

Legacy media outlets also stand in dock over Gaza

How RNZ, ABC and other Western media failed to challenge Israeli war narratives

Abstract: As Israel faces charges at the International Court of Justice in The Hague of breaching the 1948 Genocide Convention, for many people Western media institutions also stand in the dock. Critics have pointed to a media failure to effectively challenge a narrative that framed Israel's actions in terms of an erroneous claim to Israeli 'self-defence', a de facto diplomatic cover for war crimes, ethnic cleansing and probable acts of genocide. In the Pacific, news leaders at Radio New Zealand (RNZ) and the Australian Broadcasting Corporation (ABC), by alleged omission, story framing, inaccuracies, passive editorial stances, including a refusal to adjudicate contentious claims when the evidence is available, fall into the category. Such failures call into question claims of due impartiality, a fundamental tenet media outlets use to anchor their credibility as trusted sources of news. Failure to adequately create awareness of Israeli crimes also raises questions over whether state-funded public broadcasters are fulfilling the informational needs of democratic citizenship and serving the public interest, or whether they are serving the interests of a Western power elite.

Keywords: ABC, Australia, credibility, ethics, genocide, Hamas, impartiality, ICJ, Israel, justice, New Zealand, Palestine, public broadcasting, public trust, RNZ, war crimes

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Introduction

AS ISRAEL stands accused at the United Nation's highest judicial court of breaching the 1948 Genocide Convention, it could be argued Western media institutions stand in the dock too. On 26 January 2024, the International Court of Justice (ICJ) at The Hague determined Israel had a 'plausible' case to answer (ICJ, 2024, paras. 31-32, p. 4) and issued six interim orders, including taking measures to prevent acts of genocide and punishing those who incited it. This followed an 84-page writ by South Africa, filed on 29 December 2023. In a Summary of the Order of January 26, ICJ judges said: 'At least

some of the acts and omissions alleged by South Africa to have been committed by Israel in Gaza appear to be capable of falling within the provisions of the [Genocide] Convention' (Para. 30, p. 4).

At the time of writing, nearly 35,000 Palestinians were registered by the Palestinian Health Authority in Gaza as having been killed during Israel's military operation in the besieged coastal strip, in response to the Hamas attack on October 7 2023. The dead were mostly women and children.

As the catastrophe continued to unfold after the ICJ orders, the US and its Western allies, including New Zealand and Australia, suspended vital aid to the United Nations Relief and Works Agency (UNRWA), a body serving the needs of Palestinian refugees displaced by Israel, including 87 percent of people living in Gaza (Guterres, 2024; Kraus, 2024). The decision was based on allegations by Israel that six of its staff could be linked to the October 7 attack.

At the time of writing an estimated 1.3 million residents remained corralled against the Egyptian border inside Rafah, waiting for an Israeli ground offensive. As UN Secretary-General António Guterres stated on February 10, residents had nowhere to go. A leaked military 'concept' document (Teibel, 2023) pointed to Egypt's Sinai Peninsula being Israel's preference for mass expulsion of Gazans. Israel has created conditions, the logic of which dictate Palestinians must leave Gaza, even touting 'voluntary settlement' initiatives to other destinations, including the Congo (Yerushalmi, 2024). Much of the means of sustaining human life in Gaza has been destroyed.

The ICJ summary noted that: 'Palestinians in the Gaza Strip have been deprived access to water, food, fuel, electricity and other essentials of life, as well as to medical care and supplies.' At the time of writing, starvation loomed for a substantial portion of Gaza's 2.3 million residents as Israeli settlers blocked routes for aid trucks (Jamal, Quillen & Najjar, 2024) and with entry points at Rafah, Erez and Kerem Shalom controlled by Israel. The ICJ summary said recent information indicated more than 360,000 housing units had been destroyed or damaged and approximately 1.7 million people had been internally displaced. The United Nations Satellite Centre (UNOSAT) announced on February 2 that it had found 30 percent of Gaza's total structures either totally destroyed or damaged after assessing high-resolution imagery collected on January 6 and 7 (UNOSAT, 2024).

The United Nations International Children's Emergency Fund (UNICEF) estimated on February 2 that at least 17,000 children had been left unaccompanied or separated from parents after four months of Israeli bombardment.

In arguing that Israel's actions were genocidal in character, intended to bring about the destruction of a substantial part of the Palestinians in Gaza, the South African legal paper listed dozens of statements by senior government and military figures it said had expressed genocidal intent, covering eight pages

(Application Instituting Proceedings, 2023, p. 59-67). The sum in meaning of all these statements may be best represented by Israel's President Isaac Herzog's assertion shortly after the Hamas attack of October 7. He said: 'It is an entire nation out there that is responsible. It is not true this rhetoric about civilians not being aware, not involved.' (McGreal, 2023) On the back of such statements and after a total siege of Gaza was announced on 9 October 2023 by Israeli Defence Minister Yoav Gallant, UN rapporteurs had warned repeatedly Gazans were facing a genocide.

Taking these details into account, if the ICJ in due course should find Israel guilty of committing acts of genocide, where does that leave legacy media?

Genocide, ethnic cleansing and mainstream media

Israeli statements of genocidal intent and the observable dynamics of violence correlating to these statements, as argued by South Africa's lawyers, strikingly contradict the core contention of Western leaders and the media framing of Israel's onslaught—that this was primarily a war against non-state actor Hamas. In New Zealand and Australia, the majority of mainstream media uncritically carried the message of political leaders that Israel's response to the Hamas attack was justifiable by reference to a right of self-defence. Why was it not rigorously challenged in light of the siege, clear statements of genocidal intent and given Israel's long history of ethnic cleansing of Palestinians on land it occupies?

It appears the concept of due impartiality has been used by newsroom leaders to justify their approach. It is a fundamental tenet that media outlets adhere to, creating a standard to which their credibility as trusted sources of news can be measured (Figure 1). The Australian Broadcasting Corporation (ABC) calls it its 'fundamental standard' (ABC Editorial Policy).

The ABC and News Zealand's state-funded broadcaster Radio New Zealand (RNZ) are two cases in point.

There have been high-profile staff departures at the ABC, with journalists pointing to major inadequacies in reporting on Gaza. Former Special Broadcasting Service (SBS) presenter Mary Kostakidis said the ABC's Gaza coverage reflected a refusal of news leaders to challenge official narratives by Israel and Western states over the attack on Gaza (Kostakidis, 2024).

What was instead being challenged was the professional integrity of news staff battling to do their jobs properly, a trend evident across Australia's media landscape, she added. Kostakidis made her comments amid the backdrop of an open and escalating conflict over the reporting on Gaza, with one high-profile ABC employee fired in late December (ABC sacks journalist, 2024), prompting the threat of industrial action by staff.

Presenter Antoinette Lattouf was fired on December 20 after management accused her of breaching its code of practice on maintaining impartiality as an



SOURCE: @MaryKostakidis

Figure 1: Big news: Successful UNSC ceasefire resolution that US did not veto, yet missing from the ABC news website.

employee. She had been contracted as a casual presenter for five shifts in December 2023 (Bucci, 2024). The Lebanese-Australian journalist had posted a Human Rights Watch link on Instagram that stated Israel was ‘using starvation of civilians as a weapon of war in Gaza’. The previous day Lattouf had been warned by management to stay away from ‘controversial issues’ after an article she co-wrote for the independent website Crikey pointed out that viral footage that appeared to show Palestinian solidarity protesters in Sydney on 9 October 2023 chanting ‘gas the Jews’ could not actually be verified (Lattouf & Wilson, 2023). On February 2, New South Wales police announced an independent inquiry had confirmed no evidence that the chant was ever used (Wilson, 2024).

The ABC’s decision to sack Lattouf was based on a view she had breached impartiality. Impartiality, according to Kostakidis, is ‘the biggest joke in journalism’, one used to rationalise a passive editorial stance in the face of powerful interests (Figure 2). She said:

The word is trotted out like the greatest badge of honour for a journalist when it is a dunce’s hat. If the Fourth Estate’s role is enabling citizens to reach an informed decision, it fails them by resiling from hard truths in order to role play at impartiality. (Kostakidis, 2024)

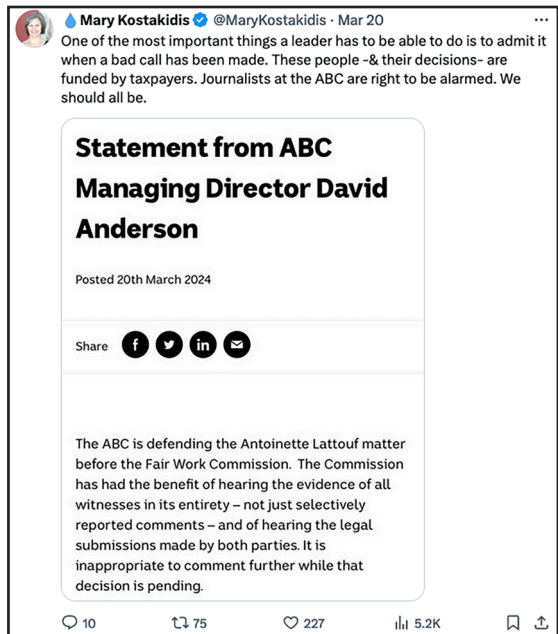
Before her departure from the ABC, Lattouf had been subject to a co-ordinated campaign that included pro-Israel lawyers emailing ABC’s chairperson Ita Buttrose and managing director David Anderson, suggesting legal action and lobbying of politicians was imminent over Lattouf’s role at the national broadcaster

(Bachelard, Jaspan 2024). When that news broke, Australia’s journalists’ union, the Media Entertainment and Arts Alliance (MEAA) demanded an urgent meeting with staff to ‘address growing concerns about outside interference, culturally unsafe management practices and to stand up for journalism without fear or favour’ (MEAA, 2024). MEAA union representative Mark Philips said its ABC members had been holding meetings over concerns about how management deals with external pressure from lobby groups, politicians and big business over the reporting of its journalists. ‘Management should be supporting staff when they come under external attack or criticism to ensure that the public’s trust in the ABC to report without fear or favour can be maintained,’ he said (MEAA, 2024).

Lattouf continued to legally challenge ABC’s decision (Courty, 2024). Kostakidis said giving into political pressure to lack Lattouf would invariably make other employees more amenable to the type of self-censorship expected by ABC management, least they also come under fire from the Israel lobby. Other ABC staff members have left of their own accord. Senior political reporter Nour Haydar resigned in early January, citing the broadcaster’s Gaza coverage and treatment of staff (Jaspan, 2024). News presenter Helen Tzarimas also resigned, stating on Twitter on January 16 that she ‘did the right thing’ (Tzarimas, 2024).

The ABC’s board rejected a union vote of no confidence in Anderson over his handling of the Lattouf incident, with Buttrose calling the vote ‘abhorrent and incorrect’. (Jaspan, Bachelard, 2024) Unrest at the broadcaster began to surface in early November, when nearly 200 staff held a meeting to discuss the broadcaster’s coverage of Israel and Gaza (Faruqi, 2024), leading to an advisory panel to look at criticisms arising from it. Journalists believed Israeli violence was being mis-framed, with coverage failing to critically engage with Israeli claims and accurately report on events.

Rejecting the criticisms, Anderson said the ABC was



SOURCE: @antoinette_news

Figure 2: Australian journalist and political commentator Mary Kostakidis challenges ABC managing director David Anderson over the Fair Work Commission case brought by Antoinette Lattouf.

upholding professional standards, according to its charter. He said terms like ‘apartheid’ and ‘genocide’ would not be used by the ABC, but reported as allegations of ‘crimes’ like others (Jaspan, 2024). He told Radio 774, ABC’s local radio station in Melbourne: ‘Genocide is a claim that’s being made. It’s a serious crime. It’s an allegation of a crime. The IDF [Israeli Defence Force] and Israel reject that. Same with apartheid. We’ll report other people’s use of that. We won’t use it ourselves’ (Jaspan, 2024).

It should be noted here that Anderson’s position is troublesome from a public interest journalism perspective. If media’s epistemological foundations only rested on what was determined in courts of law, many forms of investigative journalism would be redundant. Journalists must take cognizance of the judicial laws when reporting, to avoid contempt of court or defamation for example, but nowhere does it say journalists cannot infer facts or make their own determinations independent from the judicial system, so long as the evidence and public interest justifies it.

Investigative work by *The Washington Post* journalists Bob Woodward and Carl Bernstein uncovered a series of political crimes connected to the Watergate burglary arrests in June 1972, which they traced back to the White House. Their stories led to the indictments of 40 administration officials and the eventual resignation of US President Richard Nixon (Glass, 2018). Nixon had denied involvement in the planning and cover-up of a break-in and attempted bugging of the Democratic National Committee’s headquarters in the Watergate complex (Glass, 2018). This did not compel editors at the *Post* to run stories giving equal weight to Nixon’s claims or stop the publication of stories challenging his denials.

Adjudicating contentious claims involves degrees of risk for newsroom leaders and they weigh up the benefits of doing so, particularly when a lack of resources restricts an ability to carrying out this task. Prudence often wins the day. But in no way should this be conflated with an approach that breaches the barrier between news and opinion, or is seen to do so. On the contrary, taking this approach avoids false balance while better meeting the informational needs of the public.

A study from Exeter University in the UK also found journalists providing ‘one-sided’ evidence, that is, information from experts supporting a particular position, had a bigger impact over people’s factual beliefs than their partisan or ideological attachments (the positions of parties they voted for). It found this journalistic approach did not create a perception of perceived bias on the part of the journalist and also helped the public form rational, factual opinions (Lyons, 2018).

In my experience, some editorial leaders see adjudication of contested versions of truth and falsity as not only inappropriate, but possibly futile. When issues in dispute are inherently subjective in nature, this may be the right position to take. But when a contested position rests on verifiable facts, journalists can and should

add information to help people decide which claims to believe. The contested status of a proposition should not in itself preclude publication or broadcast. Conscientious journalists view a failure to do so as an abrogation of professional responsibility, especially if it is a matter of public interest.

In the case of genocide, it may have been inappropriate, particularly in the early stages of Israel's operation, for the ABC to state outright acts of genocide were being committed. But the argument used by apologists for passivity—that genocide is a crime needing to be established in a court of law before any editorial position can be taken on the accusation—lacks both civil and professional responsibility. The ICJ could take several months or years to rule definitively on the matter. Given that the Genocide Convention 1951 compels states to stop genocide from taking place, an international legal instrument New Zealand and Australia have signed up to, surely the spirit of the binding international law extends to public interest media.

The broadcaster could have and ought to have framed its coverage around the very apparent dangers of it taking place, in light of statements of genocidal intent, the growing evidence available and given Israel's history of colonial domination. ABC declined to take this approach, yet this obligation seems to lie at the core of public interest journalism that seeks to hold power to account.

One major exception was ABC's *Four Corners* investigative TV report 'The Forever War', which at least asked searching questions and confronted Israeli figures on the Gaza onslaught, in stark contrast to the ABC's day-to-day news coverage (Lyons, 2024).

It could be argued there is even less of a need for this type of passive editorial positioning over the use of the term apartheid, as the term is factual. Human rights organisations like Amnesty International use the descriptor because Israel's discriminatory laws, making Palestinians in the occupied territories second-class citizens to maintain Jewish hegemony, align closely with the system of racial separation in South Africa that ended in 1994. There is ample evidence for this characterisation. A growing list of former Israeli officials also agree, including ex-Mossad boss Tamir Pardo (Goldenberg, 2023).

Anderson also said in his 774 Radio interview: 'We don't make rash assumptions around allegations of war crimes. But what we do is we test and challenge what those allegations are.' The ABC, like many other Western media have failed to use the term 'war crime', even though an inference is straightforward based on the basic evidence available, making it far from a 'rash assumption'. Israel's imposition of a total siege on Gaza clearly constituted collective punishment of a civilian population, a war crime as defined under the Fourth Geneva Convention. This crime was compounded by mass, indiscriminate bombing.

ABC's editorial policies, when defining due impartiality and how balance is achieved by weighing evidence on contentious issues when gathering and pre-

senting news, states: ‘In rare and usually obvious cases the balance of evidence is so overwhelming that contrary interpretations of the evidence and facts should not be included’ (ABC Editorial Policy, 2023). Verifiable evidence of Israel’s collective punishment means a journalist should be able to reasonably infer the regime is committing a war crime. Not doing so and merely reporting accusations of war crimes and Israel’s denials gives Israeli claims ‘a respectability or parity with proven facts’ (ABC Editorial Policy, 2023), which is not being impartial. It is clearly presenting false balance, a breach of ABC’s own editorial standards.

Using these terms could have helped inform the public in a way that translated into political pressure on government to change foreign policy settings and withdraw any diplomatic approval of Israel’s actions in Gaza. Declining to adjudicate appropriately between competing claims lowered the standard of news, failed to adequately meet the informational needs of democratic citizenship and could be characterised as a moral failure, given the consequences of allowing Israel and its allies at home to obfuscate the nature of its military operation, helping to prolong it.

Discontent and pushback from journalists

Discontent widened after Anderson’s remarks, with hundreds of journalists from both the ABC and other corporate media outfits signing an open letter demanding reporters be allowed to hold power to account and that newsrooms approach Israel’s claims in Gaza critically, given a history of Israeli government lies and propaganda (Letter from journalists, 2023). The letter, dated November 24, warned legacy media risked losing credibility by not doing its job properly. It stated:

It is our duty as journalists to hold the powerful to account, to deliver truth and full context to our audiences, and to do so courageously without fear of political intimidation ... We risk losing the trust of our audiences if we fail to apply the most stringent journalistic principles and cover this conflict in full. (Letter from journalists, 2023).

The letter appealed to managers’ instincts for self-preservation, pointing to the threat posed by social media as an alternative source of news sans curation by newsrooms. Viral raw video footage has shown fragments of a harrowing reality of hospitals and medical centres being bombed, civilian convoys heading to designated ‘safe zones’ attacked and children horrifically injured.

South Africa’s legal representative, Blinne Ní Ghrálaigh, KC, made reference to this, telling judges at the International Court of Justice (ICJ) in The Hague on 11 January 2024 that this was ‘the first genocide in history where its victims are broadcasting their own destruction in real time in the desperate, so far vain hope that the world might do something’ (Lawyer’s closing statement, 2024).

Pieced together, these fragments may indeed be leading significant numbers of people to question the veracity of legacy media's story framing. The journalists' letter also called for an end to false balance as a hindrance to reporting the truth. It also urged the humanisation of Palestinian victims, adequate coverage to credible allegations of war crimes, genocide, ethnic cleansing and apartheid, and the inclusion of historical context.

More than 340 journalists signed the letter, including those at *The Guardian Australia*, *ABC*, *The Sydney Morning Herald*, *The Conversation*, Schwartz Media and *The Age* (Muller, 2024). ABC's director Justin Stephens issued an all-staff internal memo urging employees not to sign the letter. Journalists employed by Nine at *The Herald* and *The Age* who did sign were banned from carrying out any role covering the conflict, because they could not be trusted by management to remain 'impartial'. This can only be characterised one way—censorship.

'This is just the public reaction—I understand some threats made privately have been far more direct—editors do not appreciate having their biases and loyalties revealed,' said Peter Cronau, a former senior producer on ABC's *Four Corners* investigative programme (Cronau, 2024). The policies of companies like Rupert Murdoch's News Corp and Sky News remain unclear. However, Cronau expressed a view there was palpable fear among staffers across all media platforms, over being accused of partiality:

It is a remarkable moment in Australian journalism when Australian journalists feel compelled to call on their newsroom editors 'to hold the powerful to account, to deliver truth and full context to our audiences, and to do so courageously without fear of political intimidation'...

The pressure on the media from powerful elites to unquestioningly support the Western 'consensus', to not step out of line, to adhere to a warped sense of national 'loyalty', is the very pressure that must be resisted and revealed by journalists and others, if our media is to function as a bolster to our democracy. (Cronau, 2024)

Kostakidis is in no doubt that the role media played in facilitating an unfolding genocide matched that of Western leaders who proclaimed Israel's right to defend itself and in effect offered diplomatic cover Israel's actions. She said:

It's a betrayal of the role of journalism in democracy and their professional obligation. Media managers are either disingenuous or genuinely believe that impartiality ends where our own national interests begin, or the interests of the empire we're subservient to.

Israel is strategically very important to the US and that relationship is vital for Israel. The Israeli lobby is powerful here as elsewhere. As a result, the dispossession and killing of Palestinians is conveyed as normal, and the media has not exposed the public to the full horror of the violence and state terrorism that constitutes their daily lives.

Israel has gotten away with it for decades and has become emboldened to move to a final solution for Palestinians. There have been a substantial number of Israeli officials who have been transparent about their objectives, yet there is little reporting of this. The media bear substantial responsibility for the calamity that has been unleashed on Palestinian people.’ (Kostakidis, 2024)

Kostakidis said stories in Australia were written from a distinctly Anglo-American worldview and that her experience at SBS demonstrated how news bosses viewed the Israeli position through a sympathetic colonial lens. She recounted a time she had asked a chief producer to contact a Palestinian spokesperson for counterbalancing comments instead of relying on Israel’s Australian spokesman Mark Regev for news updates.

‘He replied: “Why? They’re all mad.” He had not long returned from the requisite Israeli junket for voluntary brainwashing.’

Journalists involved in the open letter pushed back on accusations of partiality by pointing out newsroom junkets to Israel have been widespread in Australia, as in other countries, and that it should be transparent who has taken part in them. The independent website *Crikey* publishes an updating list of journalists (and politicians) that have been on ‘organised tours’ to the Middle East—‘many of them sponsored by pro-Israel lobby groups and interest organisations’ (Saeed, 2023). No equivalent list has been published in New Zealand media (Figure 3).

For Kostakidis, a glib claim to impartiality as one of ‘not taking sides’ is nonsense, whereas objectivity and a fidelity to truth is and ought to be the bedrock of authentic journalistic endeavour. However, what militated against this was careerism and the fact bad journalism was institutionally rewarded, she added.

When you have approached a matter objectively—taking into account context, history and evidence—you have an obligation to reveal the truth.

That sometimes challenges your own personal biases when the process leads to a conclusion that surprises you. It’s about having an open and inquiring mind and the integrity to face inconvenient truths.

But how many outlets and individual journalists working in the mainstream media report the war in Ukraine impartially? How impartial have reports on leaders the West needs demonised like Putin, Saddam Hussein, Gaddafi and countless others been? It is a form of delusion that delivers a career pathway, so there is a vested interest in portraying the delusion as impartiality. (Kostakidis, 2024)

Likewise, Pulitzer Prize winner and former war correspondent Chris Hedges calls the type of impartiality Anderson subscribes to ‘a fiction’, a sophisticated device used to mask implicit biases and agendas (Hedges, 2024). He said:



Figure 3: A group of journalists on an Israeli tour organised to ‘enhance Kiwi understanding’ by the Israel-Australia-Oceania Chambers of Commerce in November 2019. The independent website *Crikey* has publicly listed Australian journalists who have been on funded tours.

The media is not impartial. I was a newspaper reporter for many decades and what we do is manipulate facts. That’s what I’m trained to do. I can take a set of facts and spin it in any way you want. It’s not wrong, but a good reporter has a covenant with the reader or the viewer and that is to tell the truth.

However, there are moments when telling the truth, as in the case of Israel’s genocide against Gaza, is not good for your career.

The lie in the media is usually the lie of omission. So, for example, they won’t use the word ‘apartheid’. They won’t use the word ‘genocide’. They will continue over 100 days after the event, to dredge up stories on October 7, of the suffering, which at this point doesn’t begin to compare to what’s happening in Gaza. (Hedges, 2024)

The other issue Hedges points out is Israel’s blocking of foreign reporters from entering Gaza. At the time of writing, more than 122 journalists and media workers had been killed in Gaza and many more injured. (UN, 2024) One of the most high-profile killings has been that of Hamza Dahdoud, 27, the eldest son of Al Jazeera Gaza bureau chief Wael Dahdouh, which prompted calls for journalists in the West to speak up on behalf of their Gazan colleagues (Robie, 2024). Hedges said:

They have been killed, many of them have clearly been targeted. So, most of the foreign press is in Jerusalem being fed stuff by the Israelis. I’ve covered conflict, so I can tell you that a huge percentage of those journalists, they don’t even want to go to Gaza because it’s dangerous.

So, they're quite happy with the arrangements that have been made for them. I mean, for instance, I covered the first Gulf War and I didn't abide by the so called 'pool system'. I went out on my own, which essentially exposed most of the rest of the press that was sitting in a hotel being fed by pool reports. The fact is everywhere I've covered most, the majority, of the media don't want to go out. They are poseurs.

It's a combination of factors. To write or broadcast honestly about what's happening in Gaza is to have the wrath of, not just the Israel lobby, but the corporations that run these large entities, as well as governmental entities. Everybody's going to come down on you. You're going to become a target and most journalists are good careerists, so they don't want to do it. But the whole thing of impartiality is a fiction. (Hedges, 2024)

Hedges received a written warning accused of partiality and compromising the trust of *The New York Times* readers after speaking out against the invasion of Iraq in 2003. He had been in the Middle East for seven years and had acted as bureau chief for the newspaper. Hedges points to a double standard. 'I wasn't the only one to speak about the war. John Burns [of *The Times*] and other reporters were quite public in their support for the invasion of Iraq, and yet Burns wasn't reprimanded because he was spitting back the dominant narrative,' Hedges said.

So, it's not that I was speaking about the war. And I had a lot more experience in the Middle East than John Burns did. It was that I was not reinforcing the dominant narrative.

Most of the reporters that I worked with in the Middle East, their opinion was no different from mine. They thought that this was insanity to invade Iraq, but they were smart enough to keep their mouth shut. (Hedges, 2024)

External political pressure

In a statement, the ABC denied it acted upon outside political pressure when reporting news or making editorial decisions and that it expected its staff 'to carry out their duties properly as public-interest journalists' (Hall, 2024). It said the ABC did not have 'a position on this conflict in favour of any group' and said it 'did not adopt the preferred language of one side or another in this conflict'.

'We opt for neutral, factual descriptors at all times. We will always be impartial and understand that impartiality does not mean false balance. We do not publish or broadcast information we know to be inaccurate in an attempt to "balance" a different perspective.'

Yet, it could be argued ABC has featured inaccurate and unbalanced stories, regardless of intent. The assertion by Australian Prime Minister Anthony Albanese that 'Israel has a right to defend itself' (Australian ex-PMs condemn Hamas, 2023) in Gaza has been reported uncritically. UN Special Rapporteur for

Gaza Francesca Albanese has pointed out that under international law Israel has no such right of self-defence as an occupying force in Gaza, whereas Palestinians had a right to resist as an occupied people (UN Special Rapporteur, 2023).

Balancing comment by such experts has rarely, if at all, accompanied the reporting of this ‘right to defend itself’ mantra. The ABC, like RNZ and other Western media, has framed Israel’s military operation as Israel has presented it—as an Israeli-Hamas war, whereas Palestinians and many international media such as Al Jazeera see it as a war on Gaza and its residents. It could be argued by doing so that the ABC is in breach of its ‘do not unduly favour one perspective over another’ impartiality precept.

Equally, using language like ‘terrorist’ or ‘militant’ to describe Hamas cannot be viewed as neutral. Hamas is registered as a terror group by the US and its allies, but according to international law, Palestinians have a right to armed resistance against occupation (Additional Protocol I to the Geneva Conventions, 1949). In contrast, language often used by Al Jazeera, for example, describes Hamas and Islamic Jihad as ‘Palestinian armed resistance groups’ (Al Tahhan, 2023).

A sentence such as, ‘Hamas, an armed Palestinian resistance group designated a terrorist organisation by the United States and its allies, operates across the Palestinian occupied territories,’ would be a fair and accurately written sentence, free of bias. Yet a formula of words like this is rarely used in Western media. Indeed, a high-profile audit in June 2023 by RNZ into the subediting of international wires copy found such descriptors, alongside other editing of international wires copy, ‘inappropriate’ (Independent External Review, 2023).

RNZ has had its own share of controversy since October 7. But whereas the position of editorial leaders has created a structural cleavage at the ABC, with news staff and managers at loggerheads, tensions within RNZ have not manifested publicly to any significant degree. Reasons for this may be complex and many, including cultural and attitudes to authority. There is a possibility of there being a larger number of North African and Middle Eastern ethnicities in Australia newsrooms, making more staff better informed and more willing to push back against management.

A 2021 census in Australia showed the number of ancestry responses categorised within such groups as a proportion of the total population amounted to 3.2 percent, whereas in New Zealand, figures from a 2008 census showed Middle Eastern, Latin American and African made up 1.5 percent of the population.

In one of the most egregious incidents of its reporting, RNZ ran a news bulletin on January 29 that falsely stated the ICJ had found Israel ‘not guilty of genocide’. In reply to a listener’s complaint the broadcaster said it upheld the complaint ‘despite’ acting quickly to address it (RNZ response to complainant, 2024). The letter noted the introductory sentence to the item read: ‘A law professor says the ruling of the Court of International Justice that found Israel not

guilty of genocide still holds the country accountable for civilian lives.’ It said instead of containing the phrase ‘...that found Israel not guilty of genocide’ it should have read ‘... that had not found Israel guilty of genocide’.

It more sensibly added the error was corrected in a later bulletin with the wording: ‘Earlier today, RNZ reported Israel had been found not guilty of genocide. However, the court did not make a specific ruling on whether genocide had occurred, but it did say there was a plausible case under the Genocide Convention’ (RNZ response to complainant, 2024).

Days later an internal memo by RNZ chief news officer Mark Stevens was leaked. He reminded staff to exercise care when dealing with stories on the conflict, ‘particularly around the language we use, and balance’. (RNZ internal memo, 2024) ‘Contested definitions, for example, around genocide and the processes to determining that, warrant particular attention.’ he said. He told staff that the company’s international newswire copy partners (BBC and Reuters) could ‘often’ be relied upon, ‘but in the event of any questions, doubts or concerns, please refer up’.

In another incident, RNZ justified removing references to ‘genocide’ unfolding in Gaza made by a Palestinian guest on a podcast, saying it would have otherwise ‘stolen valuable time’ (Hall, 2023). The national broadcaster’s *In Detail* podcast ‘Fear and trauma from a world away’ featured interviews with Palestinian-New Zealander Tameem Shaltoni, who has relatives in Gaza, and Ben Kepes, a New Zealand tech businessman and son of Holocaust survivors from Eastern Europe. The podcast, published on November 7, explored how the ‘Israel-Hamas war’ had affected him, as well as their respective views on catastrophic events in Palestine and Israel October 7.

After the RNZ podcast and accompanying website story were published on November 9, Shaltoni took to X, formerly Twitter, to voice his concern that his repeated references to ‘genocide’ being committed in Gaza had been removed. He subsequently deleted the tweet, but repeated his concerns on weekly political podcast 1 of 200, stating his view that media did not want to countenance the idea of genocide because it contradicted the Western narrative that Israel’s military action was a war between Israel and non-state actor Hamas. Shaltoni said he had been told by the podcast journalist his interview would be subject to RNZ media policy guidelines and that this would be reflected in the editing process.

Activist platform Aotearoa Liberation League contacted RNZ to ask what broadcasting guideline had been used to remove references to the term. In a reply, RNZ head of content Megan Whelan said its guidelines were publicly available to read and that claims of genocide were simply ‘outside the ambit’ of the podcast in question. ‘For this podcast, the purpose, which was shared in advance with all participants, was to provide a New Zealand audience with an insight into what it is like living in New Zealand while there is a war in your

homeland,' she said (Reply to Aotearoa Liberation League, 2023).

'This podcast's focus was therefore on personal, first-hand experiences. It was also made clear to all participants that podcasts are edited and curated pieces.' Whelan went on to suggest airing references to genocide would have been editorially troublesome.

'To have included the claims of genocide would have stolen valuable time away from the guests as it would have meant defining genocide, providing context for the listener and offering a right of reply' (Reply to Aotearoa Liberation League, 2023).

The podcast however, displayed the type of double standard other Western media outlets have often been criticised for. Guest Kepes, who described himself as an ethnic, non-religious Jew, was allowed to introduce highly-contested Israeli talking points and make accusations about those who attended Palestinian solidarity rallies in New Zealand, without evidence or context added. Kepes claimed protesters had chanted 'gas the Jews' as they marched in Christchurch, a strikingly similar accusation to the one levelled against Sydney Palestinian rally attendees that Lattouf had helped debunk.

Kepes said he knew people who were 'almost housebound with fear' in New Zealand because they did not want to be identified as a Jew. He also claimed Iran was the regional 'puppet master' who had 'engineered this war', implying that it bore responsibility for the current crisis. RNZ did not add balancing context or gave a 'right of reply' to Kepes' comments. The emotive statements, presented without evidence, contrasted starkly with solemn references to genocide that Shaltoni had made, which the ICJ subsequently found plausible and UN rapporteurs and high-profile legal experts had been warning about in the weeks before and after the podcast (Segal, October 2024).

Whelan said RNZ took 'no editorial stand in its news or factual output' and pointed to three Reuters stories on its website she said dealt with genocide claims. She added that views were reported according to their 'news worthiness and significance'.

Conclusion

For Hedges, RNZ's reasons for removing the genocide references do not stack up. 'It's a very lame excuse for censorship,' he said. 'You have all these "humanitarian interventions", the likes of Samantha Power [US Agency for International Development] and political figures like Barack Obama and Tony Blair and they're quick to claim genocide in Libya or Darfur [Sudan] and nobody would do this to them.

But when you challenge Israel and the Zionist lobby you are stepping outside of the dominant narrative, which is always contentious. When you are attempting to explain what's happening to the Palestinians, who

in the world order are largely friendless and powerless, they will always think of some excuse, essentially to cover up censorship, but that's what it is. And it's something that those of us who have been speaking about the Palestinians for many years have encountered over and over.

They are, of course, not going to admit to the fact that this censorship is something they practise. I mean, how can you describe Israel any other way than an apartheid state and yet how many mainstream media organisations will use that word, much less genocide. (Hedges, 2023)

RNZ's claim to impartiality is fundamentally vitiated by such incidents, made worse by management justifications. Both ABC's and RNZ's omissions, story framing and refusal to adjudicate between contentious claims despite evidence being available to do so, bring into serious doubt management commitment to public-interest media as an institutional bulwark against disinformation and a way to inform societal participation in the democratic process. It must be asked whether an institutional bias operates at both broadcasters, imposing structural constraints on news staff committed to public interest reporting on the Middle East and international news generally.

RNZ's international news coverage relies on extensive use of wire copy, due to resourcing. But given serious and well-understood concerns raised by BBC staff about pro-Israel bias by their broadcaster (Cook, 2024). RNZ's continued editorial policy of republishing BBC international wires without changes, other than style points, suggests its management is either unaware or unconcerned about the threat of carrying inaccurate or imbalanced reporting as result from the BBC's own institutional bias. The two broadcasters are also funded by states attached to the Five Eyes Western intelligence apparatus. RNZ's use of wire copy by international news organisations based in other Five Eyes nations, the BBC (UK) and Reuters (Canada); and ABC's use of AP (United States), layers heterogenous Anglophile perspectives on geopolitical events presented on their news platforms.

All Five Eyes countries refused to support South Africa's application to the ICJ, with the US, UK and Canada publicly stating a view the case brought was unfounded. The US and UK are supporting Israel's case at The Hague. At the time of writing, the diplomatic positions of each individual state have effectively formed a pan-Five Eyes front in rejecting calls to intercede and support South Africa's application.

It was notable that public broadcasters ABC, BBC, CBC and RNZ declined to livestream the South African legal team's opening address to the ICJ on January 11, even though the event was historic and possibly a defining moment in the rule of international law, as well as contemporary world history. RNZ also failed to run a written story on its website reporting on South Africa's lawyers' dramatic testimony to the 15-member court.

Whether this shows the publicly-funded broadcasters acted in a co-ordinated manner, or simply operated what Edward Herman and Noam Chomsky called the ‘propaganda model’ (Chomsky, Herman, 1988) is an open question and one meriting further investigation. The scholars posited that there were ‘filters’ determining international news output and framing, including fear of external pressure that ‘disciplines’ the media, a reliance on information officially provided by government, corporates and ‘experts’, as well as the ideological environment in which the journalists operate and the orthodox opinions and debate of political elites. The ABC’s sacking of Lattouf following pressure from Lawyers for Israel and the wider Zionist lobby certainly can be inferred as an example of news managers fearing flak and allowing political influence to dictate editorial policy.

On the question of genocide carried out in Gaza, news coverage by both public broadcasters has been passive and largely reflective of entrenched positions of their governments. This should raise serious concerns about whether entrenched political, cultural and institutional bias makes these organisations compliant and hypocritical instruments of power, instead of news sources of capable of doggedly reporting the type of evidence now before the ICJ. For the public, it should also beg the question, what else are they not telling us.

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