

Ukraine

Population: 45.1 million (28th)
Languages: Ukrainian (67%);
 Russian (24%)
Capital: Kyiv (pop 2.8 million)
Currency: Hryvnia (UAH).
 \$1 = UAH 7.85
GDP: \$137.9 bn (51st)
GDP (PPP)/capita: \$6,658 (97th)
Median age: 39.9



GDP data from World Bank
 Population data from CIA world factbook
 Exchange rate used by IFPI (2011) (source: Oanda)

2010 Recorded music market

2005 was the last year that Ukraine was included in the IFPI's *Recording Industry in Numbers* yearbook.

Historical recorded music market (\$US m, at IFPI's 2010 exchange rate)

| | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 |
|---------------------|------|------|------|------|------|------|
| Trade Value | | | | | | |
| Retail Value | 8.0 | 9.1 | 8.5 | 21.4 | 28.6 | 28.2 |

Proportion of domestic repertoire (market value, physical sales only)

| 1991 | 1995 | 2000 | 2004 (not 05, as others) |
|---------------|---------------|------|--------------------------|
| Not available | Not available | 43% | 32% |

Album certification levels

| | 2010 | 1999 |
|-----------------|-------------------------------|-------------------------------|
| Gold | Domestic – International – | Domestic – International – |
| Platinum | Domestic – International – | Domestic – International – |

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The dramatic changes in political and economic structures since the fall of the Soviet Union in 1991 have influenced ideas about music's roles in people's lives. In Soviet times music was censored but recordings were cheap and accessible. The government's monopoly on music made intellectual property issues moot. New market economy practices have contributed to understandings of music as a commercial product to be sold and consumed for profit. Piracy, understood as the illegal reproduction and distribution of copyrighted music, is viewed by Western rightsholders and lawmakers as one of the greatest detriments to the development of music industries, globally and domestically. While piracy in Ukraine has significantly limited the revenue musicians have been able to generate from their products, black market channels have facilitated the spread of artists' music well beyond the reaches of formal music industry networks. Throughout the former Soviet Union, cheap access to music via illegal Internet sites and through pirated CDs has become the norm. Ukraine, alongside Russia, has some of the highest levels of media piracy in the world.

According to a report by the IE Market Research Corporation, annual online digital music download retail revenues in Ukraine rose from \$1.5 million in 2010 to \$10.2 million in 2011 (IEMR 2011).¹ Increased access to technology and faster Internet speeds account for much of this growth. Yet such statistics do not tell the whole story because only 18 per cent of people in Ukraine pay for downloaded music (ibid.). More than 80 per cent of digital music is pirated (IIPA 2011). Ukraine is considered by the IFPI as a 'top priority' nation as regards piracy. The nation is a distrusted economic zone among world music markets, due to a lack of regulation and law enforcement against copyright infringement.

Drawing on more than ten years of ethnographic work among musicians, cultural figures and influential players within Ukraine's music scenes, this chapter puts forth preliminary understandings of how capital, politics and piracy have influenced ideas about music's roles in people's lives, as well as the ways in which these overarching issues have shaped Ukraine's music industries during the first two decades of independence. It is divided into three parts, beginning with an analysis of the Soviet Union's monopoly over music distribution, showing how the state's control over musical expression created a cultural and political milieu that positioned popular music as a means to express anti-government and

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pro-Ukrainian sentiments. In the second part, the chapter considers continuities between popular music in the Soviet era and the years of independence, focusing on particular on the ongoing links between music and nationalist politics and on piracy. Finally, the third section analyses Kyiv's central role in the contemporary Ukrainian music industry.

Music, monopoly and censorship in the Soviet Union

Contemporary trends in Ukraine's popular music industries are rooted in a complex history of popular music's relationship to the state that changed dramatically from the Soviet era to the present. The scant data pertaining to music production in the Soviet Union and in independent Ukraine shows that a strong relationship between music and politics was set in place during the Soviet era. Music's ability to generate national and civic consciousness made the realm of popular music a highly contested domain in Soviet government, among audiences and among musicians themselves. The centralised model of governing in the Soviet Union was reflected in state-controlled music record production. From 1919 to 1921 the 'Revolutionary Central Agency for the supply and dissemination of printed products' (*Centropechat*) produced all audio recordings (Bennett 1981: ix). From 1922, when mass industrial production began, until 1965, record production was controlled by the Ministry of Culture through the All-Union Studio of Gramophone Records and the All-Union Firm of Gramophone Records (*ibid.*: x). The All-Union Firm of Gramophone Records was given the additional name *Melodiya* in 1964–65 (*ibid.*). *Melodiya* issued the majority of the music heard throughout the Soviet Union's fifteen republics. Recordings included classical, arranged folk music, children's stories, newly composed folk music, ethnic state ensemble recordings and locally produced popular music. Musicians who wished to record music had to submit their recording projects for approval from censoring committees. These political processes occurred because of the generally held view that music had the power to influence sociopolitical norms. Throughout Soviet history, therefore, various musical genres were subject to censorship, although, due to changes in the political environment, at other times the same genre could be celebrated. For example, inconsistent forms of censorship regarding jazz throughout Soviet history reveal that Soviet policy makers could not agree on whether jazz was an expression of 'decadent, bourgeois individualism' or should be supported as a struggle of Black people against imperialism (Culshaw 2006). Under Stalin in the 1930s, the saxophone was banned as an instrument of social protest (Starr 1983). By the late 1990s, jazz lost its widespread association as a genre of social protest. Today, jazz has become a voice against the new materialism in post-socialist society (*ibid.*).

During the Soviet era, limited access to musical information and subjective forms of censorship reinforced a network for musical creation via unofficial channels. An informal, personal network of exchange was one of the primary ways in which citizens circumvented Soviet control over musical production, consumption and dissemination. For example, in terms of creation, singer-songwriter Vladimir Vysotsky (1938–80), one of the most widely recognisable musical figures in Soviet

popular music culture, used allegory and satire to criticise the Soviet regime in his socially aware songs. In terms of dissemination, audiences recorded his music at small gatherings and live concerts on cassette tapes. These private recordings (*magnitizdat*) were passed along from person to person, circumventing state censorship and control (Lazarski 1992: 64). Much of the Soviet Union's rock 'n' roll was distributed via underground networks, as was Western rock music (Bahry 1994; Ramet 1994; Rybak 1990). Western rock music came into the Soviet Union through indirect channels, particularly via foreign tourists and citizens living in the Baltic republics who had greater access to foreign goods. Copies of Western rock music were pirated on cassettes as well as cut into human X-rays, referred to as *rok na kostiakh* (literally, rock on bones) and *rok na rebrakh* (rock on ribs) (Yurchak 2006: 181–84).

Most music produced by *Melodiya* was issued on LPs and had a wide-reaching audience throughout the Soviet Union. Locally developed LP technology was financially accessible to most citizens and the majority owned LP playback equipment. The radio continued to be the most popular and easily accessible form of music distribution. As a mouthpiece for the state, however, most people recognised the radio as a medium for political propaganda, as evidenced by the local name for the radio system that was built into Soviet-era apartment housing – *brekhunets*, the liar. Music continued to be used as a form of social critique, however, as in the 1989 song *Brekhunets* (1989), sung by Andriy Panchyshyn, a member of the musical theatre group *Ne Zhuryts* (Don't Worry): 'Lying from birth/The end has come/My Soviet kitchen radio/Chokes on the truth'. The song publically questions the types of information disseminated via state-sponsored media, an act of dissent that was punishable by the Soviet state. When certain musical genres were recast as social commentary, rather than pure entertainment, the act of playing, listening and distributing these genres became a political act. In this way, music became viewed as a vehicle through which information and sentiment could be shared beyond the radar of state control. In the post-socialist context, much of this sentiment remains strong in Ukraine (Helbig 2006). Equally significant, however, is that the means through which these recordings were distributed – *magnitizdat* shared within personal networks of exchange to avoid official censure – also retain cultural significance in the post-Soviet era.² The following section discusses these continuities.

Soviet collapse, post-socialist identity politics and the rise of black market music

The fall of the Soviet Union in 1991 brought about a structural collapse of professional musical production and distribution in Ukraine and the *Melodiya* label lost its musical monopoly. The disintegration of the banking system, the devaluation of the Soviet ruble and the massive socioeconomic restructuring that came about with movements for independence left most people without access to disposable income and musicians without physical or economic opportunities to create music. Live music performance came to a screeching halt as state-owned

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performance venues, restaurants and clubs went bankrupt. Lack of access to technology made public performances very difficult. Few producers had money to invest in formal infrastructure. Music conservatories and state-sponsored choruses, ensembles and performance troupes stopped paying out salaries and many musicians had to seek sources of income elsewhere. Average salaries in Ukraine in the early 2000s were \$100 per month (Boulware 2002). Most people had very little income to spare for live entertainment and recorded music. In 2002, a ticket to the opera in Lviv cost \$1 and only a handful of audience members could afford to go. Many musicians emigrated to the West, while others made it through the economic transition by trading at the bazaars.

Post-socialist economic collapse and widespread political corruption opened the market to illegally reproduced cassettes of local music and to contraband Western media including, but not limited to, pornographic magazines, B-rated Hollywood movies and cassettes of Western popular music. The most common Western popular music in circulation in the 1990s were cassettes of high-profile contemporary Western singers such as Madonna and Michael Jackson. By the 2000s, the primary modes of black market music distribution changed from audio cassettes to MP3 compact discs. Black market CDs continue to be sold at bazaar kiosks, metro stations and in stores. CDs of local and international popular music are sold alongside CD-ROMs, DVDs and audio/video cassettes (Boulware 2002). The largest bazaars for such activity include the Petrovka and Radiolubitel in Kyiv, Mayak in Donetsk, and the large bazaars in Kharkiv, Odesa, Lviv and other major cities (IFPI 2005).

In 2005, the IFPI identified Ukraine as one of ten 'priority countries' with 'unacceptable piracy rates' (IFPI 2005). According to the International Intellectual Property Alliance, more than 80 per cent of music and video discs sold in Ukraine are illicit (IIPA 2011). The rampant breaking of intellectual property laws prompted the United States to impose trade sanctions on Ukraine in 2001. In 2005, Ukraine put forward a new law that focused specifically on optical disc piracy and the government made highly publicised raids on pirate factories and warehouses (Haigh 2007: 169). There have also been high-profile lawsuits filed by rights holders against illegal CD production plants such as the Kyiv-based Rostok plant that made missile parts during the cold war and began making optical discs in 1995 (IIPA 2009: 333). In turn, the United States reinstated trade relations with Ukraine and repealed the Jackson–Vanik restrictions on Ukraine in 2006. Issues of piracy have not gone away, however. In the last five years, hologram labels have appeared on allegedly officially licensed CDs, although it is clear that many of the labels themselves are pirated as well.

Many musicians in Ukraine speak out about the loss of revenue with regard to piracy. They participate in press conferences and meet with politicians, urging them to enforce existing laws and introduce new legislature regarding copyright protection. The Ukrainian copyright watchdog site Ukrainian League of Musical Rights (www.musicliga.org) warns musicians of companies guilty of copyright infringement and publishes a list of production companies that sell music legally, including Universal Music Group, EMI, Warner and Ukraine-based companies

such as CompMusic, Moon Records, Universal Media and Mama Music. According to Alexei Humenchuk, director of the musicliga website, it costs about UAH55,000 (\$7,000) to record a song, promote it and issue a music video. In 2007, the cost of recording and promoting an album in Ukraine was UAH200,000 (\$25,000) and the present piracy rates make it impossible for artists to earn their money back. Musicliga estimates that the loss of royalties for 2009 was \$25 million.³ The ignoring of intellectual property laws is not just a question of consumer attitudes, however, but is rather embedded in many business practices. The IIPA estimates that 90 per cent of broadcasting operations infringe, with cable operators and TV stations – as well as restaurants, bars, and shopping malls – refusing to pay royalties to collecting agencies (IIPA 2011: 353).

The persistence of piracy is thus one way in which the Ukrainian recording industry still reflects its historical background in the Soviet era. Another way is through the continuing links between music and politics. In Ukraine, much officially produced and distributed music in the late 1980s and early 1990s was done with the help of Ukrainian diaspora organisations in the United States and Canada. Wanting to capitalise on the role that Ukrainian-language popular music could play in stirring Ukrainian ethnic consciousness, diaspora organisations invited many Ukrainian-speaking musicians to perform in community centres and at Ukrainian heritage festivals throughout North America. Similarly, diaspora musicians began taking part in politically organised festivals in Ukraine to show public support for Ukrainian-language music among audiences that feared overt nationalist expression due to a history of persecution by the Soviet regime.

In 1989, members of Rukh, the People's Movement for Restructuring in Ukraine, launched the Chervona Ruta Festival in Chernivtsi (Czernowitz), western Ukraine. The Chervona Ruta Festival was the first Ukrainian-language music festival held in independent Ukraine, named after the song *Chervona Ruta* (Red Rue) that won the Soviet Union's Best Song of the Year award in 1971. It was composed by Volodymyr Ivasiuk (1949–79), whose Ukrainian-language songs had a wide-reaching nationalist influence far beyond the musical realm (Sokolowki 2008). His outward support for a language that was censored and banned in the public sphere by authorities at various times in Soviet history made Ivasiuk a target for authorities and it is widely believed that he was murdered by the KGB.

Hosting the first Chervona Ruta Festival in Ivasiuk's birthplace was thus a symbolic gesture. Drawing on the musician-martyr Ivasiuk as a symbol of Ukrainian ethnic (and, by extension, anti-Russian) consciousness, festival organisers, independence leaders, diaspora community representatives, musicians and audiences used music to strengthen Ukrainian nationalist political platforms. The festival takes place every other year in a different Ukrainian city and continues to adhere to the policy of only featuring songs in Ukrainian.

The growth of ethnic Ukrainian consciousness and its influence on popular music production, and vice versa, temporarily halted the public performance of Russian-language music in the 1990s. Efforts by local Ukrainian nationalist leaders, particularly in western Ukraine, to control the types of music played in the public sphere based on language choice continued into the early 2000s. During the Ukraine

Without Kuchma anti-government protests in 2001, local officials in the western city of Lviv banned Russian-language rock music from public transport. That same year, Ukrainian-language singer Ihor Bilozir was murdered by ethnic Russian youths who provoked a fight with the musician when he sang a Ukrainian song at an outside café in Lviv. Pro-Ukrainian national media outlets compared his death to that of Volodymyr Ivasiuk by the KGB (Zhurzhenko 2002).

In many ways, the development of music industries in Ukraine reflects political tensions as tied to regional differences in culture and language. Based on my observations at numerous music festivals in cities and villages throughout Ukraine, it seems that language trumps genre in terms of musical choice among audiences. Ukrainian-language musicians are strongly supported by audiences in western Ukraine and in the predominantly econd World War era diaspora communities throughout North America and Europe. Russian-language musicians have greater support in the more Russified central and eastern parts of Ukraine and gain access to Russian music markets via musical scenes in St Petersburg and Moscow.

The connections between music and language go beyond nationalism, however, and extend explicitly into formal politics. For instance, hip hop competitions in the eastern city of Kharkiv are sponsored by Ukraine's Party of Regions, *Partia Regionov*, the pro-Russian leaning political party in power that uses its funding to solidify youth support for its political platform. In the western city of Lviv, Orange Revolution supporters, such as Ruslana Lyzhychko and Oleh Skrypka, enjoy financial support from pro-Western, pro-ethnic Ukrainian opposition parties. Perhaps more significantly, performance contracts are tied into political networks. During election cycles, the most prominent artists in Ukraine are contracted by politicians to campaign for them. In such ways, candidates who win elections reward musicians with semi-exclusive rights to perform at public festivals and city-sponsored events. Currently, Ukrainian-language music is in a tenuous position because pro-Russian candidate Victor Yanukovich won the 2008 presidential election, defeating Victor Yushchenko (leader of the 2004 Orange Revolution). The changeover in power in 2008 has reflected itself in the choice of popular music groups – from Ukrainian-language to Russian-language.

Local politics, however, do not explain why the majority of popular music groups from Ukraine, whether Russian or Ukrainian-language, do not succeed within the international markets in the West. Ethno-musicologist David Emil-Wickström has identified East European diaspora-based music scenes in Germany that support artists from Russia and Ukraine (Wickström 2009, 2008a, b). The majority of musicians, however, depend on the expanding Russian market for more performance and recording opportunities. The fact that Anastasiya Prykhodko, an ethnic Ukrainian singer from Kyiv was voted as the Russian representative in the 2010 Eurovision contest in Moscow (with her bi-lingual Ukrainian-Russian song *Mamo*) suggests that the issue of language may play less of a role outside of Ukraine's borders than within the country itself. Nevertheless, most musicians from Ukraine who strive for the Russian market sing in Russian and are connected to a growing Russian music industry within Ukraine. In Kyiv, Moon Records, which has reissued many recordings done by Ukrainian-language artists in the 1990s, is

reportedly a Russian-owned firm. The company has reissued numerous popular music classics from the 1970s to 2000s. The re-release of historical music helps listeners gain access to recordings that were not readily available due to limited quantities of production on outdated mediums such as LPs and cassettes. Lavina Music, the largest music distribution company in Ukraine to date, have released recordings of Ukraine's most popular musicians, including Ani Lorak, Tina Karol, Asiya Akhat, Alyona Vynnytska, Vitaliy Kozlovskiy, Esthetic Education, Druha Rika, Skryabin, Mandry, VV, Okean Elzy, and others. The company's success lies in meeting the growing demands for digital music in a variety of media formats and through cooperation with media partners in the US, England, France, Sweden and Russia.⁴

The emergence of a new music industry in Ukraine

The Orange Revolution, a series of protests that established fair democratic presidential elections in Ukraine, established the nation's capital, Kyiv, as the home of a multiculturally professionalised music industry. It helped lift corrupt government censorship from radio and television, solidified a nationwide distribution network for CDs, validated home computer music-making and positioned the Internet as a way through which people in Ukraine share music (as the only uncensored domain during the Orange Revolution, the Internet was one of the primary ways that music and political information were shared). Media coverage of the Orange Revolution helped Kyiv attract musicians from all parts of Ukraine. Broader organisational events, such as Kyiv's hosting of the 2005 Eurovision contest (Wickström 2008a), and a series of free public concerts by Elton John in 2007 and Paul McCartney in 2008, sponsored by oligarch-turned-cultural patron Viktor Pinchuk, elevated Kyiv to the status of a city that is now commonly included on Western artist world tours. Hip hop artist 50 Cent gave a concert in 2006 and the Rolling Stones came to Kyiv in 2007. Few major concerts by Western musicians have been sponsored in other cities to date and many musical talents from the western, southern, and eastern parts of the country have moved to Kyiv.

Despite the relative openness in Ukraine's public sphere, musicians continue to take great risks in participating in the local music industries, due to the lingering networks that are tinged by political ideologies regarding airplay and access to media coverage. Political elites with the greatest access to economic capital play an important role in shaping the local music industries in independent Ukraine. They finance the types of popular music that are consumed in the public sphere and influence the ways in which music is regulated and disseminated. Changes in political leadership reflect themselves in the types of musical genres that gain the greatest market share in the public sphere based on language choice, lyrical content, and, most importantly, on the political ideologies of the musicians themselves.

Television and radio offer increasing opportunities for musical access. Local musicians compete for airtime with international artists, particularly from the United States and the Russian Federation. A relatively small number of politically

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connected Ukrainian artists enjoys continued media exposure, although the types of musicians featured are directly connected to the election cycle. While the Orange Revolution did its part in overturning media censorship, politicians continue to have great influence over the types of information featured in media outlets. Musicians have also begun to rely on philanthropic support from oligarchs, the so-called white-collar mafia, who have begun to recast themselves as cultural benefactors to appease the continued criticisms from the majority of Ukraine's population who earn a very meagre income. Figures such as the aforementioned Victor Pinchuk, son-in-law of former President Leonid Kuchma, offer cultural grants for classical music events, ethnic music recording projects, and public concerts of popular music. The Ukraine 3000 International Charitable Fund,⁵ founded by Kateryna Yushchenko, wife of former President Viktor Yushchenko, funds folk music projects. While tied in part to political ideologies, there seems to be a greater emphasis on cultural philanthropy that supports civil society discourses and on multicultural pluralism that aims to present a more balanced approach to the underlying ethnic tensions in Ukraine.

Although the post-socialist association between music and politics remains strong, Ukraine's music markets continue to feature and introduce fresh talents in a variety of musical genres. Networks of small recording studios have sprung up in all major cities for anyone willing to pay the nominal fee for recording. Local young producers versed in editing equipment help produce demo CDs and sign better young musicians to their small-scale labels. CDs produced by these studios have small production runs, generally numbering between a hundred and a thousand. Better produced CDs are often reissued by larger labels in Kyiv. In conversations with Ihor Melnyk, a Kyiv-based entrepreneur who sells made-in-Ukraine CDs over the Internet (UMKA),⁶ there is great desire among consumers to keep up with the latest sounds and gain access to records within a few months of their release. Melnyk purchases newly released CDs from distributors and keeps them in his offices to sell at the time of release and later, because CDs are not re-released and, once sold out, they become unavailable except in digital or pirated format.

The relationship between indie labels and larger labels in Kyiv is financially skewed. Large local labels in Kyiv that reissue CDs produced in other towns by smaller labels have garnered a greater percentage of the national market share and are at an advantage over smaller labels in terms of the quantity of CDs they can produce. International major companies such as EMI and Warner Music Group have issued CDs of major Ukrainian pop stars such as Ruslana Lyzhychko, winner of the 2004 Eurovision contest. Other labels based in Kyiv include Ukrainian Records, the representative office of the world's largest recording company, Universal Music Group in Ukraine. Regional artists whose music becomes popularised in Kyiv often move to the capital city. This system of production ensures a constant flow of talent to the capital but simultaneously drains other cities and towns of its better musicians and impresarios. This makes it difficult to keep up viable, genre-based scenes in smaller cities, unlike in Kyiv where genre-specific clubs and venues enjoy financial gain.

Small, locally owned music stores have opened in the major cities, as have small chain stores selling music and videos, such as the aforementioned Meloman. These stores predominantly feature US music artists, Russian-language films from the United States and the Russian Federation, and a small array of Ukrainian-language music and video discs. However, musicians working in Ukraine are at a great disadvantage due to the lack of outlets through which their products are marketed. There is little information available in music magazines or on the Internet about local artists, and there seems to be a lack of nationwide networks regarding music-related information about existing and emerging artists beyond Ukraine's urban centres. People in western Ukraine are not always aware of popular artists in eastern Ukraine and vice versa. Although this is due in part to differences in language and in political ideologies, it nevertheless reinforces the fact that Ukraine's music industries are not effective in promoting artists on a national, let alone an international scale. Furthermore, access to financial success in the popular music industries is not equal for musicians from all parts of the country. It is very difficult for musicians in Ukraine to make it professionally unless they live in Kyiv and are fully integrated into the music scenes in the capital city. The merging of styles, languages and political ideologies in Kyiv makes it difficult to speak of Ukraine's music industries as national. Rather, they are centralised in the capital in terms of broader distribution networks, media accessibility and performance networks.

Radio, particularly Internet radio, has to some extent helped widen the reach of a variety of local and world music genres. The Internet has also become a more widely used forum for the exchange of information, and many national and regional newspapers upload news to websites. Internet penetration remains quite low in Ukraine, however, as hardware is relatively expensive. Furthermore, the opportunities to legally purchase music online are limited for Ukrainians. Most international and local Internet sellers do not accept credit and debit cards issued in Ukraine, while global online corporations such as Apple do not have a presence in Ukraine's computer and music player industry, so very few people use iTunes or own iPods. Locally produced technology is not advanced enough to take advantage of all developments within the worldwide music industries. Despite these limitations, however, the cyber and digital black markets have flourished alongside the physical black market because pirated music, videos and software from Ukraine are aimed at Internet buyers in the West, and include pay-per-download and streaming services (IIPA 2011: 352). Music portals such as mp3fiesta.com have become common domains for accessing MP3s, although these have been listed by the IIPA as illegal music distributors and reinforce Ukraine's position as a tenuous market in which to conduct music-related business.

Mobile phone use, known locally as *mobilka*, has also become increasingly widespread in Ukraine. Mobile phone companies, such as Nokia and Samsung, promote their telephone communication products as gateways to wireless Internet access and digital music. The ever-expanding cell-phone market in the last decade, similar to the Internet boom in the last half-decade, has outpaced regulation, making law enforcement against musical piracy extremely difficult. Although not every cell phone model has the ability to play music, and not every consumer has the

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Figure 11.1 A Samsung mobile phone advertisement featuring Beyoncé in Kyiv, 2009. The caption reads 'Imagine, from music to conversations – one step'. Photo © Adriana Helbig.

opportunity to download music, the cell phone has emerged as one of the main music-playing and storage devices among upwardly mobile youth in urban cities.

Images that invoke Western artists are used readily and without copyright enforcement in advertising technology within Ukraine's expanding market economy. Western artists bring cachet to products. In the advertisement below, an extension of a US campaign, African-American singer Beyoncé holds a Samsung phone. The image of a dark-skinned celebrity invokes Western musical consumption through the association to widely marketed R&B and hip hop music from the United States on Ukraine's music television station M1, and reinforces the cultural association between English-language music, middle class identity and Western product consumption.

Conclusion

Despite the crackdown by international and national organisations on music piracy in Ukraine, music distribution continues to be predominantly a black-market activity due to the alleged lightness with which such crimes are treated in the Ukrainian court system. The International Intellectual Property Alliance has recommended that Ukraine be retained on the Watch List for 2010 and that such a listing be reinforced by a six-month US-Government out-of-cycle review (OCR) to assess whether the government of Ukraine has accomplished a series of predicated measures. These include a crackdown on copyright enforcement, website operators that illegally offer copyright licences and holograms, increased border control against smuggling CDs and effective control of illegal CD-burning operations. According to *Wired Magazine* journalist Jack Boulware, who conducted research in the early 2000s among black-market music vendors,

Ukraine's piracy wouldn't be possible without government complicity, or at least complacency. The country's five CD factories have been among its most lucrative private businesses, and few officials have had the stomach to challenge them – not to mention their shadowy organized-crime customers.
(Boulware 2002)

It appears that widespread corruption within the Ukrainian government itself makes laws against piracy very difficult to enforce.

The development of Ukraine's music industries must be viewed within broader political, economic and socio-cultural processes. The potential for growth is immense, considering the constantly rising economic status of the country's citizens. However, piracy rates continue to increase as a greater percentage of people gain access to digital technology. The majority of people do not view piracy as a crime (Haigh 2007) because it has not been presented as a crime to the general public through the systematic enforcement of international copyright law. The black market for music has become a part of everyday life, flowing over from Soviet era attitudes that prize the acquisition of information beyond government control and regulation. During the early years of independence, the lack of regulation

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regarding music distribution has resulted in the development of highly connected channels between music distributors and political officials that do not enforce intellectual property laws. Much research is needed among those involved in the black market to reflect the ways people relate to music as a commercial product. Ethnographic contextualisation will shed light on how actors within the music industries relate to issues of money and how they develop notions of trust among each other.

When analysing processes that facilitate various forms of piracy in countries such as Russia, where the piracy market value in 2005 was \$332 million (Mertens 2005: 4), it is crucial to take into account the ways in which the black market developed parallel to emerging political and economic post-socialist transitions. Piracy in the former Soviet Union did not emerge within a developed market economy in response to expanding technologies, as in Japan, and as a form of file-sharing to circumvent the capitalist system as in the US (see Condry 2004). Rather, the primary motivations for music piracy are cultural and economic. Research shows that Ukraine's CD makers portray themselves as Robin Hood figures, protecting their country's consumers from high prices set by the avaricious US music and software industries (Boulware 2002). The price of official CDs has increased from UAH10 (\$2) in the early 2000s to approximately UAH50 (\$10) in 2010. CDs sold in bazaars continue to be cheaper (\$6). Post-socialist black market dealings regarding the buying and selling of music are not perceived by the majority to be illegal, but rather an offering of goods (music as commercial product) to consumers who initially had no access to local and international musical products. The black market and Internet piracy prevail because they have become a normalised form of musical reproduction, distribution, and consumption.

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Notes

- 1 In Eastern Europe, digital music retail revenues are expected to increase from \$11 million to \$192.4 million in 2014. By comparison, digital music retail revenues in Asia are expected to reach \$13.5 billion in 2014 (IE Market Research Corporation 2011).
- 2 The song *Brekhunets* (1989) by Andriy Panchyshyn has been uploaded to various musical sites on the Internet, including YouTube. However, it reflects some *magnitizdat* recording's poor sonic qualities tinged with distortion from its live recording on Soviet-era recording equipment. www.youtube.com/watch?v=e88zZQHo0UU
- 3 Available online at: www.musicliga.org/ru/news/71.html
- 4 Available online at: lavinamusic.com
- 5 Available online at: www.ukraine3000.org.ua
- 6 Available online at: www.umka.com.ua

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