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RNZ Israel/Palestine Issues
Coverage and Complaints October 2023 -
July 2024

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Introduction

This responds to RNZ's request for an assessment of the complaints and responses relating to RNZ's broadcast and online coverage of Israel/Palestine issues since the start of the most recent conflict until July 2024 and for a view on the overall coverage during this time. I note that this request followed an agreed delay in a project to look at RNZ coverage of Israel/Palestine issues prior to the events of October 2023.

I have reviewed the formal decisions of the Broadcasting Standards Authority (the Authority) and the Media Council (the Council) of complaints referred to each body by complainants dis-satisfied with RNZ's response to their complaints. I accessed these decisions using search terms such as 'Israel', 'Palestine', 'Middle East' and their variants on accessible data bases.

I have also reviewed all complaints made to RNZ relating to either broadcast or web content, whether or not they resulted in referral to the Authority of the Council. The different standards applied by the Authority and the Council are explained below.

This provided me with a basis on which to look for issues, if any, in the complaints made to RNZ following the attack by Hamas and other Palestinian armed groups on October 7 and the subsequent Israel military actions in Gaza and other areas.

I also listened and read carefully during this period and previously the RNZ coverage of these issues to see if there were matters of concern not resulting in complaints

I have summarised and quoted useful material from complaints, responses, and decisions. I have made these selections on the basis of what I consider editorial decision-makers and board members exercising oversight would find helpful in considering policies and in assessing whether RNZ is meeting its statutory obligations under the Broadcasting Act 1989 and Broadcasting Code of Standards and the voluntary Principles it has agreed to uphold under Media Council jurisdiction.

Summary

Complaints to RNZ over the period since the actions by Hamas in October 2023 until July 2024 and the decisions of the Media Council and Broadcasting Standards Authority give no reason for concern that RNZ is acting outside the Media Council Principles or the standards administered by the Broadcasting Standards Authority.

The issues of accuracy, fairness and balance in New Zealand media coverage of the conflict between Israel, Palestine and neighbouring states have been raised for decades. The feelings of complainants are genuine and exist against a complex historical and emotional background. Special care is justified in the handling of complaints and the management of stories likely to give rise to complaints.

RNZ should consider procedures and policies that build its reputation for accuracy, fairness and balance and aim to do better than 'not breaching standards'. The fact that the standards exist and are upheld, and how this is done, should be apparent to listeners and readers.

Numbered recommendations are made throughout the report and collated at the end. Particular attention is drawn to recommendation three about keeping a running record of stories and their nature and recommendation 14 about managing reputation risks.

Background and context

Formal complaints have been made regularly to media organisations over the coverage of Israel/Palestine issues for decades.

Most of these complaints are resolved between the complainant and the media organisation involved. Some have made their way through to formal adjudication bodies namely the New Zealand Broadcasting Tribunal; (from 1976-1990); the Broadcasting Standards Authority (1990-present); the Press Council (1990-2018) and the New Zealand Media Council (2018-present).

Very few complaints referred to these bodies over the years have been upheld. Complaints have focussed on accuracy and balance, and fairness. There is a significant level of emotion in complaints which often stray into matters outside the formal criteria. There is a sense that complainants consider themselves and their families to be victims of bad reporting or unfair editorial decisions. There is also,

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from all perspectives, an underlying suspicion that the media generally is aligned with the people the complainants view as opponents.

There is a history and current presence of antisemitism in New Zealand as there is of anti-Islamic attitudes. The rejection of Jewish refugees before World War II and formerly negative attitudes by government to Jewish immigration, the similar attitudes to immigration from the Middle East, New Zealand soldiers' unlawful killing of civilians in World War I, the Christchurch mosque killings can each be brought to mind as people invested in the Israel/Palestine issue consider media coverage. There is an emotional, political and ethnic aspect to many complaints which is understandable, predictable and requires tact, patience and calm communication to manage.

There is also an issue of news judgement that can affect audience perceptions of balance and fairness. 'News' and 'newsworthiness' are able to be described but they do not derive from any overarching moral code. They relate to the human instinct to know of events that affect them. 'Proximity to audience' is one of the criteria of newsworthiness. A car crash in your street is of greater interest than one in another city or country. In covering international news RNZ (and other New Zealand media) has traditionally seen 'relevance to New Zealand' as giving greater prominence to events in countries in which New Zealand has some active engagement (trade, aid, travel) or from which many New Zealanders originate or have family (the UK, Australia, Sāmoa). This extends to shared language or cultural experience. Israel, as a result of tourism, trade, 'western' alignment and language (with English a common first and second language there) have a greater 'news proximity' to New Zealand than do Palestinians and Palestine. Stories may be chosen for these reasons and the inevitable result is a stronger perception of news relevance of Israeli stories. Coverage of stories with a Palestinian angle will tend to be less often reported. This tendency needs to be recognized.

There are many reasons for complaints to be made. For a politically active group, seeking to change public or government attitudes or actions, complaints give free access to a public airing of their views which, through repetition, may otherwise be hard to promote as news. They also, if successful, can change the words used by media to words preferred by the organisations. This is not restricted to Israel/Palestine issues; a relevant example is the long campaign waged by supporters of the Greek position on historical Macedonia to persuade media organisations to always refer to the country now known as 'North Macedonia' as 'the Former Yugoslav Republic of Macedonia' or 'FYROM' in all references. Other examples are the coverage of the conflict in Northern Ireland and New Zealand-South Africa relations.

This is not to suggest that complainants have improper motives. New Zealanders have every right to complain for any motive they happen to have. But it is useful to see complaints as not simply bad experiences of media consumers – there is probably no action that media can take that would eliminate all complaints on such issues.

It is also worth noting that even in cases in which a complaint may be seen as a part of a wider campaign to pressure media there is typically a strong element of emotion behind the complaint. I noted no complaints in this review that were not motivated in part by emotion. Again, it is entirely proper and expected that listeners and readers have emotional responses to news and current affairs coverage. This reality is important in responding to complainants even when, under the regulatory frameworks, RNZ has done no wrong.

Recommendation 1: RNZ should recognise the Israel/Palestinian issue as a case of exceptional sensitivity for which audience expectations and response to audience concerns need planned management and additional care. Editorial staff should understand the possible consequences for balance of their assessments of news ‘relevance’ and ‘proximity’.

The regulatory environment

Radio New Zealand journalists need to bear in mind a somewhat diffuse set of regulations and guidelines as they make decisions on what to write and say. Listed generally in order of the detail and degree of regulation these are

- The Broadcasting Act 1989; (the Act)
- The Broadcasting Standards Authority Standards (developed by broadcasters including RNZ); (the BSA standards)
- RNZ’s Editorial Policies and Standards (which references the statutory Charter)
- The Media Council Principles
- The Journalists’ Code of Ethics (administered by the E tū union)

The RNZ Editorial Policies and Standards are an employer’s directions to staff; the Act, the BSA Code and the Media Council Principles impose requirements on broadcasting or publishing companies including RNZ. The Code of Ethics binds individual journalists who are a party to it. There are no significant

contradictions between these documents but publishers and broadcasters have a wider freedom under the Media Council Principles than the Act and the BSA standards. The RNZ Editorial Policies and Standards impose a higher standard of practice than the BSA standards. RNZ faces two regulatory regimes – one for broadcast material and one for online material. It faces a third regime in its own Editorial Standards and Policies. An edited interview on RNZ National could come before the Authority while the full version, or a copy of the edited interview, posted on the website, would come under the Council. The actions of individual journalists might be assessed under both the Editorial Standards and Policies and the Journalists’ Code of Ethics.

Each of these different sets of standards promotes accuracy and all but the Journalists Code of Ethics promotes balance and fairness.

Under the Act and statutory standards, RNZ, in its broadcast reporting of Israel/Palestinian issues, must first apply the Broadcasting Act requirement:

“that when controversial issues of public importance are discussed, reasonable efforts are made, or reasonable opportunities are given, to present significant points of view either in the same programme or in other programmes within the period of current interest”.¹

The Code of Broadcasting Practice develops this in a way highly relevant to Israel/Palestinian issues:

“When controversial issues of public importance are discussed in news, current affairs or factual programmes, broadcasters should make reasonable efforts, or give reasonable opportunities, to present significant viewpoints either in the same broadcast or in other broadcasts within the period of current interest unless the audience can reasonably be expected to be aware of significant viewpoints from other media coverage”. (Emphasis added)²

In its Guidelines the Code provides definitions of some terms:

- **public importance:** “something that would have a significant potential impact on, or be of concern to, New Zealanders”.
- **controversial:** “an issue of topical currency; which has generated or is likely to generate conflicting opinion; or about which there has been ongoing public debate – e.g. issues related to New Zealand political policy, public health and safety, or public expenditure”.

¹ Broadcasting Act 1989 Part 1 (4) d

² https://www.bsa.govt.nz/assets/Uploads/BSA-Code-of-Broadcasting-Standards-Screen_FINAL.pdf Standard 5 - Balance.

- **discussed:** “in a news, current affairs or factual programme (e.g. investigative or in-depth work brief news reports, programmes clearly focused on a particular perspective, or personal or human interest stories, may not amount to a discussion)”.
- **Presentation of significant viewpoints:** “The standard allows for balance to be achieved over time, within the period of current interest. It does not require every significant viewpoint to be presented in every programme that discusses a particular controversial issue of public importance. The standard does not require equal time to be given to each significant viewpoint on a controversial issue of public importance. Broadcasters should give a fair voice to alternative significant viewpoints taking into account the nature of the issue and coverage of that issue”.

A curious omission in the Broadcasting Act is any mention of an accuracy standard in the same way that balance is specifically referenced. The BSA is, however, directed by the Act to set standards related to accuracy. The BSA Standards made under the Act are specific:

- “Broadcasters should make reasonable efforts to ensure news, current affairs and factual content: does not materially mislead the audience (give a wrong idea or impression of the facts). In the event a material error of fact has occurred, broadcasters should correct it within a reasonable period after they have been put on notice”.

The BSA Standards *Guidelines* make a series of points designed to exclude from assessments of the accuracy standard “technical or other points unlikely to significantly affect the audience’s understanding of the content as a whole” and state that:

- “The requirement for factual accuracy does not apply to statements which are clearly distinguishable as analysis, comment or opinion, rather than statements of fact. However, broadcasters should still make reasonable efforts to ensure analysis, comment or opinion is not materially misleading with respect to any facts: referred to or upon which the analysis, comment or opinion is based”.

The Media Council is relatively light-handed in its statement on Accuracy, Fairness and Balance:

- “Publications should be bound at all times by accuracy, fairness and balance, and should not deliberately mislead or misinform readers by commission or omission. In articles of controversy or disagreement, a fair voice must be given to the opposition view. Exceptions may apply for long-running issues where every side of an issue or argument cannot reasonably be repeated on every occasion and in reportage of proceedings where balance is to be judged on a number of stories, rather than a single report”. It states also that “Material facts on which an opinion is based should be accurate.”

The Journalists Code of Ethics states:

- "Respect for truth and the public's right to information are overriding principles for all journalists. In pursuance of these principles, journalists commit themselves to ethical and professional standards...They shall report and interpret the news with scrupulous honesty by striving to disclose all essential facts and by not suppressing relevant, available facts or distorting by wrong or improper emphasis...They shall do their utmost to correct any published or broadcast information found to be harmfully inaccurate."

The difficulties broadcasters have in the absence of formal checks and balances in upholding these standards in relation to the Israel/Palestinian issue have been known for a long time and been the subject of repeated complaints, very few of which have been upheld. There is a sense that the same issues are raised by people of the same points of view. Decades ago, in 1979, reinforced in 1987, the Broadcasting Tribunal suggested an approach in relation to a television matter to minimise complaints about the Israel/Palestine and Irish issues. The suggestions remain, in my view, valid and could well be taken up by RNZ.

The Tribunal recorded as long ago as 1979 (Decision 6/79) that:

"... we think it is important in relation to issues such as Northern Ireland, the Arab/Israeli conflict and similar issues which arouse controversy in this country as well as overseas to keep some record of the treatment given and to review it from time to time."

And further:

"We are concerned that there is ... no regular procedure for ensuring objectivity and impartiality in the treatment of overseas controversial issues. It should be possible to detect undesirable trends in coverage and to take positive steps to redress balance when necessary."

The Tribunal said then in relation to coverage of Northern Ireland:

"We are satisfied that there is no censorship or particular emphasis in television programming intended to show a distorted view of the Irish situation. At the same time we are concerned that proper steps be taken by television to monitor its own news and current affairs activities and to ensure that should such criticism be made in the future, it will be possible to determine whether or not the coverage has been fair and balanced because television editors have been taking the necessary steps to see that it is."

³ <http://www.nzlii.org/cgi-bin/sinodisp/nz/cases/NZBT/1987/7.html?query=palestine> (Frey (Palestine Human Rights Campaign) v Broadcasting Corporation of New Zealand (Television New Zealand) [1987] NZBT 7 (30 March 1987))

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In the light of the different guidelines and requirements facing journalists RNZ could coach staff in applying the higher policies of the Broadcasting Standards to all its output to reduce the risk of negative listener reaction. I do not consider it possible for a story to be within the statutory broadcast standards but breach the Media Council Guidelines. The reverse is possible. The Editorial Policies and Standards should be seen as an overall guide to the work of journalists and an elaboration of the standards and guidelines journalists apply directly.

Recommendation 2: RNZ should document and regularly update its understanding of who holds ‘significant points of view’ and what these are in relation to the Israel/Palestinian issue. This should also note that views that are not significant (e.g. debunked antisemitic or Islamophobic conspiracy theories) Points of accuracy in terminology and regularly reported facts should be documented as editorial guidelines, e.g. references to Israel’s capital, the use of the terms ‘Palestine’ and ‘Palestinian’, the circumstances in which adjectives such as ‘illegal’, ‘terrorist’, or nouns such as ‘genocide’ are used.

Recommendation 3: A sample of stories noting their leaning (tendency to support any particular newsmaker/point of view) should be taken at regular intervals on the Israel/Palestine issue.

A comment on ‘balance’ and ‘accuracy’

RNZ and other media are required to balance ‘[significant] points of view’. That is, the balance requirement applies to expressions of opinion. There is no requirement to balance ‘facts’. A report of an action resulting in deaths does not require a balancing account of an action previous undertaken by ‘the other side’. This is a matter of accuracy rather than balance but complainants often do not see the distinction. The Media Council Principles warn that publications “should not deliberately mislead or misinform readers by commission or omission”. The BSA standards say that news and current affairs should not “materially mislead the audience”. The Journalists Code of Ethics says journalists “shall report and interpret the news with scrupulous honesty by striving to disclose all essential facts and by not suppressing relevant, available facts or distorting by wrong or improper emphasis”.

Recommendation 4: RNZ should inform its listeners and readers about the sources used for coverage of this issue and how facts are identified and assessed for newsworthiness.

Monitoring of RNZ coverage on-air and online

I listened carefully to RNZ radio coverage of relevant issues and read its web coverage and some online audio. I heard and read nothing I would consider likely to reach the point of breaching the standards, with the exception of one matter which led to RNZ quickly retracting and correcting a writing error, apologizing, and upholding a significant number of complaints. The BSA declined to uphold the complaint⁴ any further, noting that “after being made aware of the error, RNZ broadcast an on-air correction the same day (within four hours of the bulletin complained about), and later included a correction on its website”. However, as noted in my discussion of complaints, there is a difference between ‘not having a formal complaint upheld’ and ‘assuring the audience of high standards’.

Review of on-air complaints to RNZ (BSA jurisdiction)

I reviewed all on-air complaints and RNZ’s replies. I was unable to find anything that indicated a systemic problem in meeting the standards or any general variation from accepted news gathering and reporting. The complaints, however, did indicate the genuine hurt felt by some listeners as a result of broadcasts; hurt that reflects the historical and present experiences of the communities with which the complaints identify.

Complaints are largely based on issues of accuracy and balance although the long-established tendency of complainants to ‘have a go’ and complain under a wide range of complaints categories remains.

As noted above there was one complaint upheld on accuracy grounds (a statement that the International Court of Justice had found Israel ‘not guilty’ of genocide rather than the correct ‘not found Israel guilty of genocide’). RNZ’s response in upholding the complaint was prompt, detailed and entirely warranted but may have left the complainant feeling that the process was formal, and even grudging in accepting the validity of the complaint: “Despite correcting the error quickly once it was drawn to our attention, RNZ found this to be a breach of the accuracy standard and your complaint is upheld”.

Recommendation 5: Accuracy complaints that are upheld should be expressed in the clearest and most direct way possible with full acceptance of responsibility and no hint of defensiveness.

⁴ <https://www.bsa.govt.nz/decisions/all-decisions/muir-and-knight-and-radio-new-zealand-ltd-2024-008-22-april-2024>

Other complaints of breaches of the accuracy standard were often based on entirely accurate quotes from newsmakers which complainants wrongly attributed to RNZ. RNZ's typical response to such complaints is appropriate, if terse. For example: "To be quite clear, when we say 'Mr Netanyahu says' the words following this attribution are chosen by him, not us".

Recommendation 6: The radio conventions of attribution (use of the present continuous tense, implied attribution across consecutive statements, use of voice inflection to indicate that particular words are attributed etc.) could helpfully be explained to listeners on the website. A greater use of direct attribution in broadcast stories (in which inverted commas cannot be clearly heard) would help, e.g. 'which s/he called...'; 'that he described as...' 'as she put it...'

Some complaints are based on a belief that sources trusted by RNZ are biased. For example, one complainant said:

- "The BBC do not have now nor have ever had a balanced view or impartial reporting on this topic. You must be aware of this".

Recommendation 7: a section on the RNZ website discussing the sources it trusts and the reasons for doing so. This could distinguish, for example, between the BBC news operation and its many other programmes, podcasts and web publications.

By far the greatest number of complaints address issues of balance, for example:

- "Specifically, in the 8am news broadcast this morning, there was a noticeable absence of coverage on the ongoing atrocities suffered by the Palestinian people".
- "For [a named MP] to compare what Hamas is doing and has done with what the IDF is doing is absolutely reprehensible. Her dangerous rhetoric appears to be based solely on Hamas propaganda. I look forward to RNZ conducting another interview in the near future with a person without such an obvious bias, and with far more knowledge of history and the facts".
- "Double standards when reading news between Palestinian and Israel soldiers. When you use the word killed for Israeli soldiers but then use the word dies for Palestinian. Palestinian people didn't die, they were KILLED!!! By the military aggression from Israel army". Stop taking sides!! Tell the news as it is please!"

The standards are very clear that balance is achieved over time. A partisan listener, or one specifically concerned about balance, will always find this difficult to appreciate when a story covers only one side of a controversy, or gives time to only one version of a disputed claim, or appears to treat people taking up one side or another differently. Unless there is a specific time given for balance to be provided in the

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future, the impression of bias or unfair treatment is very hard to avoid. There is, however, no simple solution to this as it is impossible to cover every significant point of view in every story. RNZ typically says it is actively seeking a response from obviously left-out parties. This helps a lot but still leaves some audience members dissatisfied, suspicious and sometimes angry. One complainant received a detailed response illustrating how hearing a single item can give the impression of a lack of balance when, over time, balance has in fact been achieved. It is instructive to record this in detail. The complaint was:

- “I'm complaining due to what seems to be a one-sided approach to reporting on the conflict in Gaza. On a day when 500 civilians were killed by the IDF, Checkpoint chooses to run a long story sourced from CNN on Hamas. It seems like a clumsy attempt to have balanced reporting but ends comes across like an effort to justify the attacks on civilians (not Hamas) in Gaza. Shameful and spineless.”

RNZ's response, quoted here at length, indicates what the complainant had missed and the difficulty listeners have in hearing 'balance over time' given that many listeners tune in and out, with the average Time Spent Listening (TSL) of about an hour

- “RNZ has gone back and reviewed carefully the Checkpoint programme of October 19. The attack on the Al-Ahli Hospital was first reported at 6.30am on the 18th as a breaking news story and was covered extensively the previous day. President Biden's visit to Israel commenced on the 19th, which shifted the focus of the coverage of the Middle East situation to that visit. In the Checkpoint programme complained of, the 5.00pm news bulletin noted that the Rafah crossing was going to be opened to allow some relief aid through, the first of three packages on the Middle East situation was run about 5.12pm which was a BBC package covering the convoy of 20 trucks providing relief items through the Rafah crossing.

The 5.20pm news briefs covered the Rafah development again and that around 5.30pm the programme ran the CNN investigation which appears to be what your complaint refers to. This covered the extent of the meticulous planning by Hamas before undertaking their deadly attack on the Israeli communities near the Gaza border. The 5.40pm news briefs covered again the measures to implement a relief convoy that had been secured by President Biden with the Egyptian government and then at 6.05pm after the 6.00pm bulletin, the first item was another package from an ABC correspondent on the relief aid being provided through the Rafah crossing.

The attack on the hospital the previous day had been referred to by President Biden in the first package at 5.12pm, but clearly the new development which was being reported on the 19th was the implementation of the relief convoy through the Rafah crossing which President Biden had secured with the Egyptian government.”

Recommendation 8: RNZ should consider using its regular ‘complaint system’ notices (broadcast once every 24 hours with the hour shifting each day) to explain the ‘balance over time’ provision and possibly other specific aspects of the standards in brief statements that provide a basis for better understanding. Such a notice could say, for example, in addition to the usual ‘how to complain’ information: “Among the standards we uphold is providing balance for significant points of view in news and current affairs programmes over the period of interest in the issue. This means that not every item will cover all points of view. But over time we work to ensure they are heard”.

Sometimes bias is thought by complainants to be expressed in the news angle adopted in a story:

- “This morning listening to [a presenter], on Morning Report, questioning [a named MP] made me ashamed and embarrassed to be a New Zealander. It has been frustrating listening to the unfair, unbalanced and biased coverage on RNZ regarding the current genocide of Palestinians - but this morning was an all-time low. To perpetuate the same distracting talking points of the fascist state Israel, by focussing on [a named MP’s] use of a long-used slogan for liberation, is lazy and embarrassing journalism. In fact, it’s dangerous. I would be so deeply embarrassed to be [the presenter] and be so unbalanced and lazy in my journalism. I understand RNZ is just toeing the same lazy lines as the rest of western media, but it’s shameful and we should do better.”

Recommendation 9: Where issues with established partisan listenerships are covered and they focus of a single aspect of the story it would help listeners understand if an effort were made to indicate the limits of the story, the fact it is a part of wider coverage, and the reason a particular angle has been chosen.

Review of website complaints (Media Council jurisdiction)

I reviewed all RNZ website complaints. These complaints were again not upheld by RNZ other than in the one case in which a ‘not found guilty’ statement became a ‘found not guilty’ statement.

I expected to find some online complaints which would have been upheld under the more detailed and demanding BSA Code but I believe none of the other online complaints would have been upheld had they been broadcast complaints.

As with the broadcast complaints, complainants were concerned about accuracy, balance and fairness.

Accuracy complaints were often highly detailed, perhaps more so than the on-air complaints seeking the use of particular terminology as was the case with on-air complaints. For example:

- "The Gaza Strip – why the history of the densely populated enclave is key to understanding the current conflict" story is showing inaccurate and biased information. Israel was established by UN decision 181 (which NZ was a part of) when it became clear (following the Holocaust) that Jews need their own country. Any claim that it has been established by war is wrong and biased. Instead of writing "During the 1948 war that established the state of Israel" you should have written "After objecting to UN decision 181 for the formation of the state of Israel the local Arab population and neighbouring nations attacked the newly formed nation. During the ongoing war..."
- "RNZ has run a story entitled "Anti-Israel mob storms Dagestan airport in Russia", this is not a correct title, instead it was an anti-Semitic mob, looking for passengers' papers and if they were Jewish. The headline is clearly inaccurate. The mob were not anti-Israel but anti-Jews...The article misleads the public that the mob were anti-Israel, when in fact they are anti-Semitic, reminiscent of Nazi Germany. As a national broadcaster, RNZ should call out anti-Semitism when it occurs."
- "I am shocked by the way that RNZ has been reporting on the genocide occurring in Gaza. There is a huge bias in the words that are being used about Israel in comparison to the words being used about Palestine. For example, calling the Israeli hostages "hostages" but calling Palestinian hostages "prisoners" - when the Palestinian hostages are also young children, innocent and civilians. This makes it seem as though Palestinians have done something to deserve being kept hostage. Another example is how you have been referring to Israel deaths as "murders or "being killed", but in comparison, Palestinian deaths are "dying" or "death toll". This makes Israeli deaths come across as more shocking, whilst it makes Palestinian deaths seem like an accident. Targeting civilian areas is not an accident. You refer to what is happening as a "war". A war implies more or less equal conflict from either side. What is happening in Gaza has been declared by Amnesty International to be a genocide."
- " Hamas is referred to as an 'Islamist group'. This is imbalanced as no mention is made of the ideology of the Israeli militants. Elsewhere, Palestinian soldiers are referred to as ' Hamas gunmen' and ' Hamas fighters'. This is imbalanced and unfair as the dominant political party of Israel is not mentioned, while Israeli fighters are referred to as ' Israeli forces', ' Israeli troops', and ' Israeli military'. These terms are more respectable, and give a greater impression of legitimacy".

Recommendation 10: Points of accuracy in terminology and regularly reported facts should be documented as editorial guidelines, e.g. references to Israel's capital, the use of the terms 'Palestine' and 'Palestinian', the circumstances in which adjectives such as 'illegal', 'terrorist', or nouns such as 'genocide' are used.

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One response raised the issue of the extent to which ‘material facts’ can be distinguished from ‘facts’. “Material’ is a term used in relation to accuracy in both the BSA Code and Media Council Principles. The complainant argued that Hamas, in its most recent charter, is not seeking the ‘destruction of Israel’ and yet, this was said in a comment. The response from RNZ was in my view correct in the application of the Media Council Principles and would also have been correct under the BSA Code:

“Whether or not the statement “Hamas and Islamic Jihad - both sworn to Israel's destruction...” _is strictly accurate is not necessary to decide in the context of this complaint. While stated as a fact, it is not a material fact that would mislead the audience in their understanding of the extent of the conflict currently occurring or the ramifications of that conflict spreading. The article was not an opportunity to review the policies or beliefs of both sides of the conflict which may or may not be fuelling the extent of the military action occurring.”

But this response would inevitably leave the complainant dissatisfied. ‘Materiality’ will not seem important to a complainant who believes the facts have been mis-stated.

Recommendation 11: RNZ should seek to express all matters of fact accurately, irrespective of whether they are material to the story. If they are not material to the story there should be editorial questioning of why they are included. Where stories are dealing with highly sensitive issues, particular care should be taken. RNZ should consider a stronger approach to accuracy by upholding complaints about mis-stated facts even if they are ‘non-material’.

Media Council decisions

I reviewed all complaints referred by dissatisfied complaints to the Media Council. The Council decisions are summarized below. The Council is, in my view, liberal in its view of accuracy in figures and special care should be taken in this regard (see below). The Council generally endorses the RNZ editorial approach and use of language.

- The Council did not uphold a complaint about a BBC story published by RNZ on 12 March 2024, headlined “Gaza aid ship sets off from Cyprus”. The complainant said the story did not mention that insufficient aid was getting into Gaza because the Israelis controlled Gaza’s borders. Nor did it mention that the population was being starved and bombed by Israel with US support. He thought RNZ’s coverage was biased, inaccurate and unbalanced and did not give sufficient scrutiny to the role of Israel, the United States and the United Kingdom.

In his view RNZ was not undertaking independent journalism on the Gaza because New Zealand was a partner in the Five Eyes spy network. Britain was also a partner in the network and therefore anything coming from the BBC or Reuters required due diligence and other checks. He believed RNZ should do its own research and write its own articles rather than rely on articles published overseas.

The Media Council agreed that “it is not realistic or practical to detail the background and cover all aspects of a complex, fast developing conflict every day a new development is reported. This was a new story set against the background of very many news articles covering the war in Gaza from both sides...the Media Council has long held that balance can be provided over time and not just assessed on the content of one story.... there is no indication that [RNZ] has been compromised by New Zealand’s partnership in the Five Eyes Network. The perception of a conflict is too remote.

- The Council did not uphold a complaint about a Reuters article on 11 January 2024, headlined “Despair in Gaza as fighting intensifies despite Israeli promise to scale back”.

One paragraph stated: Israel has killed more than 23,000 Palestinians in Gaza since launching its campaign to eradicate the Hamas militant group that runs the enclave after Hamas fighters killed 1200 Israelis and captured 240 hostages in a rampage on 7 October.

[A reader] complained that RNZ had breached Media Council Principle (1) Accuracy, Fairness and Balance because: rather than 1200, 1068 Israelis were killed and some of these were killed by Israeli ‘friendly fire’ and those responsible were identified as Hamas fighters, when fighters from several Palestinian groups took part. RNZ defended the figures used as what it called ‘the journalistic convention of rounding to the near multiple’...[allowing] users to make easier comparisons between the quantum of the figures.

The Council held that ‘the lack of precision would not have misled readers’ and ‘all news media commonly round out figures for good reason, particularly in brief background summaries of events in long-running major news stories’. The failure to distinguish between Israeli and foreign nationals was, the Council considered, ‘not a significant error warranting a ruling against RNZ’.

Recommendation 12: Although complaints about rounding or minor inexactitudes are unlikely to be upheld there seems to be no useful purpose served by writing stories in a way that is likely to trigger complaints such as these. Conventional terms such as ‘about’, ‘almost’ and more than eliminate the problem and the consequent need to defend as ‘accurate’ figures that are plainly not accurate. Similarly, it is possible to replace terms with more general terms (in this case ‘Israeli’ with ‘people’ and

avoid complaints resulting from unnecessary efforts at exactitude in description. Editorial guidance should be developed to encourage the use of language that avoids such complaints.

- The Council did not uphold a complaint about a story published on 17 November 2023 headed “Palestinian ambassador denounces Israeli military operation at Gaza hospital”. The story said: “Canberra-based Ambassador Izzat Salah Abdulhadi is head of the general delegation of Palestine to Australia, New Zealand and the Pacific representing the Palestinian Authority.”

[A complainant] said it was wrong to refer to Mr Abdulhadi as an ambassador. He did not have an embassy here or in Australia. The general delegation was not a diplomatic entity because New Zealand did not recognise the Palestine Authority government and territory as a State, therefore the term ambassador should not be used. RNZ said they were satisfied with their usage of the term, quoting the Oxford Dictionary, and saying Mr Abdulhadi used the term to describe himself.

The Media Council noted “that the story initially referred to Mr Abdulhadi as “a Palestinian ambassador” rather than “the Palestinian ambassador” and went on to elaborate on exactly what his position was, leaving little room for confusion. The media is not bound to adhere to the strictly legalistic use of the term ambassador, and the dictionary definition leaves room for flexibility. The story indicates that Mr Abdulhadi has been given an official status by the Palestinian Authority, and in that context, it seems reasonable for RNZ to have used the term ambassador”.

- The Media Council rejected a complaint by the National Chair of Palestine Solidarity Network Aotearoa, that a BBC story on August 8, 2022 headlined ‘Israel-Gaza: Hopes as Gaza ceasefire comes into effect’, and Radio New Zealand’s reporting in general, on recent Israeli attacks on Gaza breached standards of accuracy, fairness and balance. The council said no inaccuracy, unfairness, or lack of balance had been shown. The detail of this complaint, although (comprehensively) not upheld is instructive in highlighting concerns and sensitivities about story structure and word choice. The complaint said the report:
 - failed to mention that all 43 people who died were Palestinians and this only became clear later in the report.
 - [included a] reference in the first sentence to the protagonists as Israel and Palestinian militants was misleading. This framing of the story immediately put Israel in the right and Palestinians in the wrong despite the violence being initiated by an Israeli missile attack.
 - [called] Islamic Jihad...a militant group, when it should be referred to as a Palestinian resistance group or an armed Palestinian resistance group. The use of the word “militant”

denigrated the Palestinian struggle in the same way Nelson Mandela and the African National Congress were denigrated by the label “terrorists” in the past.

- negatively framed the story with Palestinians as the source of trouble was reinforced with reference to previous attacks against Israel.
- [gave] no context for these attacks. For example, there was no mention of the hundreds of Palestinians killed by Israeli occupation forces so far this year, and no mention of the long history of Israeli attacks and the killings of thousands of Palestinians in Gaza in the 17 years since it was blockaded by Israel.
- [did not describe] Gaza as it should be described under international law as “occupied”, “besieged” or “blockaded”.
- Buried any facts which reveal Israel in a bad light – for example the fact Israel initiated the attacks, the fact the 43 killed were all Palestinians, the fact 15 of the killed were children - well down in the report and mentioned [them] only in passing.

The Media Council, in rejecting the complaint, said it considered this story to be a straightforward account of the latest important news from Gaza of a ceasefire, with reportage of all the salient facts as well as Israeli and Palestinian views. Readers are given the information and can draw their own conclusions based on the latest reporting and their understanding of what has gone before.

The Media Council also made some interesting comments in passing, providing a clear indication of what it sees as the limits of the complaints process and that the process is not an opportunity to pursue arguments beyond the Media Council Principles.

- “It is common for parties supporting one side or another in conflicts to accuse the media of bias”.
- “It is...a truism that one man’s “terrorist” is another man’s “freedom fighter” and journalists attempting to be impartial need to be careful with any labelling.
- “The common definition of a militant is a person who is ready and willing to fight for a cause. The term has been applied to suffragettes and respected Christian groups; it is not of itself pejorative or condemnatory”.
- “Friends of Israel would no doubt disagree [with the complainant’s view] that the wider framing of coverage is bent against the Palestinians and slanted in favour of Israel”.

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- “The treatment of Palestinians has been an issue since the foundation of modern Israel and for decades it has been the subject of news reporting and commentary, all of which might be characterised by someone or another as slanted”.⁵

BSA decisions

I reviewed BSA decisions well beyond the period of review. The most recent RNZ complaint upheld by the BSA on this issue was heard a decade ago.⁶ There are 22 relevant complaints on the BSA database. The upheld 2014 complaint was upheld on the basis that “no alternative perspective was presented either within the broadcast, in any proximate broadcast or in other media”.

The 2024 complaints that reached the BSA canvassed familiar ground – accuracy, balance and fairness - although complaints often included other grounds. The BSA summaries of the 2023/4 cases provide a good insight into the Authority’s thinking and the issues facing RNZ staff and indicate continued concern from ‘both sides’ of the issue but give no reason for concern that the BSA standards are being breached.

- The Authority [did not] uphold a complaint that comments made by the hosts of Midweek Mediawatch concerning sexual violence during the October 7 attacks in Israel were inaccurate, unbalanced and unfair for downplaying or denying that sexual violence occurred. The Authority found that the statements were more consistent with analysis, comment or opinion to which the accuracy standard did not apply. However, it found relevant statements were, in any event, not misleading. The balance and fairness standards did not apply.
- The Authority [did not] uphold a complaint about a Morning Report interview with [a party leader]. The complaint alleged the interview was unbalanced because no alternative perspective was presented to counter [the leader’s] comments that Israel’s actions in Palestine amounted to genocide and apartheid, among other things, and that those statements were also inaccurate. The Authority found restricting the broadcaster’s and [the leader’s] right to freedom of expression would be unjustified.
- The Authority [did not] uphold complaints that action taken by Radio New Zealand Ltd was insufficient, after the broadcaster upheld the complaints under the accuracy standard about a statement in a news bulletin that a recent ruling by the International Court of Justice had found Israel ‘not guilty of genocide.’ While the Authority agreed with the broadcaster’s decision to uphold the complaints, it found RNZ had taken sufficient steps in response to the complaints, by

⁵ <https://www.mediacouncil.org.nz/rulings/john-minto-on-behalf-of-the-palestine-solidarity-network-aotearoa-psna-against-rnz/>

⁶ <https://www.bsa.govt.nz/decisions/all-decisions/maasland-and-others-and-radio-new-zealand-ltd-2014-118#searched-for-Israel>

broadcasting an on-air correction within a reasonable period after the bulletin at issue, as well as posting a correction to its website.

- The Authority [did not] uphold a complaint that an interview with an Israeli soldier on Morning Report breached several standards. The complainant alleged statements made by the interviewee were inaccurate, discriminated against Palestinians and Middle Eastern people, and were offensive and disturbing and unbalanced. The Authority found that the statements of the interviewee were comment, analysis or opinion to which the accuracy standard does not apply and, if not, the broadcaster had made reasonable efforts to ensure accuracy. The Authority also found the comments were not directed at Palestinians and Middle Eastern people and were, in any event, serious comment, analysis or opinion to which the discrimination and denigration standard does not apply; the comments did not seriously violate community standards of taste and decency; and the interview did not breach the balance standard noting it was clearly signalled as presented from a as presented from a particular perspective.
- The Authority [did not] uphold a complaint that RNZ breached the accuracy and balance standards of the Code of Broadcasting Standards in New Zealand for including a statement in a news bulletin that Israel was 'carpet bombing the Palestinian territory'. The Authority noted that it is not its role to determine the definitive meaning of the term 'carpet bombing'; nor to determine whether Israel has carried out 'carpet bombing'. The Authority's role is to decide whether reasonable efforts have been made to ensure accuracy. Noting 'carpet bombing' carries multiple meanings and the story was focused on the impacts of the bombing (not military strategy), the Authority did not find any material inaccuracy likely to impact the audience's understanding of the broadcast as a whole.

Antisemitic and similar complaints

Two complaints appeared to be motivated by, and to express, undisguised antisemitism. RNZ rightly declined to consider these complaints, or complaints expressing a similar irrational animus against other groups. The complainants did not refer the matters to the BSA. I believe there is little or no risk that the BSA would find against RNZ for such a decision. Care should be taken to ensure this covers only those complaints which are obviously unworthy of consideration; RNZ should not apply wide definitions. When in doubt, complaints should be considered normally and not rejected under this heading.

Recommendation 13: RNZ should develop a formal guideline allowing such rejection of anti-Semitic and similar complaints and explaining how this is appropriate given the Bill of Rights Act and the Broadcasting Act.

Risk Reduction

RNZ's *Editorial Policies and Standards* can be understood as a guide to reducing the risk of breaching the law, or the statutory standards and reducing overall legal risk. They can also be seen as reducing the risk to RNZ's status and reputation and reducing the risk to public support. The relatively small number of complaints and the fact that they have (overwhelmingly) not been upheld suggests that the risks of a breach of the law or statutory standards have been well mitigated and that it is rare for such risks to be realised. The swift action taken on the single upheld accuracy complaint indicates a high responsiveness to risk realisation. The risk to reputation however is not well-mitigated by successful rejection of complaints and successful defence, where necessary, at the BSA and the Media Council. These 'successes' may become reputational failures if audiences remain dissatisfied, feel they were 'fobbed off' or treated in an uncaring or disrespectful way.

This is especially true of coverage of highly contentious issues such as the Israel/Palestinian conflict.

Recommendation 14: RNZ should manage reputation risks further by

- **establishing a guide for coverage of the issue including use of specific words, the need for more-than-usual explanation of balance**
- **proscribing informal or unscripted passing references to the issue in headlines, trailers etc. and the use of actuality about the issue in programme promotion trailers.**
- **requiring all stories, including introductions and story angles to be checked by a second (senior) staffer before broadcast**
- **including risks of statutory breaches or audience reaction in any formal RNZ risk register to ensure regular audit (if this is not current practice)**

Recommendations

These recommendations may reduce complaints. They may also reduce concerns among listeners and readers about RNZ's upholding of standards and its reputation for accuracy, balance and fairness. As noted above, present RNZ practice results in virtually no complaints being upheld by RNZ and virtually no complaints by people dissatisfied with RNZ's response being upheld at the Media Council. The purpose of these recommendations is therefore not to address any failure to maintain formal standards but rather to improve confidence in RNZ as a trustworthy source of information on this and other controversial issues.

RNZ may also wish to consider holding kanohi-ki-te-kanohi (face to face) meetings with interested groups

and people to discuss this paper and future relationships. There is substantial common interest between RNZ and complainants in wanting to the public informed accurately, fairly and in a balanced way. There is also a clear public interest in RNZ's coverage being accepted as a source of such information.

This report repeats some advice of years gone by. In relation to accuracy in the Press Council in 2001 said, of the Israel/Palestine conflict: "The Press Council...again notes the political and diplomatic sensitivities involved in covering reports from this area of conflict. Against this background the Press Council encourages editors to use exact terms where possible. "

Twenty years earlier, in relation to balance and fairness, the Broadcasting Tribunal (decision 6/1979) said: "...we think it is important in relation to issues such as ...the Arab/Israeli conflict and similar issues which arouse controversy in this country as well as overseas to keep some record of the treatment given and to review it from time to time.... It should be possible to detect undesirable trends in coverage and to take positive steps to redress balance when necessary."

These recommendations are intended to stimulate discussion among the editorial staff at RNZ already applying the commonsense traditions of impartial journalism. They do not indicate any major failings, a threat to the maintenance of statutory standards or any problem with the handling of complaints.

Recommendation 1: RNZ should recognise the Israel/Palestinian issue as a case of exceptional sensitivity for which audience expectations and response to audience concerns need planned management and additional care. Editorial staff should understand the possible consequences for balance of their assessments of news 'relevance' and 'proximity'.

Recommendation 2: RNZ should document and regularly update its understanding of who holds 'significant points of view' and what these are in relation to the Israel/Palestinian issue. This should also note that views that are not significant (e.g. debunked antisemitic or Islamophobic conspiracy theories). Points of accuracy in terminology and regularly reported facts should be documented as editorial policy, e.g. references to Israel's capital, the use of the terms 'Palestine' and 'Palestinian', the circumstances in which adjectives such as 'illegal', 'terrorist', or nouns such as 'genocide' are used.

Recommendation 3: A sample of stories noting their leaning (tendency to support any particular newsmaker/point of view) should be taken at regular intervals on the Israel/Palestine issue

Recommendation 4: RNZ should inform its listeners and readers about the sources used for coverage of this issue and how facts are identified and assessed for newsworthiness.

Recommendation 5: Accuracy complaints that are upheld should be expressed in the clearest and most direct way possible with full acceptance of responsibility and no hint of defensiveness.

Recommendation 6: The radio conventions of attribution (use of the present continuous tense, implied attribution across consecutive statements, use of voice inflection to indicate that particular words are attributed etc.) could helpfully be explained to listeners on the website. A greater use of direct attribution in broadcast stories (in which inverted commas cannot be clearly heard) would help, e.g. ‘which s/he called...’; ‘that he described as...’ ‘as she put it...’.

Recommendation 7: a section on the RNZ website discussing the sources it trusts and the reasons for doing so. This could distinguish, for example, between the BBC news operation and its many other programmes, podcasts and web publications.

Recommendation 8: RNZ should consider using its regular ‘complaint system’ notices (broadcast once every 24 hours with the hour shifting each day) to explain the ‘balance over time’ provision and possibly other specific aspects of the standards in brief statements that provide a basis for better understanding. Such a notice could say, for example, in addition to the usual ‘how to complain’ information: “Among the standards we uphold is providing balance for significant points of view in news and current affairs programmes over the time of interest in the issue. This means that not every item will cover all points of view. But over time we work to ensure they are heard”.

Recommendation 9: Where issues with established partisan listenerships are covered and they focus on a single aspect of the story it would help listeners understand if an effort were made to indicate the limits of the story, the fact it is a part of wider coverage, and the reason a particular angle has been chosen.

Recommendation 10: Points of accuracy in terminology and regularly reported facts should be documented as editorial policy, e.g. references to Israel’s capital, the use of the terms ‘Palestine’ and ‘Palestinian’, the circumstances in which adjectives such as ‘illegal’, ‘terrorist’, or nouns such as ‘genocide’ are used.

Recommendation 11: RNZ should seek to express all matters of fact accurately, irrespective of whether they are material to the story. If they are not material to the story there should be editorial questioning of why they are included. Where stories are dealing with highly sensitive issues, particular care should be taken. RNZ should consider a stronger approach to accuracy by upholding complaints about mis-stated facts even if they are ‘non-material’.

Recommendation 12: Although complaints about rounding or minor inexactitudes are unlikely to be upheld there seems to be no useful purpose served by writing stories in a way that is likely to trigger complaints such as these. Conventional terms such as ‘about’, ‘almost’ and more than eliminate the problem and the consequent need to defend as ‘accurate’ figures that are plainly not accurate. Similarly,

it is possible to replace terms with more general terms (in this case 'Israeli' with 'people' and avoid complaints resulting from unnecessary efforts at exactitude in description. Editorial guidance should be developed to encourage the use of exact and clear terms so that such complaints can be reduced in number.

Recommendation 13: RNZ should develop a formal policy allowing such rejection of anti-Semitic and similar complaints and explaining how this is appropriate given the Bill of Rights Act and the Broadcasting Act.

Recommendation 14: RNZ should manage reputation risks further by

- establishing a guide for coverage of the issue including use of specific words, the need for more-than-usual explanation of balance
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- requiring all stories, including introductions and story angles to be checked by a second (senior) staffer before broadcast
- including risks of statutory breaches or audience reaction in any formal RNZ risk register to ensure regular audit (if this is not current practice)