilham Safarov, Internews, an international media assistance organization
3. Arif Aliyev, Yeni Nesil, Journalists Association
4. Chingiz Sultansoy, Baku Press Club
5. Murad Kadimbekov, *Sobitiya* newspaper
6. Farid Gahrmanov, Turan News Agency

Observer

Richard Tracy, IREX/Caucasus Regional Advisor
The USAID Democracy Officer was unable to attend

Panel moderator

Nika Kazimova, former Internews associate