

Review: Complaint from Mike Fegelman, Executive Director, HonestReporting Canada, about the documentary Budrus: The Village that Didn't Give Up

April 7, 2011

I am writing with regard to your January 28, 2011, complaint and request February 2, 2011, for a review by this Office of your concerns regarding the broadcast January 30, 2011, of the independent documentary titled Budrus: The Village That Didn't Give Up on CBC News Network's The Passionate Eye.

Thank you for your patience in this matter.

REVIEW

On January 30, 2011, the CBC News Network program, The Passionate Eye, broadcast a documentary, [Budrus: The Village That Didn't Give Up](#), focusing on a generally peaceful resistance by a Palestinian village to the Israeli construction of a barrier in the Occupied Territories.

The lengthy barrier was being built during the second intifada in 2003 to block terrorists but was disruptive to many Palestinian villages.

The documentary followed a father and daughter as they led efforts to unite Fatah, Hamas and Israelis to keep the barrier from partitioning Budrus, separating villagers from their farmland and destroying their olive trees.

The narrative tracked the initial construction, the resistance, the public reaction, and the eventual resolution that rerouted the barrier away from the village. Filmmakers interviewed parties in the dispute following its resolution, with which they integrated original footage of the dispute from activists.

The film, credited to the Washington-based advocacy group, [JustVision](#), concludes that non-violent resistance to the barrier was successful in several other villages.

The film [has been honoured](#) at several festivals since its 2009 release.

CBC touted the film: “While many documentaries about the Palestinian-Israeli conflict either romanticize peace or dwell on suffering, Budrus focuses on the success of non-violence, and tells a much bigger story about what is possible in the Middle East.”

CBC did not outline information about the filmmaker. Its end-of-film credits identify JustVision as producer.

The complainant, Mike Fegelman, the executive director of HonestReporting Canada, an organization that scrutinizes Middle East media coverage, had already written CBC News on January 26, 2011, to complain before its broadcast that the documentary violated policy under [CBC Journalistic Standards and Practices](#) because it was financed by a special-interest group.

Esther Enkin, the executive editor of CBC News, wrote back January 27 that the “guidelines” for procuring documentaries were designed to avoid those “financed by an advocacy group, lobby group, or government agency.”

Enkin added: “We wrote that to exclude, for example, a government-produced documentary on oil sands development or a Coalition for Life documentary on abortion. The policy’s intention is clear: CBC should not offer a platform for the polemical assertions of lobbies, political parties, industry organizations or others holding entrenched and singular views.”

That being said, she noted: “But I can assure you that we did not write the policy to exclude the broadcast of a documentary such as this one offering an even-handed exploration of a concept such as non-violence in an area often characterized by violence.”

Enkin further praised the documentary for its inclusion of several points of view beyond the non-violent perspective. She noted it had been acclaimed and won awards.

Later that day Fegelman wrote Jennifer McGuire, the editor-in-chief and general manager of CBC News, to pursue his complaint. He said Enkin’s explanation was insufficient and that CBC was attempting to circumnavigate its policy by arguing the film was of a particular excellence and provided a balanced perspective. He asked McGuire to ask the Office of the Ombudsman for a prompt investigation.

McGuire wrote back January 28 that Enkin had “ably explained the meaning and intention of CBC News policy” regarding point-of-view documentaries and that she had little to add except that he could submit the matter for a review to the Ombudsman.

Following the broadcast, Fegelman wrote to elaborate on his concerns. Among them:

- That the filmmaker, Just Vision, was a lobby group. He wanted to know how CBC decides which groups gain access.
- That CBC needed to be more transparent about the credentials of the producer and the group represented.
- That the program wasn't properly labeled a point-of-view documentary.
- That the film lacked vital context, in that it did not adequately note the rationale for the separation barrier was terrorist attacks on Israelis.

CBC Journalistic Standards and Practices permit documentaries created from a single perspective under certain conditions: that there is a compelling first-person narrative; that the creator has special knowledge or expertise; that a well-presented single point-of-view might provoke public debate; and that the production is not financed by “*an advocacy group, lobby group or government agency.*”

The policy, updated late in 2010, also says CBC labels point-of-view documentaries as such when they are presented and publishes other perspectives over an unspecified period of time to balance a particular perspective.

CONCLUSION

CBC Journalistic Standards and Practices provide latitude for the broadcast of point-of-view documentaries. Budrus' content was within policy in this larger regard, even though it would have benefited from a clearer introduction on perspective and origin. Indeed, it featured a remarkable range of perspectives, including not just Palestinians but current and former Israeli military representatives. There were no issues of accuracy.

More challenging is the newly worded policy concerning production origins. Budrus was credited to JustVision, which promotes itself as non-partisan and religiously unaffiliated. Its mission is to document non-violence and conflict resolution. It produces media and finances outreach programs to consume them. JustVision falls under the definition of an advocacy group, even if its support of non-violent political change may seem benign. CBC journalistic policy states documentaries may not be sourced from one.

But the financing for Budrus included several sources: industry-recognized documentary funds, foundations, professional and cultural networks, and personal donations. As a non-profit organization, JustVision discloses donors publicly in annual tax filings in the United States. This diversity and transparency of financing mitigates concerns about directed editorial content.

CBC policy does not take into account the current environment for project financing, in which many documentaries comprise an improvised batch of funds to produce early versions that leverage broadcast support to complete the work.

I accept CBC's central argument that its newly worded policy was never designed to prevent a screening of a journalistically sound production. But unless changed, it could have the unintended consequence of prohibiting some of the most acclaimed documentaries of recent years, including Academy Award winners. It would impractically isolate CBC even from most other public broadcasters in self-restraint on editorial freedom.

The complaint provides an opportunity for clarity, and from the standpoint of public interest, it makes most sense to point to this need ahead of citing circumstantial breach. A refined policy would satisfy the need for editorial discretion and transparency and would underscore that underwriting does not necessarily determine journalistic credibility.

Kirk LaPointe
CBC Ombudsman