

Independent Election Media Mediation Panel
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Independent Media Mediation Panel: Work, Conclusions and Recommendations

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Included in this report:

1. A summation of the Independent Media Mediation Panel's work and recommendations.
2. An appendix of complaints, responses and actions.
3. An appendix of internal fairness reports made by OCPI.
4. A report on political party reactions to the MMP (Due 15 September, to be prepared by Demetrio Amaral and Father Jovito Araujo)

Introduction

The independent Media Mediation Panel operated from 30 July to 7 September to receive complaints from political parties, independent candidates and others regarding the fairness of the UNTAET media during the East Timor Constituent Assembly election campaign and to pass those complaints on to the Office of Communications and Public Information (OCPI).

While the panel was not charged with formulating an overall assessment of the UNTAET media's fairness, we were impressed with OCPI's overall commitment to fairness and balanced coverage of the political process. The *Soro Muto* (Meet the Press) sessions and the weekly 5-minute Direct Access programming for candidates and parties were very popular with the parties. In general, Radio UNTAET seems to have performed admirably while TVTL generated some criticism. In our discussions with the parties rarely was the UN print media — *Tais Timor* — singled out for either praise or criticism.

In some cases the panel felt that important stories were not being aired on UN broadcasts and sought to promote wider coverage of the process. At other times we merely provided a forum for parties to air complaints. It is our hope that the give and take of ideas and

perceptions between the MMP and OCPI may have served a useful function in helping to focus the thinking of the media units in OCPI on some of the issues we raised.

The mere fact of the panel's existence may be an important lesson in media fairness for East Timor's future. Functioning in effect as a de facto press council, the MMP provided evidence of the UN's commitment to balanced media coverage. Perhaps in the future, publishers and broadcasters in an independent East Timor will emulate the model by establishing a mechanism to promote media fairness on an ongoing basis.

Background:

The creation of an independent Media Mediation Panel (MMP) was an innovative idea that circulated within UNTAET-OCPI and the Independent Election Commission in the months preceding the election. Our basic understanding, from the terms of reference, was that it was to function as a conduit for "political parties, independent candidates and others" to air complaints and seek solutions regarding UNTAET media's coverage of the election campaign. The overriding concern was that the MMP be guided by a sense of fairness and impartiality in dealing with any complaints received.

In addition to the MMP, there was also a plan to create a Broadcast Monitoring Office for the campaign period, which was to have provided ongoing statistical monitoring of coverage during the campaign. Unfortunately, this office was never organized and as a result there was no independent statistical monitoring of UNTAET media fairness during the campaign. UNTAET media sought to maintain their own fairness logs during the campaign but the MMP did not see the logs until after the campaign was over so they had no impact on our work. .

Without any ongoing statistical resources, the MMP relied instead on anecdotal reports from TVTL and Radio UNTAET and the impressions of political parties and other informed observers regarding the overall atmosphere of fairness in the UN media. Coverage was by and large fair and reasonable in our view.

For a variety of reasons, the panel was late in getting organized and the Media Monitoring Panel (MMP) began its work on 30 July, two weeks after the campaign had started, when the international consultant, Lin Neumann, arrived. The panel moved into an office a few days later in the Markas Compound, where the UNDP electoral Assistance Center was located. The Timorese representatives on the panel, Demetrio Amaral and Father Jovito Rego de Jesus Araujo, also began their work at that time.

The panel sent out a press release on August 1 announcing that it was open for business and Radio Untaet carried an interview with the MMP on its programming for a few days. The MMP independently contacted each of the political parties and others to make them aware of the panel. The MMP also met with key OCPI personnel early in the period to establish lines of communication. The panel received limited logistical support from the IEC. The UNDP electoral assistance program, which funded the panel and gave it a home, provided crucial ongoing support.

The panel sought to widen the scope of knowledge in the community about its existence by also having informal discussions with local electoral observer groups and international NGOs about its existence and mandate. It seemed crucial that the MMP draw on the

expertise of a wide variety of informed observers, especially given that we lacked firm statistical data with which to form opinions about the fairness of the UNTAET media. The MMP also met with the Timor Lorosae Journalists Association to inform them about our activities.

The panel members met with each other daily and stayed in contact by telephone

A meeting with interested political parties was held by the MMP on 9 August and was attended by PSD, PST, Kota, PL, and PNT. A number of complaints emerged from the dialogue, which was helpful in allowing the parties to know about the existence of the MMP.

Given the late start the panel got and the lack of much publicity regarding the panel's role in advance, the panel's experience may not be indicative of overall satisfaction with the UN media's role and fairness. Even at the end of the campaign we were still encountering party leaders who were unclear about the panel's role or even its existence.

While relations with OCPI have remained professional and courteous, the panel is aware that as a body created primarily to air complaints our presence was a burden at times for the OCPI staff. OCPI's official responses to the MMP frequently appealed for greater understanding by the MMP and the political parties of the enormous pressures under which the UNTAET media works. While we are not unsympathetic to these pressures, we feel that the few complaints the parties put forward were frequently reasonable and that the parties themselves, like nearly everyone in East Timor, also felt overworked and occasionally overwhelmed by the pressure of the transition. We did not feel that it was our job to explain to the parties that the UNTAET media was overworked. Individual staff members within OCPI have expressed their gratitude to us for our feedback and for that we are grateful.

Complaints

The MMP received a total of nine formal complaints during the campaign period, indicating either a high degree of general satisfaction among the political parties or a lack of knowledge on their part of the MMP's existence or function. All the complaints, responses and subsequent replies from OCPI are included as an appendix to this report.

The major issues raised are discussed below.

District Coverage and Smaller Parties

Several smaller parties – PST, PL, KOTA, and PNT — complained that UNTAET media was ignoring their activities in the districts and that the smaller parties received less coverage than the larger parties. In general, the MMP feels that larger parties are more newsworthy than smaller parties and the system of Direct Access and *Soro Muto*¹ gave the smaller parties reasonable and fair access to the audience of voters. The panel did find

¹ Direct Access was a program that gave each political party and independent candidate five minutes per week on TVTL and Radio UNTAET for six weeks to explain their programs to the public. *Soro Muto* was a meet the press format which gave each party one 30-minute opportunity to take questions from the press on TVTL and Radio UNTAET.

some merit in concerns that the UNTAET media was not devoting sufficient resources to district coverage, even of relatively large parties.

OCPI responded to the MMP that limited staffing and resources made it difficult to cover the districts for both radio and television. Steps had been taken to resolve this issue but had been slow in being implemented.

Fretilin intimidation

The panel became increasingly concerned over persistent reports that Fretilin campaigners, especially in the districts away from media coverage, were using the term “sweeping” to describe what they would do to their opponents after election day. This term is widely associated in East Timor with harassment and intimidation by the Indonesian military during the period of occupation and the pro-Indonesia militias during the 1999 referendum violence. The panel felt strongly that the UNTAET media had a responsibility to aggressively investigate and report on this story and on August 20 a letter of complaint was sent to OCPI on this issue.

OCPI’s responded that the issue had been raised privately within UNTAET and that OCPI had given the parties ample opportunities to raise these issues themselves in public debates and other sessions. The panel, however, felt that this issue was of sufficient concern to be raised more aggressively through journalistic investigation not party discussions. We were encouraged that TVTL aired a lengthy piece on the charges shortly after the complaint was issued. It is also significant that the foreign media picked up the story even before TVTL and it became a subject of considerable controversy in the campaign, causing Fretilin leaders to have to answer the charges repeatedly. The MMP, as a matter of policy, did not comment publicly on this or any other issue in the media.

It is, of course, the job of the press to raise uncomfortable questions with those in power — or soon to be in power — and the MMP is pleased that this important issue moved from the stage of rumor and closed-door conversation to the arena of public debate. The MMP was encouraged when senior UNTAET officials privately praised the panel’s efforts in this regard.

Coverage of Final Rallies

On the evening of August 28, the final day of the campaign, five senior members of the Partido Democratico (PD) went to the office of TVTL to complain that their final rally, held two days earlier, had not been covered by TVTL. Staff of TVTL called the MMP to intervene, feeling that the unannounced visit to the station was inappropriate and an attempt at intimidation by the PD. When the MMP visited the station the PD representatives agreed to meet with the MMP the following day to discuss their complaint.

By coincidence, the same night, Mari Alkatiri of Fretilin, apparently acting on wrong information, complained personally to OCPI management in a public restaurant about the lack of coverage of the final huge Fretilin rally. The rally, however, had been given coverage.

On August 29, the MMP issued a complaint regarding the TVTL coverage of the final three Dili rallies of the three largest parties — PD, PSD and Fretilin on August 26, 27 and 28 respectively. Only the Fretilin rally, the largest of the three, was aired thus creating an impression of unfairness. A TVTL staff member filmed the PD rally but the footage was not used. The MMP felt that the correct news judgment would have been to cover all three rallies as significant news events and that the lack of coverage indicated poor planning on TVTL's part. The same day as the PD complaint, Fretilin also complained that their rally had received too little coverage.

In its response, OCPI acknowledged many of the shortcomings of TVTL and its problems with staffing and resources. The response insisted that TVTL was only trying to be fair to smaller parties by not covering the rallies. OCPI pointed out that mistakes can sometimes be made under the pressure of a campaign by a new institution like TVTL. The MMP is sympathetic to these concerns and hopes that this last-minute challenge to the news judgment of the station was a learning experience for everyone.

The MMP also agreed with OCPI that it was inappropriate for the PD leaders to visit the station unannounced and thereby raise tensions with the staff. We also believe that Mari Alkatiri should have taken his concerns up privately with the MMP and not in a public venue with OCPI staff.

Related to this discussion, in the panel's view, was another action that did not become the subject of a formal complaint but which raised serious questions among political parties and the media. On the evening of August 29, we understand that TVTL gave airtime to Jose Ramos Horta to counter a paid PD political advertisement that appeared in that day's issue of the private newspaper *Suara Timor Lorosae*. Among other things, the ad contained a small picture of Horta, "nominating" him for vice-president of the country and a picture of Xanana Gusmao for president. TVTL informed the MMP of Horta's request for airtime to distance himself from the ad and Lin Neumann of the MMP cautioned that such a move might be seen as politically damaging to PD, unless PD also appeared to explain the ad. We cautioned against airing the Horta item.

Horta appearing on television to answer an ad that appeared in another medium seemed unusual. Generally speaking, a complainant would go to the newspaper in question to appeal for a correction or space to reply. It is extremely unusual for a political figure, even one who is studiously non-partisan, to be given airtime on television to challenge a political party ad appearing in a newspaper. Doubtless, the Horta appearance the evening before the election was more widely viewed than the ad, which appeared in a newspaper with a circulation of about 1000 copies. While the PD leadership told the MMP it was unhappy over the incident, they did not make a formal complaint; nonetheless, the incident raised again some questions about fairness in media.

Conclusions

The overall vision of providing both objective monitoring and a basis for mediating potential conflicts was not realized through the work of the MMP because the task was only half-completed. UNTAET/IEC failed to establish the Broadcast Monitoring Panel. The establishment of the MMP was delayed too long and as a result the panel began its work two weeks into the campaign. This oversight was clearly the result of the crush of work that fell on OCPI and others during the pre-election period.

We are fairly certain, however, that had the panel been established earlier it would have had an even greater impact on the shape of coverage through an expanded dialogue with the parties. As it was, operating without any support staff and little infrastructure, the panel did its best to publicize its existence and engage the parties in meaningful dialogue about media coverage of the election.

Great credit for the panel's work must be given to its two Timorese members — Demetrio Amaral and Father Jovito Araujo — who remained scrupulously independent and stayed in regular touch with political party members and leaders during the time of the panel's existence. Both of the Timorese panel members also informally monitored the Tetum media on a fairly consistent basis and provided the bulk of the insights that went into the panel's recommendation and conclusions. This was truly a collaborative effort.

It is unsettling that there remains deep suspicion on the part of many political parties regarding the underlying fairness of the UN media — or any media for that matter. Parties have had a tendency in private conversation to blame UNTAET's Timorese media staff for being partisan. These comments never reached the level of formal complaint because the MMP did not feel that there was evidence to support the claims but it is important anecdotal evidence of the need to build an attitude of independence in the East Timorese media to change these perceptions over time. Given the tragic political history of East Timor, it is no surprise that it is difficult for those involved in the political process to believe in the independence of the media.

It is important to acknowledge the degree to which East Timor's media is still in its infancy and that the appearance of fairness may not translate into a public belief that the media is fair. In that regard the MMP feels that its function, performed however imperfectly, has been an important one. While we have received relatively few complaints, the panel members have made it a point to engage in continuous dialogue with those involved in the political process. We believe this has given numerous players — parties, candidates, NGOs and others — the opportunity to discuss the role of the media in a constructive manner.

Another built-in dilemma for OCPI, in our view, is the need to serve two masters: both the public information function of UNTAET and the emerging nation's need for independent reporting as a model for the future. It is commendable that OCPI aggressively pursued the formation of the Media Mediation Panel as a way to ensure fairness in its coverage. The UNTAET media is, in effect, the state media of East Timor at this time and as such it seems particularly important that people feel they have access to the media and avenues of complaint. We believe the MMP has been an important part of that process and we hope that the lessons learned form the basis for further developments into the future.

In Conclusion, we recommend the following:

- That this report be widely circulated both inside the UN and to the private media, NGOs and political parties in East Timor as a way of encouraging further discussion and sharing the panel's work as widely as possible.

- That the United Nations, through the Secretary General's office, study the experience of the MMP as a potential component of other post-conflict transitional missions.
- That UNTAET, together with other interested parties, commission a study of an independent press council for the future of East Timor. A press council should include representatives from both state and private media.
- That steps be taken early in the process to establish a Media Mediation Panel in time for the next elections in East Timor.

End