DAVID MILLER

Why the public needs to know

The UK broadcasting ban has signally failed to do its job. Ending it will not turn the tide of public apathy, but it may foster a much needed debate

STEVE PYKE

The Pogues: their 'Streets of Sorrow/Birmingham Six' was banned — for alleging the truth

It is five years since the UK ban on broadcasting direct interviews with 11 Irish organisations was introduced on 19 October 1988. It was one of a number of measures taken after a series of IRA (Irish Republican Army) attacks. According to Douglas Hurd, then Home Secretary, the notice was introduced because 'the terrorists themselves draw support and sustenance from access to radio and television. The Government have decided that the time has come to deny this easy platform to those who use it to propagate terrorism'. Has the ban been effective in its intention of keeping 'terrorists' off television and has this meant increased difficulties for the propagation of 'terrorism'?

The first point to note is that the armed struggle of the IRA has not been noticeably affected by broadcasting censorship: bombings and killings continue. It is also difficult to see how 'terrorists' drew support and sustenance from access to television before the ban was introduced, since active professing members of the IRA or INLA (Irish National Liberation Army) had not appeared on British television since 1979, nine years before the ban.

The ban, in fact, is not aimed at the activities of the IRA (or any of the other illegal groups named in the notice) but specifically at the ability of *Sinn Fein*, a legal political party, to operate in a normal democratic manner. Since the introduction of the notice, in an effort to appear even-handed, the government has proscribed the other major legal organisation listed on the notice, the UDA (Ulster Defence Association).

The notice forbids the broadcast of words which 'support or solicit or invite support' for one of the organisations or *any* words by 'a person who represents or purports to represent' one of the listed organisations. This covers any statement made by any person which supports the use of political violence by any paramilitary organisation and, as such, might be regarded as corresponding to the government's stated aims in

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combating 'terrorism'. This prohibition might also fairly be regarded as irrelevant since it was already illegal under the Emergency Provisions Act to utter support for an illegal paramilitary organisation.

In addition, broadcasters are bound under statutory and charter duties not to broadcast material which could encourage crime; *Sinn Fein* election candidates are required to sign a declaration renouncing violence before they can stand for election. The only sense in which the ban goes further than existing law is that it specifically prohibits statements in support of or by representatives of legal organisations even when they have nothing to do with 'terrorism'. Its effect goes much further than simply outlawing support for 'terrorism' on the airwaves.

While it is still technically possible to interview members of *Sinn Fein* or the IRA, to broadcast direct interviews if they speak in a personal capacity, to subtitle or voice-over if they 'represent' *Sinn Fein* and to broadcast indirectly any other person who expresses support for one of the banned organisations, the number of interviews with *Sinn Fein* has declined substantially since the introduction of the ban. In the year after October 1988, *Sinn Fein* appearances on British network television news declined by 63%. In the four years since then, such interviews have become even more scarce. This is a result of the vague and confusing wording of the notice, time pressures and a broadcasting establishment under siege from the government. The easiest time-saver in a busy news room is simply to leave *Sinn Fein* out. In addition, there is evidence that these factors have caused a ripple effect which has resulted in excluding other critical voices on Northern Ireland, even where these do not express support for 'terrorism' or *Sinn Fein*. Perhaps the most famous example of this is the banning of the Pogues' song 'Streets of Sorrow/Birmingham Six' for containing a 'general disagreement with the way in which the British government responds to and the courts deal with the terrorist threat in the UK'. The song alleged that both the Guildford Four and the Birmingham Six, jailed for IRA bombings in the 1970s, were wrongly convicted. The courts have now acknowledged that these 10 people were victims of miscarriages of justice, but the Independent Television Commission (ITC) has only said that 'it is highly unlikely' that it would intervene if the song was broadcast on television.

DEREK SPEIRS/REPORT

Banning Irish style: protesting against Section 31, Dublin.

The most serious extension of the ban occurred in an edition of the BBC discussion programme *Nation*. The programme featured well-known activist and ex-MP Bernadette McAliskey as a witness on the conflict in Northern Ireland. Almost her entire contribution was subtitled, including the following:

> 'Quite honestly, if I supported it fully, if I could justify it, I would join the IRA. But since I am not a soldier, since I cannot within myself justify it, then I'm not. But I can understand it, I can explain it, I can articulate it and I can offer what I believe to be a rational way out of it, which is discussion and negotiation, wherever it is in the world.'

These words were deemed by BBC lawyers to be sufficiently supportive of the IRA for them to fall within the ambit of the ban. The central issue here is that understanding the actions of the IRA can now apparently be construed by the broadcasters as being identical to support for the IRA. In both the Pogues and McAliskey cases, broadcasters extended the ban beyond government requirements.

McAliskey sought a judicial review of the BBC's decision, which was rejected, but the ruling was overturned in July at the Court of Appeal. The case will now go on to a full court hearing. She is also taking a case against the ban to the European Court of Human Rights.

Meanwhile, two other attempts to challenge the ban in Europe are pending. The first, taken by *Sinn Fein* councillor Mitchell McLaughlin and the second by the National Union of Journalists. It remains unclear which way these cases will go; but the finding of the European Commission on Human Rights on the case taken to it by 17 Irish journalists in the Republic, backed by their trade union, leaves little room for optimism. The case failed after the European Commission took a very restrictive view of the impact of the ban and ignored the question of whether the restrictions were necessary or effective. One further factor may be that in the Irish case the government maintained that *Sinn Fein* was an 'integral and dependent part' of the IRA. This was not challenged by the journalists and may have made it easier for the Commission simply to ignore *Sinn Fein*'s political role. The British government's defence in the NUJ case will also try to suggest that *Sinn Fein* is simply part of the IRA, but its case is made considerably weaker by the acknowledgement of the Northern Ireland Office in August 1992 that *Sinn Fein* is not 'actively and primarily involved in terrorism'.

The ban is only a small part of the repertoire of British government information techniques. Prior to the direct intervention which the ban signalled, successive governments had put escalating pressure on broadcasting institutions to stop them giving all sides of the story in Northern Ireland. This pressure, including the use of the law and intimidation, mounted noticeably under the series of Thatcher governments in the 1980s. Allied with this is the routine use of misinformation by bodies such as the RUC and the Army, and attempts by the Northern Ireland Office to pretend things are getting 'back to normal'.

Even if the broadcasting ban is lifted, there will still not be enough information for the British public to make sense of the conflict in Northern Ireland. ■

***Interference on the Airwaves: the Broadcasting Ban, the Media and Ireland** by Mike Jempson and Liz Curtis will be published on 19 October by the Campaign for Press and Broadcasting Freedom.*