

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 44/91

Dated the 20th day of September 1991

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

WELLINGTON PALESTINE GROUP

Broadcaster

TELEVISION NEW ZEALAND
LIMITED

I.W. Gallaway Chairperson

J.B. Fish

J.L. Hardie

J.R. Morris

DECISION

Introduction

This complaint involves three separate items broadcast by Television New Zealand Ltd. The first was an item on TV1's *Network News* on 16 January 1991 which dealt with the assassination of three senior PLO officials in Tunis. It referred back to the massacre at the Munich Olympics and added that the assassinations had prompted Arab riots in Israel. The second was an item on the *Holmes* programme about the Gulf War on 4 February which included a caption which read "Jerusalem, Israel". The third was TV1's news on 6 February which included a brief item on the cruise ship Achille Lauro then visiting the Bay of Islands. The script, accompanied by visuals, reminded viewers that the ship was involved in a hijacking incident in 1985.

The Wellington Palestine Group complained to TVNZ Ltd that the 16 January news item was "outright fiction" when it referred to Israeli ownership of the Occupied Territories. It complained that the caption "Jerusalem, Israel" in the *Holmes* item was incorrect. Finally, with regard to the news item concerning the Achille Lauro, it questioned whether the hijacking continued to be newsworthy and stated that the item was inaccurate when it referred to a hijacking by the PLO.

TVNZ did not uphold any aspects of the complaint and it was referred by the complainant to the Broadcasting Standards Authority under s.8(a) of the Broadcasting



Decision

The members of the Authority have studied the correspondence (summarised in the Appendix) and have viewed the three items to which the complaint relates. The complainant provided copies of some of the correspondence it has exchanged with TVNZ since 1986 but the Authority does not intend to review TVNZ's approach to the reporting of Middle East events generally. The complaint before it refers to three specific items: these items are the Authority's concern. It will not, for example, despite the complainant's request, assess the "Star of David" programme broadcast by TVNZ on May 11 this year because the complaint was not pursued through the necessary statutory processes. On the other hand, the Authority believes that the comments incorporated in this decision and its conclusions provide TVNZ and other broadcasters with some guidelines which will ensure that items broadcast in the future take into account the justifiable points raised by the Wellington Palestine Group.

TVNZ assessed the complaint under standard 12 of the Television Code of Broadcasting Practice which states:

12. News must be presented accurately, objectively and impartially.

The first item complained about was one on TV1's *Network News* on 16 January dealing with the assassination of some PLO leaders in Tunis. The complainant, in its letter to the Authority of 7 August, confined its complaint to the reference in the commentary to "Arabs rioting in Israel", which accompanied some visual shots. The complainant stated that the rioting did not occur in Israel but in the territories occupied by Israel and provided a newspaper report dated 21 January to justify that conclusion.

TVNZ wrote in its response to the Group:

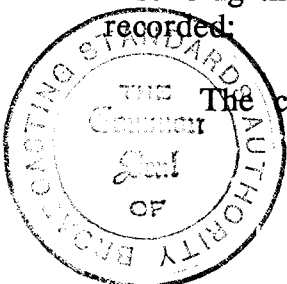
While the [Complaints] Committee had reservations about perfect accuracy being achieved if it was a fact that riots were predominantly on the occupied West Bank, it had to be acknowledged that Israelis would say it was part of Israel while the Palestinians would disagree. Given the brevity of the item and the fact that Israel generically describes the locality, the Committee did not believe there was justification for upholding the complaint. Blatant or deliberate inaccuracy was not in question.

In a later letter to the Authority, TVNZ accepted that the disturbances were predominantly in the Occupied Territories. It added that this conclusion made use of material which had not been available to the news editor on the day of the report.

The complainant, with justification in the Authority's opinion, objected strenuously to TVNZ's phrase that the occupied West Bank was generically part of Israel. Moreover the complainant suspected that this indicated a change in TVNZ's policy about describing the Occupied Territories. In its letter to the Authority, however, TVNZ

recorded:

The company notes with some concern that the complainant suggests that



Television New Zealand has abrogated its previously stated policy on the Occupied Territories. Any such implication that the Committee had contradicted the declared policy is rejected. In spite of the voluminous correspondence over the years it is still apparently not possible to convince the complainant that when it is possible to accurately identify that an event is occurring in Gaza, the West Bank, the Golan Heights or East Jerusalem it is the company's policy to describe such territories as "Occupied Territories" as may be applicable.

The Authority has sympathy for both parties in this situation. It appreciates the complainant's unease following TVNZ's comment about describing the Occupied Territories as Israel "generically". It also understands TVNZ's difficulties in dealing with overseas wire copy speedily and accurately.

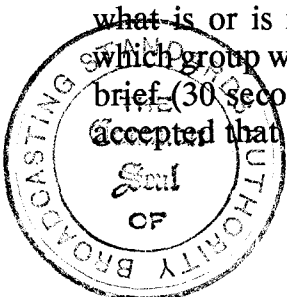
Under those circumstances, the Authority did not consider that the broadcast of the item on January 16 amounted to a breach of standard 12 of the Code. However, it wants to emphasise to the news staff of all broadcasters that, in view of the sensitivities of some viewers about the issues, great care must be taken in the use of captions and voice over commentaries when items are used which refer to Israel. For example, if there is doubt about the accuracy of an item, the accompanying commentary could include such terms as "sources say", rather than presenting an item as a fact. TVNZ referred to news as the "first draft" of history. The Authority considered the allusion to be a point well made and adds that broadcasters should remember that all items, including those emanating from the Middle East, are first drafts and in clear cases of doubt should be regarded as such and not as the complete and ultimate truth.

The second aspect of the complaint focused on the caption "Jerusalem, Israel" in an item on the Gulf War broadcast on the *Holmes* programme on 4 February. TVNZ advised the Authority that, in view of that city's disputed status, it preferred to use the caption "Jerusalem". The Authority commends TVNZ for its preferred term.

In view of the acknowledged international sensitivities about both the city's status and about the dividing line between those parts of Jerusalem which are in Israel and those parts which were annexed following the 1987 war, and of TVNZ's policy both in regard to describing Jerusalem and the Occupied Territories (described above), the Authority concluded that the caption was inaccurate within the terms of standard 12. For this reason it upheld this aspect of the complaint.

The content of the item about the Achille Lauro on TV1's news on 6 February was the third aspect of the complaint. The Wellington Palestine Group considered the reference back to the hijacking of the ship in 1985 was not newsworthy, and secondly, that the item was inaccurate in saying that the PLO was responsible for the hijacking.

While noting that the ship's visit coincided with the release of two of the hijackers from an Italian prison, the Authority states with regard to the first point that decisions about what is or is not newsworthy are not standards matters. Concerning the question of which group was responsible for the hijacking, the Authority recognised that the item was brief (30 seconds) and that indeed there are a number of factions within the PLO. It accepted that TVNZ was not obliged in a brief item to present a full summary about the



factions. Furthermore, such a summary could well be inaccurate, unless thoroughly researched, in view of the apparently changing allegiances among the factions. The Authority concluded that describing the PLO as the responsible party, rather than one of its constituent factions, complied with standard 12.

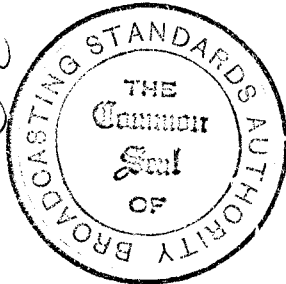
For the reasons given above, the Authority upholds the aspect of the complaint that the item broadcast on 4 February breached the requirement for accuracy in standard 12 of the Television Code of Broadcasting Practice. It declines to uphold the aspects of the complaint that the items broadcast on 16 January and 6 February breached that standard.

The Authority stresses to TVNZ, and to all other broadcasters, that the use of the words "Israel", "PLO" or the "Middle East" in news sources should be a sign that their use requires special care. The Authority is not suggesting that, because of the sensitivities of some viewers, the items should not be broadcast. However, it is putting on record that if they are used carelessly by way of accompanying captions or commentary, as appeared to occur with the item on the *Holmes* programme on 4 February, the Authority will have little sympathy for the broadcaster should it be required to determine further formal complaints about such broadcasts.

Signed for and on behalf of the Authority



Iain Gallaway
Chairperson



20 September 1991

APPENDIX**Wellington Palestine Group's Complaint to TVNZ Ltd**

The Authority understands that the Wellington Palestine Group has corresponded regularly with TVNZ's News and Current Affairs staff over a number of years about TVNZ's policy when describing events in the Middle East. In 1990, the Group's concern focused on news and current affairs items which described as Israel those parts of the Middle East occupied by Israeli forces. In its letters, the Group referred to the resolutions passed by the United Nations which called for Israel's withdrawal from the "Occupied Territories".

This correspondence was noted in the Group's letter to TVNZ dated 17 January 1991 when it complained that the phrase "Arabs rioting in Israel" used in a news item broadcast on TV1 on 16 January presumably meant "Palestinians in the Territories Israel illegally occupies". It continued by stating "Israel ownership" of the territories was a fiction and as illegal "as the Iraqi claim to Kuwait".

The item dealt with the assassination of a PLO leader, Abu Iyad, and two of his associates. The Group also complained that some of the language used in the item lacked objectivity.

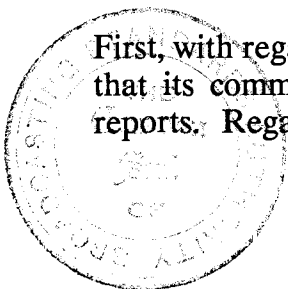
In a letter dated 20 February, the Group formally complained about a number of items broadcast by TVNZ including items on the *Holmes* programme on 4 February and TV1's news of 6 February. Again referring to previous correspondence, the letter objected to a caption on the 4 February item which described Jerusalem as part of Israel. The cruise ship *Achille Lauro* which was visiting the Bay of Islands was featured on 6 February. The letter asked why the item had referred back to a 1985 hijacking of the liner and added that it was inaccurate to describe the hijacking as a PLO action. The letter concluded:

We must state our disappointment that our objections to TVNZ over the years have still not ensured that TVNZ conforms to either its own specific policy on the Occupied Territories or the wider requirements of the Broadcasting legislation.

TVNZ's Response to the Formal Complaint

Of four matters raised by the complainant, TVNZ's Complaints Committee considered the above three complaints as they were received within the statutory time limit. They were assessed under standard 12 of the Television Code of Broadcasting Practice which requires that news be presented accurately, objectively and impartially. The complainant was advised of TVNZ's Complaints Committee's decision in a letter dated 11 April.

First, with regard to the item on January 16 concerning the assassinations, TVNZ stated that its comments about the parties responsible had been confirmed in later media reports. Regarding the riots, it accepted that although some may taken place in Israel



itself, some had occurred on the West Bank. It continued:

While the Committee had reservations about perfect accuracy being achieved if it was a fact that riots were predominantly on the occupied West Bank, it had to be acknowledged that Israelis would say it was part of Israel while the Palestinians would disagree. Given the brevity of the item and the fact that Israel generically describes the locality, the Committee did not believe there was justification for upholding the complaint. Blatant or deliberate inaccuracy was not in question.

The Complaints Committee, while not upholding this part of the complaint, recommended that journalists dealing with Middle East matters be reminded of the sensitivities that exist in the area, and their obligations to recognise conflicting claims to sovereignty.

TVNZ then dealt with the caption which read "Jerusalem, Israel" and noted that Israel's claim to the Eastern sector was recognised neither by the United Nations nor the New Zealand Government. However, as part of the city was legitimately part of the Israeli state, TVNZ believed that the use of the caption could be defended. While not upholding the complaint, TVNZ said it would remind journalists of the need for extreme care when describing disputed parts of the Middle East.

With reference to the 1985 hijacking of the Achille Lauro, TVNZ wondered how the recall of a significant historical fact would lead to a breach of broadcasting standards. Recording the item's transcript in full, it quoted sources which confirmed the PLO's involvement in the hijacking.

The letter finished:

It was not believed by the Committee that either of the February items was capable of being upheld on breach of accuracy, objectivity or impartiality grounds.

Wellington Palestine Group's Complaint to the Broadcasting Standards Authority

As the Group was dissatisfied with TVNZ's response, it referred the complaint to the Broadcasting Standards Authority in a letter dated 3 May 1991. It expressed particular concern about the way TVNZ seemed to have reversed its policy in describing the Occupied Territories.

First, dealing with an assassination item on 16 January, it registered its objection to the "unnecessarily emotive language" and to the item's "bias". TVNZ, it added, seemed to locate a "Munich massacre mastermind" whenever a Palestine leader was in the news. It focused on the comment that the riots had occurred in Israel rather than in Gaza or the West Bank, adding:

We must seriously object to the [TVNZ's Complaints] Committee's apparent view that this does not really matter anyway because of the fact that "Israel generically



describes the locality". The only fact is that TVNZ and other media persist in erroneously describing the Occupied Territories as Israel, disregarding the facts of history and international law in so doing.

It said that the complaint about the caption "Jerusalem, Israel" involved the same point, noting:

The world community no more accepts Israel's claim to the territory it occupied in 1967 than it accepted Iraq's claim to Kuwait.

The reminder about the hijacking in the item on the Achille Lauro, it described as gratuitous and possibly bordering on racial bias. It averred that the hijacking was neither organised nor endorsed by the PLO. It was the action of a small breakaway group and that distinction should have been made.

In a letter dated 21 May 1991, the Group referred another complaint to the Authority as, it said, it raised the same issues. The Act requires that complaints be considered by the broadcaster first and the Authority later advised the complainant that it declined to combine the complaint about the programme "Star of David", broadcast on May 11, with the complaints currently being assessed.

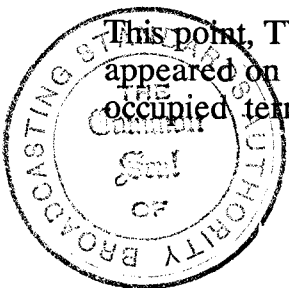
TVNZ's Response to the Authority

As is its practice, the Authority requested TVNZ's comments on the complaint. The request is dated 9 May and the reply 24 July. Referring to the item broadcast on 16 January, TVNZ denied that the language used was unnecessarily emotive. The phrase "tried to pin on Israel" represented "the colloquial spoken idiom on television" and, TVNZ added, taking into account the events, it was factually accurate. TVNZ provided some background to the massacre of Israeli athletes at the Munich Olympics and maintained that the reference on 16 January to Abu Iyad and his role was accurate and free of bias.

Regarding the complaint that the riots occurred only in the occupied territories and not in Israel, TVNZ said it was prepared to accept, despite the lack of evidence from the complainant, that the riots were principally in those territories. However, that conclusion was based on hindsight whereas the early reports on which the script had been prepared had not specified exactly where the riots were occurring.

TVNZ strenuously maintained that its policy of describing Gaza, the West Bank, the Golan Heights and East Jerusalem as the Occupied Territories remained unaltered. However, fast-breaking overseas wire copy was not always clear where events were taking place.

This point, TVNZ remarked, was also relevant to the caption "Jerusalem, Israel" which appeared on a news item on 4 February. TVNZ accepted that East Jerusalem was an occupied territory but said that the rest of Jerusalem was recognised by the world



community as Israel's centre of government. However, because of the sensitivities, TVNZ preferred to caption the city simply as "Jerusalem". It continued:

However, the company does not believe that the caption, as broadcast, can reasonably be described as inaccurate in terms of the intent of the Codes of Practice.

The item on 6 February about the Achille Lauro was broadcast on the same day that two of the ship's hijackers were released from prison in Italy and that this fact added to the justification for recalling the event. TVNZ maintained that the available written records showed that the hijacking was carried out by a faction, "a constituent part", of the PLO and that a detailed explanation about the PLO's factions was not justified in a thirty second item. It also stated that the hijacking, although it involved only one death, was a major event in the political history of the Middle East and thus reference to it was newsworthy.

TVNZ referred to the material made available to the Authority subsequent to the Complaints Committee's ruling as to the location of the riots in the initial complaint. It wrote:

Although it may seem a statement of the obvious it needs to be understood that the company's journalists have to rely on same-day wire information. It is part of the business of same-day news here and world-wide that some detail will, in retrospect, prove to have been not entirely accurate due to incomplete detail or be subject to unknown developments still in train. As Mark Twain observed "news is the first draft of history".

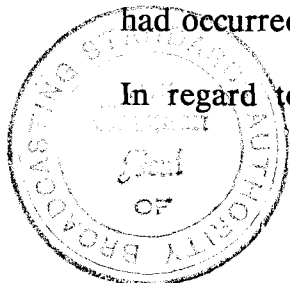
On the grounds of familiarity and ease of communication, TVNZ rejected the complaint's suggestion to use the Arabic names for Temple Mount and Jerusalem. TVNZ expressed the opinion that the complainant group was seeking to review matters which went back months or years and had no relevance to the three broadcasts about which the current complaint was made. Pointing out that the Authority had, in other decisions, principally confined itself to the specific programmes which were complained about, TVNZ argued that the Authority should do so on this occasion as well.

Wellington Palestine Group's Final Comment to the Authority

TVNZ's letter was referred to the Wellington Palestine Group which replied to the Authority in a letter dated 7 August 1991.

In regard to the item broadcast on 16 January, the Group stated that it now focused solely on the line, "Arabs rioting in Israel". It enclosed an extract from the newspaper Al-Fajr to justify its point that the rioting had occurred in the Occupied Territories and said that TVNZ had produced no evidence in support of its claim that some of the riots had occurred in Israel.

In regard to the caption "Jerusalem, Israel" broadcast on 4 February, the Group



continued to express its suspicion that TVNZ had altered its policy on how to report the division between Israel and the Occupied Territories. It enclosed a United Nations report as evidence that the world community did not regard Jerusalem as part of Israel.

The Group was pleased that TVNZ now acknowledged that the PLF was part of the PLO, and not the PLO, as broadcast in the item on the Achille Lauro on February 6.

The Group was not prepared to accept TVNZ's explanation that mistakes occurred because of same day news. The remedy, it said, was to use news sources which were accurate. The letter concluded:

We do not accept that TVNZ can have you examine the items in isolation from previous complaints. TVNZ itself cites correspondence to us. We are suggesting ways in which TVNZ may be more accurate. Unfortunately TVNZ continues to repeat the same errors, despite its own policy.

