

Patronage Media in Post-Communist Mongolia

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Abstract: We provide a historically informed analysis of the media in post-communist Mongolia thirty years after the transition. In 1990, Mongolia chose a peaceful transition towards liberal democracy following the seventy years of the communist regime. Our analysis first establishes that amid the challenges and changes since the new constitution was adopted, a plural and commercial media system has undeniably been established. However, only a few established themselves as independent media with editorial, business, and ethical norms. While the plurality of media outlets created a media landscape aberrant from the socialist-time propagandistic media, the media market failures, along with rudimentary legal and professional institutions, contributed to the media instrumentalization and media capture in Mongolia.

Keywords: media capture, instrumentalization of media, Mongolian media, market failures

This article provides a historically informed analysis of the recent media situation in post-communist Mongolia thirty years after the transition. In 1990, Mongolia opted for a peaceful transition to liberal democracy, and the Constitution of 1992 adopted the fundamental tenets of liberal representative democracy. Those tenets included freedom of speech and press and the separation of the legislative, executive, and judiciary powers. Consequent legislation abolished the Communist Party's control of society and dismantled government-run state media. Since then, this sparsely populated landlocked country between Russia and China has undergone dramatic social, economic, cultural, and media changes. Political science researchers have often studied regime change and the post-communist transition without paying particular attention to the role of the media in these processes (Voltmer, 2013).

Moreover, media researchers have only sporadically analyzed the long-term role of the media in consolidating democratic processes (Gross & Jakubowicz, 2013; Hrvatin et al. 2004). This article focuses on the historical role of the media in the democratization processes in Mongolia and aims to answer two primary research questions: 1) How have the post-communist context and the media development mutually shaped one another? 2) To what extent has the media contributed to democracy in Mongolia and how?

In investigating the above research questions, we first briefly present the Mongolian context, then employ the theoretical framework of the media system approach in transitional democracies (Hallin & Mancini, 2004; Voltmer, 2013) and the concept of “media capture” by political and business interests, as well as by global digital platforms in Mongolia (Mungiu-Pippidi, 2013; Schiffrin, 2017). After briefly presenting the methodology, we conduct an empirical analysis of the Mongolian case.

In the last 30 years, the Mongolian economy has grown dramatically, primarily due to a mining boom and consequently the economy has become resource-dependent on mining, producing 85% of the total exports (World Bank, 2021). Along with the economic growth, migration from rural to urban areas has doubled so that almost 70% of the population lives there. The wealth derived from mining increased social stratification. A small political and financial elite has exploited the privatization process and mining wealth. A prosperous middle class in the capital—Ulaanbaatar—contrasts the poverty and depressing conditions among ordinary people in both rural and urban areas. The influx of significant foreign investments into mining also relates to a geopolitical notion of ‘the third neighbor’ policy to attract Western investment to counterbalance the country's dependency on the two giant neighboring economies, Russia and China. These specifics of the Mongolian context of post-socialism, mining dependency, “third neighbor policy,” and rampant social stratification will be interwoven into our analysis. The rapid integration of the country into

the world market economy with digital social media and significant mining investments further accelerates the transformation of media spheres.

THEORETICAL FRAMEWORK

The role of media in a democratization process and democracy has been fiercely contested, especially in transitional countries. As Voltmer (2013) points out, “neither democracy nor the notion of a democratic media – nor that of related ideas such as press freedom, objectivity, and the watchdog role – has a fixed meaning” (p. 233). The domestication and reinterpretation of Western models of democracy and democratic processes, in general, are not fixed or static, even within long-established consolidated democracies

Considering the varying notions of the democratization process, we analyzed the media’s role in the Mongolian democratization processes following the media system approach proposed by Hallin and Mancini (2004), that involves four dimensions:

“(1) the development of media markets; (2) political parallelism, that is, the degree and nature of the links between the media and political parties; (3) the development of journalistic professionalism; and (4) the degree and nature of state intervention in the media system” (p. 21).

Hallin & Mancini (2004) define the three core elements of professionalization in journalism. i) journalists’ relative autonomy that justifies control over their work processes within the media organizations. ii) a set of distinct shared professional norms, e.g., codes of ethics and “to maintain a separation between advertising and editorial content” (p. 35). iii) public service orientation to secure public trust. Hallin and Mancini (2004) further juxtapose professionalization with instrumentalization, where journalism is controlled by specific external interests rather than public trust.

Scholars have applied the framework by Hallin & Mancini in the analyses of media systems in the democratization process of Eastern Europe (Voltmer, 2008), Brazil (de Albuquerque, 2005), East Asia, and Sub-Saharan Africa (Voltmer, 2013) and South America (Mellado & Lagos, 2013) despite criticism of the model’s shortcomings (Humphreys, 2009; Norris, 2009). Hallin & Mancini (2012) endorse the raised criticism of shortcomings and invite other researchers to develop the framework further (p. 207). Voltmer (2013) has, in her work on media and democratization processes in transitional countries, further developed the framework in a way that stresses the importance of the notion of ‘path

dependency' among other issues. "Path dependency" focuses on how characteristics of the old regime mold the democratization processes in various ways.

The Mongolian media system has been characterized by a high level of media instrumentalization, external pluralism with various outlets, a lower degree of professional journalism, and the continued socialist-time tendency of state control of media in the last three decades. These commonalities of media development characteristics resemble some of those of the media systems in southern Europe, which differ from northern European and Anglo-American versions, which are characterized by: long-standing media rules, established journalistic autonomy, and rational-legal authority (Hallin & Mancini, 2004, p.73). In Mongolia's media system, political parallelism distinguishes political control of media from that of economic regulation. Hallin and Mancini (2004, p.37) refer to the former as instrumentalization and the latter as commercialization. We argue that neither is immediately applicable in Mongolia because the media rarely support specific parties or party ideologies, but instead mainly serve the interest of specific politicians, who often possess both political and commercial powers. Instead, politicians on all political spectrums instrumentalize the media for their political and business interests. In that sense, the "media capture" concept, defined as controlling the media by political and business interests to serve their interests, is more useful in our analyses.

We take Hallin & Mancini's (2004) framework as a point of departure and provide empirical analyses of these characteristics concerning political clientelism, journalistic integrity, market failures, and social media influences. Hallin and Mancini's define clientelism as a "system where patrons control social resources and deliver to clients for support and exchange" (2004, p. 58) without formal rules and no qualms for serving the common interest. This definition provides a valuable explanation for our analysis of the linkages between media organizations and the government in obtaining government contracts and concessions in Mongolia. Additionally, we apply the media capture concept that helps render the colluded political and business interests that deter the media from performing their watchdog functions and informing the public (Mabweazara, Muneri & Ndlovu, 2020; Nelson, 2021; Schiffrin, 2017). Both theoretical approaches have overlaps when defining media capture, the instrumentalization of media, and clientelism. Hallin and Mancini (2004) juxtapose journalistic professionalism against the instrumentalization of media by political and business interests, a classical form of media capture. News media's economic vulnerability that incentivizes plutocratic interests to take over news business and disseminate propaganda, distraction, and opinion manipulation (Nelson, 2021), is reflected in our analysis of the Mongolian media market, as suggested by Hallin & Mancini (2004).

We also elaborated upon Mellado and Lagos' (2013) inclusion of the impact of technology and social media in our analysis and how the oligopolistic digital platforms, Facebook and Google, siphon off the funding from local media, which are already struggling. Their approach emphasizes how the exponential growth of smartphones, tablets, and social media in developing countries changed media by encouraging more independent news analyses and counter-narratives. Mongolian institutions' practices and media organizations' norms are being shaped in previously uncharted, uncertain political contexts and amidst digital acceleration that was not the case in media and journalistic development in other established democracies. Anya Schiffrin (2021) explains how the low entrance threshold for digital media increased the number of online media outlets globally, which compete for purportedly infinite ads, thus lowering the cost of advertisement. This condition makes news media economically vulnerable and easy to capture.

Furthermore, unfettered oligopolistic platforms, Facebook and Google, have facilitated media capture policies worldwide, increasing pressure on local media's content and self-censorship. In the digital age, traditional media's role and gatekeeping function are circumvented, and scholars caution that even though social networks have increased viral communication and deliberative possibilities, social media use contributes to "the digital capture" by Facebook, Apple, and Google around the world (Schiffrin, 2017). Because of social media's mode of operation, emotionally charged, polarized, and sensationalized information tends to circulate virally and widely, contributing to the "echo chamber" and disinformation order that distorts and distracts news media's roles and functions.

NOTES ON METHODOLOGY

The case study used the following resources: available academic historical studies, various Mongolian and international reports on the Mongolian media situation, systematic monitoring of the Mongolian media landscape since 1999, and relevant media legislation. Additionally, in May 2022, the authors conducted 14 interviews (30 to 90 minutes) with media experts who are journalists, editors, university researchers, television executives, former board members, and leaders and employees in non-governmental organizations. The interviewees were chosen for their expertise in various aspects of Mongolia's media systems. The interviews supplemented each other and in some cases, one interview led to the next. Finally, the interviews were analyzed and interwoven in the context¹.

1 The interviews were transcribed and translated by the authors.

MEDIA DEVELOPMENT AND MEDIA MARKET

Throughout the post-Communist era, the Mongolian media market has had a great variety of media outlets and content indicating intrinsic plurality.

As of January 2022, there were 428 media outlets, including 7 national daily newspapers, 135 television stations (of which 20 are national), 50 radio stations (7 national), and 191 online news websites (PIM, 2022). Behind these statistics is a media market undergoing fundamental, complex, and ambivalent changes.

PRINT PRESS

The number of legacy media, especially print media, has steadily decreased over the last decade. Newspapers were the first independent media that took advantage of the new freedom of expression and broke the strict government and Communist-party control of the media. The first independent newspaper, *Shine Toly*, was launched in February 1990, followed by a plethora of political newspapers. However, unlike other post-communist countries like Poland and Estonia, the independent and oppositional print media achieved limited impact, as Myagmar and Nielsen explain:

The new independent newspapers were financially vulnerable, while the government media enjoyed considerable material and financial support ... Newsprint became a scarce commodity because of the suspension of supplies from Russia in 1993, and the rationing of newsprint, predictably, favored government newspapers since the primary publisher in Mongolia at that time was the state-owned Suhbaatar Publishing House, which published about 70% of Mongolia's printed material. (Myagmar and Nielsen 2001, p. 4)

Because market failures render free and fair competition impossible, the government-run daily newspapers *Ardyn Erkh* and *Zasgiin Gazryn Medee*, the off-shoots of former government newspapers, maintained their dominant market share throughout the 1990s. Following the adoption of the Law on Media Freedom in 1998, which prohibited government-owned media, both newspapers were privatized and renamed respectively *Udriin Sonin* and *Zuuny Medee*. Despite some growth in titles and circulation till 2006, the daily newspapers did not manage to create mass circulation. The total circulation of daily newspapers was by 2021 only 27,700. The limited circulation and a moderate print advertisement market indicate that newspapers were established to serve mostly political interests. Except for a few weekly newspapers such as *Khumuus* (established in 1997) and *Seeruleg* (established in 1996), which had significant circulations of 35,000 and 26,200 at some point around 2006, newspapers have not established themselves as media businesses. Instead, they serve the political and

business interests of patrons, or individual politicians because many of them operate as smaller units in business corporations.

The total number of newspapers and magazines by titles has dropped by 50% in each of the past two decades, and the annual sales of newspapers have dropped by 300%, while that of magazines has dropped by 1800%. Despite the declining exposure among the public, the few remaining print newspapers still impact the political agenda among public administrators and business decision-makers, owing to the institutional subscription and online circulation on social media. Bayarmagnai, the general manager of the second largest newspaper *Unuudur*, explains how the newspaper is distributed nationwide and how subscription is prevalent in public administration by saying:

Even though our newspaper subscription in print has declined in recent years, ninety percent [90%] of the readers of the print versions are decision-makers, including local *sum* (province administrative units) governors, principals of schools, directors of kindergartens, and business managers. Subscribers are different from readers or kiosk buyers demographically (Bayarmagnai, interview, May 11 2022).

The reduction in the number of kiosk sales has resulted in a significant decline in the newspapers' advertising revenue and has been reflected in changes in politicians' election campaigns. Most existing newspapers have disassociated themselves from political party affiliations. Nevertheless, the advantages of having a political affiliation with the Mongolian People's Party (MPP), has allowed a few newspapers to survive while other newspapers gone bankrupt. The share of election advertisements in newspapers has decreased by 75 percent from the election in 2012 to the election in 2020², and the candidates for the 2021 presidential election neglected the use of daily newspapers as a platform for advertising and focused mainly on social media campaigns.

BROADCAST MEDIA

The broadcast media in the 1990s followed the path of the printed media. The government-run Mongolian National Broadcaster (MNB) maintained a stronghold in national broadcasting. Since the 2000s, television has become the dominant medium, and MNB lost its stronghold, especially in the capital Ulaanbaatar. From 2003 to 2006, 11 new private television stations were launched in Ulaanbaatar, a few of which had high-profile in-house news production, including *TV5*, *TV8*, and *TV9*, while others were low-budget cable-fed stations distributed by newly established cable operators that also provided neighboring and international

2 PIM (2020). Election information monitoring during the Parliamentary Elections 2020.

television. Since 2004, 4 private Ulaanbaatar TV stations began broadcasting nationwide via satellite distribution, which led to MNB losing its dominance in the country. In 2005, MNB was transformed into a public service entity, which we discuss below.

Mongolian households have experienced a dramatic boom in access to a plethora of local, national, and international television stations thanks to the newly launched stations, high penetration of cable subscriptions in urban areas, and satellite distribution in rural areas. The national and Ulaanbaatar's major television stations have produced comprehensive news and entertainment programs, and recently the television sector has successfully managed the digital transition (Baasanjav, 2016). Additionally, most stations have an active online presence: 83 percent of them have their own Facebook page, and most stations re-post programs online on a daily basis.

The television sector has consolidated, yet many stations do not have sufficient income to spend on expensive equipment and program production due to immature and limited advertisement markets. Revenues of television stations that are generated by private and government advertisements as well as fees collected from cable service providers are often insufficient, so most stations are still supported by and serve political and secondary business interests. As we will show in the next subsection, this lack of finance for television stations makes them vulnerable to political instrumentalization. Indeed, a few television stations are affiliated with politicians through their owners and founders, and some make the most income during elections. The Law on Broadcasting established a broadcast development fund collected from the fees multichannel cable and satellite operators must pay for carrying television programs. The provision of the law has been criticized for privileging broadcasters and disparately treating cable and multichannel operators. This situation shows the lobbying power of the broadcasters, who either own television stations or have political connections to them.

ONLINE AND SOCIAL MEDIA

The number of online news media has tripled over the last decade reaching 190 online news sites, indicating that the desire to exploit the freedom of expression has endured over the years. Around half of the online news media have their own editorial offices and provide journalistic content and few even produce excellent investigative journalism. The remaining news websites re-cycle national and international content already disseminated by other media. The fundamental

changes in demand for news are technology driven, mainly due to the high penetration of mobile phones³ and Internet access.

Mongolians have enjoyed unrestricted Internet access since its arrival in 1996 and internet use has dramatically increased because of the improved mobile phone technology and new inexpensive services. *Facebook* has in collaboration with the main mobile phone service providers offered free of charge access to *Facebook Basics*, a limited text-only version of *Facebook*⁴. Consequently, *Facebook* is hugely popular with 2.1 million Mongolians having a *Facebook* account. According to a Press Institute survey, a majority of people consider Facebook the most important source of domestic information (PIM, 2022). The dependence on Facebook as the main source of news and information challenges the role of legacy media as gatekeepers. To a limited extent, the exponential growth of smartphones and social media in Mongolia contributes to more independent news analyses and counter-narratives in line with Mellado and Lagos' (2013) study, as discussed below in the section on investigative journalism. While *Facebook's* features afford some civic discourses and online deliberations, the dependency on *Facebook* as the foremost news source leads to an increase in unsubstantiated, emotionally charged, and sensationalized news. Furthermore, *Facebook Basics* creates an infra-structural dependency on *Facebook* and has internationally been criticized for violating the "net neutrality" principle, for surveillance of users, and distorting the advertisement market for news and journalism (Pickard, 2022).

As was the case in print media, there is little information about the sources of income of the websites, but besides a few exceptions based on the content and personal interviews with owners of news sites, almost all the sites in addition to advertisements are financed by politicians and businesspeople based on contracts and 'collaborations' for mutual interests.

LEGISLATIVE AND REGULATORY CAPTURE OF MEDIA

The Mongolian Constitution of 1992 and the subsequent media laws secured the freedom of expression and created the legal framework conducive to liberal democracy. Nevertheless, several setbacks have taken place in media freedom, including defamation, curtailments of freedom of information, lack of access to ownership, and more seriously, poor implementation of media legislation.

3 According to the annual report from CRC in 2020, the mobile phone subscriptions (3,8 million) significantly exceed the total population (CRC 2020)

4 Zero Rating-Mongolia, Accessed Sep 6 2022 at <https://zerorating.wordpress.com/mongolia/>

Parallel with the specific media legislation, several other laws have impacted media freedom. The Law on State Secrecy of 2002 allowed broad and nontransparent secrecy classifications to be applied to government records to limit disclosures, and these secrecy classifications of government records remained in the revised law of 2016, the Law on State and Official Secrecy. Additionally, a new category, “official secrecy”, was included, defined as information safe-guarded the government, which, if disclosed, can potentially harm the interests of the government branch, organization, or other legal entities.

The 2011 Law on Information Transparency and Right to Access Information obligated public institutions to provide comprehensive and wide-ranging information to the public. However, Article 18 of the law prohibits disclosure of information detrimental to the “national security and public interest of Mongolia,” thus providing a loophole for institutions to avoid disclosing any controversial information. The law was revised in 2021 into the Public Information Transparency Law, which balances public institutions’ informational transparency and the public’s right to access information. The new version of the law introduces the process by which public information is sought and obtained and provides definitions of relatively new concepts such as personal information protection, consent, and notification upon disclosure of private information. However, the law left in place “open,” “closed,” and “restricted” classifications, where restricted and closed information clauses, along with provisions in the Government and Official Secrecy Law of 2016 and Private Information Protections Law of 2021, limit information access to the state, organizations, and individuals. This law redacts some advanced provisions regarding the rights to access information by media and the public in the previous Law. This situation, to some extent, undermines the media organization’s right to get information exposing corruption and misdeed by politicians. The state and politicians use national security and corporate secrecy as an ignoble source to restrict media access and control people.

The defamation legislation has also impeded free and independent media development. Until January 2017, both criminal and civil law had provisions for defamation. The Criminal Code considered defamation a crime and contained provisions to penalize slander (Article 110) and libel (Article 111), with sanctions of up to three months detention, six months in the case of reiteration, and up to five years in limited cases. In 2017 the Criminal Code was revised, repealing provisions on defamation and insult, but it is continuously the defendant that bears the burden of proof in libel and slander cases. Additionally, new amendments made to the Criminal Code in 2020 consider spreading false information a criminal offense. The Criminal Code Article 13 provides that „The spread of obviously false information, causing damage to others’ honor, dignity or business reputation of legal entities, shall be punishable by a fine [...], 240 to 720 hours of forced labor or restrictions upon travel for a period of one

to three months". The vague and general term 'obviously false information' and the significant punishment impede the freedom of expression and is indicative of the sheer instrumentalization of media to protect the interests of politicians, businesses, and power holders.

The legislation on media ownership is premature and inconsistent across different types of media outlets. There is the freedom to establish and run a print media outlet; but apart from formal company registration, there is no requirement to disclose ownership. The same goes for online news media, which are required to register with the Communication Regulatory Commission (CRC), but are not obliged to disclose ownership. By contrast, radio and television broadcasters and cable channels, according to a Law on Broadcasting from 2019, are obligated to disclose their owner and holders of more than five percent of the shares.

Despite the lack of publicly available records of ownership a joint study by Reporters Without Borders (RSF, 2016a) and the Press Institute of Mongolia, was able to expose the ownership of 39 of the major media outlets. None of the owners had a dominant position within print or broadcast media, and despite a few of the owners controlling both newspaper and television stations, media concentration is not a threat to media pluralism or a major concern. However, the study revealed that 29 out of the 39 major media outlets had "political affiliations through their founders and/or owners." Consequently, the links between politics and businesses result in multiple pressures on media outlets and journalists. If media outlets are politically or financially dependent, it puts them in the position of serving the owners and particular political interests rather than the public. Hallin and Mancini (2004) and other scholars convincingly argue in regard to the weaker rational-legal authority that enables clientelism. Television stations have strong ties to patrons and the extent to which the latter instrumentalize the most used electronic media have consequences for public discourse and debates. The major concern is that most media outlets are instrumental to political and business interests without considering either journalistic integrity or standards.

STATE INTERVENTION AND CAPTURE

The general idea behind the law on Media Freedom from 1998 was to dismantle government control of the media. However, the implementation of the law has been slow and insufficient both in relation to dismantling ownership and more broadly in relation to the intention of setting the media free of government control. Despite the legislation, the state control of major media institutions continues.

The state-run *MONTSAME*, *National News Agency* established in 1921, has not been dismantled. Previously the director was politically appointed by the

Prime Minister, but in December 2021, the Government decided to transfer the *MONTSAME* agency to the Office of the President of Mongolia. Immediately after this transition, the head of the Policy and Implementation Department of the President's Office became the Director of *MONTSAME*.

MONTSAME acts as a mouthpiece for the government and publishes foreign language weekly newspapers in Russian, Mandarin, Japanese, and English and a website in Mongolian. Despite the high profile of the organizational structure, it has limited impact as a proper news agency in relation to the private Mongolian media. Along with the government news agency, several professional magazines are still owned by government organizations, and some local news media are under the jurisdiction of local governments.

The transformation of another state-run media, the Mongolian National Broadcaster (MNB), into a public service entity began right after the Law on Public Service Broadcasting Radio and Television of 2005. Although MNB is guaranteed independence, according to the law, the political party in power has a strong political grip on the governing body, the selection of senior management, the funding, and even the editorial policies. The MNB provides four national television channels, two national and one international radio channel, and has a strong presence on the Internet with a website and *YouTube* and *Facebook* channels. The MNB receives funding from the state budget, in addition to license fees, and a small income from advertising it generates and is governed by the National Council for Public Radio and Television, consisting of 15 members (4 nominated by the President, 7 by the Parliament, and 4 by the Prime Minister's Cabinet) appointed for a six-year term. The National Council is heavily politicized and usually appoints the Director General and key management in line with party affiliations. The former chairperson of the National Council of MNB from 2006–2012 explains how the political pressure trickles down to the programs and newsrooms of MNB:

When the political situation changes, they [politicians] always change the General Director of MNB. The appointment of the General director has always been political... All programs of MNB should be independent; no one should be pressured. But... politicians are interested in MNB and its programs. Nowadays, MNB programs and most news, for example, are of Overkhangaï province or about Overkhangaï province [laughs] because the General Director [of MNB], the chairman of the party group in the parliament and a few parliamentarians are from Overkhangaï province (Enkhmandakh, interview, May 11, 2022).

The state also intervenes in media by allocating substantial national and local government spending on advertisements and public announcements in the

private media. The ministries sign closing agreements with private media outlets, so-called collaboration contracts, where the media outlets agree to publish information fed by the ministry and refrain from publishing any negative stories. *NewsTV* revealed on March 16, 2022,⁵ the specifics of the signed “collaboration” contract between the Ministry of Mining and Heavy Industries and 13 named media outlets (5 television stations, 7 news sites and 1 newspaper) in January 2022. Each media outlet was awarded 20 million Tugriks (6,000US\$) for publishing “information directly related to the activities of the Government and the Ministry of Mining and Heavy Industry.” The media outlets were obliged to “not publish any negative information that may be detrimental to the client’s [the Ministry of Mining and Heavy Industries] reputation.” *NewsTV* further documented that there were close political and business affiliations between the government and some media outlets.

Due to dire financial conditions in the media market, many media outlets are financially dependent on revenues from government spending. Several interviewees in this study have confirmed that this practice of collaboration contracts is widely used between government agencies and media. The General manager of the second largest newspaper *Unuudur* acknowledges this contract by saying:

It is the responsibility of newspapers to support the government by spreading the government’s words out to the public. At the same time, newspapers are not a charity, and the government should pay newspapers to educate the public on issues... In general, the collaboration contract with the government is minor, in the amount of 5–10 million tugriks a year [1,500–3,000US\$]. That runs out after placing two presidential greetings a year. (Bayarmagnai, interview, May 10, 2022)

Tsoojchuluuntseteg, the editor of the oldest daily newspaper *Unen*, points out how entrenched and extensive is the practice of collaboration contracts and how government interventions directly influence media content:

Because of money shortage and thanks to the Government Procurement Law, which requires public agencies to place their procurement ads in daily newspapers, almost half of the text in daily newspapers could be government announcements (Tsoojchuluuntseteg, interview, May 29, 2022).

The state extends its intervention in the media by making private media dependent financially and editorially on government spending, thus making

5 *NewsTV* (2022, March 16) Evidence [Баримт]. Accessed June 8 2022 at <https://www.newstv.mn/a/2116>.

it difficult for the media to fulfill their democratic watchdog role to investigate and expose wrongdoings in public administration. Government contracts and concessions make a significant portion of income, this situation and the socialist-time culture that leverages party and provincial connections (*nutag*) still play a role in allocating public resources to clients for favors and benefits.

Established in 1995, the purportedly independent Communication Regulatory Committee of Mongolia (CRC) implements communication and media legislation on behalf of the government. The government appoints the chair and members of the CRC, who grant television and radio broadcast licenses. Via this personnel appointment, the government retains control of the CRC, distributing state funds for supporting commercial broadcasters and managing broadcast licenses. In recent years, the CRC imposed restrictions on digital content, television, and radio content in a broad sense, while it did not clearly define what restricted content was. During the COVID-19 pandemic, the CRC along with the police, created a directive limiting access to information sites deemed by the authorities to have spread pandemic-related falsehoods. Those considered to have spread Covid-related false information were fined two million tugriks (around 600 US\$). These cases involving journalists and individuals posting on social media, especially during the elections, reveal uncertainties regarding the protection of media and free speech and equal protection under the law when public figures sue for libel.

The above-discussed state capture in Mongolian media reveals a fundamental schism between the ideals of free and independent media, expressed in the media legislation, and the actual political culture of clientelism at all levels of public administration.

RENEGOTIATED JOURNALISTIC PROFESSIONALISM AND INVESTIGATION

Despite the apparent need for critical investigative reporting in Mongolian society, prone to corruption, clientelism, and an obscure confusion of political and business interests, investigative journalism is in short supply due to the lack of professional norms. International donors have provided much training in investigative journalism in Mongolia, yet many media outlets and journalists pay lip service to the benefit of investigative reporting.

Consequently, Mongolian journalists work within two conflicting professional and ethical principles without distinct shared professional norms. A few strive to adhere to the basic principles of Western professional journalism. At the same time, many journalists have 'renegotiated' the norms of journalism by accepting the economic and political "reality" in the media. The latter 'renegotiated

journalistic professionalism' is characterized by a general acceptance of instrumentalization and clientelism.

When we interviewed rising investigative journalist Budragchaa, known for his reports of sexual harassment of young girls in the national under-15 women's football team that the National Soccer Federation covered up on *LiveTV.mn*, and recently on his independent journalistic website *nuuts.mn*, he explained the reality of investigative journalism by saying:

Only a handful of journalists in Mongolia do genuine investigative journalism... because the pressure and threats on journalists from mighty politicians and business people are insurmountable (Budragchaa, interview, May 16, 2022).

The mainstream media do not pick up the story or amplify the reports, and they rarely invest money and time in producing genuine investigative reports, partly due to the self-censorship they impose upon themselves and partly due to the pressure exerted on the media by the elite. Budragchaa's report on sexual assault and harassment was picked up by mainstream media only after the British newspaper *The Guardian* critiqued the international football association FIFA's handling of the case (Aarons & Molina, 2021). Furthermore, Budragchaa faced five libel and defamation cases filed against him after he published another investigative report in 2022 about the corruption and public fund abuse case by the principal of the reputable joint Mongolian-Russian School in Ulaanbaatar. The school's principal and her cronies, including her influential lawyer husband, their judicial friends, and police officers, offered an unsuccessful bribe, after which they threatened and harassed him physically and verbally. Often, the police side with the people under accusation in the reports, and they are reluctant to initiate additional investigations. Instead, the police often tend to intimidate the journalists. All defamation cases against journalist Budragchaa were dropped because facts and evidence sufficiently backed his report. This brute exercise of power by the venal public and private officials to deter the media from informing the public about their wrongdoing has been on the rise in Mongolia.

Further, the judicial system might open court cases but drags the decisions and rarely imposes penalties on the disclosed misdeeds. In 2016, the chief editor of the private, independent television station *Mongol TV*, *Lkhagva Erdene*, worked with the international consortium of investigative journalists (ICIJ) on the case of the leaked Panama Papers. The investigative report "documented that many Mongolian politicians and public officials, including former Prime Minister S. Batbold, a foreign affairs advisor to the President and the son of the former mayor of Ulaanbaatar, were linked to offshore companies" (RSF, 2016b). However, the disclosures did not result in substantial political or judicial consequences for

those involved. Lkhagva Erdene recounted that in the parliament, “the implicated politicians and their party supporters condemned the reports, threatened to take us to court and tried to discredit the editorial team and reporters” (RSF, 2016b). This is the negative outcome of media capture by plutocracy by increasing censorship and lessening critical investigative reports.

Journalists cannot establish sufficient autonomy in their daily work practice under these conditions. Many journalists individually agree to write ‘paid stories’ to promote business and political interests or discredit other claims, or they agree to be paid off for not publishing critical stories. With few guiding basic professional principles, journalists refrain from publishing critical reports and are incentivized to accept bribes from corrupt authorities. The media organizations’ economic dependency and poor pay for journalists make them venal. That is why collaboration contracts are prevalent not only between government agencies and the media but also between political and business interests and the media. These contracts fundamentally challenge the journalists and the media’s self-determination, thus making the media outlets instrumental to specific external interests. The journalists are imposed upon to publish certain information on demand from the client uncritically, thus wholly obliterating the distinction between journalism, public relations, and advertisement.

Journalists are restrained or discouraged from publishing any critical news stories that could be detrimental to the client, thus potentially concealing vital information from the public. According to an opinion poll study among 300 journalists from rural and urban media conducted in 2020 by the Press Institute of Mongolia, every second journalist stated they face restrictions when publishing the stories they produce. Most news stories denied from publication or significantly edited were related to conflicts of interest concerning the ‘partners’ of the media organization. In 2019, the Parliamentary Election Law prohibited the signing of “silence contracts” by stating, “It is prohibited for any media organization to publish news or information about any party, coalition or candidate during the election campaign or to make a promise not to publish it or to conclude an agreement.” Nevertheless, according to the abovementioned opinion poll during the 2020 Parliamentary election, over 70 percent of election-related content on primetime news programs was paid-for content surreptitiously promoting candidates.

Subpar journalism gets amplified and distributed faster online in the age of digital platforms. Journalists in Mongolia are ill-equipped for fact-checking and discerning falsehood in stories, constructed images, and deep-fake videos on social media. Nevertheless, they bear most of the burden and accept all the consequences of their reports, while media organizations dismayed by the digital platforms are in no position to provide policies and guidelines for journalists about dealing with either of both mis – and disinformation. The

political elites invited a *Facebook* representative in 2019 and have collaborated with *Facebook* to alleviate disinformation and misinformation on social media. Young journalists Nara and Duya have started a third-party fact-checking service on Meta's *Facebook*, *Instagram*, and *Messenger* at <http://www.mfcc.mn>, by checking suspected mis/disinformation submissions. However, *Facebook*'s limited financial support for fact-checking startups is more deflative of the criticism against the company than a healthy support for independent media and journalists. Meta's external influences on local journalism have been criticized because the company siphons off advertising dollars from the local media it purportedly supports and creates infra-structural dependency with its *Facebook Basic* in other countries (Pickard, 2022).

The consequences of these conflicting professional standards in journalism diminish public trust in the news media. This confusion and mistrust even shadow journalism that adheres to Western professional norms because it can be almost impossible for media users to distinguish it from instrumental journalism, and sometimes even difficult to distinguish between accurate and distorted information. The structural economic and professional deficiencies are often further exacerbated on digital platforms.

CONCLUSIONS

The paper analyzed how the post-communist context in Mongolia shapes the media and how the media, in return, contributes to the country's young democracy. Our analysis first establishes that a pluralist and commercial media system has undeniably been established amid the challenges and changes since the new constitution was adopted. However, only a few established themselves as independent media with editorial, business, and ethical norms. We analyzed the hypes and troughs of newspapers and magazines starting in the 1990s, commercial television stations in the 2010s, and online news sites in the 2020s. The newspapers did not establish any form of mass circulation, and many local and national television stations have become politically affiliated and financially unviable. Many digital-born sites and legacy media online news sites operate on a shoestring budget unless funded by specific political or business interests.

These developments show that while the external plurality of media outlets created a media landscape aberrant from the socialist-time propagandistic media, the media market failures, along with rudimentary legal and professional institutions, contributed to the prevalent media instrumentalization in Mongolia as Hallin & Mancini (2004) and Voltmer (2008) warned. Hallin and Mancini's analytical frameworks, along with the notion of captured media, have both been helpful in our analysis of the media system in Mongolia, with

a short history of democratic politics, market economy, and media institutions. The drastic shift toward liberal media and economy, along with the convergence into digital media, has created unprecedented challenges to the analyses of the media system in Mongolia. The discernable “path dependency” of the communist past persists in the media sphere, as was seen in other post-communist countries where clientelism and patronage play essential roles in issuing media licenses and appointing the cadres in the media organization’s boards and staff. Even though state ownership has been prohibited since 1998, the governments influence the public broadcaster *MNB*, news wire services *MONTSAME*, and independent communication regulator *CRC* on all levels, from selecting the board’s chairman to programming and licensing policies.

Private ownership and the multiplicity of commercial media outlets do not bulwark against the instrumentalization of the media. On the contrary, as the market economy deepens, the media has been captured by entrenched political and business interests, which deter the media from functioning in society’s interests. Our analysis shows that state and private actors capture the media as media scholars warn (Schiffrin, 2017; Nelson, 2021). Local and national government agencies enter “collaboration contracts” with the media to advance desirable information for patrons and silence criticism against patrons. Government advertisement and procurement laws are utilized to distribute public resources to media organizations and clients for their political gains and benefits. The plurality of media and private ownership does not fend off against the instrumentalization of media. On the contrary, new elites who often have risen from the “traditional” state institutions, now possess both political and economic powers and they have captured the media and instrumentalized them with no qualms about the media’s normative expectations of informing the public. In this sense, the media capture concept renders better the media systems in Mongolia when analyzing the instrumentalization of media and clientelism in Mongolia than Hallin and Mancini’s (2004) original framework emphasizing political parallelism focusing on the linkage between political ideology and partisanship press. In the Mongolian political context, the ideological and political differences between major political parties—the ruling Mongolian People’s Party and the oppositional Democratic Party – are less pronounced, partly due to the election system with a single-member constituency that underpins the process.

Our second research question asks whether the media has contributed to the country’s young democracy and how. Even though a few media operate as economically free and independent media companies, they are increasingly owned by politicians and business people, who blatantly use the media for their political and business benefits. These media practices mirror a current political and business culture, where clientelism is pronounced and corruption is ingrained. In Mongolia’s loosely regulated free market and unsettled political

system, a powerful elite lobbies the parliament for their business interests, as seen in the Broadcast Law case, and the elite openly uses every tool available to manipulate the legal system and corrupt authorities. The immature legal and regulatory environment and market failures push media organizations and their editors and journalists to serve a few patrons only, who advance their political and commercial interests similar to captured media practices in other countries (Schiffrin, 2017, 2021). In the newsrooms, editors and journalists compromise ethics and professionalism under patron pressures, and consequently, the public has never found genuine trust in the news media. The media's democratic role as watchdogs has increasingly been pushed to the margins.

Furthermore, digital capture by big multinationals is starting to manifest in Mongolia, similar to other countries (Schiffrin, 2021). Even though the Internet and mobile phones have increased new online news providers, including exemplary investigations by then journalist Erdene in collaboration with ICIJ and Budragchaa's reports on livetv.mn, with few exceptions, online news sites have inherited and amplified the shortcomings of legacy media. The mainstream media rarely follow up on investigative revelations, and the political and economic elite often manage to contain their influence. Online news sites, mainly in the capital, have increasingly replaced local news, diverting attention from local issues. More locals receive news primarily on social media thanks to *Facebook Basic*, which replaces essential communication in the countryside. Because of these replacements of local news, news deserts in the countryside are one of the rising issues. Besides, online media face even more challenges because the news sites must share sparse advertisement revenue with the big tech companies *Google* and *Facebook / Meta* (Nelson, 2021; Schiffrin, 2021; Pickard, 2022). *Facebook's* collaboration with local authorities must be watched as it serves politicians more at their request.

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