

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 6/91

Dated the 15th day of March 1991

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

A.M. DEWAR

of Wellington

Broadcaster

TV3 NETWORK LIMITED

I.W. Gallaway Chairperson

J.B. Fish

J.L. Hardie

J.R. Morris

DECISION

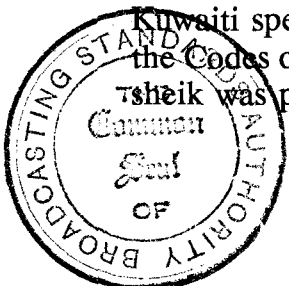
Introduction

An item on 3 *Network News* on 16 November 1990 broadcast on TV3 at 6.30 pm, dealt with some aspects of the crisis in the Persian Gulf. The item covered the release of one hostage and included an update on the hostage situation. It also dealt with Mr Lange and his comments on hostage missions, Saddam Hussein's attitude to hostage taking and the visit of the Kuwaiti Foreign Minister to New Zealand.

An item presented by Mr Bill Ralston on *Nightline* on 3 December 1990, broadcast on TV3 at 10.30 pm, covered the announcement of New Zealand's contribution of a medical team to the coalition forces in the Middle East.

Mr Dewar's Complaints to TV3 Network Limited

Mr Dewar wrote to TV3 Network first on 16 November complaining that the item on that evening's 3 *Network News*, especially the segment dealing with the visit of the Kuwaiti special envoy, breached the requirement of fairness and accuracy required by the Codes of Broadcasting Practice for Television. He also complained that the Kuwaiti Sheikh was portrayed in a manner which "encouraged denigration of, or discrimination



against, him and, by implication, the Kuwaiti community".

Standard 26 discourages the portrayal of persons or sections of the community in a manner which encourages denigration of or discrimination against them.

He elaborated on his complaint by stating that the commentary which speculated that the envoy's visit might hinder hostage release was mischievous, irrelevant and unfounded. There was no evidence, he maintained, to justify the speculation which linked the envoy's visit to the release of hostages. He claimed that the total impact of the item tended to cast Iraq in a favourable light while denigrating the nations which opposed Iraq's "annexation of Kuwait".

Further, he claimed that the commentary describing Mr Lange's visit to Australia was partisan in tone and created a "bizarre" picture of the United States being out of step with other nations which had hostages in Iraq.

Regarding the envoy's visit, he concluded:

As a long-time student of Islam and the Muslim world, I find it deeply offensive that it should be suggested that Sheik Nasser Muhammed Al-Ahmad Al-Sabah is not, or should not be, welcome in New Zealand.

Mr Dewar wrote to TV3 Network on 4 December about the *Nightline* item on 3 December. Again, he stated that the programme breached the standards in the Codes of Broadcasting Practice for Television relating to fairness and accuracy.

His letter quoted Mr Ralston, the presenter, who had said:

Well, I don't know about you, but it would be a pleasure to sacrifice my life to save the huge personal fortune of this man and his ousted autocratic monarchy.

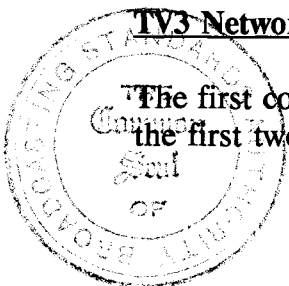
The man depicted, Mr Dewar noted, was Sheik Jaber al-Ahmed al-Sabah, the Emir of Kuwait.

The particular phrases objected to were: "huge personal fortune", "ousted" and "autocratic".

Mr Dewar cited sources which described the extensive Kuwaiti education, health and welfare system and which indicated the Emir's benevolence; he said that "ousted" misleadingly implied an internal revolt; and that the use of "autocratic" without acknowledging the actual divisions of executive power and processes for consultation in Kuwait was misleading.

TV3 Network's Response to Mr Dewar

The first complaint was dealt with by TV3 Network in a letter dated 7 December 1990, the first two paragraphs of which read:



1. Kuwait's Foreign Minister is a public person engaged in a bitter and public international dispute which is most dangerous and has profound implications for the future of most countries of the world. It is therefore a fair subject for media attention.
2. The Minister's government's public dispute with the hostage taker Iraq gave special significance to his visit to New Zealand, because his visit coincided with the most delicate stage of the release of New Zealand hostages. It was at a delicate stage because Iraq had said the hostages could leave, but they had not yet left the country. It was valid to speculate that any change in New Zealand's attitude or position could have put the release in jeopardy.

After discussing a number of points raised by Mr Dewar, TV3 Network expressed its belief that the news item of 16 November was reasonably balanced and that it was valid to discuss the possible impact of the envoy's visit upon the release of the hostages.

In a letter dated 17 December, TV3 Network dealt with the complaint about the item on *Nightline*. It maintained that the words, "huge personal fortune", "ousted" and "autocratic", were factually correct. It also noted:

We believe our overall news coverage of the crisis in the Persian Gulf has displayed a sympathetic understanding of the plight of the Kuwaiti nation following the invasion by Iraq.

Mr Dewar's Complaint to the Broadcasting Standards Authority

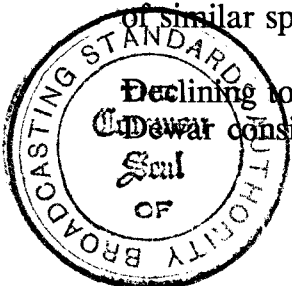
As Mr Dewar was dissatisfied with TV3 Network's responses, he referred the complaints to the Broadcasting Standards Authority pursuant to s8(a) of the Broadcasting Act 1989. The complaint about the 3 *National News* item was dated 14 December, and the *Nightline* complaint dated 12 January 1991.

Regarding the news item, Mr Dewar referred to standards 3, 6, 12, 14, 16 and 26 and wrote:

The items breached the Codes of Broadcasting Practice re fairness and accuracy. Further, coverage portrayed a visitor in a manner that encouraged denigration of him (and by implication a community) as a consequence of legitimate expression of religious, cultural and political beliefs.

He analysed TV3 Network's letter of 7 December in detail, focussing on the speculation that the envoy's visit may imperil the continuing release of hostages. He concluded by describing the speculation as unfounded and irresponsible, adding that he was not aware of similar speculation by any other journalist.

Declining to draw conclusions about TV3's cumulative coverage of the Gulf crisis, Mr Dewar considered the topics and tone of the item on 16 November displayed partisan



coverage in that it hinted that criticism of Iraq and its leader was to be reduced. He added that the coverage given to the Kuwaiti visitor was unbalanced and the visitor had been denigrated by "mischievous, irrelevant and unfounded speculation". He added that this speculation could have caused "unnecessary panic, alarm or distress".

Regarding the *Nightline* item, Mr Dewar referred to standards 4, 6 and 12 placing emphasis on standard 6. He summarised his complaint:

Lack of balance. Unfair representation of Kuwait's Amir; unfair and unbalanced representation of motivation of parties seeking to assist Kuwait in its plight - suggestion that Kuwait Government greedy and only concerned with personal wealth; that international concern re plight of invaded and occupied Kuwait unworthy for this reason. Words used distort and trivialise nature of Gulf crisis and mislead the public. Kuwaiti viewpoint not represented. Amir insulted by this item and form and nature of his rule misrepresented. Term 'autocratic' used without qualification, in misleading manner.

He added, citing one source, that TV3 did not appreciate that Kuwait was a leading example in the Arab world of the combination of democracy with traditional practices.

TV3 Network's Response to the Authority

In a letter dated 21 January, TV3 Network stated that its earlier responses to Mr Dewar adequately justified the items broadcast.

Mr Dewar's Final Comment to the Authority

Mr Dewar, when acknowledging receipt of TV3 Network's letter of 21 January, had no further comment to make.

Decision

The Authority has studied the correspondence and carefully considered the arguments put forward by Mr Dewar in support of his complaint and by TV3 Network in response. All members have viewed the items which gave rise to the complaints. The Authority emphasises that the complaints focus on two items, not the total coverage of the Gulf crisis, and this decision adopts a similar focus.

Mr Dewar refers to a number of the standards in the Code of Broadcasting Practice for Television. Much of his concern is encapsulated by standard 6 which requires broadcasters:

To show balance, impartiality and fairness in dealing with political matters, current affairs and all questions of a controversial nature.



The Authority considers that an examination of both items in light of standard 6, meets the concerns Mr Dewar also expressed in terms of standards 3, 4, 12, and 16.

The item broadcast on the 16 November will also be examined to see whether it complies with standard 14:

News should not be presented in such a way as to cause unnecessary, panic alarm or distress.

and standard 26 which discourages the portrayal of persons or sections of the community in a manner which encourages denigration of or discrimination against them.

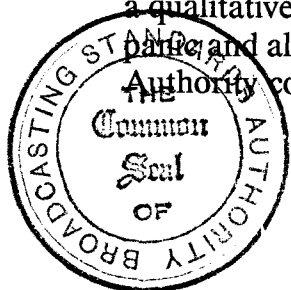
The complainant, TV3 Network and the Authority accept that the Gulf crisis is a major and continuing news story, although the items of particular focus may well change weekly, daily or more frequently. At the time of the 16 November programme the future of the hostages, in TV3 Network's opinion, was the dominant issue. The visit of a Kuwaiti special envoy was a newsworthy item, but not of the same magnitude in TV3 Network's opinion, as is indicated by the fact that of the approximately 2 minutes devoted to the item in full, about 86 seconds was focussed on hostages and approximately 23 seconds to the envoy's visit.

As an indication of the problems facing all commentators, the Authority has accepted that the use of the word "hostages" is the most balanced one when describing the foreign nationals who were detained in Iraq. It has rejected the use of the word "guests" or the term "human shield" which, it believes are unnecessarily emotive euphuisms.

The alternative wordings indicate the difficulties the media confront in their efforts to maintain balance. Equally, those alternatives indicate the difficulties which confront the media in linking (or not linking) the different news item which emerge from the Gulf crisis. This complaint claims that linking the hostage items with the visit of a special envoy from Kuwait strayed beyond the requirements for balance, fairness and impartiality set out in standard 6.

In retrospect, the linkage proved to be unfounded (fortunately in the Authority's view) in that the visit did not impede the release from Iraq of all New Zealand hostages. However, the Authority's task is not to judge with hindsight. Taking into account the situation which existed at the time, and in particular the item which reported Mr Lange's comments, it is considered that the speculation, and its tone, was neither unbalanced, unfair nor partial journalism. Thus, the Authority believes that the total item did not breach standard 6, nor standards 3, 4, 12 and 16.

In assessing whether the speculation caused unnecessary panic and alarm (standard 14), the Authority has no doubt that it may well have increased the worry felt by viewers concerned about the hostages' release, and especially their relatives. However, there is a qualitative difference between increasing the viewers' worry and unnecessarily causing panic and alarm. Again, with hindsight, the speculation proved to be unfounded but the Authority considers it not to be of a nature to breach standard 14.



Further, in the Authority's opinion, the item which reported the special envoy's visit did not encourage denigration of, or discrimination against, the envoy or Kuwaitis (standard 26). Two of the envoy's statements at his press conference which were reported, and the voice over commentary, highlighted the suffering of the Kuwaiti people.

Regarding the *Nightline* item of 3 December, Mr Dewar's complaint stresses standard 6 - that is the need to show balance, impartiality and fairness. Mr Ralston's commentary focussed on the New Zealand Prime Minister's announcement to contribute a medical team to the coalition forces. Mr Ralston's report adopted a satirical approach towards the announcement and, incidentally, to some other journalists who had attended the Prime Minister's press conference. Indeed, satire of politicians is a regular feature of Mr Ralston's items on *Nightline*.

The tone of Mr Ralston's commentary on 3 December was clearly one of satire and irony and this approach was reinforced by the use of film clips of World War II fighter pilots. This tone was also evident in his commentary, accompanied by footage of the Emir of Kuwait:

Well, I don't know about you, but it would be a pleasure to sacrifice my life to save the huge personal fortune of this man and his ousted autocratic monarchy.

Whereas TV3 Network maintained that the words "huge personal fortune", "ousted" and "autocratic" were factually correct notwithstanding the irony obvious in the context, Mr Dewar consider their use unbalanced as they do not acknowledge the changes which have occurred in Kuwait under the rule of the al-Sabah family.

The Authority considers that the evidence produced by Mr Dewar could well be the subject of a documentary which fully examined the social and economic circumstances existing in Kuwait, in order to explore the matter further in the interests of balance and fairness. However, the *Nightline* programme did not purport to fulfil such a function. In the satiric context of the programme, the brief and ironic comments on the Emir of Kuwait may have been outspoken but they did not, in the Authority's view, breach the balance, impartiality and fairness requirements of standards 4, 6 and 12.

For the reasons set forth above, the Authority declines to uphold the complaint.

Signed for and on behalf of the Authority



Iain Gallaway
Chairperson

15 March 1991

