

Ethical Conduct in the Practice of Journalism: The UK Experience

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Chairman, Ladies and Gentlemen

I have been asked to talk about the ethical conduct of journalism as practised in the UK, with particular reference to the institution which I served for almost 20 years, the BBC. Of course, this is a vast subject, but what caught my eye when I was pondering how to start was the overall session title: *Ethical Conduct: From Theory to Practice*. This is the crunch: what is promulgated in theory often doesn't translate at all well into practice. Journalism and ethics is a good example. But as I will argue, it is not primarily hostile regulation which is to blame - it is the conduct of journalists themselves in an increasingly competitive media market.

But of course journalism in Britain does operate in a legislative framework: on my first day at work as a BBC staff radio producer, I was summoned to see my personnel officer who welcomed me warmly, sat me down and pushed a piece of paper over the desk. Thinking it was my contract, I poised to sign it. It was the Official Secrets Act. Two thoughts went through my head: "am I so important a person now that I am a potential danger to national security?" and "I am a journalist now, should I be signing this?" I was woefully ignorant about the Act under which it is an offence to publish all sorts of security and intelligence material. I rather tamely asked, "Is this usual." "Oh yes," the personnel officer replied. I later found out he was a part-time member of the British Army. Anyway I signed: I wanted the job and I thought I might not get it if I refused.

The irony of the situation only occurred to me as I was preparing this talk: ten years later, I was following the war in Afghanistan closely. You will remember the Soviet Army had invaded and were fighting a very bloody and very secret counter insurgency campaign against the Afghan mujahedin, who were supported by the West. I knew the country well - I had worked there before joining the BBC - and my job was a fascinating one, trying to piece together what was really happening from the pieces of disinformation supplied by all sides. I had a call from the Foreign Office one day saying that they were making available to me their weekly situation reports from their Embassy in Kabul. This was highly unusual: I was being asked to use confidential material technically protected by the Official Secrets Act, to help compile my analyses for broadcast.

Another confidential source came my way through a very different channel: these were *American* situation reports of Afghanistan which were shredded when their embassy in Tehran was seized by Ayatollah Khomeini's revolutionary guards in 1979. To annoy the Americans even more, the Iranians spent years re-assembling each shredded document slice by slice. Amongst the documents pieced together was a series of fascinating accounts of the then Marxist government in neighbouring Afghanistan.

So since we are talking about ethics: was I right to use this material? I would say yes, on two separate counts: in the case of the British material, I was clearly not breaching national security since the material had been given to me by the government. It was a very useful source - since western journalists were not allowed official entry into Afghanistan for seven years. At the same time, I was conscious that the British Government had a very particular view on events in Afghanistan, and that their information had to be used bearing this in mind. In the American case, the material was in the public domain - the Ayatollahs had published it and there was nothing the United States government could do about it.

That was the one and only time in my career that I used classified written material - and the government gave it to me. But had I been reporting Northern Ireland, I suspect they would have been much less open with their information. In fact, a British journalist, Tony Geraghty, has recently been charged with an offence under the Official Secrets Act for writing about surveillance systems used by British Intelligence in Northern Ireland. He won't divulge who gave him the information, which is what the authorities are really after. He is awaiting trial, and could go to prison.

So what guidance would BBC journalists be given if they were covering a similar story. I consulted the BBC's Producers Guidelines "The BBC's journalism," it states proudly, "will suffer if people who give information on condition they remain anonymous are subsequently identified". That's reassuring, I thought. But, on the next page, this caught my eye, "Note that anyone who discovers information which could prevent a terrorist act in the UK or lead to the arrest of a terrorist wanted in the UK is obliged by law to reveal it at the earliest opportunity". Not so reassuring.

In other respects the BBC Producers Guidelines are quite helpful: there are hints on:

- interviewing
- reporting crime
- relations with the police
- confidentiality
- terrorism and national security
- Northern Ireland
- politics, parliament and politicians
- broadcasting during elections
- opinion polls
- defamation
- court injunctions and interdicts
- contempt
- copyright
- intellectual property

It is not necessary for me to go through these guidelines in detail: they represent an accumulation of experience over the BBC's 75 year history, and they are on the whole eminently sensible, stressing the need for fairness, integrity, balance and accuracy in programming and news reporting. But there are some fundamental principles which are worth stressing:

The first is *due impartiality*: under its Charter, the BBC has to treat controversial subjects with *due accuracy and impartiality*. It goes on to explain that this *does not require absolute neutrality on every issue, or detachment from fundamental, democratic principles*. The word *due* is the key here: it is interpreted as meaning adequate or appropriate to the nature of the subject or the programme. This seems to me to be sensible, as absolute impartiality is a goal for journalists, but in practice it is an unattainable goal. I will come back to this point. Other key points are:

- *The BBC is explicitly forbidden from broadcasting its own opinions on current affairs or matters of public policy, except broadcasting issues*
Reporting should be "*dispassionate, wide-ranging and well informed*."
- *Audiences should not be able to gauge from BBC programmes the personal views of presenters and reporters.*

This seems to me to be a very reasonable framework within which journalists have to work, and personally I have never had problems with the BBC guidelines. They have provided a secure foundation for the practice of ethical journalism.

Neither have I had any problems with the legislative framework - indeed as I said before, rules were bent to help me in the case of the Afghanistan situation reports. I acknowledge other journalists have had problems with British laws, and my colleagues will be discussing them.

So what are the pressures on journalists practising their craft ethically - that is with due impartiality, fairly, with integrity, accurately and in a well informed manner. I think there are pressures, unprecedented pressures, in recent years. I would like to examine them in the context of war reporting: this is a discipline in which journalists are often in danger, where they have to make difficult decisions, they are under close scrutiny, and where the ethics of reporting have been increasingly questioned.

First in the matter of perception: for a newspaper, radio or TV station to be taken seriously, it has to have a reputation for integrity, accuracy, impartiality and fairness. The BBC has many advantages on this score - it has a long and distinguished history. But it also has to justify its claim as an impartial, independent broadcasting organisation.

Back in 1992, just after the Gulf War, I was on a publicity tour with the BBC Pashto Language section in the heart of our broadcasting target area, the North West Frontier Province of Pakistan. Virtually all the audience was Muslim. In the many public meetings we held, it was clear that our coverage of the Gulf War had made many listeners angry and to question the independence of the BBC's editorial

line: "You say that the BBC is independent - who pays your salary? The British Government? So they pay for you, yet they have no influence over what you broadcast? Come on, who are you kidding?"

So how to convince my sceptical questioner that the BBC World Service remained impartial despite receiving its funding from the British Government. In fact, it is very difficult to explain exactly why the BBC has this tradition of independence: it is largely due to the organisation's first Director General, Sir John Reith, who refused to be bullied by successive governments. He established a tradition which has remained to this day. Now, the BBC has such a world wide reputation for impartiality, it is not in the British Government's interest to be seen as a censor.

I told my Pakistani audience two stories as evidence of this: during the Falklands/Malvinas War in 1983, the British Government decided to set up their own propaganda channel radio channel to broadcast to Argentina. They took away one of the BBC Latin American frequencies to do this. This demonstrated to the whole world that the Government could not rely on the BBC World Service to broadcast its won propaganda.

Some years later, the BBC Board of Governors did in fact stop the transmission of a television programme about Northern Ireland after a political pressure from Mrs Thatcher's government. The reaction of the journalists was immediate - they went on strike - the only time in the history of the World Service that programmes were taken off the air, I believe. Again, this underscored the editorial independence of the BBC, but I am not sure I convinced my Pakistani audience.

Ultimately journalists depend for the quality of their reports on the quality of the information they are allowed access to. Politicians and civil servants holding back information will result in misleading reporting. Another way of putting this is 'managing the news', and this is a very considerable challenge to 'ethical journalism'.

The buzz word for news managers these days is 'spin-doctors' - people employed by political parties to make sure they are presented to the press in the most favourable light. This means filtering news, imposing tight discipline on who in the party is authorised to speak to the media, and putting the most favourable interpretation on any potentially damaging information which leaks out.

This is not a new phenomenon - news management is as old as newspapers. For many years the British parliamentary correspondents have received favourable access - unattributable access - to the Prime Minister's spokesman as part of the lobby system. [And it is not infallible - Britain's ruling Labour Party lost its chief 'spinner' quite spectacularly recently: despite all his skills in news management and being a close friend of Prime Minister Tony Blair, Peter Mandelson had to resign after a scandal over obtaining a big loan from a fellow minister to buy a house.]

What I find worrying is the broader issue thrown up by all this: politicians need journalists to enhance their public credibility; journalists need politicians as sources for news stories. This can become a cosy little world full of gossip and intrigue, where personal peccadillos become as important - or more important - than affairs of state. The Monica Lewinsky scandal is of course the ultimate example of this. The obsession of the American media with this story put virtually all foreign TV news on hold for several months. There was simply no space for it on American TV bulletins.

The Monica scandal also served to show the extent to which the media in the United States had long since abandoned their mission to inform and educate, in favour of simply 'to entertain'. There are other pressures here - the digital revolution which has created an explosion of TV and radio channels chasing more and more fragmented audiences; and also the tyranny of real-time live television like CNN which puts all the emphasis on the personal pieces to camera of the reporter, and virtually none on allowing the journalist to find out what the real facts of the story are. All contribute to increasing superficiality in TV news.

[A Canadian journalist I know called Arthur Kent actually took one of the big American television to court over this issue. He had been contracted to film some stories in Central America, but when he came back there was a new entertainment oriented news editor and was told they had been abandoned as they would be too difficult for the audience to understand. He sued the network in California, and won. I don't know how much he was awarded, but he seems to be a millionaire....]

Serious journalists in the United States are deeply worried by this trend and it is no surprise that US policy towards the world's trouble spots is, as a result, deeply cautious. Why should an American President and Congress authorise peace keeping troops in Kosovo, or the Democratic Republic of the Congo for instance, if the vast majority of Americans haven't the slightest idea what they are risking their lives for?

News management, of course, is easiest to achieve in wartime, when the country's troops are in the field risking their lives. The excuse to reporters is invariably, "We have to control your movements for your own safety," or "We need to be cautious about releasing information because it might assist the enemy." Another *un-stated* reason is that the politicians are nervous about putting soldiers' lives at risk, and they want the war reported in the most favourable way. News management of this kind happened in the Falklands /Malvinas war, in the Gulf War, and most recently in Kosovo.

In the case of these three wars, there was little that journalists could do to escape the military safety net. Independent reports on the fighting were very rare, and they only emerged after the conflict was over, and when the story had moved on.

The ethical issue here is a balance between the need for information- control in time of war and the need for free reporting. Virtually all journalists would argue the controls are too stringent, and virtually all military commanders and politicians would, I guess, applaud the tight grip they have maintained on information. The duty of the journalist is as always - to seek out all sources of information and report to the best of his or her ability.

But in most war zones, journalists can get at least some access - Bosnia, Sierra Leone, Liberia, Ethiopia/ Eritrea, Democratic Republic of Congo, Rwanda, Afghanistan, Chechnya, Georgia, Kashmir, Sri Lanka etc etc. These wars have raised some very particular ethical issues, which I would like to examine.

First: how reliable is information from war correspondents? Philip Knightley, himself a veteran correspondent and author of *The First Casualty*, counsels extreme caution on the simple grounds that most war correspondents have to be social misfits to run the risk of what is probably the most dangerous job in the world. Thirty journalists died in former Yugoslavia in one year - 1994. Knightley believes they do it because of the danger - that *sprint along the near edge of death* as he puts it - which heightens their intensity of living. He concludes "We have to examine new ways of reporting wars that minimise the role of the war correspondent because he or she is compromised by their emotional engagement with danger and excitement". Another war correspondent, Tom Gjelton from National Public Radio in the United States, put it differently, "To manage emotion and to balance it properly with dispassionate observation is one of the greatest professional challenges of good war journalism."

The challenge here is an editorial and managerial one: know your correspondent, the risks they are running, and make a judgement about how reliable their reporting is through checking with other sources.

Secondly, assuming war correspondents are not insane - are they in a position to claim they can report accurately and impartially? In my experience, almost always they are not, for the simple reason they are in a war zone under the protection of one or other of the warring parties. Their reports are bound to reflect the position of that party, not of the conflict as a whole. The job then involves the editor, who has to balance reports from different sides of the conflict and decide how to present the overall picture.

This can be quite a tough job: the experience I remember most clearly was when the balance of the Afghanistan war story was radically altered by Dr Najibullah, the Afghan president's decision to allow journalists to report from the country's capital, Kabul. I arranged for a very energetic journalist to go there, at the same time as an equally capable journalist left Pakistan - where he had ably reported the war for several years from an opposition - western supported mujahedin - perspective. He was replaced by a disastrous correspondent - a drunk. So the whole balance of the reporting suddenly reflected the Kabul government's point of view after years of reflecting the mujahedin's. Our listeners were puzzled and angry, and the news editors in London had to work very hard to produce material for the BBC World Service to correct this imbalance in the BBC coverage of the war.

So here we have an example of news management by the astute Dr Najibullah paying off very handsomely. He learned that the important spin doctoring lesson was not to muzzle the press, but to allow it access, and then control the flow of information to it. There have been many examples of similar action by African leaders: the RPF government in Rwanda, for instance, have been very adept at handling the international media. So have warlords in Liberia, who cleverly appealed to the media in order to force local NGOs to abandon their policy of suspending food aid convoys to a region of the country. The 'story' picked up by the media was that there were hundreds of children who were starving because of the boycott. The real story was that the boycott had been called to pressure the warlords to stop stealing large amounts of the food. That was never told, the aid organisations were appalled at the bad publicity, the NGOs were forced to start the food convoys again, and the warlords cheerfully resumed their pilfering. The lesson here for journalists is - don't blindly follow the pack, particularly when facilities are being made available. There is always another point of view which needs to be reflected.

The third point: should reporters always be impartial when reporting conflicts, particularly when human rights abuses and violations of international humanitarian law are involved. This debate raged over coverage of Bosnia: The veteran BBC correspondent Martin Bell was criticised for suggesting in a TV programme, that UN forces should become further involved in Bosnia in order to protect civilians: Simon Jenkins, writing in *The Times*, commented: "We were given the pornography of violence and the pornography of grief in full flood. Mr Bell showed both Serb and Muslim atrocities. He showed what he saw and he saw a lot. He used the images to make the world want to come and stop the killing. He never said how. He wanted to blot out thought. His was a bias against understanding."

Martin Bell later defended himself advocating what he called 'journalism of attachment': He wrote: " If it is possible to create and maintain a climate of opinion in which the saving of lives is thought to matter, and governments are committed to it because their people support it, and survivors in war zones are given some hope when they otherwise would have none, then something is being achieved. There is a point to it. It does something other than fill a slot in the schedule"

One can hear the frustration in that comment, from a man who appeared almost daily on BBC television, because he felt his reports were achieving very little to mitigate the horrors of the Bosnian war. But should the journalist get involved in advising on policy? Or should he or she remain objective assuming that this is possible in the highly charged atmosphere of war. Two eminent American journalists reassessed their commitment to objectivity when confronted by the Bosnian battlefield.

Christiane Ananpour of CNN defined objectivity as giving all sides a fair hearing, not treating all sides the same. If you do, the danger is, she explained, that "when you are in a situation like Bosnia, you are an accomplice - an accomplice to genocide".

Roy Gutman who won a Pulitzer prize for his coverage of the Bosnian war, has come to believe that it is wrong for journalists to give the impression that for every argument on one side, there is an equal on the other. "I do not believe that the fairness doctrine applies equally to victims and perpetrators," he said.

The suggestion here is that reporters can be, indeed have a moral obligation to be, judgmental in their writing on what they see. Editorialising has become part of the reporter's trade. This leads us on to the 'something must be done' school of journalism - using the media to highlight a particular issue and influence public opinion in a particular way. The ethical question here appear to be the motivation for taking up a campaign: if it is a 'good story' - such as the exposure of a corrupt government minister, or malpractice by a major company, then there seems to be few problems. The motivation is the story - but the responsibilities of the journalists are great: they need to be absolutely sure of their facts, to the extent that they can stand up in court, if necessary. The BBC has a disastrous run of libel actions upheld against it about ten years ago because stories which seemed well sourced did not stand up in court.

What is much trickier ethically is when this process is taken one stage further and the media is used in order to promote a certain course of action. This could be peace building between warring communities, or promoting better race relations. There are good examples in South Africa, in the

United States and a number of other countries of this kind of activity, often by local radio, television or newspapers in close cooperation with community groups. In America it is known as "civic journalism", and it is deeply controversial.

The criticism is that it is not journalism, it is social work using the mass media. In fact, that it is a perversion of journalism which is being used to push an idea, not to examine it critically and to report it only if it is deemed newsworthy. Therefore this is not news - it's propaganda. The other view - which I would support - is that this is simply an extension of a traditional role of local media, which for years has agitated for better parks for the children, or more money to be spent on the roads. It's now moving on to more difficult subjects, such as attitudes toward people living with HIV/AIDS or gang warfare in townships, using its power to set up dialogue and reduce animosities. With local radio and newspapers, the dividing line between news and features and comment can become very blurred, but I don't see anything sinister in this. The real point is that these journalists are in touch with their communities and are responding to their needs. It is, if you like, needs based journalism rather than news based journalism.

Even more controversial are decisions made not to run stories because of fear of the consequences. I am talking about personal danger to individuals and groups of people who could be targeted as a result of news stories. This is particularly acute in these days of instant communications where filed stories can be instantly heard or seen in conflict areas.

One instance I can think of was in fact some years ago when there were widespread attacks on Sikh people in the aftermath of the assassination of Prime Minister Indira Gandhi in 1985. A BBC journalist in Delhi was rash enough to mention that several Sikhs had sought refuge in the BBC office, apparently oblivious to the fact that once that news was heard on the streets of Delhi, the office would be attacked and the Sikhs very likely killed. Fortunately for the Sikhs, it was the story that was killed - before it was transmitted. Another more recent story is from a local radio station in Cape Town which simply does not report drug related gangland killings because they argue that there are so many of them they are not newsworthy, and that the publicity encourages further violence.

It seems to me that stories which could encourage racial or ethnically based attacks have to be treated with particular care. I would contend that it is responsible journalism to leave out details which could lead to revenge killings - details such as the racial origin of the victims. The BBC World Service makes editorial judgements like this on a daily basis. Not to do so would I think be irresponsible, perhaps even criminally irresponsible. But this requires a detailed understanding of each and every situation of this kind. If editors are unsure, then they should consult before they print or broadcast items of this kind.

This is, as I say, no more or less than responsible, professional journalism, requiring an awareness of the impact of what's reported, and not just be satisfied with having written a good story - even an exclusive story. In many societies, if an item appears in the press, it is perceived as being true, even if it is completely inaccurate. This can lead to dangerous consequences: one recent example from Pakistan involved the team of BBC writers and producers who make an educational radio soap opera for Afghanistan. They were accused by a local newspaper of using the soap opera to try and convert people to Christianity. Absolutely no details of which episode, which characters, which storyline. It was completely and utterly untrue. But it was picked up by a newspaper read by the Afghans including the Taleban authorities, and splashed over the front page. When challenged by the editor of the programme to identify where in the programme this had occurred, the Taleban said they didn't know but since it had appeared in the newspaper it had to be true. After a tense few weeks the controversy died down. The only casualty was the programme editor, who very reluctantly had to grow a beard to prove to anyone he met how Islamic he really was!

Much of what I have been saying underlines the responsibilities of the news gatekeepers - the news editors and editors in chief. After all, they are the ones who decide what is printed or what goes on the air. They need to have the overall picture of the story, to trust the reporter or get the facts double checked, to understand the potential impact of the story on the target audience and assess the risk of running it. Above all they, they are the people who claim to know what the public wants to know. But do they really - or are they simply making decisions based on age old newsdesk tradition, which may well be out of date? Is the public only interested in seeing wars depicted in terms of violent action. Or

are they just as interested in the forgotten stories of individual humanitarian heroism, which is a feature of all conflicts? Ask any freelance cameraman, and they will tell you that there is a market for one thing only in wars - 'bang bang' - graphic pictures of action.

So how can ethical conduct in the media bridge the yawning gap that sometimes exists between theory and practice? Clearly, there are issues of information control which policy makers need to think about very carefully; also whether unregulated competition will lead, as in many Western countries to the 'dumbing-down' of news. As regards journalism, I think I can do no better than quote the American reporter Tom Gjelton. He is writing about war journalism, but his words in fact apply to all journalists in all situations: "We need to be more diligent in our reporting, more sophisticated in our description of world events, more thoughtful in our analysis and more clear about the role we actually play. In short, we need to be more professional."