

Dr Daphne Skillen: Balancing Election News Coverage (ACEEEO presentation 23 October 2003)

Political bias in news broadcasts is the focus of particular public scrutiny during election campaigns. Media monitoring surveys routinely measure the type of coverage received by political parties as one indicator of whether elections have been free and fair. Achieving balance in election campaign conditions is always complex. It is particularly problematic in new democracies, which have not enjoyed long-established traditions of independent journalism. In many cases the media are not sufficiently strong, experienced or willing to withstand the pressure of government or vested interests.

The most frequent cases of imbalance, when state channels promote the party in power at the expense of other parties, when opposition parties get virtually no coverage or negative coverage, when the ruling party uses its government functions to gain campaigning advantages and so on, call for some measure of control. As state media have special obligations in election time, they tend to be the main targets of regulation.

Although news is in the domain of editorial freedom and the media should be left alone as much as possible to develop their own professionalism, it is sometimes necessary to introduce rules guiding the structure and composition of news bulletins during the campaign period in order to guarantee a level of fairness and balance. This is done in many countries. In the UK the coverage of parties in the news is based on a form of equity, relative to parties' entitlement to free party election broadcasts. In Montenegro there are specific rules for coverage of official functions during the electoral campaign. In Russia election news is gathered together in a separate bloc within the regular news bulletin. In Turkey political parties are allowed to submit their campaign messages in news bulletins.

In setting up rules, one guiding principle is to ensure that the news retains its normal functions as much as possible, even though a greater sensitivity and responsibility to parties and voters is required during elections. The example from Turkey mentioned above, where campaign messages are allowed to be broadcast on the news, seems to me to show a confusion of the media's role during elections. The media provide the venue for two very distinct functions during elections, which by their very nature are opposed to each other: party political advertising and coverage of political party activities in news and current affairs programmes. The goals are quite separate:

- 1) political advertising (direct access programming) enables political parties to promote their platforms and policies and to encourage voters to vote for them. In transitional societies this is usually free equal access airtime of a certain duration, often divided up between promotional video clips and round-tables or other forms of discourse, during the campaign period on state media. So long as the set rules are adhered to, the broadcaster's role is purely technical. The content of campaign advertising is the responsibility of political parties, not the broadcaster. Only in exceptional cases of hate speech, incitement to riot etc will the broadcaster refuse to run a campaign advertisement.

- 2) news and current affairs provide voters with impartial and accurate information about political parties to enable them to make informed choices. The news is meant to be an independent source of information distinct from party campaigning. What broadcasters may consider to be in the public interest is not necessarily what political parties may like to get across. The news acts as an antidote to campaigning, in which the role of journalism is vital. It is the duty of journalists to inform, seek, probe, ask uncomfortable questions and hold those in power accountable.

The problem arises when news does not fulfil its proper function and the appropriate ethical and professional standards are wanting. What controls can be imposed to prevent political bias in news broadcasts in such situations? Muzzling the media and destroying the special role of journalism in the electoral process is not the solution. Unfortunately, however, this is the method Russia has chosen to deal with its unruly media in the forthcoming parliamentary election on 7 December 2003. Russia's amended electoral laws are so harsh that many observers fear that they may lead to a moratorium on free speech.

Officially the new laws are meant to eliminate unfair campaigning and the worst excesses that have marred Russia's past elections, in which the whole range of dirty tricks and what Russians call "black PR" have been employed. State-controlled or state-affiliated channels were the main culprits in the last parliamentary election in 1999; and the practice of paying journalists for favourable coverage is widespread. It is unlikely, however, that the new laws will right any of these offences.

According to the law “On Basic Guarantees of Electoral Rights and the Right of Citizens of the Russian Federation to Participate in a Referendum” of 12 June 2002, the media are virtually denied a role in reporting political party activities. It is prohibited for journalists to comment on party programmes and policies; to analyse the play of political forces; to make predictions concerning the outcome of elections; to expose the misdemeanours of candidates even if based on truthful information; to reveal contradictions and hypocrisy in past and present statements, etc – in effect, all the staples of journalism aimed at providing voters with necessary information are denied.

This all-out ban on reporting stems from an extremely broad definition of “campaigning” (*agitatsiya*), in which any comments on television, radio or the press can be viewed as campaign advertising. Under the law, news programmes on television and radio must broadcast information “without commentaries” or “preferential” allocation of airtime (45:5); and content must be “objective, accurate and not violate the equality” of parties and candidates (45:2)

Only parties and candidates have the right to take part in campaigning, which is defined as an activity that “encourages or aims to encourage voters to vote for a candidate, candidates, a list of candidates or against him (them/it)” (2:4). Journalists and citizens are specifically disqualified from stating their views, as “views”, “comments”, “analysis” etc are considered synonymous with campaigning. Strictly speaking, it is illegal to report that a party candidate received a standing ovation, even if it is true, because it says something in favour of that candidate. No distinction is made between a personal, subjective opinion and a well-argued statement based on fact and logic. If the law is taken literally, then, it turns out that almost any election report can be campaigning, and it is illegal for media outlets to engage in campaigning unless it is paid for out of the campaign funds of the party or candidate (48:5).

Such restrictive regulations placed on news coverage make a mockery of the electoral process. If the intention was to strike a blow at manipulation in the media, it has been unsuccessful. The main victim of these restrictions is the voter, who is deprived of any information other than what is provided by political parties and candidates. By removing the journalist as mediator between the party and the voter the door is left wide open for the voter to be manipulated by party propaganda. Yet it is surely the responsibility of election officials to safeguard the voter’s right to know. To deny the media’s role in the electoral process is to break the fundamental right of voters to be properly informed, sanctioned in countless acts of international legislation, as well as Russia’s Constitution in article 29, which states that all citizens have the right to freedom of ideas and speech and to “freely seek, receive, transmit, produce and disseminate information”.

It is also evident that the law shows a misguided understanding of what news is, having transferred editorial discretion out of the hands of journalists to politicians. This classic confusion between news and political advertising is repeated in the law’s requirement that all parties and candidates must get equal attention in news reports, regardless of their importance. It is common sense that the news cannot give equal access to a plethora of parties – 44 parties having been registered in the Russian election - many of which may be fairly minor or even frivolous. Equal access for all parties and candidates is a feature of the free-of-charge propaganda slots.

To achieve balanced coverage in the news does not require equal access. Balance relates not to the same amount of coverage, but to fair coverage: an equitable and even-handed allocation of time to the main parties that have sufficient popular backing. The principle of equity is based on the idea that it is fairer to the public to give more air time to main political parties than minor parties, because these parties have larger popular support and therefore most people want to know how they can affect their future.

Equity is the most suitable system of allocating airtime to parties in the news because it is based on levels of popular support; just as news is based on levels of public importance – that is, what is “newsworthy”. Although minor parties should receive some coverage depending on their significance, they do not generate the same interest as the mainstream parties, nor do they usually contain sufficient campaigning information to justify the same coverage.

If the Russian law is largely unacceptable, it is also unworkable. No media outlet would be able to do its job without violating some part of the law. The harshness of the law is underpinned by the fact that two violations can lead to the suspension of a media outlet during the campaign period. If any part of the law is to be enforced, and presumably that is its purpose, it can only be enforced selectively. No doubt, the usual suspects will be rounded up. National state television channels have already violated the law on two occasions by showing President Putin endorsing his candidate for governor of St. Petersburg and supporting the Unified Russia Party, but the electoral commission has not seen fit to penalise the stations or for that matter Mr. Putin, who violates a perfectly good law that prohibits public officials from using their posts to promote parties or candidates. If the law is enforced selectively, there is legitimate concern that it will be used against media outlets that are not under Kremlin control and unwilling to bend to the pressure of central or regional authorities.

Worse still, the law acts to intimidate weaker media outlets into practising self-censorship for fear of being penalised. Coupled with a general erosion of media freedoms in Russia since the last general elections, and in particular the recent

closure of TVS, the last private national television station which has been replaced by a state-run sports channel, the country's main channels are now entirely state-controlled. This presents a serious threat to the diversity and freedom of news coverage in the forthcoming election.

It is unfortunate that the Russian response to political bias has been to inhibit the media, instead of trying to create an enabling environment in which an independent media could flourish. I would therefore like to look at another case: an experiment at regulating news coverage that was used very effectively in Cambodia in the recent parliamentary election on 27 July 2003. Although this election is outside the ACEEEO region, I don't intend to focus on the Cambodian context as such, but to present a model that is relevant for transitional societies in general. This project, which I helped to set up, was conducted under the aegis of the United Nations Development Programme (UNDP) and Cambodian State TV and Radio. It was initiated and supported by the National Election Committee. As a project, it received high acclaim from local electoral stakeholders and international donors and observers; it is therefore interesting to examine as a possible blueprint for other transitional countries.

The challenge was to set up an election news bulletin on national state television (TVK), which would introduce standards of balance and impartiality to the coverage of political parties during the campaign period. The agreed format was a special 15-minute bloc with its own logo and jingle, inserted within the main evening news. In past elections state media had almost exclusively devoted time to the ruling party, with virtually no coverage of opposition parties. Therefore, to achieve balanced coverage it was decided to work out a formula of distributing airtime to political parties, which the editors and reporters on the news would adhere to. The idea was to allocate set percentages of air time to political parties in the news based on the principle of equity. The equity system was initially resisted by political parties and election officials because it was an unfamiliar concept but, when finally accepted, it became the programme's most distinctive mark and was called Equity News.

According to international standards, equitable allocation is determined by such factors as length and continuity of the party's existence, size of its membership, extent and strength of its organisation, the party's representation in government, the number of candidates fielded, current visibility and other assumptions. Our criteria was based on the number of seats held in parliament and the number of valid votes in the past two elections. However it was considered that past electoral success was not sufficient to ensure a fair distribution of time and other assumptions needed to be taken into account, such as the fact that incumbent parties always receive more media exposure than other parties in their period in office and the Cambodian ruling party (the CPP) in particular had been receiving exclusive coverage for many years. It was therefore necessary to give a boost to opposition and emerging parties, which had not had the same opportunities.

The final percentages of airtime designated for political parties were reached as follows: taking the total average based on seats and votes of all parties, 20% was subtracted from the ruling party's 56% to distribute to other parties. The point was to bring the share up to 10% for the 20 minor parties in the race; and to give the remainder to the main opposition party. The ruling party's junior coalition partner retained its percentage based on the total average of seats and votes, neither gaining nor losing, given its position both as a coalition partner and an opposition party.

Without going into detailed calculations, the percentages decided on are worth giving in order to show the ratio between the parties: the ruling party received 44% of airtime; the coalition partner - 27%; the main opposition party which had never received coverage on state media before - 19%; and the minor parties a total of 10%. Although there was inevitably some disagreement about the formula, it was seen as a fundamental improvement on the past and approved by the National Election Committee and the Ministry of Information.

The percentages were not meant to apply to any one news bulletin but as the target to be achieved by the end of the campaign. This meant following the stop-watch rule. Results had to be calculated regularly to make sure the timing did not get out of kilter. It was also important in making decisions on reporting assignments and balancing time constraints with news values.

Balance is not only based on quantitative, but also qualitative criteria (time and tone). It is not helpful if the time allocated to a party is fair, but the content is completely negative. In Equity News this did not pose a problem as UNDP acted as arbiter and shared editorial functions. To uphold the principle of impartiality and accuracy involves taking a professional and ethical stance, not one that can be mathematically controlled. However, if the mathematical quota assigned to political parties is respected, the amount of bad publicity that can get across is at least contained. Codes of conduct are meant to uphold ethical standards, but self-regulation is a refined system and something with a bit more clout might work better. An advisory regulatory body consisting of broadcasters, political parties and public figures to act as arbiters, to make recommendations and deal with complaints in the course of the campaign is one possible way of dealing with this problem. Another is for broadcasters and political parties to sign a memorandum of understanding with the electoral commission, pledging ethical and

professional standards of conduct during the elections, where the onus lies on an agreement on the terms of engagement during elections.

Equity News was a success with viewers, prompting discussion in the press about what was or was not “fair”. A participatory element was introduced by soliciting email comments; at the end of the programme several letters would be read by the presenter. Engaging the public to discuss concepts related to electoral issues in this way can be considered a voter education initiative.

Some criticism of the programme came from smaller parties who were dissatisfied with their collective 10% airtime, but in many cases they were too disorganised to justify serious coverage. An attempt was made to give more time to minor parties that had fielded candidates in all districts, but this did not often have a bearing on their efficiency. The only scandal that erupted was perversely from the main opposition party (SRP), that had most to gain from equitable news coverage, having jumped from nought-something in past elections to 19%. The party called a press conference with much hullabaloo to announce that it was “withdrawing” from Equity News on the grounds that it was biased against the party.

Equity News did not agree with the accusation and replied accordingly, referring as well to the party’s misconception of the news. It was pointed out that the party could not “withdraw” from the news, that news was in the public sphere and that, indeed, if the party did not want to give interviews, that was its prerogative, but TVK crew members would continue to film party rallies as this was their duty to the electorate. What seemed, therefore, like a plan to tarnish the news programme and make the party appear a martyr, did not get far with the public or press. In a statement by the party of “better understanding” with Equity News the incident came to an end.

As an experiment, what is unusual about the Equity News project was that the set percentages for political parties were made public. Most of the large broadcasting corporations follow the stop watch rule to ensure balance in their coverage, but their formulas, based on some version of equity, remain as a guide for in-house use. The virtue of this experiment was that everything was deliberately open and transparent to inspire confidence in the work of the news bulletins and to enable everyone to see for themselves that the set rules were followed. It meant that balanced coverage would be full proof and could be publicly checked. The results could not be secretly manipulated without the knowledge of media monitoring units set up by local and international organisations.

By making the percentages public, Equity News started a precedent in Cambodia that could succeed as a model for other developing democracies. The method works because it is open and transparent. This makes it particularly effective in countries where there is:

- deep cynicism about the government’s intentions
- little trust in the neutrality of the media
- imbalanced coverage in previous elections

In post-communist countries (of which Cambodia is one) deep-seated feelings of distrust in government are a legacy of totalitarian rule, which had absolute control of the channels of information and perpetuated a system of lies and cover-ups. Trust can only be built on a structure that is formal, fair and open. The value of the Equity News model is in its simplicity: once the quotas are assigned, there can be no manipulation in the media that is not open to public scrutiny.

One could envisage this model applied to the Russian situation, given that an appropriate rationale were developed for allocating percentages to Russia’s five main parties and criteria determined to deal with some of the more significant parties from the remaining 39. Instead of trying to repress the workings of the media, it would be more constructive as a general rule to contain media outlets in sensible ways with the aim of nurturing the democratic values of public debate and free speech.