

Editorial Standards Findings: Appeals and other editorial issues to the Trust considered by the Editorial Standards Committee

Remit of the Editorial Standards Committee

The Editorial Standards Committee (ESC) is responsible for assisting the Trust in securing editorial standards. It has a number of responsibilities, set out in its Terms of Reference at bbc.co.uk/bbctrust/about/meetings_and_minutes/bbc_trust_committees.html.

The Committee normally comprises six Trustees: Richard Tait (Chairman), Chitra Bharucha, Mehmuda Mian, David Liddiment, Alison Hastings and Anthony Fry. It is advised and supported by the Trust Unit.

For its 3 March 2009 meeting the Committee comprised David Liddiment (Chairman), Mehmuda Mian, Alison Hastings and Anthony Fry.

In line with the ESC's responsibility for monitoring the effectiveness of handling editorial complaints by BBC management, the Committee considers appeals against the decisions and actions of the BBC's Editorial Complaints Unit (ECU) or of a BBC Director with responsibility for the BBC's output (if the editorial complaint falls outside the remit of the ECU).

The Committee will consider appeals concerning complaints which allege that:

- the complainant has suffered unfair treatment either in a transmitted programme or item, or in the process of making the programme or item
- the complainant's privacy has been unjustifiably infringed, either in a transmitted programme or item, or in the process of making the programme or item
- there has otherwise been a failure to observe required editorial standards

The Committee will aim to reach a final decision on an appeal within 16 weeks of receiving the request.

The findings for all appeals accepted by the Committee are reported in this bulletin, *Editorial Complaints: Appeals to the Trust*.

As set out in its Terms of Reference, the Committee can decline to consider an appeal which in its opinion:

- is vexatious or trivial;
- does not raise a matter of substance;
- relates to the content of a programme or item which has not yet been broadcast;
- concerns issues of bias by omission in BBC news programmes unless the Chairman believes that it is plausible that the omission of an item could have led to a breach of the guidelines on impartiality;
- has not been made within four weeks of the final correspondence with the ECU or BBC Director on the original complaint; and
- relates to matters which are the subject of or likely to be the subject of, or relevant to, legal proceedings.

The Committee will not generally reconsider any aspects of complaints that have already been adjudicated upon or considered by a Court.

Any appeals that the Committee has declined to consider under the above criteria are reported in the bulletin.

In line with its duty to consider topics of editorial concern to the Committee, whether or not such concern arises from a formal complaint, and to commission information requests from the Trust Unit or Executive to support such consideration, the Committee also from time to time requests the Executive to report to the Committee regarding breaches which have been accepted by the Executive and are therefore not subject to appeal to the Committee. The bulletin also may contain findings relating to such cases.

The bulletin also includes any remedial action/s directed by the Committee.

It is published at bbc.co.uk/bbctrust or is available from:

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Summary of findings

There were two complaints about the BBC News Online article “How 1967 defined the Middle East”. These are dealt with separately as complaint 1 and complaint 2. In addition there was one complaint about the episode of From Our Own Correspondent broadcast on 12 January 2008. The full text of the BBC News Online article that was the subject of the complaints is included at Appendix A.

“How 1967 defined the Middle East”, BBC News Online, 4 June 2007 – complaint 1

The complaint relates to an article on the BBC website written by the BBC’s Middle East Editor about the legacy of the 1967 war between Israel and Egypt, Syria and Jordan. The complainant alleged that the article contained inaccuracies and was biased against Israel. The specific examples of inaccuracy and bias given by the complainant were:

- the description of the war as a conflict between two Goliaths;
- the statement in the article that the Israeli generals knew they would only lose if the “IDF [Israeli Defence Force] did not turn up”, and the impression given that Israel was bound to win;
- the statement that “The Israeli generals, hugely self-confident, mainly sabras (native-born Israeli Jews) in their late 30s and early 40s, had been training to finish the unfinished business of Israel's independence war of 1948 for most of their careers”;
- the phrase “Inevitable war and inevitable victory”;
- quotations from American and British intelligence have been taken out of context;
- the article should have mentioned “the mainstream view that Nasser was an arrogant despot who saw an opportunity finally to implement the Arab policy of destroying Israel...”;
- the article’s reference to Zionism’s “innate instinct to push out the frontier”;
- the statement that “For Palestinians, the settlements are a catastrophe, made worse every day by the fact that they are expanding fast”;
- the article criticises the Israeli settlements in the West Bank without providing any explanation of why they might be justified;
- the statement that “After 40 years as an occupier, Israel can no longer count on the international support it had in 1967”; and
- the statement that Israel was “in defiance of everyone’s interpretation of international law except its own”.

The Committee concluded

Accuracy

The description of the war as a conflict between two Goliaths

- that the fundamental fact that Israel was much stronger than was widely believed at the time is not in dispute;
- that this was a reasonable metaphor to use to communicate the fact that the conflict was more evenly matched than people believed at the time;
- that the application of the accuracy guideline to a metaphor of this nature would be inappropriate; and
- that there was no breach of the guideline on accuracy.

The statement in the article that the Israeli generals knew they would only lose if the “IDF did not turn up”, and the impression given that Israel was bound to win

- that the phrase “did not turn up” was a frequently used colloquialism and was not intended to be taken literally;
- that the evidence from British and American intelligence reports was that the Israeli force was well equipped and well prepared, and that this evidence supported the use of this colloquialism for a general audience; and
- that there was no breach of the guideline on accuracy.

The statement that “The Israeli generals, hugely self-confident, mainly sabras (native-born Israeli Jews) in their late 30s and early 40s, had been training to finish the unfinished business of Israel's independence war of 1948 for most of their careers”

i) On whether “all” the generals could be described as knowing victory was assured and whether they could be described as “hugely self-confident”;

- that the phrase “hugely self-confident” was used in this context to characterise the different attitudes to war between the native-born generals and the older, largely immigrant, politicians;
- that this was a generalisation and that it would hold even if some of the generals had episodes of doubt or fear; and
- that there had been no breach of the guideline on accuracy.

ii) On “unfinished business”

- that, although the Middle East Editor stated that he had meant it to be understood that he was referring to the capture of East Jerusalem, it would have been impossible for a reader of the article to know which “unfinished business” had been meant; and
- that there had been a breach of the guideline on accuracy with regard to the use of “clear, precise language” in this respect.

On “there was no plan to conquer and retain the territories captured in the 1967 war as an objective in its own right”

- that there was no evidence that the Middle East Editor had postulated the idea that there had been a plan to conquer and retain the territories in 1967 as an objective in its own right; and
- that there had been no breach of the guideline on accuracy.

On was the reference to Egyptian propaganda sufficient balance to the suggestion that the article omitted to refer to an Arab objective of pursuing unfinished business of 1948?

- that the Committee noted that there had been extensive references in the article to threats on Egyptian radio; and
- that there had been no breach of the guideline on accuracy.

The phrase “Inevitable war and inevitable victory”

- that, taking into account the intelligence evidence cited, it was apparent that there would be victory for Israel; Notwithstanding this, it did not mean that people in Israel and abroad would not be fearful; and
- that the phrase had been a rhetorical flourish and that it should be considered under the guideline on impartiality. It had not breached the guideline on accuracy.

Quotations from American and British intelligence have been taken out of context

- that it could not see any evidence to demonstrate that the intelligence information had been taken out of context; and
- that there had been no breach of the guideline on accuracy.

The article should have mentioned “the mainstream view that Nasser was an arrogant despot who saw an opportunity finally to implement the Arab policy of destroying Israel...”

- that the article contained enough references to Nasser’s motives to make it clear that Nasser was aggressive and pursuing confrontation;
- that the article sufficiently dealt with Egyptian aggression and that there was no breach of the accuracy guideline; and
- that, in addition, there were links on the webpage to more detail in a supporting article detailing the history of the conflict.

The article’s reference to Zionism’s “innate instinct to push out the frontier”

- that this statement had been unqualified and, as a result it had not been clear and precise and

- that there had been a breach of the guideline on accuracy in this respect.

The statement that “For Palestinians, the settlements are a catastrophe, made worse every day by the fact that they are expanding fast.”

- that it was evident from the several articles from a number of independent perspectives and sources that the Committee saw that the settlements are a catastrophe for the Palestinians;
- that it was not necessary for the article to address any claims as to economic benefits of the settlements for the Palestinians;
- that the complainant had accepted that there had been a steady increase in the number of settlers; and
- that the article had been duly accurate in this respect.

The article criticises the Israeli settlements in the West Bank without providing any explanation of why they might be justified

- that the article was not about what the settlements might have achieved but rather the political problems that the results of the 1967 war had created, among which was the existence of the settlements and
- that there had been no breach of the guideline on accuracy in this respect.

The statement that “After 40 years as an occupier, Israel can no longer count on the international support it had in 1967”

- that, while the complainant’s argument was that Israel is now recognised by more states than in 1967, there is a clear difference between formal recognition and support and
- that the article, which was concerned with support rather than recognition, was duly accurate.

The statement that Israel was “in defiance of everyone’s interpretation of international law except its own”

- that use of the word “everyone” had been imprecise and that it would have been simple to qualify this term;
- that, particularly when writing about the Middle East, the BBC has to be careful about its use of “clear, precise language”;
- that this should have been picked up by BBC Online’s editorial processes; and
- that there had been a breach of the guideline on accuracy.

Impartiality

- that the article was on the news section of the BBC website and that, although it dealt with a historical subject, the legacy affects the Middle East today and is a matter of political controversy;
- that this was a piece by the Middle East Editor, under his by-line;
- that this was not a “personal view” under the guidelines and that the personal view guidelines did not apply;
- that the article should be duly accurate and impartial in its own right;
- that, although it was possible on the web to create a series of articles providing alternative views, linked to allow exploration of the range of views, there was no suggestion that this article was part of such a series;
- that a “professional judgement” on a matter of opinion regarding a highly controversial subject should be contextualised to indicate that other views exist;
- that the author of the article should have done more to explain that there were alternative views on the subject which had some weight;
- that readers might come away from the article thinking that the interpretation offered was the only sensible view of the war.
- that it was not necessary for equal space be given to the other arguments, but that the existence of alternative theses should have been more clearly signposted;
- that the article had breached the guideline on impartiality in this respect and
- that, with regard to the settlements, the article had appropriately set out the context in which they existed and there was no need to give positive arguments or the Israeli position in order to achieve impartiality in this respect.

Complaints handling

- that it is an acceptable and proportionate use of the BBC’s resources to send a generic response when there are many complaints on a single subject, provided that it is made clear that complainants can come back with a further response if they are dissatisfied;
- that the new complaints framework (which was not in place when this complaint was made) should result in all letters and emails containing details of the complaints page of the BBC website, which explains the options for escalation;
- that, as long as a complainant has the right to an appeal at stage 2 and stage 3 of the process, any concerns about handling at stage 1 are able to be rectified. This is the purpose of the complaints process and the right to appeal to the Trust;
- that every complaint must be handled according to the facts surrounding the item complained of, and that the Committee would not tie the hands of stage 1 of the BBC complaints system;
- that, in accordance with the appeals process, the complainant should have been provided with the gist of the material upon which the ECU relied when coming to its finding;

- that the range of material requested had raised questions as to fair process which required consideration, and that it was not immediately clear which material should be provided;
- that, where material was in the public domain the ECU was simply required to provide the reference and not provide (for example) a published book;
- that the gist of responses from programme makers upon which the ECU relied in coming to its finding should be provided on request;
- that it regretted the fact that this complaint had taken an exceptionally long time to be considered and concluded;
- that the delay was partly because the complaint itself was complex;
- that it hoped the new complaints framework and the introduction of a maximum 1,000 word summary for appeals to the ESC would expedite the process in future.

The Committee partially upheld the complaint with regard to impartiality. The Committee partially upheld the complaint with regard to accuracy.

For the finding in full see pages 16 to 60

From Our Own Correspondent, BBC Radio 4, 12 January 2008

The episode of From Our Own Correspondent broadcast on 12 January 2008 on BBC Radio 4 contained a report by Jeremy Bowen from the Israeli settlement of Har Homa, near Jerusalem. The complainant stated that this report was biased against Israelis and contained a number of inaccuracies which would mislead the audience. The specific inaccuracies complained of were:

- the alleged implication that the land on which Har Homa was built belonged to Palestinians;
- the description of the housing development as covering a lot of the valley and being 'concrete';
- the statement that the Har Homa settlement was considered illegal by the United States; and
- the suggestion that a considerable number of Israelis regarded the colonisation of the West Bank as a disaster.

The Committee concluded:

Alleged implication that the land had belonged to Palestinians

- that, while it noted the complainant's statement that around 75% of the land was already under Jewish ownership when the development was started, the Committee did not see this fact as germane to the point that the report was making;

- that the issue being explored by the piece was whether Israel had the jurisdiction to build on the land, whoever the owners were;
- that, in the context of this, to have included information about who legally owned the land may have confused rather than illuminated the point;
- that there was no evidence to prove or disprove who owned the land on which the shepherd mentioned in the piece was farming, and there was no basis for the complainant's assertion that the piece should have mentioned that he was 'probably a squatter and trespasser'; and
- that this part of the report had not breached the guidelines on accuracy or impartiality.

Description of Har Homa as covering a lot of the valley and as being a 'big concrete housing development'

- that Har Homa is built on a hill and extends downwards into the valley, although it does not reach the bottom of the valley;
- that, in common parlance, valleys do extend up the sides of hills;
- that the reference to a lot of the valley being covered by the development had not been inaccurate;
- that, even if at the time of the report the concrete cores had been exposed by development still in progress, the buildings were faced in stone rather than concrete;
- that, in this context, describing buildings with concrete cores as 'concrete' even though they are faced with stone did not mislead the audience and was not a material inaccuracy;
- that there was no evidence that calling Har Homa a concrete development had promoted or could promote hatred of Israel or Jews; and
- that this part of the report had not breached the guidelines on accuracy or impartiality.

Suggestion that the settlement was considered illegal by the United States

- that it accepted that the Middle East Editor had been informed of this view by an authoritative source;
- that, although the Middle East Editor may have formed the professional judgement that the American administration, in private, believed the settlement to be illegal under international law, there was no evidence that this was official US policy;
- that the Middle East Editor had stated his professional view without qualification or explanation, and that the lack of precision in his language had rendered the statement inaccurate;
- that, while a breach of the accuracy guideline may also indicate a breach of the impartiality guideline, the two do not necessarily occur together;
- that the imprecise language did not also lead to a lack of impartiality. Had the basis for the statement been explained, it would have been accurate; and

- that this part of the report had breached the guideline on accuracy but had not breached the guideline on impartiality.

Reference to a considerable number of Israelis who regard the colonisation of the West Bank as a disaster

- that “a considerable number” did not suggest a majority or imply a figure close to 50%;
- that poll results indicate that at least 10% of Israelis disagree with the West Bank settlements;
- that it was reasonable to describe this figure as a “considerable number”;
- that, although the Israeli public may distinguish between colonisation of the West Bank and Har Homa, it was still meaningful to make the link in this context;
- that there was no obligation for the report to mention that the majority of Israelis were in favour of settlements;
- that this part of the report had not breached the guidelines on accuracy or impartiality.

The complaint was not upheld with regard to impartiality. The complaint was partially upheld with regard to accuracy.

For the finding in full see pages 61 to 74

“How 1967 defined the Middle East”, BBC News Online, 4 June 2007 – complaint 2

The complaint relates to an article on the BBC website written by the BBC’s Middle East Editor about the legacy of the 1967 war between Israel and Egypt, Syria and Jordan. The complainant alleged that the article contained serious inaccuracies and was biased against Israel. The specific examples of inaccuracy and bias given by the complainant were:

- the fact that the article does not mention the Jewish refugees of the 1967 war as well as the Palestinian and Syrian ones;
- the re-writing of history by the article to make Israel the aggressor, for example by describing it as a Goliath v Goliath struggle;
- the statement in the article that the Israeli generals knew they would only lose if the “IDF [Israeli Defence Force] did not turn up”, which would mislead readers into thinking that Israel had exaggerated the threat it faced;
- the statement in the article that “the Israeli generals...had been training to finish the unfinished business of Israel’s independence war of 1948 for most of their careers.”, which was unfair in that it was the Arab states that had unfinished business rather than the Israelis;

- the reference in the article to Zionism’s ‘innate instinct to push out the frontier’, which is in reality only an objective of the right-wing element of Zionism;
- that the article did not mention that this was a defensive war for Israel;
- the characterisation of Israel’s generals as “hugely self-confident”, when, for example, the Israeli Chief of Staff had a nervous breakdown only days before the war started;
- the statement in the article that the settlement of land occupied in 1967 was in defiance of “everyone’s interpretation of international law except its own”. This is not correct as not “everyone” has that interpretation; and
- that there is no mention in the article that the PLO swore to violently destroy Israel for most of the ensuing 40 years.

The Committee concluded

Accuracy

The fact that the article does not mention the Jewish refugees of the 1967 as well as the Palestinian and Syrian ones

- that the article was concerned with problems arising from the 1967 war and that the Jewish refugees had not created any long-lasting political problem;
- that it was reasonable for the article to have discussed only those refugees in relation to whom there had been serious political ramifications over the 40 years since the conflict; and
- that there was no breach of the guideline on accuracy in this regard.

The allegation of the re-writing of history to make Israel the aggressor, for example by describing it as a Goliath v Goliath struggle

- that the fundamental fact that Israel was much stronger than was widely believed at the time is not in dispute;
- that this was a reasonable metaphor to use to communicate the fact that the conflict was more evenly matched than people believed at the time;
- that the application of the accuracy guideline to a metaphor of this nature would be inappropriate; and
- that there was no breach of the guideline on accuracy.

The statement that the Israeli generals all knew they would only lose if the “IDF did not turn up”

- that the phrase “did not turn up” was a frequently used colloquialism and was not intended to be taken literally;

- that the evidence from British and American intelligence reports was that the Israeli force was well equipped and well prepared, and that this evidence supported the use of this colloquialism for a general audience; and
- that there was no breach of the guideline on accuracy.

The statement that, “the Israeli generals...had been training to finish the unfinished business of Israel’s independence war of 1948 for most of their careers.”

- that, although the Middle East Editor stated that he had meant it to be understood that he was referring to the capture of East Jerusalem, it would have been impossible for a reader of the article to know which “unfinished business” had been meant; and
- that there had been a breach of the guideline on accuracy with regard to the use of “clear, precise language” in this respect.

The reference to Zionism’s “innate instinct to push out the frontier”

- that this statement had been unqualified and, as a result it had not been clear and precise; and
- that there had been a breach of the guideline on accuracy in this respect.

The lack of any mention in the article of this being a defensive war for Israel

- that it could not consider this as an issue of accuracy since it refers to the omission of a strand of argument rather than the inaccurate statement of any specific fact.

The characterisation of Israel’s generals as “hugely self-confident”

- that the phrase “hugely self-confident” was used in this context to characterise the different attitudes to war between the native-born generals and the older, largely immigrant, politicians;
- that this was a generalisation and that it would hold even if some of the generals had episodes of doubt or fear; and
- that there had been no breach of the guideline on accuracy.

The statement that the Israeli settlement of occupied land was in defiance of “everyone’s interpretation of international law except its own”

- that use of the word “everyone” had been imprecise and that it would have been simple to qualify this term;
- that, particularly when writing about the Middle East, the BBC has to be careful about its use of “clear, precise language”;
- that this sort of generalisation should have been picked up by BBC Online’s editorial processes; and
- that there had been a breach of the guideline on accuracy.

The lack of any mention in the article that the PLO swore to violently destroy Israel for most of the ensuing 40 years

- that the article does cover the Palestinians over the time since the 1967 war;
- that, while the article does not mention the PLO specifically, it is clear that the 1967 war was largely responsible for how Palestinian history has developed since then;
- that it was not essential for the article to deal specifically with the part played by the PLO as distinct from other organisations active in the area over the last 40 years; and
- that there had been no breach of the guideline on accuracy.

Impartiality

- that the article was on the news section of the BBC website and that, although it dealt with a historical subject, the legacy affects the Middle East today and is a matter of political controversy;
- that this was a piece by the Middle East Editor, under his by-line;
- that this was not a “personal view” under the guidelines and that the personal view guidelines did not apply;
- that the article should be duly accurate and impartial in its own right;
- that, although it was possible on the web to create a series of articles providing alternative views, linked to allow exploration of the range of views, there was no suggestion that this article was part of such a series;
- that a “professional judgement” on a matter of opinion regarding a highly controversial subject should be contextualised to indicate that other views exist;
- that the author of the article should have done more to explain that there were alternative views on the subject which had some weight;
- that readers might come away from the article thinking that the interpretation offered was the only sensible view of the war;
- that it was not necessary for equal space be given to the other arguments, but that the existence of alternative theses should have been more clearly signposted; and
- that the article had breached the guideline on impartiality.

Complaints handling

- that it regretted the time it had taken to consider and conclude this appeal;
- that this delay was partly because the complaint was complex and had taken some extra time to be considered at all stages;
- that consideration of this appeal by the Editorial Standards Committee of the BBC Trust was also held up for some months awaiting the resolution of issues concerning another appeal about the same item; and

- that it would like to apologise to the complainant for the delay.

The Committee upheld the complaint with regard to impartiality. The Committee partially upheld the complaint with regard to accuracy.

For the finding in full see pages 75 to 110

Findings

“How 1967 defined the Middle East”, BBC News Online, 4 June 2007 – complaint I

1. The Article

This was an article by BBC Middle East editor, Jeremy Bowen published on the same day as his six part radio series “*Six Days That Changed The Middle East*” commenced Monday 4 June 2007.

2. The Complaint

The complainant made his initial complaint to BBC Information on the 6 July 2007. In his letter he raised the following observations:

1. The article is misleading to state “*It is more accurate to say that there were two Goliaths in the Middle East in 1967*” as “Israel was a tiny country, ranging from 9 to 90 miles wide, with a total population of about 2.7 million. Although it could put an army of reasonable size into the field on a temporary basis by mobilising all adult males in the Jewish population, even this was not a large army by international or historical standards.”
2. The statement “*Israel's generals were not taken in. They all knew that the only way that Israel would lose the war would be if the IDF did not turn up*” is also misleading.
 - a) The complainant suggested that the literal phrase “turn up” would deceive most readers as it was not a matter of routine reporting for duty by a professional army.
 - b) Israel was “...by no means guaranteed to win if attacked first, in particular given that its main cities were less than 15 miles from territories controlled by Egypt and Jordan.”
 - c) “Even the pre-emptive strike on Egypt’s air-force was a highly hazardous operation, leaving Israel’s homeland virtually without aerial defence, and resulting in substantial casualties for the Israeli airforce. If the Egyptian air- force had received advance notice of the attack... the result might well have been very different.”
 - d) “The Israeli Chief of Staff (Yitzhak Rabin) was so worried that he had a nervous breakdown just before the war... one might expect this to be mentioned in any balanced article which purports to focus on the state of mind of the countries’ military leaders.”

3. The statement *“The Israeli generals, hugely self-confident, mainly sabras (native-born Israeli Jews) in their late 30s and early 40s, had been training to finish the unfinished business of Israel's independence war of 1948 for most of their careers”* is misleading.
 - a) “General Rabin, the Chief of Staff... was very far from self-confident in the crisis”
 - b) “The Israeli armed forces trained to meet a variety of threats from the neighbouring Arab countries which refused to recognise it... there was no plan to conquer and retain the territories captured in the 1967 war as an objective in its own right, as Mr Bowen seeks to suggest.”
 - c) “It was the Arabs, not Israel, who pursued an objective of finishing the unfinished business of Israel's independence war of 1948, namely the destruction of Israel.”
4. The statement *“They believed that delay meant more casualties, and the unnecessary postponement of the inevitable war and inevitable victory for which they had been preparing”* was misleading as
 - a) victory was not inevitable and
 - b) “the Israeli generals were particularly concerned at the difficulty of maintaining the Israeli army in the field for an extended period of time and the dangers of a first strike by the Arab forces, especially given Israel's tiny size.”
5. The complainant suspects that the quotations of American and British intelligence have been taken out of context.
6. The complainant stated it was biased for Mr Bowen to give prominence to the theory that Egypt was encouraged by the USSR in order to destroy Israel's nuclear weapons programme “without even mentioning the mainstream view that Nasser was an arrogant despot who saw an opportunity finally to implement the Arab policy of destroying Israel...”
7. The reference to *“Zionism's innate instinct to push out the frontier”* is biased and uses slanted language.
8. The statement *“For Palestinians, the settlements are a catastrophe, made worse every day by the fact that they are expanding fast.”* is misleading:
 - a) “The Israeli settlements brought considerable economic benefits to Palestinians in the West Bank and the Gaza Strip...”
 - b) “Most of the economic difficulties now faced by Palestinians are the result of (i) corruption and maladministration by the Palestinian

Authority, and (ii) the restriction of foreign aid and tax transfers following the election of a terrorist government.”

c) “Some additional economic difficulties have been caused by Israeli security controls, but (i) these are a response to terrorist attacks, not a consequence of the Israeli settlements; and (ii) they are primarily directed at protecting Israeli cities within the Green Line.”

d) “The Israeli settlements are not currently expanding to any significant extent in terms of area... although, there has been a steady increase in their population, this does not in itself have adverse consequences for Palestinians.”

9. The statement “After 40 years as an occupier, Israel can no longer count on the international support it had in 1967” is misleading.

a) “Israel did not have extensive international support in 1967.”

b) “By contrast, Israelis now recognised by many more countries around the world, including Egypt, Jordan, China and India... The President and Congress of the USA... have even expressed support for the retention by Israel of major settlement blocs in the West Bank in a final settlement.”

10. The article criticises the Israeli settlements in the West Bank without providing any intelligible explanation of why they might be justified. This is unbalanced. Further information should have been given to enable an ordinary reader to understand:

a) “The possible military relevance of Israeli settlements...” (i) on the high ground of the West Bank overlooking Israel’s major cities in the narrow coastal plain; and (ii) in the Jordan valley assisting Israel to resist an attack from Jordan (a serious threat in the past, if not currently).

b) “The possible political benefit of the settlements in causing Arabs to realise that if they do not make peace with Israel, they will get less as time as goes on.”

c) “The possible historical justification, including the existence of Jewish communities in recent as well as ancient times in places such as Hebron and Gush Etzion until violently attacked by Arabs.”

The complainant also added that “...Professor Karsh has described Jeremy Bowen’s recent book “Six Days: How the 1967 War Shaped the Middle East” as rife with anti-Israel prejudice. Professor Karsh is Head of Mediterranean Studies at Kings College, London, and a leading expert on the modern history of the Middle East. It is a matter of serious concern that the BBC is broadcasting material by a journalist who has written a book on the subject which is rife with prejudice.”

2.1 BBC Information wrote on the 17 July 2007 including a response from the BBC News Website team. The response included the following points:

- “The intention of the article was not to provide a detailed history of the war and its causes. It was part of a wider range of coverage which included, for example, a detailed day-by-day account of the war and maps of the key events, a series of articles about the major obstacles to peace, and links to further historical context on the decades before the war.”
- “The aim of the article was to provide a considered view from our Middle East Editor of the long-term legacy of the war in the region and its significance for the current political situation there.”
- “The article cites both the British cabinet’s Joint Intelligence Committee and the US Joint Chiefs of Staff in support of the assessment that Israel’s armed forces were in a position of strength, and the author has also pointed out separately that Yitzhak Rabin himself in a Jewish Chronicle interview in March 1967, stated that Israel ‘enjoys superiority over her enemies which seems to be assured for many years to come’. Nevertheless, it is also clearly acknowledged that there were real and considerable fears among Israelis.”
- “The article is based on the author’s long-standing experience in the region and knowledge of the subject, as well as his extensive research into the period which was the basis for his BBC radio, television and online reporting on the recent anniversary and his earlier book on the 1967 war ‘Six Days: How the 1967 war shaped the Middle East’.”

2.2 The complainant then wrote to the second stage of the BBC Complaints system, the Editorial Complaints Unit (ECU), on the 31 August 2007 with the following points.

- “... the fact that there was other coverage by the BBC of this war does not excuse this article from the requirements of accuracy and balance in the matters which it did cover.”
- “It is also wrong to approach the matter... from the standpoint that the author has ‘long-standing experience in the region and knowledge of the subject...’”

The complainant reiterated that Jeremy Bowen’s book had received reviews suggesting that it was biased [which the complainant provided] and the article should therefore “be approached on the basis that it is quite likely to be biased against Israel.”

The complainant felt it was wrong for BBC Information “to suggest that it is legitimate for the BBC to publish Mr Bowen’s ‘assessments’ even though others disagree with those ‘assessments’.”

The complainant stated that “these “assessments” are opinions” and “it is a fundamental principle that the BBC, as a publicly funded institution, should not disseminate its own opinions on controversial matters.”

Secondly, the complainant stated that “there is a lack of balance in disseminating Mr Bowen’s ‘assessments’ without at the same time publishing the alternative ‘assessments’.”

The Complainant felt that he received generic responses to his points from BBC Information, due to other complainants making similar points. He said:

- “[BBC Information] observes that you have received a number of emails and letters which make some common points. It appears that this perception has led [BBC Information] to make comments which may possibly be relevant to complaints made by other people, but which fail to address the points which I made.”

The complainant went through his points in turn and addressed whether sufficient response was made by BBC Information. He raised the following:

1. BBC Information did not address the point at all, but only the question of relative strength of the Israeli and Arab forces.
2. These points were also not addressed. “It is one thing to say that Israel’s forces were equal to or stronger than the Arab forces. It is another thing altogether to say that Israel’s generals ‘knew that the only way that Israel would lose the war would be if the IDF did not turn up’.”
3. BBC Information did not address these points.
4. BBC Information did not address these points.
5. BBC Information refers to these materials. The complainant asked ECU to provide copies so that he could consider the point further.
6. BBC Information did not address this point.
7. BBC Information did not address this point.
8. BBC Information did not address these points.
9. BBC Information did not address this point.
10. BBC Information did not address this point.

2.3 The ECU responded on the 5 September to acknowledge the letter and stated that they expected the investigation to be finished by

the 24 October. The ECU sent their finding on the 26 October 2007. It did not uphold any aspect of the complaint.

The ECU apologised for the delay to his complaint, citing the complex and controversial issues as the reason.

The ECU considered the complaint against the relevant editorial guidelines for impartiality and accuracy.

The ECU made the following points:

Regarding Professor Karsh's comments "As he appears willing to float such a serious charge as 'plagiarism and fabrication' on the basis of no more than suspicion, I do not feel able to regard Professor Karsh's opinion of Mr Bowen as either soundly-based or impartial."

Regarding other reviews of Jeremy Bowen's book "I do not accept that a dislike for Mr Bowen's analysis or conclusions in his other writings by either columnists or private individuals is evidence of bias or inaccuracy in the article."

1 & 2 "Two Goliaths" and "Israel's generals were not taken in..."

The ECU looked at these points together.

"The headline 'Spoiling for a fight', the third sentence of the first paragraph and the whole of the second paragraph makes clear this is not a comment on relative geographical size, but on relative military strength...Mr Bowen, it seems to me, is doing no more than suggesting that, contrary to the 'myth of the 1967 Middle East War', Israel's military was superior to the combined Arab armies, and that's why it won. He has done so on the basis of research into contemporary analyses of the two sides' relative strength, and given me this account of his sources:

Foreign office document PRO/FCO 17/576: Annual Report on the Israeli Army 27 January 1967. It said the numerical superiority of the Arab forces would be cancelled out 'by the superior training and fighting effectiveness of the Israelis' and by its air force. The British military attaché in Tel Aviv said 'in command, training, equipment and services the Israel army is more prepared for war than ever before. 'Available at UK National archive. A similar analysis is in the report to the British cabinet of the Joint Intelligence Committee on 17 April 1967 PRO/CAB 158/66 'A comparison of the armed forces of Israel and those of certain Arab states up to the end of 1967. 'It said it was 'inconceivable 'that the Arabs would improve their efficiency and morale to the point where they could beat Israel.'"

ECU added stated that Jeremy Bowen also researched

- "United States material at the Johnson Library at the University of Texas in Austin. Box 104 of the National Security File produced the following material:

From the US Joint Chiefs of Staff on the eve of war: ‘... Israel will be militarily unchallengeable by any combination of Arab states at least during the next five years. As presently trained and equipped, the armed forces of Israel are greatly superior in effectiveness and firepower to those of their potential opponents, individually or collectively. In other words an accurate prediction of the outcome of the war — Israel would be able to beat all its enemies put together. Another report on the eve of war, from the US National Military Command Center said that Israel had ‘the most effective fighting force in the Middle East... the Israeli army is considered capable of defeating the forces of any or all of its Arab neighbours and could offer effective delaying action against the ground forces of a major power. [my emphasis]. The same report predicted Israel’s strategy: ‘Israel can, in a surprise attack, cause sufficient losses among UAR [Egyptian] and Syrian aircraft and facilities to render them unable to take effective offensive measures.’”

Jeremy Bowen also told the ECU:

- *“When I asked one of the IDF planners when they started laying the foundations for the victory in 1967, he said ‘can’t remember if it was 1950 or 1951”. Among many retired senior officers, I spoke to Gen Elad Peled, who was a divisional commander in 1967. He told me about the great confidence of the generals, which is attested to in many secondary sources.”*

ECU also consulted “Six Days of War: June 1967 and the Making of the Modern Middle East” by Michael B Oren, which described a meeting in the run-up to the war between Abba Eban, Robert McNamara, the US Defence Secretary and General Earle Wheeler, then the US Chairman of the Joint Chiefs of Staff.

- *“According to Mr Oren, ‘Wheeler and McNamara explained how the IDF would win a war in two weeks even if attacked on three fronts simultaneously - one week if Israel shot first’.”*

ECU concluded that Mr Bowen’s conclusions on this point were soundly based.

2(a) “Turning up”

ECU stated the following:

- *“It seems to me that Mr Bowen is contrasting this public perception with the self-confidence of Israel’s military commanders, which was backed by the assessment of the advisers to the governments of Britain and the United States...”*
- *“It seems to me no more than a colloquial way of putting the proposition that if there was to be a war, the Israelis would undoubtedly prevail. As I mentioned above, Mr Bowen told me that he spoke to ‘many retired senior officers’ of the Israeli army who testified to the confidence within the military”.*

2 (b) & (c)

- “I take this as setting out a theoretical basis on which Israel might have lost the 1967 war. It seems to me that the article was concerned with what actually did happen, and the subsequent effects.”

2 (d)

- “What exactly happened to Mr Rabin between 23 and 25 May 1967 dogged him throughout the remainder of his life. In his memoirs, he described the 30-hour collapse that came 12 days before the war started... His political opponents in Likud campaigned against him in 1992 on the slogan “We need a clear headed Prime Minister “, a clear reference to this event.”

Mr Bowen gave the ECU the following response to this point:

- *“It is clear though that he (Mr Rabin) got very wobbly, and according to Gen Weizman (later President) Rabin offered to stand down and give him his job. Rabin recovered himself went back to work, and presided over a victory he had done more than anyone to prepare. Again, I didn’t go into it, mainly because in a short article you can’t write the entire history of the war. I also didn’t use the quote that Rabin gave the Jewish Chronicle (published 31.3.1967). He told the JC that Israel ‘enjoys superiority over her enemies which seems to be assured for many years to come...’ He could see ‘nothing which would upset Israel’s superiority in the next three or four years.’ British intelligence thought Rabin’s view was ‘conservative.’ (PRO/CAB 158/66, 17.4.67). Which was Rabin’s true view? His moment of panic after he had been chewed over by Ben Gurion, or what he said before the crisis started? And we know the result of the war, which suggests the view he gave to the JC was correct.”*

The ECU took the complainants point to mean

- “...that a single event, which consisted solely of a crisis of nerves lasting no more than two days and affecting one individual, albeit the Chief of Staff, is sufficient to demonstrate that the leaders of the Israeli military were less than confident of the outcome of a war which was, by that stage, inevitable.”

The ECU did not accept this point and accepted that it was “...within the proper scope of Mr Bowen’s professional judgement to assess whether that is the case, and, if it was not, to conclude there is no need to mention it.”

3 “The Israeli generals...”

ECU did not add to point (a).

In response to points (b) and (c), Mr Bowen wrote to the ECU:

- *“I was referring specifically to the desire to overturn the Jordanian conquest of the Old City of Jerusalem. In his memoir The Liberation of Jerusalem (London Valentine*

Mitchell 1992) Gen Uzi Narkiss, who was OC Central Command in 1967 writes specifically above the feeling he had, along with his colleagues in the Palmach who had fought in 1948, about taking the Old City. Yigal Allon, in the cabinet in 1967, had also urged Ben Gurion in 1949 to capture the West Bank. At no time do I say that there was a plan to capture and hold territory. The interesting thing is why that ended up happening. I touch on that in the online piece with the discussion of messianism and its consequences.”

ECU also stated that “It is quite clear from a variety of material that the founders of the State of Israel did not accept the division of Jerusalem.”

The ECU used examples of David Ben Gurion, speaking in the Knesset on 5 December 1949 and Mr Begin in another debate on 3 May 1950.

- “...it is quite clear... that Mr Begin did believe, in 1950, that Israel should include Bethlehem and Hebron, and he conducted policy on that basis when he became Prime Minister in 1977.”

The ECU concluded that it was “reasonable...to suggest that the views he expressed received a significant degree of support, and it is therefore a matter appropriately within the scope of Mr Bowen’s judgement to conclude there was, as he put it, a perception of “unfinished business” from 1948 among Israelis.”

The article includes substantial quotations from Ahmed Said, chief announcer of the Voice of the Arabs radio station who had, as Mr Bowen wrote, “the best known voice in the Arab world in the 1960s after Nasser himself and the legendary diva, Umm Kulthum”.

ECU concluded that this demonstrated that the Arab view of “unfinished business” from 1948 was adequately represented in the article.

4 (a)

ECU did not add further to this point.

4 (b)

- “As I noted above in addressing your points 2(b) and (c), it does not seem essential in a brief article such as this, which was about the consequences of victory in 1967, to go into great detail about aspects of tactical thinking behind the military victory.”

5 “purported quotations out of context”

ECU stated that they already gave Mr Bowen’s source of the British and American intelligence assessments previously, however “If anyone wishes to judge whether all the context was properly considered, I think it reasonable that they follow normal scholarly practice and go back to the complete archives at Kew and Austin.”

6 “highly dubious revisionist theory...”

The ECU quoted Mr Bowen, who wrote on this point:

- *I mentioned the revisionist idea about Egypt and the USSR because it is new and interesting. It is also well documented. I say in the article that Nasser’s motives are still debated. I think the issue that many Egyptians would have loved to see the end of the Jewish state was covered by the quote above (on p 7 of this letter) about Egyptian propaganda. By the way, the Nasser brinkmanship view (the most convincing in my view) is also backed by the fact that he had decided not to launch a first strike — and sent a vice president to Washington to seek a diplomatic settlement, a mission that was undercut by Israel’s own first strike.*

The ECU said this was reasonable and “In the circumstances, Mr Bowen’s account - which includes pointing out that Nasser’s motives are still debated - seems to be within the area of his appropriate judgement.”

7 “Zionism’s innate instinct to push out the frontier”

The ECU quoted Mr Bowen, who wrote on this point:

- *Quote from Yigal Allon: ‘the true frontier of the State of Israel moves and forms according to the movement and location of Jewish workers of the earth. Without Jewish settlement, defence of the country isn’t possible, even we double the size of the army.. (quoted p85 in Ze’ev Schiff A History of the Israeli Army (San Francisco: Straight Arrow Books, 1974)*

The Zionist settlement of Palestine started in Ottoman times with one kibbutz. Had they not had the instinct for expansion that I mention in the online piece that is where it would have stayed. And events since 1967 also bear out what was written in the article. In May 1967 no Israelis lived in the Old City of Jerusalem and the West Bank. Today more than 400,000 Israelis live on land captured in 1967.

The ECU also quoted from one of Menachem Begin’s speeches in a Knesset debate in 1950, which the ECU said was “clearly a claim that extends east of the River Jordan.”

The ECU concluded that “In the light of this kind of evidence, and an absence of any clear statement from any government of Israel on where the borders of the state should be, it seems to me that the observation that Zionism has ‘an innate instinct to push out the frontier’ is justified by both the actions of successive Israeli governments and the public statements of leading Zionists.”

8 “For Palestinians, the settlements are a catastrophe...”

The ECU quoted Mr Bowen, who wrote on this point:

- *[The complainant's] claim that settlements are not a catastrophe for Palestinians goes against everything ever said to me on the subject by Palestinians, by many Israelis (many of whom believe they are also a catastrophe for Israelis) and numerous foreign analysts.*

8a-d [The complainant's] views on the expansion of settlements are tendentious. Zoning policies mean that settlements often have boundaries that include a great deal of the as yet unsettled land around them. Please refer him to the web site of the Israeli human rights group B'tselem (www.btselem.org/English/Settlements/). Here's a quote from the B'tselem's page on settlements.

Israel has established in the Occupied Territories a separation cum discrimination regime, in which it maintains two systems of laws, and a person's rights are based on his or her national origin. This regime is the only one of its kind in the world, and brings to mind dark regimes of the past, such as the Apartheid regime in South Africa.

As part of the regime, Israel has stolen thousands of dunams of land from the Palestinians. On this land, Israel has established dozens of settlements in which hundreds of thousands of Israeli civilians now live.

For the economy and the consequences of occupation please refer [the complainant] to the British government report, released in September 2007 called Economic aspects of peace in the Middle East by Rt Hon Ed Balls MP and Jon Cunliffe CB (available at www.fc.gov.uk, www.dfid.gov.uk, www.hm-treasury.gov.uk). Here are some extracts:

The world economy has been transformed over the past 40 years. Many countries, including Israel, have benefited from the process of globalisation. The Palestinian economy, however, has been left behind. Its composition today is remarkably similar to that of 1967, with the private sector highly fragmented and unproductive relative to regional, and global, competitors. Developments since the outbreak of the second intifada in 2000 have further reduced economic opportunities, resulting in a 40 per cent fall in per capita GDP, during a time when much of the world was experiencing unprecedented growth. The current economic outlook for the OPTs is bleak.

The report addresses whether association with the Israeli economy was beneficial. It pushed up wages for a while:

However, this relative growth in prosperity came at a cost. The links with the rapidly growing Israeli economy pushed up domestic Palestinian wages and reduced Palestinian competitiveness compared with its regional neighbours. This left the Palestinian economy increasingly dependent on Israel, and therefore highly vulnerable to a deterioration in the political peace process.

This is what the report says about the settlements and the economy:

The economic implications of the Israeli settlements in the West Bank are profound. Each settlement requires a range of security measures to protect its inhabitants, which explains why the barrier is twice the length of the Green Line that officially separates Israel from the West Bank. The current barrier route around the major settlement blocks encloses between 8-10 per cent of the West Bank. In addition, the fences, checkpoints and permit regime associated with the settlements and outposts east of the barrier have a severe impact on Palestinian freedom of movement, and thereby on the Palestinian economy.

Palestinian inefficiency and corruption has been extremely damaging. But as the UK government report suggests, the story has many other aspects, many of which come back to 40 years of Israeli occupation. I would refer him also to the World Bank report on movement and access in the West Bank, released in May 2007.

<http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/WestBankrestrictions9Mayfinal.pdf>. This is how Ha'aretz reported the story:

The World Bank says Israel harms Palestinian freedom of movement and access to parts of the West Bank, damaging any chances for the Palestinian economy to emerge from crisis.

The bank's particularly critical report also says the limitations imposed on Palestinians' movement prevents their access to about 50 percent of the West Bank, and prevents any likelihood that the Palestinian economy can grow.

Ha'aretz May 11 2007

The ECU stated that they looked into published information from independent sources and noted that a quote from the UN General Assembly passed Resolution 51/150 (Assistance to the Palestinian People) on 13 December 1996, some two years after the Palestinian Authority was established, suggested that the economy was already facing difficulties at the time.

ECU also pointed out that the United Nations Office for the Co-Ordination of Humanitarian Affairs published a report called "The Humanitarian Impact on Palestinians of Israeli Settlements and Other Infrastructure in the West Bank" in July 2007, which examines the growth of settlements. It notes the settlements have been growing at an annual rate of 5.5% and now take up 38% of the West Bank.

The ECU then said "It seems to me that this adequately justifies Mr Bowen's comment that the settlements are 'expanding fast'. The detailed material in the report demonstrates that the settlements have had very grave effects on the Palestinians, suggesting that Mr Bowen's judgement that they are 'a catastrophe' for them is based on independent assessments of the facts of the situation."

9 "Israel can no longer count on the international support it had in 1967..."

The ECU quoted Mr Bowen, who wrote on this point:

- *Israel had considerable foreign support in 1967, not just from the US and from Britain. The US was already a firm ally of Israel in 1967. [The complainant] seems to be suggesting US support for Israelis something that followed the war.*

In 1967, Israel was seen as a heroic country, and had huge western sympathy in 1967. The whole David v Goliath story was part of that. It is clear that Israel now gets enormous criticism of its occupation policies.

The ECU addressed this point by highlighting Abba Eban's description of Israel's international standing.

- “Mr Eban describes what happened when he went to Paris in May 1967: *‘in France I received a douche of cold water from President de Gaulle.’* He continued by describing how De Gaulle virtually ordered him not to go to war... He continues by describing the warmth he received from both President Johnson in Washington and Harold Wilson, then Prime Minister, in London... So, although it is true to say that no country offered Israel military assistance, there is little doubt of where their sympathies had been up until then.”
- “It seems to me that the tone changed as it became clearer that there would be a war in 1967, with all three countries keen that Israel should avoid it if possible, and relations remained cool afterwards. Mr Eban describes President Johnson telling him how pleased he was that Israel had won, but successive US administrations called on Israel to end its settlement policy...- something that President Bush's 2004 statement (*“it is unrealistic to expect that the outcome of final status negotiations will be a full and complete return to the armistice lines of 1949”*) has not reversed.”

The ECU concluded that “based on this kind of material, it seems Mr Bowen's assessment that Israel can no longer count on the international support it had in 1967 seems to be a judgement that he can appropriately make.”

10 Mr Bowen criticises the Israeli settlements...

The ECU quoted Mr Bowen, who wrote on this point:

- *I think that recognises that some Israelis think the settlements are vital and others think they are, as I said, a national disaster.*

The ECU did not accept that the article criticised the settlements directly. “It reports criticisms others have made of the settlement policy, and how they are disliked by Palestinians.”

The ECU concluded that “again, it seems to me that Mr Bowen's decision to limit his remarks on the settlements to reflecting factual matters is an appropriate exercise of judgement.”

2.4 The complainant appealed to the ESC on the 21 January 2008, having notified the Trust of his intention to appeal on the 14 December 2007, and made the following points:

The complainant was dissatisfied that he did not have access to the documentation quoted in Jeremy Bowen's response.

The complainant said of the current editorial guidelines "these Guidelines are unlawful and invalid, and indeed their adoption by the BBC was a disgrace. I rely on the previously adopted Producers' Guidelines which remain in force."

Regarding the criticism of Jeremy Bowen's book by Professor Karsh "The ECU really is clutching at straws when it seeks to dismiss Professor Karsh's comments because he said that he suspected a 'certain extent of plagiarism and fabrication'. He made it clear that this was only a suspicion and that he would need to check the veracity of the sources in order to determine whether this was the case or not."

- "The key point which is of concern in relation to Mr Bowen's position at the BBC is that he has written a book which is 'rife with standard anti-Israel prejudice'." On this point, Professor Karsh expressed a clear conclusion, based on his deep knowledge of this subject..."
- "As regards other reviews of Mr Bowen's book...I agree with the ECU that its remit is to review the articles on their own merits. By the same token, I think that BBC Information should be instructed that they should not rely on Mr Bowen's book when responding to complaints of bias on his part, whether coming from myself or others."

Item 1

- "The ECU purports to combine item 1 with item 2 and then ignores item 1 by focusing on item 2."
- "I made it clear at the outset of item 1 that this was a point that applied regardless of the relative strength of Israeli and Arab forces...the point was that Mr Bowen represented Israel as a giant on the world's stage, when it was not."
- "... the identification of Israel with 'Goliath' conveys to many readers that Israel was a giant."
- "In this connection, the primary question ought to be whether the article in fact conveys a misleading impression."

Regarding the ECU's suggestion that the sub-heading "Spoiling for a fight" and other indications make it clear that this is not a comment on relative geographical, but on relative military strength. "This presents a further false dichotomy. The Goliath metaphor implies military strength through physical size. By likening Israel to Goliath,

the article conveys the false impression that Israel was both big and strong, which is liable to mislead many members of the public who are not aware of the tiny size of Israel.”

- “...the document in the Johnson Library confirms the point which I make, when it says ‘the Israeli army could offer effective delaying action against the ground forces of a major power’. As this makes clear, Israel was not a major power; it was not a ‘Goliath’.”

Item 2 (a)

- “The importance of this point is that it was a major reason and justification for Israel’s pre-emptive strike.”
- “By rubbishing this point in this way, Mr Bowen seeks to delegitimise Israel’s conduct consistently with his general approach.”

The ECU has not addressed this point.

Item 2 (b)

- “The ECU dismisses this complaint on the ground that it refers to a theoretical basis on which Israel might have lost and this was beyond the scope of the article. But Mr Bowen’s statement itself referred to a hypothetical basis on which Israel might have lost, namely that its army might not ‘turn up’ and said this was the only basis on which it might have lost.”
- “Having raised the issue, it was incumbent on Mr Bowen to deal with it fairly and accurately. Lack of space is not a valid excuse for an unbalanced or misleading treatment of an issue.”
- “The specious ground on which the ECU dismissed this complaint provides further confirmation of its lack of objectivity.”

Item 2 (c)

- “Again, the ECU seeks to dismiss this point on the ground that it refers to a theoretical basis on which Israel might have lost beyond the scope of the article. For the reasons set out under 2(b) above, this is misconceived and indicates a lack of objectivity on the part of the ECU.”

Item 2(d)

- “I believe Mr Bowen’s explanation is disingenuous. The reason he did not mention Rabin’s breakdown was because it did not fit in with the picture which he wished to paint.”

The complainant felt that his point was misunderstood by ECU and clarified that “what I said was that one might expect Rabin’s mental collapse to be mentioned in a balanced article which purported to describe the state of mind of the countries’ military leaders. The ECU has not addressed this complaint.”

- “[the] characterisation of General Rabin’s collapse as ‘a crisis of nerves lasting no more than two days’ is also something of an understatement.”

Item 3 (a)

- “The ECU has not addressed this complaint.”
- “Please ask yourself whether Mr Bowen’s description “The Israeli generals, hugely self-confident, mainly sabras (native-born Israeli Jews) in the late 30s and early 40s ...” — without any mention of the Chief of Staff’s breakdown - is an accurate and balanced description.”

Item 3 (b)

- “Mr Bowen now claims that he was referring specifically to the desire to overturn the Jordanian conquest of the Old City of Jerusalem. However, no such limitation is expressed in the article...”
- “Mr Bowen goes on to say that the interesting thing is why that ended up happening, and to point out that he attributed it in the article to messianism. This draws attention to another serious aspect of the article’s bias. There is no mention in the article of the important fact that following the Six Day War, Israel sought to trade the bulk of the captured territories for peace and recognition, but was met with the three Noes of the Khartoum conference of the Arab League of 1 September 1967, “*no peace with Israel, no recognition of Israel, no negotiations with it*”. A balanced article exploring why Israel ended up occupying the West Bank for an extended period would have included this point.

I wish to add this last point to my complaint. If you are not prepared to address it without my referring it first to BBC Information, please let me know and I will do that.”

- “The ECU refers to statements in the Knesset regarding Jerusalem in 1949 and 1950.

These do not support the implication of Mr Bowen’s statement that the Israeli generals set out to capture the West Bank, or even the old city of Jerusalem, in 1967.”

- “The statement of Ben Gurion in 1949, quoted by the ECU, should in any case be read in the context that the international community was calling for the internationalisation of Jerusalem...”

- “The statement made by Ben Gurion in 1949... does not even substantiate the ECU’s proposition that ‘It is quite clear from a variety of material that the founders of the State of Israel did not accept the division of Jerusalem’, let alone Mr Bowen’s suggestion that the Israeli generals were planning in 1967 to conquer the West Bank, or even the Jewish quarter of the old city of Jerusalem.”

Item 4 (a)

This was addressed under item 2 above.

Item 4 (b)

- “The suggestion that the article is wholly or mainly about the consequences of victory in 1967 is untrue. More than half of the article is about why the war happened.”
- “Mr Bowen could have written an article which just addressed the consequences of the war. But since he went into why it happened and what the Israeli generals were thinking, he had a responsibility to do so in an accurate and balanced way...”

Item 5

- “I think that there is more than enough material in the other points for any honest and impartial body to conclude that Mr Bowen should not be the BBC’s Middle East Editor. I will therefore leave this point for further consideration if necessary.”

Item 6

- “I note the points made by the ECU, from which it follows that the article should have given pride of place to the pressure on Nasser from the Egyptian military...”
- “I do not object to Mr Bowen mentioning the revisionist theory of Ginor and Romez that the Soviet Union egged on Egypt in order to destroy Israel’s nuclear reactor at Dimona. My complaint is that he put this first and failed to mention the more conventional theory that Egyptian actions (whether initiated or reluctantly acquiesced in by Nasser) were motivated by the belief that they had an opportunity to destroy Israel.”
- “Effectively, Mr Bowen emphasises any point which suggests that Israel was responsible for causing the war and omits or buries any point which suggests that the war was forced on Israel by the Arab states.”

Item 7

- “The ECU seems to have supposed that I was disputing that Zionism sought to expand the area of the Jewish people’s historic homeland settled by Jews. I was not. I was merely objecting to the somewhat pejorative way in which this aspiration was described.”

Mr Bowen states “*The Zionist settlement of Palestine started in the Ottoman times with one kibbutz. Had they not had the instinct for expansion that I mention in the online piece that is where they would have stayed*”.

The complainant states this displays “breathtaking ignorance which in itself calls into question Mr Bowen’s qualification to be the BBC’s Middle East Editor.”

- “None of these points [made by the ECU] justify the slanted language in Mr Bowen’s article to which I objected.”

Item 8

The complainant said that in this item he had complained that Mr Bowen’s statement that “*For Palestinians, the settlements are a catastrophe, made worse every day by the fact that they are expanding fast*” is misleading. Had had supported this with four points that is : that the Israeli settlements brought considerable economic benefit as to Palestinian in the West Bank and the Gaza Strip; that most of the economic difficulties are the result of corruption and maladministration by the Palestinian Authority and the restriction of foreign aid following the election of a terrorist government; some additional economic difficulties have been caused by Israeli security controls but (i) these are a response to terrorist attacks, not a consequence of the Israeli settlements; and (ii) they are primarily directed at protecting Israeli cities within the Green Line; and the Israeli settlements are not currently expanding nay significant extent in terms of area...and while there has been a steady increase in terms of population this does not in itself have adverse consequences for Palestinians.

The statement from Jeremy Bowen “seems to demonstrate that Mr Bowen only listens to people who oppose the Jewish settlements in the West Bank (and formerly in the Gaza strip), which is in itself a reason why he should not continue in this job.”

- “Even if some people hold the view that the settlements are ‘*a catastrophe for Palestinians*’, it is biased and misleading for Mr Bowen to state it as a categorical fact and not to cover the alternative views.”
- “Mr Bowen then quotes from the website of the Btselem organisation, which is a well- known opponent of the Israeli settlements in the West Bank and formerly in the Gaza strip. Coverage based only on the views of organisations such as this is bound to be biased.” [NOTE - Please see page 11 of the complainant’s letter to the ECU of 28 January for an expansion of this point.]

- “Mr Bowen then refers to the Balls / Cunliffe report. As this report recognised, the links established with the successful Israeli economy after (and as a result of) the 1967 war produced a relative growth in prosperity of the West Bank and the Gaza strip. Mr Bowen seeks to downplay this, saying “It pushed up wages for a while”. In the first place, the growth continued over some 25 years. Secondly, it did not just push up wages. There was a very real improvement in all aspects of living conditions, despite a rapid increase in the Arab population.”

The complainant then quotes Professor Karsh in relation to his point that “the settlements in themselves did not have adverse effects on the well-being of the Arab population and probably had beneficial effects through the employment opportunities which they provided...”

- “In supposing that little had changed in the Palestinian economy since 1967, it appears that the authors of the Balls/Cunliffe report were misinformed.”
- “The ECU relies on the preamble to UN General Assembly Resolution 51/150 of 13 December 1996. This is, with respect, clutching at straws. Firstly, the General Assembly of the United Nations has been hostile to Israel since at least 1956. Secondly, this is only a preamble to a resolution. Thirdly, it refers to the position some time after the Palestinian Authority was established and had begun to have negative effects, particularly on public funds. Fourthly, the international community was looking for funding to replace the investment previously made by Israel in the areas now governed by the Palestinian Authority, but was reluctant to acknowledge Israel’s previous benevolence. Fifthly, the fact that the preamble acknowledged “difficult economic and employment conditions facing the Palestinian people throughout the occupied territory” and an “urgent need for improvement in the economic and social infrastructure” does not mean that the conditions and infrastructure had not been far worse in 1967. Sixthly, the preamble’s suggestion that “development is difficult under occupation” is incorrect, both as a general proposition and in its application to the West Bank and Gaza Strip: it is contradicted, for example, by the experience of Germany and Japan after the Second World War, as well as the actual facts in the West Bank and the Gaza Strip in the period 1967-1990. Seventhly, the preamble does not attribute the difficulties to the Israeli settlements...”
- “The ECU then refers to the recent report of the UN Office for the Co-Ordination of Humanitarian Affairs. This is a very biased report, but in any case the ECU’s statement that it “notes the settlements have been growing at an annual rate of 5.5% and now take up 38% of the West Bank” is a misrepresentation of the data in it.”
- “The report does not contain evidence of any current growth in the area of the Israeli settlements. It merely reports past growth at some time between 1987 and 2005.”

- “The true position is thus as summarised in 8(d) of my original note.”
- “In short, Mr Bowen’s allegations, that the Israeli settlements are a catastrophe for the Palestinians and that this catastrophe is being made worse every day by their rapid expansion, are simply not true. At best, they are an expression of his opinion on a highly controversial issue. Such an opinion should not be expressed (a) by a BBC journalist in BBC output; (b) as if it were a categorical fact, rather than a disputed opinion; and (c) without also providing alternative opinions.”

Item 9

The appellant wrote “In this item I complained that the statement “After 40 years as an occupier, Israel can no longer count on the international support it had in 1967” is misleading in that Israel did not have extensive international support in 1967 and has achieved greater international recognition since, despite the occupation”.

Mr Bowen claims in response that the US was already a firm ally of Israel in 1967 and that I am suggesting that US support for Israel only followed the war. I do not suggest this, but I do suggest that the US adopted an ambivalent stance in relation to the war itself.”

- “Mr Bowen says that Israel was seen as an heroic country and had huge western sympathy in 1967.... However, this did not translate into international support.”
- “The ECU refers to the position of France. In fact, France refused to provide military supplies to Israel before the war started. It is therefore clear that the change in French policy was not because Israel carried out a pre-emptive strike against Egypt, still less because of the subsequent occupation of the West Bank and Gaza Strip.”
- “The ECU suggests that Israel’s relations with the USA became cooler following the 1967 war. This is the reverse of the position, as even Mr Bowen acknowledges. The ECU points out that the USA has opposed Israeli settlements in the West Bank and Gaza Strip. This is true, but it is also true that prior to 1967 the USA opposed many actions of Israel, including its Declaration of Independence, the war of 1956 and various anti-terrorist operations.”
- “The ECU suggests that the UN became hostile to Israel only after 1967. In fact the UN was hostile to and discriminated against Israel well before 1967, and indeed some aspects of the discriminatory regime have been ameliorated in recent years, despite the occupation.”
- “In these circumstances, I think that the statement “After 40 years as an occupier, Israel can no longer count on the international support it had in

1967” is misleading. At best it is an expression of Mr Bowen’s opinion on a controversial issue.”

Item 10

- “The ECU seemed to think that this criticism referred only to the statement in the article that “many other Israelis, to varying degrees, believe the settlements, and all other legacies of 1967 that have deepened the conflict with the Palestinians, are a national disaster”.
- “However, I was referring not only to this statement, but also to the other criticisms in the article, including ‘in defiance of everyone’s interpretation of international law except its own’ and ‘For Palestinians, the settlements are a catastrophe, made worse every day by the fact that they are expanding fast’.

The complainant reiterated that “... Mr Bowen has an obligation to give fair treatment to the alternative views — not to present one clearly and the other in a way which is unintelligible to the average reader.”

- “The statement ‘The settlers see their presence as a national asset, necessity and obligation’ is not a fair treatment of the view supporting the settlements. In the first place, particularly given the juxtaposition with ‘many other Israelis’, it implies that only the settlers favour the settlements. This is not the case...Secondly, it does not give any clue as to why the settlements might be a ‘national asset, necessity and obligation’.”

The complainant drew attention in his observations to three of the more important justifications, which he felt the ECU wrongly dismissed as “remote from present day realities.” These were a) the military importance of controlling the high ground overlooking the Israeli cities in the narrow coastal plain and Jordan valley b) political, to ensure that the Arabs realise that if they do not accept and make peace with Israel, they will get less as time goes on c) the historical justification including the long standing settlement of Jews in this area in ancient and modern times.

- “Finally, it should be noted that Mr Bowen’s statement that everyone other than Israel regards the Israeli settlements in the West Bank as contrary to international law is an exaggeration.”

In the course of the handling of this complaint whilst it has been at stage 3 the complainant has raised a number of issues which are not summarised here.

The interested parties were given an opportunity to comment on the documentation which had been prepared for the ESC. Their responses are summarised below.

The complainant wrote to the Trust on 6 July 2008

The complainant argued that two cardinal principles of public service broadcasting were in issue: that the broadcaster should not express its own view on controversial matters and that coverage of such matters should be balanced and not mislead the audience. He did not accept the BBC's defence of the article, namely that it was justified because it was an 'authored' piece, a 'professional judgement' and balanced by other material on the BBC website. He commented further on this last point later in his letter pointing out that nothing in Mr Bowen's article indicated that it should be read in conjunction with other material and that some of this other material was anonymous and therefore did not have the authority conveyed by an article by the BBC's Middle East Editor.

Commenting on the procedure followed in dealing with the complaint, the complainant said that it was unfair for the ECU to rely on material which had not been made available to him.

The complainant also made a number of detailed comments on the background and considerations note which had been prepared for the ESC. Many of these were repeating and reinforcing comments made previously. Issues which he addressed included:

- The Israeli generals' attitude towards war in 1967 – he put forward several reasons for believing that the generals were much less confident about the prospect of war than the article suggested
- Egypt's intentions – he argued that the article diminished the nature of the threat which Israel faced and should have reported the view that Egypt intended to destroy Israel
- International support for Israel – he gave various examples showing that this had increased since 1967
- The US position on Israeli settlements – he quoted various sources supporting the view that the US government did not regard the settlements as illegal

BBC News, the ECU and Mr Bowen wrote to the Trust on 1 July, 2 July and 10 July 2008 respectively

These letters were also submitted to the Trust in connection with the appeal by the other appellant and are summarised in the description of the points made relating to that appeal, above.

2.7 The interested parties were given an opportunity to comment on the above responses. These responses are summarised below.

The complainant wrote to the Trust on 26 August 2008

The complainant commented further on the BBC claim that the article was justified as a 'professional judgement'. He said that any 'professional judgement' must be deployed to achieve the requirements for impartiality and accuracy, and the requirement not to express the BBC's own views; and that it must cover the full range of tenable views on controversial matters. Mr Bowen's article had failed to do this.

The complainant also addressed the practicability of covering a range of views on controversial subjects. He acknowledged that it may be necessary to limit the number of issues which could be addressed in a short piece but did not believe this was a valid reason for failing to be impartial. In any event, he did not believe that lack of space was a problem in this case.

BBC News wrote to the Trust on 1 September 2008

This letter was also submitted to the Trust in connection with the appeal by the other appellant and is summarised in the description of the points made relating to that appeal, above.

The interested parties were given an opportunity to comment on the final documentation prepared for the ESC. These further comments are summarised below.

BBC News wrote to the Trust on 16 December

This letter repeated and expanded on comments made in BBC News' letter of 1 July. In particular BBC News defended the article as reflecting Mr Bowen's professional judgement which was permitted under the editorial guidelines. The appropriate question for the ESC to consider was whether the article exceeded the scope allowed for BBC journalists to provide professional judgements and constituted expressions of personal opinion which were not allowed in this context.

The complainant wrote to the Trust on 30 December 2008

The complainant repeated and expanded on comments made in his letter of 6 July. Issues on which he commented further included:

- Zionism's alleged expansionist instincts – he put forward various reasons for believing that, rather than being expansionist, Zionism had shown a willingness to compromise and to give up territory in return for peace
- The effect of Israeli settlements – he argued that, rather than being a catastrophe for Palestinians, the settlements had contributed significantly to the Palestinian economy and enclosed a report demonstrating this
- Legal status of the settlements – he continued to argue that the US government did not regard the settlements as illegal and suggested that

many Jewish and Christian organisations also did not do so

The ECU wrote to the Trust on 23 December 2008

The ECU continued to argue that the background note took an incorrect approach in seeking to measure the article against two competing viewpoints.

Mr Bowen wrote to the Trust on 11 February 2009

Mr Bowen emphasised his long experience as a BBC journalist and extensive knowledge of the Middle East.

The complainant wrote again on 18 February 2009

The complainant said that the difficulty which the ECU had identified could be addressed with a reasonable amount of common sense. As BBC Editor, it was Mr Bowen's job to present the range of reasonable views fairly and he had failed to do so.

BBC News wrote again on 18 February 2009

BBC News reiterated that the article was the product of Mr Bowen's professional judgement and that the guidelines on impartiality did not require the representation of every facet of an argument on every occasion. BBC News also pointed out that the article was part of a diverse range of material published by the BBC about the 1967 war and enclosed an outline of website articles.

The ECU wrote again on 27 February 2009

The ECU made a number of comments on the complainant's letter of 30 December. The ECU said that it had never argued that the provision in the guidelines for professional judgement obviated the need for accuracy and impartiality. The point which they had sought to make was that there were occasions when BBC journalists may offer conclusions based on their own expertise without necessarily reflecting the whole range of views on the matter. The ECU believed that the article by Mr Bowen was such an occasion.

The complainant wrote again on 1 March 2009

The complainant objected to the introduction of new material by BBC News, Mr Bowen and the ECU at such a late stage in the proceedings. He argued that this material should be disregarded but, if the ESC chose not to do so, asked that his comments on it be taken into account.

Commenting on the other articles on the internet outlined by BBC News in its letter of 18 February, the complainant said that these did not in fact balance aspects of the article which he had complained about.

The complainant made a number of other detailed points. These included putting forward further arguments to support the view that:

- Israel was in a weak position in 1967 and obliged to strike first against Egypt
- Rather than planning to conquer and retain territory, Israel was desperate to avoid the war spreading to the Jerusalem area
- It was inaccurate for the article to say that Israeli settlements were expanding fast

2.8 Complaints handling

In his letter to the ECU, dated 31 August 2007 the complainant states that he believes the letter sent by BBC Information dated 17 July was not sent on this date and further questions whether BBC letters are sent on the actual day of date, due to their late receipt.

The complainant also objected to the generic nature of the BBC's stage one response and complained that it ignored his specific complaints

He has complained also of the failure to provide documents relied on by the ECU.

In his appeal to the Trust in January 2008 he noted that he considered that he thought BBC information should be instructed that they should not rely on Mr Bowen's book when responding to complaints of bias on his part.

The appellant also complained on more than one occasion of delay at Stage 3.

3. Section 3 - Accuracy

Introduction

The BBC's commitment to accuracy is a core editorial value and fundamental to our reputation. Our output must be well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language. We should be honest and open about what we don't know and avoid unfounded speculation.

For the BBC accuracy is more important than speed and it is often more than a question of getting the facts right. All the relevant facts and information should be weighed to get at the truth. If an issue is controversial, relevant opinions as well as facts may need to be considered.

We aim to achieve accuracy by:

- the accurate gathering of material using first hand sources wherever possible.
- checking and cross checking the facts.
- validating the authenticity of documentary evidence and digital material.
- corroborating claims and allegations made by contributors wherever possible.

Fact checking

We must check and verify information, facts and documents, particularly those researched on the internet. This may include confirming with an individual or organisation that they posted material and that it is accurate. Even the most convincing material on the web may not be what it seems.

Identifying sources

We should normally identify on air and online sources of information and significant contributors, as well as providing their credentials, so that our audiences can judge their status.

Anonymous sources

Sometimes information the public needs to know is only available through anonymous sources or contributors, generally on an "off the record" basis.

Protecting sources is a key principle of journalism for which some journalists have gone to jail. We must take care when we promise anonymity that we are in a position to honour it, including the need to resist a court order.

When a source asks for anonymity as a condition of giving information, or a contributor demands anonymity when taking part, we must agree with them precisely the way they are to be described. However, with an anonymous source, especially a source making serious allegations, we must give the audience as much information about them as is compatible with protecting their identity, and in a way that does not mislead the audience about their status.

Whenever a BBC story involves an anonymous source, the relevant editor has the right to be told their identity. In cases involving serious allegations we should resist any attempt by an anonymous source to prevent their identity being revealed to a senior BBC editor. If this happens, the reporter should make it clear that the information obtained confidentially may not be broadcast.

When anonymity is agreed everyone must be clear about its extent. It may be sufficient to ensure that contributors are not readily recognisable to the general public, or in the case of significant contributors it may be necessary to ensure they cannot even be identified by friends and family.

Misleading audiences

We should not distort known facts, present invented material as fact, or knowingly do anything to mislead our audiences. We may need to label material to avoid doing so.

Correcting mistakes

We should normally acknowledge serious factual errors and correct mistakes quickly and clearly. Inaccuracy may lead to a complaint of unfairness. An effective way of correcting a mistake is saying what was wrong as well as putting it right. Where we may have broadcast a defamatory inaccuracy Programme Legal Advice should be consulted about the wording of a correction.

Section 4 - Impartiality and Diversity of Opinion

Introduction

Impartiality lies at the heart of the BBC's commitment to its audiences. It applies across all of our services and output, whatever the format, from radio news bulletins via our web sites to our commercial magazines and includes a commitment to reflecting a diversity of opinion.

The Agreement accompanying the BBC's Charter requires us to produce comprehensive, authoritative and impartial coverage of news and current affairs in the UK and throughout the world to support fair and informed debate. It specifies that we should do all we can to treat controversial subjects with due accuracy and impartiality in our news services and other programmes dealing with matters of public policy or of political or industrial controversy. It also states that the BBC is forbidden from expressing an opinion on current affairs or matters of public policy other than broadcasting.

Special considerations apply during the campaign periods for elections.

In practice, our commitment to impartiality means:

- we exercise our editorial freedom to produce content about any subject, at any point on the spectrum of debate as long as there are good editorial reasons for doing so.
- we can explore or report on a specific aspect of an issue or provide an opportunity for a single view to be expressed, but in doing so we do not misrepresent opposing views. They may also require a right of reply.
- we must ensure we avoid bias or an imbalance of views on controversial subjects.
- the approach to, and tone of, BBC stories must always reflect our editorial values. Presenters, reporters and correspondents are the public face and voice of the BBC, they can have a significant impact on the perceptions of our impartiality.
- our journalists and presenters, including those in news and current affairs, may provide professional judgments but may not express personal opinions

on matters of public policy or political or industrial controversy. Our audiences should not be able to tell from BBC programmes or other BBC output the personal views of our journalists and presenters on such matters.

Achieving impartiality

Impartiality must be adequate and appropriate to our output. Our approach to achieving it will therefore vary according to the nature of the subject, the type of output, the likely audience expectation and the extent to which the content and approach is signposted to our audiences.

Impartiality is described in the Agreement as "due impartiality". It requires us to be fair and open minded when examining the evidence and weighing all the material facts, as well as being objective and even handed in our approach to a subject. It does not require the representation of every argument or facet of every argument on every occasion or an equal division of time for each view.

News, in whatever form, must be presented with due impartiality.

Controversial subjects

In the United Kingdom controversial subjects are issues of significance for the whole of the country, such as elections, or highly contentious new legislation on the eve of a crucial Commons vote, or a UK wide public sector strike.

In the nations and regions of the UK, controversial subjects are those which have considerable impact on the nation or region. They include political or industrial issues or events which are the subject of intense debate or relate to a policy under discussion or already decided by local government.

In the global context, some controversial subjects such as national elections or referendums will obviously have varying degrees of global significance but will be of great sensitivity in that country or region in which they are taking place. We should always remember that much of the BBC's output is now available in most countries across the world.

We must ensure a wide range of significant views and perspectives are given due weight in the period during which a controversial subject is active. Opinion should be clearly distinguished from fact. When the issues involved are highly controversial and/or a decisive moment in the controversy is expected we will sometimes need to ensure that all of the main views are reflected in our output. This may mean featuring them in a single programme, or even a single item.

BBC online sites covering controversial subjects may offer links to external sites which, taken together, represent a reasonable range of views about the subject. We should normally try to ensure that when we link to third party sites this does not

give strong grounds for concern that this breaches the law or the BBC Editorial Guidelines on harm and offence.

Any approach by a government department to relay official messages or information films which involve a degree of public or political controversy must be referred to Chief Adviser Politics.

Personal view, authored programmes & websites

We have a tradition of allowing a wide range of individuals, groups or organisations to offer a personal view or opinion, express a belief, or advance a contentious argument in our programmes or on our websites. Personal views can range from the outright expression of highly partial views by a campaigner, to the authored view of a specialist or professional including an academic, scientist, or BBC correspondent, to those expressed through contributions from our audiences. Each can add to the public understanding and debate, especially when they allow our audience to hear fresh and original perspectives on well known issues.

Content reflecting personal views, or authored by an individual, group or organisation, or contributed by our audiences, particularly when dealing with controversial subjects, should be clearly signposted to audiences in advance. Personal view and authored programmes and websites have a valuable part to play in our output. However when covering controversial subjects dealing with matters of public policy or political or industrial controversy we should:

- retain a respect for factual accuracy.
- fairly represent opposing viewpoints when appropriate.
- provide an opportunity to respond when appropriate for example in a pre-arranged discussion programme.
- ensure that a sufficiently broad range of views and perspectives is included in output of a similar type and weight and in an appropriate time frame.

It is not normally appropriate for BBC staff or for regular BBC presenters or reporters associated with news or public policy related programmes to present personal view programmes on controversial subjects.

Online we may provide people with information and a place to meet and campaign on specific issues including matters of political or industrial controversy or matters relating to current public policy. However it is important that we observe the following:

- the BBC cannot endorse or support any personal views or campaigns.
- there should be a clear distinction between BBC content and content created by our users. It should also be clear what resources we are providing.
- users should not campaign explicitly for or against political parties or candidates. This is particularly important in the period before an election (usually 25 working days before polling day).

- the site should not be used to promote commercial campaigns or fundraising.
- broadcast coverage of campaigns featured on a BBC site should treat these campaigns in exactly the same way as any other campaigns.
- candidates in a forthcoming election must not contribute to the site.

4. The Committee's Decision

This appeal raised issues requiring consideration of the editorial guidelines relating to accuracy and impartiality. There is also the issue of complaints handling to be considered.

The Committee considered the Complaint against the relevant editorial standards, as set out in the BBC's editorial guidelines. The guidelines are a statement of the BBC's values and standards.

In reaching its decision the Committee took full account of all the available evidence, including (but not limited to) the Editorial Adviser's Report and all the considerable subsequent submissions from the complainant, BBC News and the ECU. The complainant objected to some of the later documents submitted by Mr Bowen, BBC News and the ECU on the basis that they raised new points at a late stage and/or that they had been submitted late. The complainant had nonetheless sought to respond to those matters in a document dated 1 March 2009. The Committee read and considered those later documents, and the complainant's response to them. In the course of its discussions, the Committee formed the view that the matters raised in those later documents did not affect its conclusions on the merits of the complaints. It therefore did not need to decide whether to uphold any procedural "objection" to those documents.

The Editorial Adviser had consulted two eminent historians of the region: Sir Martin Gilbert, author of "The Routledge Atlas of the Arab-Israeli Conflict" (2002), "Israel – a History" and "The Story of Israel", a recently published, illustrated work and Avi Shlaim, Professor of International Relations at Oxford and author of a number of works on the Middle East including, "The Iron Wall: Israel and the Arab World"

In coming to its finding the Committee firstly considered the appeal the accuracy complaint under ten main headings drawn from the appellant's concerns:

1. Two Goliaths.
- 2 a - d. The IDF "*turning up*" and the impression that Israel was bound to win
- 3 a - c. The "*unfinished business*" of 1948
4. "*Inevitable war and inevitable victory*"
5. American and British intelligence taken out of context
6. Nasser's position
7. "*Zionism's innate instinct to push out the frontier*"
8. "*For Palestinians, the settlements are a catastrophe...*"
9. "*Israel can no longer count on the international support it had in 1967*"
- 10a. No balance on the reason for Israeli settlements

b. “in defiance of everyone’s interpretation of international law except its own”

It then considered the overall impartiality of the piece.

Finally the Committee discussed the delay in considering the appeal.

ACCURACY

This appeal generated a very large amount of correspondence and evidence. A substantial amount of research has been carried out by the parties. This finding will not refer to all the evidence that the Committee had in front of it when reaching its decision.

On the specific heads of the accuracy complaint:

I. The two Goliaths

The appellant agreed that this is a metaphor used to suggest a parity of strength of military forces, though not only that. He argued in his appeal letter:

“I made it clear...that this was a point that applied regardless of the relative strength of Israeli and Arab forces, by using the explicit words “Whatever may have been the relative strengths of Israeli and Arab forces”. The point was that Mr Bowen represented Israel as a giant on the world’s stage, when it was not.

I appreciate that the David and Goliath metaphor refers to ill-matched adversaries and that Mr Bowen sought to convey that Israel and the Arabs were more equally matched than that. However, the identification of Israel with “Goliath” conveys to many readers that Israel was a giant. If Mr Bowen wished to use the metaphor and to avoid misleading people, he should have characterised Israel and the Arab countries both as Davids.”

Jeremy Bowen supported his statement thus:

“I think the meaning of the sentence is obvious, as long as you know the story about David and Goliath.

The article explains that Israel was strong. Had it not been, it would not have won the war so quickly.

At the time, especially in the western press, the war was seen as the Israeli David against the Arab Goliath. In other words, Israel, weak and outnumbered scored a victory against the odds. Religious Zionists and others would go further and say that God granted the Jewish people a miracle and delivered them the holiest parts of Jerusalem, and the historic mountain heartland of the Jewish people in Judea and Samaria. That feeling still powers the settler movement.

Sir Martin Gilbert stated:

“The two Goliaths as opposed to one is alright but I can see why some would reject it. It’s a revisionist history that I don’t agree with.

The Arabs were not ready for combat ...but they were in a stronger position overall so it’s not an accurate reflection...

To say “the Jewish Goliath had never been stronger...” was not true – it was well armed to DEFEND itself against attack. I would disagree with that quite strongly.”

Professor Shlaim considered the two Goliaths metaphor acceptable

“Israel had a formidable military machine and the leaders knew it...among the public was a deep and real anxiety...the army was raring to go but the politicians were hesitating...the army was like a coiled spring – it lashed out at all the Arabs.

They had to go in first because they could not sustain a prolonged mobilisation ... the David and Goliath is a figure of speech – we all know what that means...Maybe it’s bald but it’s accurate. Israel had overwhelming conventional superiority and a nuclear monopoly.

Israel’s survival was not at issue although people thought it was. The outcome supports the view that it was not the underdog and there was no weakness.

It had military superiority over the entire Arab world all together and the war proved it.”

The Committee agreed that this was a metaphor, a figure of speech. It did not dispute that there was a perception of a little Israel at the time and that this metaphor turned that perception on its head. It concluded that it was a reasonable metaphor to communicate that people believed this was a David and Goliath battle but that this was wrong – the conflict was more evenly matched. The fundamental fact that Israel was much stronger than was widely at the time is not disputed by the complainant.

The Committee decided that the application of an accuracy guideline to a metaphor of this nature which is interpretable is inappropriate and that there was no inaccuracy.

Finding: Not upheld on accuracy

2. The statement that the Israeli generals all knew they would only lose if the ‘IDF did not turn up’ would lead the readers to think Israel had exaggerated the threat it faced.

Professor Shlaim endorsed Jeremy Bowen’s interpretation:

“It’s correct – though it’s not a very good formulation. There was no question of Israel losing the war. But the generals wanted to move fast – they knew the longer they waited the higher the casualties would be...they would have been higher if they had waited.

The air force was confident...with the element of surprise, they seized the initiative.

The US/UK intelligence was confirmed by the outcome...it wasn't touch and go – there was no evidence the Arabs would win.”

Sir Martin Gilbert stated:

“The generals knew the only way they would lose was not if the IDF did not turn up but if Egypt and Syria could take to the air – so they did the pre-emptive strike”

The Committee noted the evidence of the historical experts. It concluded that the phrase “...if the IDF did not turn up” was a figure of speech often used and should not be taken as literally as it had been by the complainant. This colloquial term is used frequently. The Committee agreed that the accounts it had been given of the American and British intelligence reports suggested that the Israeli force was well equipped and well prepared and that this supported this use of the colloquial phrase for a general audience

The Committee decided that, as this was a figure of speech which had been taken too literally by the complainant, it was not necessary to reach a finding on the details of his first three sub points.

The Committee discussed the use of the word ‘all’ and the arguments the complainant made regarding, for example, Rabin’s breakdown under the related point regarding the self-confidence of the generals in point 3a below.

Finding: Not upheld on accuracy

3. a. The statement “The Israeli generals, hugely self-confident, mainly sabras (native-born Israeli Jews) in their late 30s and early 40s, had been training to finish the unfinished business of Israel's independence war of 1948 for most of their careers” is misleading.

The complainant put his concerns in two parts:

i) On whether “all” the generals could be described as knowing victory was assured and whether they could be described as “hugely self-confident”, the complainant had said:

“The Israeli Chief of Staff (Yitzhak Rabin) was so worried that he had a nervous breakdown just before the war... one might expect this to be mentioned in any balanced article which purports to focus on the state of mind of the countries’ military leaders.”

Sir Martin Gilbert agreed with this:

“the two or three Generals I knew were not confident, they were petrified and feared the war going on so long they could not maintain it.”

But Professor Shlaim thinks the remark about the generals’ self-confidence:

“... is a generalisation that holds...look at Sharon, Weizmann, deputy chief of staff...there was almost a revolt of the generals who wanted a decision to unleash war....and had a low opinion of the Arabs.

One general – the chief of staff – Rabin did have a nervous breakdown because he could not get a decision out of the cabinet. He kept getting summoned to cabinet meetings and couldn't prepare for war...but it was not a breakdown because he was afraid the Arabs would win. The day before he had had a meeting with Ben Gurion who said “You involved Israel in terrible danger, you are responsible, it's a crisis and our army is not ready.”

The Committee concluded that the phrase “*hugely self-confident*” was used in a particular context to characterise the different attitudes to war between the native-born generals on the one hand and the older, largely immigrant politicians on the other. The Committee considered that this was a generalisation that held, and would do even if some of the “*hugely self-confident*” generals had episodes of doubt or fear. The phrase was used as a general description of their characters.

Finding: Not upheld on accuracy

ii) On “unfinished business”

The Committee noted that the complainant in his original complaint had said of his second concern:

“The Israeli armed forces trained to meet a variety of threats from the neighbouring Arab countries which refused to recognise it... there was no plan to conquer and retain the territories captured in the 1967 war as an objective in its own right, as Mr Bowen seeks to suggest.”

The Committee noted that the Middle East Editor had explained that by “*unfinished business*” he had meant it to be understood that he was referring to the capture of East Jerusalem:

*‘I was referring specifically to the desire to overturn the Jordanian conquest of the Old City of Jerusalem. In his memoir *The Liberation of Jerusalem* (London Valentine Mitchell 1992) Gen Uzi Narkiss, who was OC Central Command in 1967 writes specifically about the feeling he had, along with his colleagues in the Palmach who had fought in 1948, about taking the Old City. Yigal Allon, in the cabinet in 1967, had also urged Ben Gurion in 1949 to capture the West Bank.’*

He continued:

“Note also the last line, which refers to the West Bank. Yigal Allon was very influential in 1967, with many followers in the IDF, and was Dayan's main rival to become Minister of Defence.

For Israel, the unfinished territorial business that mattered about 1948 concerned Jerusalem and the West Bank.”

Both the expert historians consulted by the Trust’s adviser had agreed that this phrase was not accurate.

Sir Martin Gilbert commented:

“If he meant the unfinished business was the capture of Jerusalem, then he should have said the capture of “East Jerusalem”

The training to finish unfinished business adds to the picture of Israel being stronger. It’s very misleading indeed to the general reader.”

And Professor Shlaim agreed:

“It’s not accurate – the unfinished business of the 48 was capturing the West Bank...in 48 could have captured the West Bank...Ben Gurion said no – he didn’t want lots of Arabs in the state.

It was true some of the right wing generals Weitzman, Sharon Za’evi...these were expansionist and waiting for the opportunity. But that was not true of the army...they had plans for all eventualities...[Jeremy Bowen] goes too far in implying the Israeli Army was planning and plotting to capture the West Bank – it’s not true...”

When Professor Shlaim learned that Jeremy Bowen had responded to this complaint by indicating that by the unfinished business he meant Jerusalem, he replied

“But he doesn’t say Jerusalem...It’s a bit too terse and too many claims – it’s not accurate and is a bit misleading in suggesting the army was single-minded, it didn’t have a plan to finish unfinished business.”

The Committee considered that the phrase had not been specific enough, and that it had breached the guideline on “clear, precise language.” It decided that it would have been impossible for the reader to know what unfinished business the author had meant and that the language here had lacked precision.

Finding: Upheld on accuracy

3b. ... there was no plan to conquer and retain the territories captured in the 1967 war as an objective in its own right, as Mr Bowen seeks to suggest.”

Sir Martin Gilbert, the historian with whom the complainant largely agrees, did say that it was true that Israel had become an occupier

“but that needs qualification. It did it without intending to...there was no thought or possibility of this beforehand.”

Professor Shlaim said:

It was true some of the right wing generals Weitzman, Sharon Za'evi...these were expansionist and waiting for the opportunity. But that was not true of the army...they had plans for all eventualities... [Jeremy Bowen] goes too far in implying the Israeli Army was planning and plotting to capture the West Bank – it's not true...

The Committee could see no evidence in this article that the Middle East Editor had postulated that there had been a plan which was an objective in its own right to conquer and retain the territories in 1967, beyond the debate, mentioned above about Jerusalem and the West Bank.

Finding: Not upheld

- 3c. Was the reference to Egyptian propaganda sufficient balance to the suggestion that the article omitted to refer to an Arab objective of pursuing unfinished business of 1948?

The Committee noted the original complaint had said

“It was the Arabs, not Israel, who pursued an objective of finishing the unfinished business of Israel’s independence war of 1948, namely the destruction of Israel.”

The Committee noted that there had been extensive references in the article to threats on Egyptian radio:

“Egyptian leader Gamal Abdul Nasser's radio station Voice of the Arabs fed their [Israeli civilian's] anxieties by broadcasting bloodcurdling threats.

Its chief announcer, Ahmed Said, had the best known voice in the Arab world in the 1960s after Nasser himself and the legendary diva, Umm Kulthum.

Said was famous for lines like this: "We have nothing for Israel except war - comprehensive war... marching against its gangs, destroying and putting an end to the whole Zionist existence... every one of the 100 million Arabs has been living for the past 19 years on one hope - to live to die on the day that Israel is liquidated."

The Committee was satisfied that in context these references had been accurate.

The Committee returned to the general issue of the need for balance, which the complainant had raised under this part of the complaint, in connection with its general discussion of whether the article met the impartiality guidelines (see finding on impartiality below).

Finding: Not upheld

4. The phrase “Inevitable war and inevitable victory” was misleading.

On the inevitability of victory Professor Shlaim said:

“There was no question of Israel losing the war. But the generals wanted to move fast – they knew the longer they waited the higher the casualties would be...they would have been higher if they had waited.

The airforce was confident...with the element of surprise, they seized the initiative.”

He also said: “they had to go in first because they could not sustain a prolonged mobilisation.”

Sir Martin Gilbert considered that there was a greater element of chance:

“Had Egypt and Syria won Israel would have had a terrible fate –it escaped it because the fortunes of war went Israel’s way.”

In addition he said:

“The generals knew the only way they would loose the war ... [was] if Egypt and Syria could take to the air – so they did the pre-emptive strike.”

The Committee discussed whether victory had been inevitable. It referred to the Joint Intelligence Committee assessment and the American intelligence information cited and accepted that for the generals in the leadership, it was apparent there would be victory but the Committee also accepted Sir Martin Gilbert’s opinion on the forces of war and chance and the risks to Israel expressed by both historians presented by an Egyptian and Syrian air strike and/or a prolonged mobilisation. The Committee concluded that there was a reasonable chance there would be victory as indeed there was, although this did not mean that people in Israel and abroad would not be fearful. The Committee thought the phrase had been a rhetorical flourish and that it should be considered under impartiality when considering the item as a whole but that as rhetorical flourish it had not breached the accuracy guideline.

Finding: Not upheld

5. The complainant suspects that the quotations of American and British intelligence have been taken out of context.

The Committee could not see evidence to demonstrate that the intelligence information had been taken out of context.

Finding: Not upheld

6. The complainant said the article should have mentioned “the mainstream view that Nasser was an arrogant despot who saw an opportunity finally to implement the Arab policy of destroying Israel...”

The Committee noted that the article itself says:

“Nasser's motives for risking war in 1967 are still debated.

Two Israeli historians have recently suggested that he was egged on by the Soviet Union, which wanted Egypt to destroy Israel's nuclear weapons programme at Dimona.

Another explanation is that Nasser was prepared to take Israel to the brink to reinforce his position as an Arab hero.

If it went over the brink, he assumed the superpowers would rescue him and deliver a political victory, as they had in the Suez war of 1956.”

It makes it clear – although without specifying the actions he took or addressing the military activity by Egypt or other Arab nations that was causing Israel and Israelis such disquiet - that Nasser was aggressive and pursuing confrontation. Elsewhere the article mentions

“Egyptian leader Gamal Abdul Nasser's radio station Voice of the Arabs fed their anxieties by broadcasting bloodcurdling threats.”

and that the radio announcer:

“was famous for lines like this: “We have nothing for Israel except war - comprehensive war... marching against its gangs, destroying and putting an end to the whole Zionist existence... every one of the 100 million Arabs has been living for the past 19 years on one hope - to live to die on the day that Israel is liquidated.”

The Committee concluded that the article sufficiently dealt with Egyptian aggression and there was no breach of accuracy.

In addition the Committee noted that if readers clicked on the top link to the right hand side of the article a reader would find this:

“Tensions continued to rise and newly-formed Palestinian militant groups began cross-border raids with Arab support. Egyptian President Gamal Abdel Nasser was keen to unite the Arab world and spoke of “the destruction of Israel”, while Israel feared it could be wiped out.

In May 1967, President Nasser demanded the removal of Unef troops from the Sinai, closed the Straits of Tiran to Israeli shipping and signed a defence pact with Jordan. Some historians question whether Nasser planned to go to war, but all three factors, and Egyptian troop deployment in the Sinai, led to a pre-emptive strike by Israel.”

The Committee noted that the Middle East Editor of the Web Pages stated:

“The set-up to the right had the coverage – the article does have elision because the main nuts and bolts history of the 67 war is there and is heavily promoted. If you wanted to know about the history, it’s there”

The Committee noted that there were links to more detail in a supporting article detailing the history of the conflict. This was one click away and was signposted so that a reader reading the article could have seen at a glance where to find out additional facts.

Finding: Not upheld

7. The article’s reference to Zionism’s ‘innate instinct to push out the frontier’ is biased and uses slanted language

The Committee discussed whether there were different strands of Zionism – as there might be of any political movement. It noted the author’s response that:

“The Zionism settlement of Palestine started in Ottoman times with one kibbutz. Had there been no ‘instinct to push out the frontier’ how would Israel have developed into a highly successful nation-state?”

But the Committee contrasted that with the opinion of one historian that “Zionism has an innate instinct to compromise” and another that “it was not the Zionist movement that had an innate instinct but the right wing”

The Committee concluded that this statement was unqualified and that, to be precise and clear, it should be qualified.

Finding: Upheld on accuracy

8. The statement “For Palestinians, the settlements are a catastrophe, made worse every day by the fact that they are expanding fast.” is misleading

The complainant said there had been many benefits to the Palestinians, mainly economic, following the 67 war and the later decline had been due to a number of factors such as corruption in the Palestinian Authority and security constraints made essential by Palestinian attacks on Israelis.

The Committee thought it evident that the settlements are a catastrophe for the Palestinians and did not consider that the complainant had provided any evidence which would contradict this conclusion. It agreed that it was not necessary for the article to address any claims as to economic benefits to the Palestinians of the settlements.

The Committee noted that the complainant had accepted there has been a steady increase in numbers of settlers.

The Committee was satisfied that the article had been duly accurate

Finding: Not upheld on accuracy

9. The article criticises the Israeli settlements in the West Bank without providing any explanation of why they might be justified. Further information should have been given to enable an ordinary reader to understand

The Committee took the view that the article was not about what the settlements might have achieved but concerned the political problems that the results of the 67 war had created – among which were the existence of the settlements. It had not been the function of this article to delve deep in to the pros and cons of the settlement policy.

Finding: Not upheld on accuracy

- 10a. “The statement “After 40 years as an occupier, Israel can no longer count on the international support it had in 1967” is misleading.

The Committee noted that Jeremy Bowen’s response was:

“Israel has [sic] considerable foreign support in 1967, not just from the US and from Britain. The US was already a firm ally of Israel in 1967. The complainant seems to be suggesting US support for Israel is something that followed the war.

In 1967, Israel was seen as heroic country, and had huge western sympathy. The whole David v Goliath story was part of that. It is clear that Israel now gets enormous criticism of its occupation policies.”

The complainant’s principal argument was that Israel is now recognised by more states than in 1967. However, the Committee considered that there was a clear difference between formal “recognition” and “support”. It was not persuaded that there was any evidence that Mr Bowen’s report, which was concerned with support rather than recognition, was inaccurate.

Finding: Not upheld on accuracy

- 10b “in defiance of everyone’s interpretation of international law except its own”

The Committee noted that Jeremy Bowen said:

““I think that in the context of the piece it is clear that my mention of ‘everyone’ refers to states and international organisations, not to individual academics. Settlements are a major legacy of 1967 and high on the agenda in the Annapolis peace process...”

I am not aware of any countries that accept Israel's view of the legality of settlements. I think Micronesia and other South Pacific nations have voted with Israel a couple of times in the General Assembly. Crucially for the Israeli government, the US does not endorse its view. Many Israelis don't either.

I know there are various academics who endorse the Israeli view but they are in a small minority."

The Committee noted that the Middle-East web editor added:

"If "everyone" means people and not governments then I would have to say that the language was loose but there was consensus among organisations and governments

The Committee noted that the Editorial Adviser had consulted Professor Sir Christopher Greenwood, then at the LSE and now a member of the International Court of Justice who had said

"If you take it to literally mean "everyone" well, not everyone even knows of the existence of the settlements ... but you could say everyone – except Israel and its supporters – who is reputable in international law – would agree.

Even the American government is not keen on the settlements.

...it's dressing up interpretation as fact.

The Committee noted that the US Embassy which was consulted, indicated that the most recent published American opinion can be found in a report from the Congressional Research Service in June 2008 which seems to state the American position as clearly as it can be expressed:

"Settlements. *All recent U.S. Administrations have disapproved of Israel's settlement activity as prejudging final status issues and possibly preventing the emergence of a contiguous Palestinian state. On April 14, 2004, however President Bush noted the need to take into account changed "realities on the ground, including already existing major Israeli population centers" (i.e., settlement blocs), asserting "it is unrealistic to expect that the outcome of final status negotiations will be full and complete return to the armistice lines of 1949."*⁵⁴ *He later emphasized that it was a subject for negotiations between the parties."*

The ECU had conceded at the complaint's second stage that this *"is not phrased as precisely as it could be"*

The Committee concluded that "everyone" was a loose use of language. It would have been perfectly possible to have qualified this as "nearly everyone" or the "the vast majority", and that would have been acceptable. The Committee agreed that, especially, when writing about the Middle East, the BBC has to be careful about its use of "clear, precise language." And this phrase had therefore breached that guideline. The Committee considered that this should have been picked up by BBC Online's editorial processes.

Finding: Upheld on accuracy

Impartiality

The Committee noted that Clause 44(1) under the BBC Agreement of 2006 between the Secretary of State for Culture Media and Sport and the BBC says that:

“The BBC must do all it can to ensure that controversial subjects are treated with due accuracy and impartiality in all relevant output”.

The Agreement later defines relevant output as news or output dealing with matters of “political... controversy...”

The Committee noted that this article was on the news section of the website. The Committee noted that the article dealt with a historical subject - the 1967 war and its legacy – but that its legacy affected the Middle East today which was matter of political controversy. The Committee agreed that this article dealt with a highly controversial subject.

The Committee agreed that therefore this guideline applies:

“we must ensure we avoid bias or an imbalance of views on controversial subjects.”

And

“We must ensure a wide range of significant views and perspectives are given due weight in the period during which a controversial subject is active. Opinion should be clearly distinguished from fact. When the issues involved are highly controversial and/or a decisive moment in the controversy is expected we will sometimes need to ensure that all of the main views are reflected in our output. This may mean featuring them in a single programme, or even a single item.”

The Committee noted that this was a piece by the BBC’s Middle East Editor, under his by-line. The Committee agreed that this was not a “personal view” under the guidelines and the personal view guidelines did not apply. The article should be duly accurate and impartial in its own right. Although it was possible on the web to create a series of articles which provided alternative views and which were linked to allow the exploration of a range of views there was no suggestion that this article was part of such a series.

The Committee noted that there are several schools of thought in the interpretation and analysis of the events of 1967 in the Middle East. The Committee benefited from the advice of two historians of the period who have largely different opinions about the conflict.

The Committee noted that there is one view that takes the position that Israel was attacked by the Arab nations, that a pre-emptive strike was necessary to ensure the

survival of the nation and that there was no drive to expand the size of Israel: it was an unplanned outcome of a justified reaction to an overwhelming threat.

An alternative interpretation is the one held by the “New Historians” of Israel, otherwise known as the revisionists. This is that Israel was not realistically facing defeat in 1967, that its leaders knew as much and that the war became an opportunity to retake East Jerusalem, to push into Judea and Samaria and to secure better borders.

There are also other theories of the causes and events of the six-day war.

The Committee discussed the argument put forward by the BBC that, in this item, the Middle East Editor was offering his professional judgment about the events of 1967. The guideline says:

“our journalists and presenters, including those in news and current affairs, may provide professional judgments but may not express personal opinions on matters of public policy or political or industrial controversy. Our audiences should not be able to tell from BBC programmes or other BBC output the personal views of our journalists and presenters on such matters.”

The Committee considered that a “*professional judgment*” on a matter of opinion regarding a highly controversial subject should be contextualised to indicate that other views exist.

The Committee noted that, near the start of the piece, a thesis was propounded:

“The myth of the 1967 Middle East war was that the Israeli David slew the Arab Goliath”

But the Committee also noted that this was the only suggestion in the article that there was another interpretation of the causes and effects of the war other than the one that the Middle East Editor then went on to outline. The Committee thought there was a problem arising from this statement which was that the myth was one thesis and that, by implication, the truth was the version given in the article. The Committee considered that the author should have done more to explain that there were alternative views which had some weight. The Committee thought readers would come away thinking that the interpretation offered was the only sensible view of the war.

The Committee concluded that the article did not sufficiently signpost that this was one possible theory amongst other possible theories.

The Committee was clear that it was not suggesting that the same amount of space be given to the different arguments. That was not necessary under the guidelines. All that was required was a clear statement signposting that there were alternative theses subscribed to by respectable historians.

The Committee therefore concluded that the article breached the impartiality guidelines.

With regard to the settlements the Committee was satisfied that the article appropriately set out that: the settlements were currently an obstacle to peace; that they existed as a result of the 67 war with the support of the Israeli state; and that the Israeli state considered the settlements were legal. The Committee concluded that there was no need to give positive arguments for the existence of the settlements or the Israeli position in order to achieve impartiality in the context of this article.

Finding: Partially Upheld on impartiality

Complaints Handling

The complainant had made a specific complaint and received a generic response initially. There had been a second and more detailed response at stage 1 in which Jeremy Bowen addressed the points in detail, but this too had been a reply to the many complaints generated by this article and had not answered some of this complainant's specific points. The complainant thought this breached the guidelines on complaints handling.

The Committee decided that it was acceptable and a proportionate use of the BBC's resources to send out a generic response when there are many complaints on a subject as long as the responses explain this is a generic response and is clear that the complainant can come back to the BBC if the complainant is dissatisfied. The new complaints' framework, in operation since August 2008, (but not when this complaint was originally made), should result in all letters and emails containing a web-link to the complaints page of the BBC website which explains the options for escalation.

The complainant also objected to the responses at stage 1 being based on the material in Jeremy Bowen's book "Six Days" as this, he felt, made the process of dealing with a complaint about the author of such a book totally circular.

The Committee agreed that as long as the complainant had the right to an appeal to stage 2 and 3 of the complaints' process, any concerns about handling at stage 1 were capable of being addressed and errors rectified. That was the purpose of the complaints process and appeal to the Trust. Every complaint must be handled according to the facts surrounding the individual item complained of. The committee would not tie the hands of stage 1 of the BBC complaints system.

The complainant had asked for the material relied on at the second stage by the Editorial Complaints Unit.

As the appeals process currently sets out:

“Before making your appeal, you can normally also ask to see the gist of the material which the ECU or BBC Director previously relied on in responding to your complaint (for example transcripts or statements from the programme maker or online editorial team). You may want to comment on this material in your appeal letter.”

The ECU had not provided this when first requested. Some material had been provided at a later stage in the process following intervention by the Trust. The Committee agreed that in accordance with the appeals process the complainant should have been provided with the gist of the material upon which the ECU relied in its finding. However the Committee agreed that the range of material requested had raised questions as to fair process which required consideration and that it was not immediately clear which material should be provided. The Committee agreed that where material was in the public domain the ECU was simply required to provide the reference and not provide (for example) a published book. The gist of responses from programme makers upon which the ECU relied in its finding should be provided upon request.

The Committee regretted that this complaint had taken an exceptionally long time to be considered and concluded at stage 3. This was partly because the complaint itself was complex, had had additional heads of complaint added late in the process and had therefore taken some extra time to be considered at all stages. The consideration of this appeal by the Editorial Standards Committee of the BBC Trust was also held up for some months awaiting resolution of procedural issues concerning the appeal. The Committee hoped that the new complaints framework and the introduction of a maximum of a 1,000 word summary for appeals to the ESC would expedite the process.

The Committee noted that in his appeal to the Trust the complainant said:

“There is no mention in the article of the important fact that following the Six Day War, Israel sought to trade the bulk of the captured territories for peace and recognition, but was met with the three Noes of the Khartoum conference of the Arab League of 1 September 1967, “*no peace with Israel, no recognition of Israel, no negotiations with it*”. A balanced article exploring why Israel ended up occupying the West Bank for an extended period would have included this point.”

This was not raised at an earlier stage of the complaints process, and it was therefore not a part of the Committee’s finding on impartiality. Nevertheless, the Committee considered this point. It concluded that, if the article had been presented impartially so as to make it clear that what was being presented was one interpretation among many of the causes and effects of the war, it might not also be necessary to include this additional point.

From Our Own Correspondent, BBC Radio 4, 12 January 2008

1. The programme

This edition of *From Our Own Correspondent* included a report by Jeremy Bowen from the Israeli settlement of Har Homa, near Jerusalem. Mr Bowen described how he visited this location 12 years ago and saw an old Palestinian farmer sitting outside his house looking down on his sheep. Mr Bowen then said:

- “I was back in that valley between Jerusalem and Bethlehem this week. The hopes of the 1990s for peace disappeared long ago and the valley is not green any more. A lot of it is now covered by a big concrete housing development called Har Homa. It’s considered to be an illegal settlement by most of the world including the United States because it was built on occupied land. Israel says that the land is not occupied because it was annexed in 1967 as part of its capital city.”

Mr Bowen also referred to:

- “the considerable number of Israelis who say that their country’s colonisation of the West Bank has been a national disaster.”

2. The complaint

The complainant felt that Mr Bowen’s report was biased against the Israelis and gave misleading information, for example about the United States’ position on Har Homa and the attitude of Israelis towards such settlements.

The complainant wrote initially to BBC Information (stage 1 of the BBC’s complaints process) on 26 January 2008

The complainant commented on four aspects of the report:

1. The implication, which he felt the report gave, that the land on which Har Homa was built belonged to Palestinians.

The complainant said:

- “It is unbalanced and misleading not to mention that 2/3 of the development is on land which has belonged to Jews since before 1948; and that all owners of the land were paid full compensation.”

The complainant also felt it was “biased and misleading” not to mention that the Palestinian farmer was probably a squatter and trespasser.

2. Mr Bowen’s comment that a lot of the valley was now covered by a big concrete housing development.

The complainant said:

- “It is my understanding that the buildings are or (when complete) will be faced in Jerusalem stone in accordance with Jerusalem municipal

regulations. Photographs which I have seen seem to confirm this. If so, Mr Bowen's language is misleading."

The complainant also felt that Mr Bowen's language:

- "appears to be calculated to promote hatred of the Jewish state and the Jews".

He added that the reference to a valley was odd since Har Homa was built on a hill.

3. Mr Bowen's suggestion that the Har Homa settlement was considered *illegal* by the United States.

The complainant said:

- "This is not correct. The current position of the US government is that Israeli settlements beyond the Green Line are an obstacle to peace; and that further development of settlements beyond the Green Line is contrary to the Road Map. It is not the position of the US government that existing settlements beyond the Green Line (such as the existing Har Homa settlement) are illegal."

4. Mr Bowen's reference to a considerable number of Israelis who regarded the colonisation of the West Bank as a disaster.

The complainant said:

- "This is also unbalanced and misleading. Most Israelis do not regard developments such as Har Homa as "colonisation" or as a "disaster", but as a legitimate and worthwhile activity in formerly Jewish areas which were illegally invaded in 1948 and then occupied by Jordan before they were recovered by Israel in 1967."

The complainant wrote again to BBC Information on 14 February asking about progress in addressing his complaint. The Complaints Co-ordinator replied on 19 February apologising for the delay and saying that they would be in touch as soon as possible. The Complaints Co-ordinator replied on 31 March.

He responded to the complainant's four main concerns in turn, as follows:

1. A report from 1997 by the Foundation for Middle East Peace said that Israelis owned approximately 75% of the Har Homa planning area, one third of which was purchased before 1948 and the rest after 1967. He was unable to comment on whether land owners had received full compensation.

2. Colleagues who had visited Har Homa felt it was fair to say that it looked like a concrete development. He also referred to photographs of the development. He said:

- “Ultimately we don’t think it’s a misleading description and we’ve no wish ‘to promote hatred’ of any sort.”
3. He quoted various sources, including President Bush and Condoleeza Rice, which made clear the US government’s opposition to the Har Homa development.
 4. He pointed out that Mr Bowen had used the phrase “a considerable number” not “most”. He said:
 - “Your final paragraph makes clear that you are a supporter of [Jewish settlements in the occupied territories] (a view you are entitled to hold and no doubt many others do). However, it’s also clear that on the centre-left and left of Israeli politics, there is an opposite view.”

BBC Information quoted various individuals, including the Israeli journalist and historian Gershom Gorenberg and the Israeli writer Amos Oz, opposed to the settlements. The writer also referred to opinion polls carried out by the Jaffe Centre for Strategic Studies, the Harry S. Truman Research Institute for the Advancement of Peace and the Palestinian Center for Policy and Survey Research, showing considerable support among Israelis for the removal of all settlements located outside major settlement blocs.

The complainant wrote to the second stage of the BBC’s complaint process, the Editorial Complaints Unit (ECU), on 6 May

The complainant commented as follows:

1. BBC Information did not dispute that Mr Bowen had implied that the land belonged to Palestinians and appeared to accept that, in fact, at least two-thirds of the land belonged to Jews prior to the development. The complainant felt it followed that Mr Bowen’s report was “unbalanced and misleading”, and the complaint should have been upheld. He added:
 - “BBC Information’s rejection of this part of the complaint, even though they found that the facts substantiated it, is a clear indication of a dishonest intention to reject the complaint regardless of whether it is well-founded.”
2. Photographs showed that the buildings at Har Homa were indeed faced with Jerusalem stone. The complainant therefore stood by his contention that Mr Bowen’s language was misleading and calculated to promote hatred of the Jewish state and the Jews.
3. None of the sources quoted supported the claim by Mr Bowen that the United States regarded the Har Homa settlement as illegal. President Bush, Condoleeza Rice and others had referred instead to Israel’s obligations under the Road Map. The complainant referred to other sources supporting his view that the US did not regard the settlement as illegal, including an article in Foreign Policy in Focus in

January 2008. The complainant therefore felt that Mr Bowen's statement was "not maintainable".

4. The complainant felt that the impression given by the report was that a large proportion of Israelis opposed developments such as Har Homa, which was false in his view. He also said that there was no basis for BBC Information to infer that he himself supported Jewish settlements in the occupied territories. His concern was to seek accuracy and balance in the BBC's reporting. None of the sources and opinion polls quoted by BBC Information justified M Bowen's claim, in his view, and he referred to other sources and polls which showed strong support for Har Homa. He remained of the view that Mr Bowen's statement was "unbalanced and misleading".

The Complaints Director, ECU, wrote on 3 June saying that they aimed to reach a finding by 30 June.

The Complaints Director, ECU, replied on 30 June

He responded to the four aspects of the complaint as follows:

1. The Complaints Director felt it was clear that Mr Bowen had been making the point that Har Homa was widely considered to be illegal under international law, having been built on occupied land. The reference to the Palestinian farmer went no further than illustrating the point that the land had been occupied. The Complaints Director did not take from the report the meaning that all the land previously belonged to Palestinians, but simply that some of it did. He was therefore unable to uphold this part of the complaint.

2. Having studied photographs of Har Homa, the Complaints Director felt that, while they may indeed be faced with Jerusalem stone, they did not look unlike concrete constructions. If there was some factual inaccuracy, therefore, it was of a minor nature. Nor did he feel that the description was likely to promote hatred of Israel or Jews. He was therefore not upholding this part of the complaint.

3. He agreed that the US administration had not, in recent years, publicly stated that settlements such as Har Homa were illegal. However, this did not rule out the possibility that it considered them illegal but was reluctant to say so. Mr Bowen believed this was the case. Mr Bowen had spoken on a confidential basis to a former, very senior, American diplomat who confirmed that Article 49 of the Fourth Geneva Convention had always applied to the occupied territories. Mr Bowen also understood that the State Department's last legal opinion in 1977-78 was to the effect that the settlements were illegal and this had never been superseded or repudiated. The Complaints Director therefore felt that:

- "there is a sound basis for accepting that, in private at least, the US administration does take the view that Har Homa is illegal, even if it is not, at present, prepared to say so publicly. I cannot uphold this part of your complaint."

4. He pointed out that Mr Bowen's comment had been about the state of Israeli public opinion in relation to the broader question of the "colonisation" of the West Bank as a whole rather than about Har Homa specifically. Various polls showed that considerable numbers of Israelis did not support settlements on the West Bank.

While the polls did not prove the claim that a considerable number regarded these as “a disaster”, nor did they refute it and they provided a basis for concluding that the claim may be accurate.

The Complaints Director also felt that Mr Bowen must be credited with some expertise in his own right and that he was entitled to make the observation which he did. He therefore did not uphold this part of the complaint.

Appeal

The complainant wrote to the third and final stage of the BBC complaints process the BBC Trust on 21 July

First, he disputed the validity of the current Editorial Guidelines. He maintained that the Guidelines were unlawful and invalid, and that the complaint should be considered in accordance with the Producers’ Guidelines.

He then commented on the ECU’s response in relation to his four main areas of concern:

1. He stood by his contention that the language used by Mr Bowen conveyed to the ordinary listener that the land belonged to the Palestinian farmer. He continued to believe that it was unbalanced and misleading not to mention that a large proportion of the land belonged to Jews, and that all the owners were offered compensation.
2. While he accepted that from a sufficient distance stone-faced buildings would look not unlike concrete constructions, he questioned whether this really qualified as accuracy for the BBC. He also continued to believe that the language used in the report was “clearly such as to promote hatred of Israel and the Jews”.
3. He said that the ECU had relied on Mr Bowen’s unsubstantiated claims about what he had been told or led to believe in unattributed briefings. He felt that it was
 - “totally unacceptable for the ECU to reject a complaint on the basis of unsubstantiated assertions made by the journalist who is the subject of the complaint”.
4. The ECU had justified Mr Bowen’s statement on the basis that there may be a significant minority of Israelis who regarded Israeli settlements as “colonisation” and “a disaster”. They had not attempted to address the issue of balance. As to accuracy, the complainant felt that
 - “the BBC’s coverage should be assessed on the basis of whether it in fact misleads a significant proportion of the audience. Mr Bowen’s statement would have indicated to many listeners that a large proportion of Israelis regarded settlements such as Har Homa as “colonisation” and “a disaster”, which is false.”

The complainant also felt it was unacceptable to justify Mr Bowen’s statement on the basis that he must be credited with some expertise. This could not be regarded as independent.

The complainant wrote again on 7 August

The complainant commented further on the ECU's response on point 3 of his complaint. He said that even if a former American diplomat had told Mr Bowen that Article 49 of the Fourth Geneva Convention applied to the occupied territories, this did not substantiate his statement that the Har Homa development was considered by the current US government to be illegal. It also did not follow that the diplomat in question considered that Article 49 applied to areas such as Har Homa which were annexed by Israel or to the construction of housing for occupation by permanent residents of Jerusalem on a voluntary basis.

The complainant wrote on 16 December commenting on the documentation which had been prepared for the Editorial Standards Committee (ESC)

The complainant asked for a number of documents, referred to in his previous correspondence with the ECU and Trust, to be placed before the ESC. Among these was a statement of the Israeli government noting that 78% of the land for the Har Homa development was appropriated from Jewish owners.

Commenting on the draft editorial adviser's note, the complainant said that his concern about Mr Bowen's language referred not just to his use of the word "concrete" but to the whole passage in his report describing the location before Har Homa was built. Emotive language of this kind risked promoting hatred of Israel and the Jews.

The complainant made a number of other specific points in support of his complaint, in particular:

- He referred to further sources supporting his argument that the US government did not regard settlements such as Har Homa as illegal
- He argued that there was more than one view of international law as it applied to Israeli settlements
- He said that it would be wrong for the ESC to rely on what Mr Bowen claimed a former, senior American diplomat had told him, without knowing who the diplomat was or seeing evidence of what he had actually said

Mr Bowen wrote on 16 December commenting on the documentation prepared for the ESC

Mr Bowen referred to comments by Ehud Olmert, former Prime Minister of Israel, supporting a withdrawal from the occupied territories.

Mr Bowen also argued that whether part of the Har Homa site was owned by Jews before 1948 was irrelevant. What mattered was that it was occupied land.

Mr Bowen wrote again on 18 February commenting on the complainant's letter of 16 December

Mr Bowen stressed that the former, senior American diplomat quoted by him was a very credible source. Mr Bowen also quoted various sources supporting the view that Israeli settlements contravened international law.

The complainant wrote again on 18 February commenting on Mr Bowen's December letter

The complainant said that Mr Olmert's comments were irrelevant since Har Homa was not one of the areas which Mr Olmert had proposed relinquishing.

The complainant argued on the other hand that ownership of the land on which Har Homa was built was relevant since Mr Bowen's report talked about a Palestinian farmer sitting outside his house and looking down on his field, implying that he owned the land.

3. Applicable Editorial Standards

Section 3 - Accuracy

Introduction

The BBC's commitment to accuracy is a core editorial value and fundamental to our reputation. Our output must be well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language. We should be honest and open about what we don't know and avoid unfounded speculation.

For the BBC accuracy is more important than speed and it is often more than a question of getting the facts right. All the relevant facts and information should be weighed to get at the truth. If an issue is controversial, relevant opinions as well as facts may need to be considered.

We aim to achieve accuracy by:

- the accurate gathering of material using first hand sources wherever possible.
- checking and cross checking the facts.
- validating the authenticity of documentary evidence and digital material.
- corroborating claims and allegations made by contributors wherever possible.

Fact checking

We must check and verify information, facts and documents, particularly those researched on the internet. This may include confirming with an individual or organisation that they posted material and that it is accurate. Even the most convincing material on the web may not be what it seems.

Anonymous sources

Sometimes information the public needs to know is only available through anonymous sources or contributors, generally on an "off the record" basis.

Protecting sources is a key principle of journalism for which some journalists have gone to jail. We must take care when we promise anonymity that we are in a position to honour it, including the need to resist a court order.

When a source asks for anonymity as a condition of giving information, or a contributor demands anonymity when taking part, we must agree with them precisely the way they are to be described. However, with an anonymous source, especially a source making serious allegations, we must give the audience as much information about them as is compatible with protecting their identity, and in a way that does not mislead the audience about their status.

Whenever a BBC story involves an anonymous source, the relevant editor has the right to be told their identity. In cases involving serious allegations we should resist any attempt by an anonymous source to prevent their identity being revealed to a senior BBC editor. If this happens, the reporter should make it clear that the information obtained confidentially may not be broadcast.

When anonymity is agreed everyone must be clear about its extent. It may be sufficient to ensure that contributors are not readily recognisable to the general public, or in the case of significant contributors it may be necessary to ensure they cannot even be identified by friends and family.

Misleading audiences

We should not distort known facts, present invented material as fact, or knowingly do anything to mislead our audiences. We may need to label material to avoid doing so.

Section 4 - Impartiality and Diversity of Opinion

Introduction

Impartiality lies at the heart of the BBC's commitment to its audiences. It applies across all of our services and output, whatever the format, from radio news bulletins via our web sites to our commercial magazines and includes a commitment to reflecting a diversity of opinion.

The Agreement accompanying the BBC's Charter requires us to produce comprehensive, authoritative and impartial coverage of news and current affairs in the UK and throughout the world to support fair and informed debate. It specifies that we should do all we can to treat controversial subjects with due accuracy and impartiality in our news services and other programmes dealing with matters of public policy or of political or industrial controversy. It also states that the BBC is forbidden from expressing an opinion on current affairs or matters of public policy other than broadcasting.

Special considerations apply during the campaign periods for elections.

In practice, our commitment to impartiality means:

- we exercise our editorial freedom to produce content about any subject, at any point on the spectrum of debate as long as there are good editorial reasons for doing so.
- we can explore or report on a specific aspect of an issue or provide an opportunity for a single view to be expressed, but in doing so we do not misrepresent opposing views. They may also require a right of reply.
- we must ensure we avoid bias or an imbalance of views on controversial subjects.
- the approach to, and tone of, BBC stories must always reflect our editorial values. Presenters, reporters and correspondents are the public face and voice of the BBC, they can have a significant impact on the perceptions of our impartiality.
- our journalists and presenters, including those in news and current affairs, may provide professional judgments but may not express personal opinions on matters of public policy or political or industrial controversy. Our audiences should not be able to tell from BBC programmes or other BBC output the personal views of our journalists and presenters on such matters.

Achieving impartiality

Impartiality must be adequate and appropriate to our output. Our approach to achieving it will therefore vary according to the nature of the subject, the type of output, the likely audience expectation and the extent to which the content and approach is signposted to our audiences.

Impartiality is described in the Agreement as "due impartiality". It requires us to be fair and open minded when examining the evidence and weighing all the material facts, as well as being objective and even handed in our approach to a subject. It does not require the representation of every argument or facet of every argument on every occasion or an equal division of time for each view.

News, in whatever form, must be presented with due impartiality.

4. The Committee's decision

The Editorial Standards Committee (ESC) of the BBC Trust considered the Complaint against the relevant editorial standards, as set out in the BBC's editorial guidelines. The guidelines are a statement of the BBC's values and standards.

In reaching their decision the Committee took full account of all the available evidence, including (but not limited to) the Editorial Adviser's Report and the subsequent submissions from the complainant, the Middle East Editor and the Director of News. The complainant objected to some of the later documents submitted by Mr Bowen, BBC News and the ECU on the basis that they raised new points at a late stage and/or that they had been submitted late. The complainant had

nonetheless sought to respond to those matters in a document dated 1 March 2009. The Committee read and considered those later documents, and the complainant's response to them. In the course of its discussions, the Committee formed the view that the matters raised in those later documents did not affect its conclusions on the merits of the complaints. It therefore did not need to decide whether to uphold any procedural "objection" to those documents.

This Appeal raised issues requiring consideration of the editorial guidelines relating to Accuracy and Impartiality.

In particular these extracts from the Guidelines are relevant :

"Our output must be well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language."

and

"If an issue is controversial, relevant opinions as well as facts may need to be considered."

and

"We should not distort known facts, present invented material as fact, or knowingly do anything to mislead our audiences."

In particular this extract from the Guidelines is relevant:

"impartiality is described in the Agreement as "due impartiality". It requires us to be fair and open minded when examining the evidence and weighing all the material facts, as well as being objective and even handed in our approach to a subject."

The Committee considered the nature of the dispatch and audience expectations. Members considered it relevant that From Our Own Correspondent is not a news programme but an outlet for a location-based item, offering a correspondent's reflection on an issue or event. As such, the Committee considered, it could be a lateral take on a story and thus focus on and include different material to that included within a news dispatch. The Committee nevertheless confirmed that the requirement remained that it be duly accurate and impartial on politically controversial subjects.

1) The "implication" that the land on which Har Homa was built belonged to Palestinians.

The first issue raised by the complainant was with regard to the ownership of the land on which Har Homa was built. The Committee noted the complainant's assertion that it was misleading for Jeremy Bowen not to have mentioned that

around 75% of the land in the Har Homa development area was already in Jewish ownership when building began.

The Committee considered the complainant's argument that a different impression might be taken by the listener: that the development had been built on Palestinian-owned land. The Committee also considered the complainant's argument that the piece should have stated that compensation was available to those who previously owned the land.

The Committee felt that while the information on ownership was interesting, it was not germane to the point Jeremy Bowen was making: the relevant issue was jurisdiction. The Committee considered that the question being explored was whether Israel had the legal authority to develop and populate the land.. The Committee accepted that the point being made was that the land which was expropriated by Israel in order to build the development was in occupied territory. The Committee also accepted that the point Jeremy Bowen was seeking to make was that under international law [this point which is also challenged by the complainant is dealt with below] Israel had no right to expropriate the land (whoever owned it). The Committee agreed that in the context of this item to have included information as to who legally owned the land may have confused rather than illuminated the point.

The Committee further accepted that there was no evidence to prove or disprove who owned the land on which the shepherd was farming and had his house, and there was no basis for the complainant's assertion that Jeremy Bowen was obliged to mention that he was "probably a squatter and trespasser". They felt that Jeremy's script lines were intended to paint a picture for a radio listener, in the spirit of From our own Correspondent.

Accordingly the Committee found no breach of the guidelines on Accuracy or Impartiality in respect of this section of the dispatch.

2. Mr Bowen's comment that a lot of the valley was now covered by a big concrete housing development.

The Committee then considered the complainant's second point, that describing Har Homa as a "big concrete housing development" when it was actually faced in Jerusalem stone, was both inaccurate and misleading, and that it promoted hatred of Israel and Jews.

The Committee noted the wording of this part of the dispatch:

"...and the valley is not green any more. A lot of it is now covered by a big concrete housing development called Har Homa."

The Committee agreed, having considered pictures, that Har Homa is built on a hill and that the development stretches downwards into the valley but does not reach the bottom of the valley. The Committee did not consider the reference to a lot of the valley being covered by a housing development as inaccurate. In common parlance a valley does extend up the sides of hills.

The Committee considered the reference to concrete. The Committee accepted that, even if some construction was still going on exposing the concrete core, that the development was faced in stone rather than concrete. However, the Committee accepted that the Middle East Editor intended to draw a comparison between the magnitude of the development, compared to what was there previously - a developed landscape set against a rural landscape. It concluded that in this context describing buildings with concrete cores as “concrete” even though they are faced in stone did not mislead the listener, and was not a material inaccuracy. As such there had been no breach of the guidelines.

The Committee further found that there was no evidence that demonstrated that calling Har Homa a concrete development, or drawing a general contrast between the rural scene and the urban development, had promoted or could promote hatred of Israel or Jews. There was no breach in the guidelines on impartiality.

3. Mr Bowen’s suggestion that the Har Homa settlement was considered illegal by the United States.

The Committee then considered whether the Middle East Editor was incorrect to state that the US considers Har Homa to be an illegal settlement.

The Committee noted what had been said by the Middle East Editor:

“It’s considered to be an illegal settlement by most of the world including the United States because it was built on occupied land.”

The Committee noted the reasoning provide by the ECU for the not uphold at Stage 2 of the BBC Complaints process:

“Mr Bowen had spoken on a confidential basis to a former, very senior, American diplomat who confirmed that Article 49 of the Fourth Geneva Convention had always applied to the occupied territories. Mr Bowen also understood that the State Department’s last legal opinion in 1977-78 was to the effect that the settlements were illegal and this had never been superseded or repudiated.”

The Committee accepted that the Middle East Editor had been informed that that was the American view by an authoritative source. The Committee did not ask and was not given evidence as to who the source was. The Committee accepted that Mr Bowen wished to protect his source.

The Committee accepted that Jeremy Bowen may have formed the professional judgement, that *in private* the American administration believes all Israeli settlements are illegal under international law. However, the Committee felt that there was no evidence that this was official US policy: on the contrary, there is a wealth of documentary evidence that the United States has specifically avoided using the word “illegal” in relation to the settlements.

The Committee took note of the volume of material from previous decades, which on a number of occasions made clear the US position on the legality or otherwise of Israeli settlements. But it felt there was no similar weight of evidence provided that the then current Bush administration, believed settlements were illegal. The Committee did not accept that the sole “on the record” mention of the word “illegal” in a Congressional Paper from 2003 was of sufficient weight against the numerous occasions on which US officials and politicians had apparently gone to great lengths in recent years to use phrases such as “unhelpful” rather than “illegal” to describe the settlements.

In conclusion, the Committee considered that Jeremy Bowen had stated his professional view without qualification or explanation, and that the lack of precision in his language rendered the statement inaccurate. The Committee considered that the Middle East Editor should have either sourced his comment, or stated that it was what officials felt privately but couldn’t say.

The Committee therefore felt that there had been a breach of the guideline on inaccuracy which states:

“Our output must be well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language.”

The Committee then considered whether the breach of accuracy in respect of the US policy on settlements had also given rise to a breach of the impartiality guidelines. The Committee in particular noted this guideline from Achieving Impartiality:

“impartiality is described in the Agreement as “due impartiality”. It requires us to be fair and open minded when examining the evidence and weighing all the material facts, as well as being objective and even handed in our approach to a subject.”

The Committee agreed that whilst a breach of the accuracy guidelines may also indicate a breach of impartiality guidelines, the two did not necessarily occur

together. In this instance the Committee accepted that the error arose not from a failure to be impartial (or to be fair and open minded), but rather because of an inaccuracy. Had Mr Bowen explained the basis for his statement, it would have been accurate. In the circumstances the Committee considered that the imprecise language did not also lead to a lack of impartiality.

4. Mr Bowen's reference to a considerable number of Israelis who regarded the colonisation of the West Bank as a disaster.

The Committee finally considered whether Jeremy Bowen was incorrect to state the following:

“At the end of 2007 President Bush inaugurated a new peace process at Annapolis in the United States. Just after they all went home, Israel announced it was going to extend the Har Homa settlement. There was consternation amongst Palestinians and the considerable number of Israelis who say that their country's colonisation of the West Bank has been a national disaster.”

The Committee considered that a “considerable number of Israelis”, did not suggest a majority or imply a figure close to 50%. The Committee then considered the evidence provided to it regarding this comment. The Committee noted that poll findings would suggest that more than 10% of Israelis disagree with the settlements, and the figure could be much higher depending on the precise questions asked. The Committee accepted that it was reasonable to summarise their objections in this way.

The Committee discussed how far it was meaningful to link the extension of Har Homa to Israelis' opinions of colonisation in the West Bank, given that the Israeli public may distinguish between Har Homa and the West Bank. The Committee concluded that this fact does not alter the meaning of the sentence, namely that announcement that Har Homa would be extended led to consternation among those Israelis who consider the colonisation of the West Bank to have been a national disaster. The Committee considered that this sentence is logical and that there is no evidence that it is inaccurate.

The Committee did not feel that Jeremy Bowen was obliged to mention that the majority of Israelis were in favour of settlements, and concurred with the ECU in this regard.

In conclusion, this element of the complaint was not upheld as a breach of the guidelines on either accuracy or impartiality.

Accuracy Finding: Partial Uphold on Accuracy with regard to US policy on settlements, not upheld in any other respect.

Impartiality Finding: Not Upheld

“How 1967 defined the Middle East”, BBC News Online, 4 June 2007 – complaint 2

1. The article

The appeal regards a story on the BBC website, written by Middle East Editor Jeremy Bowen on the 1967 war between Israel and Egypt Syria and Jordan and its legacy. The article also trailed a series called “Six Days which changed the Middle East” on Radio 4 in the summer of 2007.

2. The complaint

The complainant summarised his complaint as follows:

The article “was marred by serious omissions, exaggerations and outright anti-Israeli bias”

2.1 The complainant wrote to the BBC website (stage 1 of the BBC’s complaints process) on 8 June 2007

The complainant claimed that although the opening paragraph of the article by Jeremy Bowen stated:

“to understand what is happening between Israel and the Palestinians now, you have to understand what happened in the Middle East war of 1967”

the BBC’s website version of what happened in the Middle East war of 1967 was marred by inaccuracy and anti Israeli bias.

The complainant claimed that in the second paragraph of the article, it says Israel “smashes” the armies of Egypt, Jordan and Syria but the complainant continued:

“there isn’t the slightest mention of the Arab aggression that caused this result.”

The complainant continued:

“Neither in this paragraph nor in the rest of the piece do readers learn that Egypt expelled United Nations troops from the Sinai Peninsula and massed its own forces on the Israeli border, with plans and intent to attack...”

“...Or that Egypt blocked the Straits of Tiran to Israeli shipping, a *causus belli* ...under international law”

“Nor are readers informed that Israel did not ‘smash’ Jordan and Syria until those countries first attacked Israel.”

The complainant says that these omissions are sure to “skew” the readers’ understanding of what happened in the Middle East war of 1967.

The complainant then addressed the third paragraph which states:

“The war made 250,000 more Palestinians – and more than 100,000 Syrians – into refugees. No peace is possible in the Middle East without solving their problems.”

The complainant claimed that nothing was written of the thousands of Jews, who he says were expelled from their homes in Arab countries as a result of the war.

The complainant said the fourth paragraph:

“is short and to the point. It states only ‘Israel became an occupier.’”

The complainant stated that these points were true and that Israel:

“did win a convincing victory, the war did result in the displacement of Arabs, Israel did occupy disputed territories.”

However:

“But the BBC’s focus on these specific aspects while omitting context paints a highly misleading picture of Israel as the aggressor and the Arab world as victims in 1967.”

The complainant also raises that, later in the piece, the BBC continues with what he said:

“seems to be its attempt to rewrite history with Israel as the powerful aggressor of the Six Day War.”

The complainant stated that the article goes onto suggest that:

“the Israeli David defeated the Arab Goliath as the ‘myth of the 1967 Middle East war.’”

The complainant claimed that Jeremy Bowen suggested that the fear felt by Israeli citizens existed not because there was any real danger but rather because Israeli leaders:

“...hid from the public their confidence in the country’s position.”

The complainant quoted Jeremy Bowen saying:

“all knew that the only way Israel would lose the war would be if the IDF did not turn up”

And that Israeli Generals:

“had been training to finish the unfinished business of Israel’s independence war of 1948 for most of their careers.”

The complainant stated that he was shocked to read the last quote on the website of a mainstream media organisation, as “it absolutely turns reality on its head.”

The complainant said that it was not Israel but rather the Arab world, which had by its own admission sought to take care of the “unfinished business” that it had failed to achieve in 1948 – the destruction of Israel.

The complainant stated that nowhere does Jeremy Bowen clarify what he regards as “Israel’s supposed unfinished business.”

But:

“he seems to subscribe to the view promoted by anti – Israeli activists that Israel is inherently expansionist, making a reference in the piece to ‘Zionism’s innate instinct to push out the frontier’”.

The complainant questioned why the fact that Israel had decided after the war that it would give up the Golan Heights and the Sinai Peninsula was not mentioned. The complainant said that this was by far the vast majority of the land Israel had conquered during the war.

The complainant asked what happened to the fact that Israel had hoped not to fight on the Jordanian front.

The complainant stated that these points suggest that from:

“Israel’s perspective the Six Day War was a fight for the defence of the country rather than a war of expansion”

but are ignored by the Jeremy Bowen and the BBC.

The complainant stated that the article’s claim that Israeli leaders were all sure of their, “inevitable victory” was a “great ...exaggeration.”

The complainant said that even though some of the Israeli top brass felt assured in their army’s capabilities, the “pervasive sense of fear” before the war was hardly limited to Israel’s general public. The complainant said that Prime Minister Eshkol and others felt that Israel’s ability to win the war depended on an Israeli first strike.

The complainant said that Israel’s chief of intelligence had said that if Israel didn’t respond to Egypt’s ‘acts of war’, the country would lose its deterrence and its neighbours would, “threaten her security and her very existence.”

The complainant stated that the country’s general staff determined that, “every delay is a gamble with Israel’s survival.”

The Chief of Staff, according to the complainant, did predict an Israeli victory but he also foresaw a, “terribly hard war with many casualties.”

The complainant went on to say that the stress of the situation would eventually cause Rabin temporarily to suffer from a nervous breakdown

“hardly something that one would expect from the ‘hugely self confident’ generals described by Bowen.”

The complainant concludes by saying that Jeremy Bowen closed the piece by ignoring everything that happened between the end of the war and today. The complainant quotes from what Bowen wrote

“Four days after the war ended, US Secretary of State Dean Rusk warned that if Israel held onto the West Bank, Palestinians would spend the rest of the country trying to get it back.”

“Forty years on, Israel has settled around 450,000 people on land occupied in 1967, in defiance of everyone’s interpretation of international law except its own.”

The complainant complains that what was not said was that for most of the ensuing forty years

“the PLO refused to recognise Israel’s right to exist and swore to violently destroy the country.”

The complainant goes on to say that it was not until 1974 that the PLO agreed to accept a state

“that didn’t include all of Israel.”

The complainant says that that the PLO said that the Palestinian state would be used as a base from which to continue attacking Israel, with the ultimate goal of destroying Israel.

The complainant says that

“despite this, Israel sought to give the Palestinians a significant degree of autonomy just after the war “

and the complainant goes on to say that only a few years ago Israel offered to remove most settlements from the West Bank and turn over the Gaza Strip and nearly all of the West Bank to the Palestinians. The complainant says this offer was rejected.

“Readers cannot even begin to understand why the West Bank remained under Israeli control for 40 years without knowledge of the PLO stance for much of that time.”

The complainant goes on to say that referring to Jeremy Bowen's claim that settlements are illegal under

"everyone's interpretation of international law except its own" (Israel's),

the complainant claims

"this hyperbole is demonstrably false."

The complainant says that non – Israeli experts in international law have argued that Israel's settlements are legal. The complainant adds that successive American governments (with the exception of the Carter administration) have not declared that Israel's settlements are illegal under international law. The complainant also claims that Ronald Reagan also asserted that the settlements were not illegal.

"The BBC is not expected to subscribe to this view, but it is expected to avoid reporting as fact simplistic and inaccurate hyperbole about the legality of settlements."

2.2 The BBC News website replied to the complainant on 15 June 2007

The BBC News website said that the intention of the article had not been to provide a detailed history of the war and its causes.

The BBC News website said it was part of a wide range of coverage which included for example

"a detailed day by day account of the war and maps of the key events, a series of articles about the major obstacles for peace and links to further historical context on the decades before the war."

The BBC News website said that events such as the May 1967 closure of the Straits of Tiran by President Nasser, were included in this coverage.

The BBC News website said that the aim of the article was

"to provide a considered view from our Middle East Editor of the long term legacy of the war in the region and its significance for the current political situation there."

The BBC News website went on to say that they had received several other emails which made some common points – most notably over the relative strength of the Israeli armed forces at the time and whether it was justifiable to say there were "two Goliaths in the Middle East in 1967".

The website goes on to point out that the article cited both the British Cabinet's Joint Intelligence Committee and the US Joint Chiefs of Staff in support of the assessment that Israel's armed forces were in a position of strength.

The BBC News website says that the author had also pointed out separately that Yitzhak Rabin himself, in a Jewish Chronicle interview in March 1967 stated that Israel

“enjoys superiority over her enemies which seems to be assured for many years to come.”

However, the BBC website says that it was also

“clearly acknowledged that there were real and considerable fears among Israelis.”

The BBC News website concluded that the article was based on the Jeremy Bowen’s long-standing experience in the region and knowledge of the subject, as well as his extensive research into the period.

The BBC News website acknowledged that whilst not all readers may agree with the assessments in the article

“it is a legitimate and important part of our overall coverage as well to seek to assess what the war means today.”

2.3 The complainant wrote to the second stage of the BBC’s complaint process, the Editorial Complaints Unit (ECU), on June 26 2007 saying that the BBC’s original response had failed to address the main points raised in the original complaint

The complainant said that the crux of the complaint was that Jeremy Bowen’s article

“misleads readers with false information, and by focussing on certain aspects of the war while ignoring other essential aspects.”

The complainant said his complaint focuses on four points:

The first point was the

“article’s omission of key context about the causes of war...paints a skewed picture of Israel as the aggressor and Arabs as mere victims in 1967.”

The second point was

“while this key omission absolves Egypt, Jordan and Syria of their responsibilities for the situation, other bizarre points of focus wrongly suggest that Israel was itching for a war of expansion”

The complainant says that first, there is

“the outrageous assertion that Israeli generals ‘had been training to finish the unfinished business of Israel’s independence war of 1948 for most of their careers’”

The complainant says the outrageous aspect of the passage is that it

“describes the openly-avowed stance in reality, of the Arab world”

The complainant says that for the BBC to suggest that *Israel* was looking to go back to war to take care of ‘unfinished business’ – while ignoring the stated Arab desire to do this very thing

“is not consistent with the organisation’s editorial guidelines calling for truth, accuracy and impartiality.”

The complainant goes on to say that the article further paints Israel as

“a land-hungry aggressor when it refers to “Zionism’s innate instinct to push out the frontier.”

“That the article focuses on Zionism’s (supposedly) ‘innate instinct’ to expand the frontier while ignoring a) Israel’s requests that Jordan refrain from joining the fighting. b) its offer to return territory after the war and c) the Pan-Arabist desire to expand the frontier by destroying Israel is not consistent with the BBC’s editorial guidelines.”

The complainant’s third point is that

“the article suggests that the Israeli public feared for their safety only because Israeli leaders did not share with the public their sense of confidence.”

The complainant goes on to quote three paragraphs from the article:

The Jewish Goliath had never been in better shape, and knew it, or rather its leaders did. In 1967 Israel was a fortress society in a way that it is no longer. There was no television, and generals and politicians did not leak their business to their favourite journalists as they do today.

Israeli civilians, especially in the crisis that led to war, were left to their own fears, which for many people were considerable.

Israel’s generals were not taken in. They all knew that the only way Israel would lose the war would be if the IDF did not turn up.

The complainant goes on to say that

“These statements leave the unmistakable impression that Israel exaggerated the threat to its security, and imply that the country did not need to go to war. But they do not accurately reflect the reality of the period.”

The complainant's fourth point is that

“the article's treatment of the post war period again implies Israel aggressiveness and ignores that of the Arabs.”

The complainant quotes two sentences from the article:

Four days after the war ended, US Secretary of State Dean Rusk warned that if Israel held onto the West Bank. Palestinians would spend the rest of the century trying to get it back.

Forty years on, Israel has settled around 450,000 people on land occupied in 1967, in defiance of everyone's interpretation of international law except its own.”

The complainant says that what was

“unsaid is that for a majority of those 40 years the PLO refused to recognise Israel's right to exist and swore to violently destroy the country.”

The complainant's fifth point is that the statement

“Israel's settlements defy ‘everyone's interpretation of international law except its own’ is incorrect and violates the BBC's guideline calling for accuracy”

The complainant goes on to address the BBC response and says that while the BBC responded that the article was not to provide a detailed history of the war and its causes

“while these assertions may be true, they do not of course free the BBC of its obligations to ensure that its history – however undetailed – is still in accord with its editorial guidelines calling for truth, accuracy and impartiality.”

The complainant goes on to note that the BBC News website said it had also received similar other comments about the assertion that there were

“two Goliaths in the Middle East in 1967”

“But if Rabin's statement in March 1967 is seen as reflecting Israel's views at the time, surely his statements in May-June 1967 should be seen as reflecting the country's views during the Arab military build up.”

The complainant concludes by saying that the BBC News website had said that the article was based on the author's long standing experience in the region...

“Our complainant is not that the author was inexperienced but concerns specific misrepresentations that need clarifying.”

2.4 The ECU responded to the complainant on 29 October 2007. The complaint was considered in relation to the Editorial guidelines, in particular the guidelines on impartiality and accuracy. The ECU did not uphold the complaint on the following grounds:

The ECU apologised for the length of time in responding to the complainant but said that the complex questions his complaints raised took longer to resolve with BBC News than they should have done.

The ECU said it had looked at his complaint and passed his complaint to managers in BBC News. The ECU had also received a long response from Jeremy Bowen and carried out its own research.

The ECU said it had taken the complainant's complaint to be that the article was

“marred by serious omissions, exaggerations and outright anti-Israeli bias “

The ECU went on to say that throughout its letter, it would be referring to Israeli politicians, events and organisations and it would normally include historical or biographical detail. However, the ECU acknowledged that the complainant had a detailed knowledge of the period and personalities involved and easy access to relevant reference resources, so the ECU apologised in advance if it presumed too much in its response.

The ECU says it would take excerpts from the complainant's email as headings:

“there isn't the slightest mention of Arab aggression”

The ECU says it believed it was clear what the article set out to be.

“It is a fairly brief account of why Israel won in 1967 and the consequences of that victory.”

The ECU says that decisions to start any historical survey were always difficult and as the article was about the consequences of victory, the ECU did not think it inappropriate to start with the war itself.

The ECU says that the article did discuss what Jeremy Bowen called the

“bloodcurdling threats”

issued by the Voice of the Arab radio station:

“ we have nothing for Israel except war – comprehensive war – marching against its gangs, destroying and putting an end to the whole Zionist existence – every one of the 100 million Arabs has been living for the past 19 years on one hope – to live to die on the day that Israel is liquidated.”

The ECU says it did not think that this would have left readers in any doubt that Arab countries were aggressively promoting war.

“refugees”

The ECU says it seemed reasonable to concentrate on the Palestinians, who the ECU believed, had raised a major political problem specifically their claim of a right of return to homes now within the State of Israel.

The ECU said that looking at the “Road Map” there was some discussion of ‘refugees’ but the ECU said that none of it referred to Jewish refugees from Arab countries. The ECU said that although it appreciates the complainant’s particular concerns on this issue

“it seems ... to be too greater a degree of detail than is necessary in an article of this kind.”

“Unfinished business” and “Zionism’s innate instinct to push out the frontier.”

On the first point, the ECU quoted what Jeremy Bowen wrote:

“I was referring specifically to the desire to overturn the Jordanian conquest of the Old City of Jerusalem. In his memoir The Liberation of Jerusalem (London Valentine Mitchell 1992) Gen Uzi Narkiss, who was OC Central Command in 1967 writes specifically about the feeling he had, along with his colleagues in the Palmach who had fought in 1948, about taking the Old City. Yigal Allon, in the cabinet in 1967, had also urged Ben Gurion in 1949 to capture the West Bank. At no time do I say that there was a plan to capture and hold territory. The interesting thing is why that ended up happening. I touch on that in the on line piece with the discussion of messianism and its consequences.”

And on the second point, the ECU quoted from what Jeremy Bowen wrote:

Quote from Yigal Allon: the true frontier of the state of Israel moves and forms according to the movement and location of Jewish workers of the earth. Without Jewish settlement, defence of the country isn’t possible, even if we double the size of the army... (quoted p85 in Ze’ev Schiff A History of the Israeli Army (San Francisco: Straight Arrow Books. 1974)

The Zionist settlement of Palestine started in Ottoman times with one kibbutz. Had they not had the instinct for expansion that I mention in the online piece that is where it would have stayed, and events sine 1967 also bear out what was written in the article. In May 1967 no Israelis lived in the Old City of Jerusalem and the West Bank. Today more than 400,000 Israelis live on land captured in 1967.”

The ECU went onto say that it was quite clear from a variety of material that the founders of the State of Israel did not accept the division of the Jerusalem, which happened in 1948.

The ECU quoted David Ben Gurion, speaking in the Knesset on 5 December 1949.

The ECU quoted Menachem Begin and said that most other speakers expressed similar sentiments.

The ECU also quoted Mr Begin in another debate on 3 May 1950

The ECU said that it was quite clear that Mr Begin believed in 1950, that Israel should include Bethlehem and Hebron, and he combined policy on that basis when he became Prime Minister in 1977.

The ECU said that it seemed reasonable that

“the views he expressed received a significant degree of support and it is therefore a matter appropriately within the scope of Mr Bowen’s judgment to conclude there was, as he puts it a perception of ‘ unfinished business’ from 1948 among Israelis.”

The ECU said that in the light of this kind of material and an absence of any clear statement from any government of Israel on where the borders of the state ought to be, it seemed that

“the observation that Zionism has ‘an innate instinct to push over the frontier’ is justified by both the actions of successive Israeli governments and the public statements of leading Zionists.

The ECU went onto say that it had quoted the transcript or remarks heard on the Voice of Arab radio station that appeared in the article which refer to “19 years” and liquidating Israel.

The ECU said that it believes this was an adequate account of the Arab view of “unfinished business”

“Inevitable victory”

The ECU said it took this heading to be a reference to the section of the article header “the generals’ hour”

The ECU said that it seemed to them that Jeremy Bowen was doing no more than suggesting that contrary, to the “myth of the 1967 Middle East War”, Israel’s military was superior to the combined Arab armies, and that was why it won.

The ECU said that Jeremy Bowen had done so on the basis of research into contemporary analyses of the two sides’ relative strength. The ECU went onto quote this account of his sources:

Foreign office document PRO/FCO 17/576: Annual Report on the Israeli Army 27 January 1967. It said the numerical superiority of the Arab forces would be cancelled out ‘by the superiors training and fighting effectiveness of the Israelis’ and by its air force. The British military attaché in Tel Aviv said ‘in command, training, equipment and services the Israeli army is more prepared for war than ever before’. Available at UK National Archive. A

similar analysis is in the report to the British cabinet of the Joint Intelligence Committee on 17 April 1967 PRO/CAB158/66. 'A comparison of the armed forces of Israel and those of certain Arab states up to the end of 1967.' It said it was 'inconceivable' that the Arabs would improve their efficiency and morale to the point where they could bear Israel.

The ECU went on to say that Jeremy Bowen had told them that these documents were available at the UK National Archive at Kew. Jeremy Bowen had also researched US material at the Johnson library at the University of Texas in Austin. The ECU said that Box 104 of the National Security File produced material which included the quote

"... the Israeli army is considered capable of defeating the forces of any or all of its Arab neighbours and could offer effective delaying action against the ground forces of a major power..."

The ECU said that Jeremy Bowen had also told it

When I asked one of the IDF planners when they started laying the foundations for the victory in 1967, he said "can't remember if it was 1950 or 1951." Among many retired senior officers, I spoke to Gen Elad Peled, who was a divisional commander in 1967. He told me about the great confidence of the generals which is attested to in many secondary sources.

The ECU said it had consulted a recently published book on the period on this specific point ("Six Days of War: June 1967 and the Making of the Modern Middle East" by Michael B Oren) and noted that it had described a meeting in the run up to war between Abba Eban, Robert McNamara, the US Defence Secretary and General Earle Wheeler, then the US Chairman of the Joints Chief of Staff.

According to Mr Oren

"Wheeler and McNamara explained how the IDF would win a war in two weeks even if attacked on three fronts simultaneously – one week if Israel shot first."

The ECU quoted from an interview Mr Eban gave for an American TV series in 1997 which included a description of a meeting with President Johnson after the war was over:

And when I went back after the war had been won, he didn't even try to conceal his relief at what had happened. He said, "Of course, our generals always said that you would win the war in any case, either in seven days if you had the first strike, or in 12 days if the Egyptians had the first strike." But Johnson went on, "My generals are always right about other people's wars."

The ECU concluded that

“ those in a position to make a proper assessment of the relative capabilities of the Israeli military and the armies of the Arab countries were near unanimous that Israel would have no significant difficulty in winning.”

The ECU said that it had looked into accounts of Mr Rabin’s “*nervous breakdown*”

The ECU said that what exactly had happened between 23 and 25 May 1967 dogged Mr Rabin throughout the remainder of his life.

The ECU said that in his memoirs Mr Rabin described the 30 hour collapse that came 12 days before the war started. The ECU went onto quote from Mr Rabin’s description.

The ECU said that Mr Rabin’s political opponents in Likud campaigned against him in 1992 on the slogan “ *We need a clear headed Prime Minister*”, which the ECU said was a clear reference to this event.

The ECU said that as Jeremy Bowen explained in the article

“the confidence of the military commanders was in contrast to the caution of the country’s political leaders.”

The ECU went onto quote the response Jeremy Bowen gave to the complaint’s point:

It is clear though that he (Mr Rabin) got very wobbly, and according to Gen Weizman (later President) Rabin offered to stand down and give him his job. Rabin recovered himself went back to work and presided over a victory he had done more than anyone to prepare. Again I didn’t go into it, mainly because in a short article you can’t write the entire history of the war. I also didn’t use the quote that Rabin gave the Jewish chronicle (published 31.3.1967). He told the JC that Israel ‘enjoys superiority over her enemy which seems to have been assured for many years to come...’ He could see ‘see nothing that would upset Israel’s superiority in the next three or four years.’ British intelligence thought Rabin’s view was ‘conservative’ (PRO/CAB 158/66. 17.4.67) Which was Rabin’s true view? His moment of panic after he had been chewed over by Ben Gurion or what he said before the crisis started? And we know the result of the war, which suggests the view he gave to the JC was correct.

The ECU went onto say that if it understood the complaint correctly, the complainant was suggesting

“ that a single event, which consisted solely of a crisis of nerves lasting no more than two days and affecting one individual, albeit the Chief of Staff, is sufficient to demonstrate that the leaders of the Israeli military were less than confident of the outcome of a war which was, by that stage inevitable.”

The ECU said it did not accept this. The ECU said that it seemed

“ that within the proper scope of Mr Bowen’s professional judgement to assess whether that is the case, and he is entitled to conclude on the basis of the significant evidence he considered that Israel was assured of victory.”

The fifth heading the ECU used was

“the PLO refused to recognise Israel’s right to exist...”

The ECU said the relevant section of the article said::

Four days after the war ended, US Secretary of State Dean Rusk warned that if Israel held onto the West Bank, Palestinians would spend the rest of the century trying to get back. Forty years on, Israel has settled around 450,000 people on land occupied in 1967, in defiance of everyone’s interpretations of international law except its own.”

The ECU said that it seemed to it that

“history has shown Dean Rusk to be correct, and leaving aside for the moment the “international law” point, this is a factually accurate statement.”

The ECU went onto say that it took the complainant’s point as suggesting that the complainant believed Palestinian behaviour accounted for the present situation

“I don’t think Palestinians would accept that, and any balanced account of the present situation would need to reflect that difference of opinion. In a brief article, such as this, which discussed the consequences of Israel’s victory in 1967, it seems to be an appropriate exercise of Mr Bowen’s judgement to discuss what the problems are and leave the discussion of why they came about to a different forum”

“Bowen’s claim that settlements are illegal...”

The ECU said that Jeremy Bowen wrote referring to the settlements:

... In defiance of everyone’s interpretation of international law except its own

The ECU said it agreed that this was not phrased

“as precisely as it could be. I think it’s clear from the context that by “everyone” he is referring to the position of governments, not that held by individuals.”

The ECU goes onto say that it was the case for example that the British Government does regard the settlements as illegal, “settlements are illegal under international law”.

The ECU concluded that more broadly the BBC Governors had carried out a review of coverage of the Israeli-Palestinian dispute. As part of that they commissioned an analysis of various legal points from Noam Lubell.

“Mr Lubell concluded that the settlements were illegal in international law and on that basis I can’t conclude that Mr Bowen’s line is inaccurate.”

2.5 The complainant wrote to the Editorial Standards Committee (ESC) of the BBC Trust which represents the third and final stage of the BBC Complaints process, on 10 December 2007 appealing against the findings of the ECU.

The complainant said that the replies from BBC News and the ECU

“ ..Ignored key points of our complaint, misrepresented certain parts of the complaint, misinterpreted comments by Israeli figures and pointed to individual cases that seem to confirm its position while ignoring other important cases that are inconsistent with the BBC’s assertions.”

The complaint said he had divided his response to the ECU findings by topic, the details of the complainant’s complaint and a summary of the BBC’s reply and the complainant’s rejoinder.

1. “Everyone’s interpretation of International Law”

The complainant said that the article asserted that Israel’s settlements were illegal under “everyone’s interpretation of international Law except its own”.

The complainant claimed

“this hyperbole is demonstrably false and violates the BBC’s editorial guidelines calling accuracy”

The complainant said the BBC guidelines made it clear for output to be “presented in clear, precise language”

The complainant said that the ECU has acknowledged in its findings that this was not the case as the passage

“is not phrased as precisely as it could be”

The complainant said that the ECU acknowledged that the passage violated the BBC guidelines but chose not to uphold this part of the complaint. The complainant claimed that Jeremy Bowen’s assertion about “everyone’s interpretation of international law” did not comply with BBC guidelines for “accuracy” and “precise language”. The BBC had also failed to acknowledge its obligation to “acknowledge serious factual errors and correct mistakes quickly and clearly.”

2. Omission of Arab aggression

The complainant claimed that both of the BBC’s replies suggested that the causes of the war, including massive military threats

“are details that need not be included in Mr Bowen’s discussion; “what happened in the Middle East war of 1967”. The causes of war, however, are not merely ‘details’. They are key in understanding what happened in the war and what is happening today.”

The complainant said that to say the article was too brief to include these key points

“cannot be taken seriously in light of the other less important details Mr Bowen saw fit to include...”

The complainant referred to the ECU assertion about the Voice of the Arabs radio station conveying that Arabs were aggressively promoting war

“It is strange the BBC mentioned only the belligerent and threatening statements by an Egyptian *radio personality* while ignoring similar statements repeatedly trumpeted by *the leaders of Arab countries*.”

3. Israeli Confidence

The complainant claimed that the ECU response to his claim that the complainant referred only to Mr Rabin’s breakdown to make his points about the Israeli mind set before the war

“is not only patently false but also extremely disturbing, as it indicates that [the ECU] did not give careful attention to our appeal, or at worst wilfully ignored much of the evidence I provided.

The complainant said that the problem was

“with the article’s overall treatment of Israeli opinions about the looming war. Mr Bowen is welcome to conclude that the Israeli military were qualitatively stronger than that of its adversaries but he is not free to misrepresent the Israeli views at the time and downplay the fears and concerns at the top level of Israel’s government and military”

“He painted a misleading picture of supremely confident Israeli leaders and generals and an Israeli public which was worried only because these leaders and generals kept them in the dark”

The complainant concluded that Mr Bowen’s assertion that in a short article you can’t write the entire history of the war

“is certainly true. But in responsible journalism, this truth cannot be used as an excuse to relay only selected information that seriously distorts the full, accurate picture.”

4. Israel's "Unfinished Business" and Zionism's "Innate Instinct to Push Out the Frontier."

The complainant said that both Mr Bowen and the ECU

"selectively cited quotes and actions that support (and sometimes fail to support) the BBC's claims of "unfinished business" and innate instinct" to explain."

"But they ignored the many quotes and actions which contradict these claims. This cherry-picking of selected quotes might be expected in a prosecutorial brief but not in fair minded journalism."

The complainant went onto make his point through several quotes and concluded by saying

" .. It might on the surface seem that I am doing the very thing I accuse the BBC of doing – citing selected quotes and actions to make a point."

"The difference though should be apparent. The BBC's cherry picked assertions were meant to be journalism.... They were meant to support blanket statements about Israel's view and about Zionism's innate instincts."

"My selected statements are merely meant to show that the BBC's journalism ignored an important part of the picture and that the BBC's blanket statements do not withstand scrutiny."

5. The Current Situation

The complainant said that the ECU had written that

"...seems that history has shown Dean Rusk to be correct"

The complainant went onto make the point that the question is not whether or not Mr Rusk was correct.

"The questions is whether Mr Bowen's article was a fair, accurate or 'balanced account' of the situation

The complainant said that the ECU had once again said that the article was a 'brief article' and suggested that for this reason the article could not discuss why current problems came about.

The complainant said

"this argument is specious"

The complainant concluded that the ECU had made an assumption about his personal views

“I don’t see how my personal views should influence the BBC investigation into whether its article is consistent with BBC Editorial Guidelines. But I will nonetheless respond that I believe the behaviour of both parties to be relevant to the current situation.”

The complainant says that

“Mr Bowen’s article makes it seem as if *only* Israeli actions should be scrutinised and criticised.”

6. Refugees

The complainant stated that the article said that “the war made 250,000 more Palestinians – and more than 100,000 Syrians – into refugees. No peace is possible in the Middle East without solving their problems.”

The complainant pointed out that

“not a single word is devoted to the thousands of Jews who were forcibly expelled from their homes in Arab countries as a result of the 1967 war.”

The complainant claimed in the ECU response

“It is unclear why [the ECU] believes an article about the consequences of 1967 should focus on Palestinians affected by the war, but not Jews affected by the war”

The complainant went on to say that both the ECU and Jeremy Bowen believed it was worth mentioning *Syrians* who fled the Golan Heights

“but not the Jews who were expelled from their countries as a result of the 1967 war....Why are Jewish refugees of 1967 seen as an unnecessary ‘detail’ while Palestinians who left the West Bank and Syria’s internally displaced from the Golan Heights are deemed worthy of mention?”

The complainant said that the ECU’s reasoning about Palestinian refugees presenting

“a great political obstacle”

did not answer the question because

“it is debatable whether the Palestinian refugees of 1967 are regarded as an especially large political problem”

The complainant went said that the ECU’s claim that the “Road Map” did not refer to Jewish refugees from Arab countries was

“at best misleading. The road map does not refer to *any* single group of refugees”

7. Overall Bias

The complainant said that on each of the topics he had mentioned

“the BBC fell short of its Editorial Guidelines”

The complainant said that each example was a problem that should be considered on its own.

The complainant then addressed the overall bias of the article.

“Each of the distortions described ... tilts the article toward the pro Palestinian narrative.”

“The falsehood about ‘ everyone’s interpretation of international law’, the casting of Israel as the aggressor by ignoring the Arab role in starting the war, minimizing the threat Israel felt, claiming Zionism is inherently expansionist, and suggesting that Israeli generals had planned this war since 1948; the false idea that Israel alone is responsible for the past 40 years of conflict because it failed to heed Rusk’s warning and the focus on Arabs displaced by the war while ignoring the Jewish displaced.”

2.6 The interested parties were given an opportunity to comment on the background notes which were prepared for the ESC. Their comments are summarised below.

The complainant wrote to the Trust on 6 July 2008

The complainant said that he was generally satisfied with the notes. However he made a number of specific points. In particular, he continued to question the reference in the article to Zionism’s expansionist instincts and challenged the way in which Mr Bowen had defended this. The complainant pointed out that if Israel redeployed to its separation barrier, this would still constitute a contraction of territory compared with the current and long-standing eastern boundary of Israeli control and settlement i.e. the Jordan River

On the issue of the prominence given in the article to Palestinian refugees, the complainant said that many would regard Jewish refugees as also being a political issue. He noted that Jews expelled from their homes as a result of the 1967 war were suffering as much as displaced Syrians who had fled from the Golan Heights.

Mr Bowen wrote to the Trust on 10 July 2008

Mr Bowen argued that it was wrong to suggest that he had taken sides in a historical controversy, supporting the ‘new historians’ view of the 1967 war against the ‘mainstream view’. As BBC Middle East Editor, his job involved making judgements based on his journalistic experience and research. He added that the article was

written in order to help readers understand how current events were shaped by those of 1967.

BBC News wrote to the Trust on 1 July 2008

BBC News felt that the background notes did not properly address the key issue which was whether the article was a 'professional judgement' rather than a 'personal opinion' and, if it was, whether Mr Bowen's analysis was evidence-based and reasonable. BBC News said that there was no question of Mr Bowen being allowed to provide a personal opinion piece in the way that an outside contributor might. BBC News also pointed out that the editorial guidelines did not require the representation of every facet of an argument on every occasion.

The ECU wrote to the Trust on 2 July 2008

The ECU argued that the guidelines on personal view material were irrelevant since, as the work of a BBC specialist journalist, the article did not constitute such material. The appropriate question for the ESC to consider was, therefore, whether the article exceeded the scope allowed for BBC journalists to provide professional judgements.

The ECU also suggested that the approach of measuring the article against two contrasting viewpoints was flawed because there were an indefinite number of competing viewpoints about the 1967 war.

2.7 The interested parties were then given an opportunity to comment on the above responses. These further comments are summarised below.

The complainant wrote to the Trust on 25 August 2008

The complainant maintained that the guidelines' reference to 'professional judgement' did not invalidate the need for impartiality and accuracy. He also said that the fact that there were more than two viewpoints did not mean that the impartiality guidelines could be ignored. Fortunately, in this case, it was reasonable to generalise that there were two prominent viewpoints.

BBC News wrote to the Trust on 1 September 2008

BBC News reiterated that the article was the product of Mr Bowen's professional judgement, based on his wide journalistic experience. This letter also included a number of specific points by Mr Bowen defending the article. In particular, Mr Bowen referred to:

- a report by Peace Now, an Israeli advocacy group, showing that Israeli settlements in the occupied West Bank were expanding rapidly
- a US State Department report showing that the US government regarded Israeli settlements in the occupied territories as illegal.

2.8 The interested parties were given an opportunity to comment on the final documentation prepared for the ESC. These further comments are summarised below.

The ECU wrote to the Trust on 23 December

The ECU reiterated that, with limited exceptions, work by BBC journalists was not regarded as falling within the guidelines on personal views and authored pieces. The ECU also continued to argue that the approach taken in the background notes, in focusing on whether balance was maintained between two viewpoints, was flawed.

The complainant wrote to the Trust on 22 December 2008 and 9 January 2009

The complainant responded to the points made by Mr Bowen in the letter from BBC News of 1 September. On the question of whether the US government regarded Israeli settlements as illegal, the complainant said that the State Department report quoted by Mr Bowen did not show what he claimed and that Mr Bowen's view was unsupportable.

Mr Bowen wrote to the Trust on 2 January 2009 and 11 February 2009

Mr Bowen made a number of specific points in defence of the article. In particular, he continued to argue that Zionism was instinctively expansionist. He also drew attention to his 25 years of experience as a BBC journalist.

BBC News wrote to the Trust on 16 December and 18 February

BBC News reiterated that the article was the product of Mr Bowen's professional judgement and that the guidelines on impartiality did not require the representation of every facet of an argument on every occasion. BBC News also pointed out that the article was part of a diverse range of material published by the BBC about the 1967 war and enclosed an outline of website articles.

The ECU wrote to the Trust on 27 February

The Head of the ECU clarified his earlier statements regarding his view that there were more than two narratives of the events of 1967 and also his position with regard to what constituted a professional judgement.

3. Applicable Editorial Standards

Section 3 - Accuracy

Introduction

The BBC's commitment to accuracy is a core editorial value and fundamental to our reputation. Our output must be well sourced, based on sound evidence, thoroughly

tested and presented in clear, precise language. We should be honest and open about what we don't know and avoid unfounded speculation.

For the BBC accuracy is more important than speed and it is often more than a question of getting the facts right. All the relevant facts and information should be weighed to get at the truth. If an issue is controversial, relevant opinions as well as facts may need to be considered.

We aim to achieve accuracy by:

- the accurate gathering of material using first hand sources wherever possible.
- checking and cross checking the facts.
- validating the authenticity of documentary evidence and digital material.
- corroborating claims and allegations made by contributors wherever possible.

Fact checking

We must check and verify information, facts and documents, particularly those researched on the internet. This may include confirming with an individual or organisation that they posted material and that it is accurate. Even the most convincing material on the web may not be what it seems.

Identifying sources

We should normally identify on air and online sources of information and significant contributors, as well as providing their credentials, so that our audiences can judge their status.

Anonymous sources

Sometimes information the public needs to know is only available through anonymous sources or contributors, generally on an "off the record" basis.

Protecting sources is a key principle of journalism for which some journalists have gone to jail. We must take care when we promise anonymity that we are in a position to honour it, including the need to resist a court order.

When a source asks for anonymity as a condition of giving information, or a contributor demands anonymity when taking part, we must agree with them precisely the way they are to be described. However, with an anonymous source, especially a source making serious allegations, we must give the audience as much information about them as is compatible with protecting their identity, and in a way that does not mislead the audience about their status.

Whenever a BBC story involves an anonymous source, the relevant editor has the right to be told their identity. In cases involving serious allegations we should resist any attempt by an anonymous source to prevent their identity being revealed to a senior BBC editor. If this happens, the reporter should make it clear that the information obtained confidentially may not be broadcast.

When anonymity is agreed everyone must be clear about its extent. It may be sufficient to ensure that contributors are not readily recognisable to the general public, or in the case of significant contributors it may be necessary to ensure they cannot even be identified by friends and family.

Misleading audiences

We should not distort known facts, present invented material as fact, or knowingly do anything to mislead our audiences. We may need to label material to avoid doing so.

Correcting mistakes

We should normally acknowledge serious factual errors and correct mistakes quickly and clearly. Inaccuracy may lead to a complaint of unfairness. An effective way of correcting a mistake is saying what was wrong as well as putting it right. Where we may have broadcast a defamatory inaccuracy Programme Legal Advice should be consulted about the wording of a correction.

Section 4 - Impartiality and Diversity of Opinion

Introduction

Impartiality lies at the heart of the BBC's commitment to its audiences. It applies across all of our services and output, whatever the format, from radio news bulletins via our web sites to our commercial magazines and includes a commitment to reflecting a diversity of opinion.

The Agreement accompanying the BBC's Charter requires us to produce comprehensive, authoritative and impartial coverage of news and current affairs in the UK and throughout the world to support fair and informed debate. It specifies that we should do all we can to treat controversial subjects with due accuracy and impartiality in our news services and other programmes dealing with matters of public policy or of political or industrial controversy. It also states that the BBC is forbidden from expressing an opinion on current affairs or matters of public policy other than broadcasting.

Special considerations apply during the campaign periods for elections. In practice, our commitment to impartiality means:

- we exercise our editorial freedom to produce content about any subject, at any point on the spectrum of debate as long as there are good editorial reasons for doing so.
- we can explore or report on a specific aspect of an issue or provide an opportunity for a single view to be expressed, but in doing so we do not misrepresent opposing views. They may also require a right of reply.

- we must ensure we avoid bias or an imbalance of views on controversial subjects.
- the approach to, and tone of, BBC stories must always reflect our editorial values. Presenters, reporters and correspondents are the public face and voice of the BBC, they can have a significant impact on the perceptions of our impartiality.
- our journalists and presenters, including those in news and current affairs, may provide professional judgments but may not express personal opinions on matters of public policy or political or industrial controversy. Our audiences should not be able to tell from BBC programmes or other BBC output the personal views of our journalists and presenters on such matters.

Achieving impartiality

Impartiality must be adequate and appropriate to our output. Our approach to achieving it will therefore vary according to the nature of the subject, the type of output, the likely audience expectation and the extent to which the content and approach is signposted to our audiences.

Impartiality is described in the Agreement as "due impartiality". It requires us to be fair and open minded when examining the evidence and weighing all the material facts, as well as being objective and even handed in our approach to a subject. It does not require the representation of every argument or facet of every argument on every occasion or an equal division of time for each view.

News, in whatever form, must be presented with due impartiality.

Controversial subjects

In the United Kingdom controversial subjects are issues of significance for the whole of the country, such as elections, or highly contentious new legislation on the eve of a crucial Commons vote, or a UK wide public sector strike.

In the nations and regions of the UK, controversial subjects are those which have considerable impact on the nation or region. They include political or industrial issues or events which are the subject of intense debate or relate to a policy under discussion or already decided by local government.

In the global context, some controversial subjects such as national elections or referendums will obviously have varying degrees of global significance but will be of great sensitivity in that country or region in which they are taking place. We should always remember that much of the BBC's output is now available in most countries across the world.

We must ensure a wide range of significant views and perspectives are given due weight in the period during which a controversial subject is active. Opinion should be clearly distinguished from fact. When the issues involved are highly controversial

and/or a decisive moment in the controversy is expected we will sometimes need to ensure that all of the main views are reflected in our output. This may mean featuring them in a single programme, or even a single item.

BBC online sites covering controversial subjects may offer links to external sites which, taken together, represent a reasonable range of views about the subject. We should normally try to ensure that when we link to third party sites this does not give strong grounds for concern that this breaches the law or the BBC Editorial Guidelines on harm and offence.

Any approach by a government department to relay official messages or information films which involve a degree of public or political controversy must be referred to Chief Adviser Politics.

Personal view, authored programmes & websites

We have a tradition of allowing a wide range of individuals, groups or organisations to offer a personal view or opinion, express a belief, or advance a contentious argument in our programmes or on our websites. Personal views can range from the outright expression of highly partial views by a campaigner, to the authored view of a specialist or professional including an academic, scientist, or BBC correspondent, to those expressed through contributions from our audiences. Each can add to the public understanding and debate, especially when they allow our audience to hear fresh and original perspectives on well known issues.

Content reflecting personal views, or authored by an individual, group or organisation, or contributed by our audiences, particularly when dealing with controversial subjects, should be clearly signposted to audiences in advance. Personal view and authored programmes and websites have a valuable part to play in our output. However when covering controversial subjects dealing with matters of public policy or political or industrial controversy we should:

- retain a respect for factual accuracy.
- fairly represent opposing viewpoints when appropriate.
- provide an opportunity to respond when appropriate for example in a pre-arranged discussion programme.
- ensure that a sufficiently broad range of views and perspectives is included in output of a similar type and weight and in an appropriate time frame.

It is not normally appropriate for BBC staff or for regular BBC presenters or reporters associated with news or public policy related programmes to present personal view programmes on controversial subjects.

Online we may provide people with information and a place to meet and campaign on specific issues including matters of political or industrial controversy or matters relating to current public policy. However it is important that we observe the following:

- the BBC cannot endorse or support any personal views or campaigns.
- there should be a clear distinction between BBC content and content created by our users. It should also be clear what resources we are providing.
- users should not campaign explicitly for or against political parties or candidates. This is particularly important in the period before an election (usually 25 working days before polling day).
- the site should not be used to promote commercial campaigns or fundraising.
- broadcast coverage of campaigns featured on a BBC site should treat these campaigns in exactly the same way as any other campaigns.
- candidates in a forthcoming election must not contribute to the site.

4. The Committee's decision

This appeal raised issues requiring consideration of the editorial guidelines relating to accuracy and impartiality.

The Committee considered the Complaint against the relevant editorial standards, as set out in the BBC's editorial guidelines. The guidelines are a statement of the BBC's values and standards.

In reaching its decision the Committee took full account of all the available evidence, including (but not limited to) the Editorial Adviser's Report and all the subsequent submissions from the complainant, BBC News and the ECU.

The Editorial Adviser had consulted two eminent historians of the region: Sir Martin Gilbert, author of "The Routledge Atlas of the Arab-Israeli Conflict" (2002), "Israel – a History" and "The Story of Israel", a recently published, illustrated work and Avi Shlaim, Professor of International Relations at Oxford and author of a number of works on the Middle East including the "The Iron Wall: Israel and the Arab World"

In coming to its finding the Committee firstly considered the accuracy complaint under nine headings drawn from the appellant's concerns. It then considered the appeal concerning the overall impartiality of the piece. Lastly, it considered the delay in considering the appeal.

Accuracy

This appeal generated a very large amount of correspondence and evidence. A substantial amount of research has been carried out by the parties. This finding will not refer to all the evidence that the Committee had in front of it when reaching its decision.

On the specific heads of the accuracy complaint:

1. The article doesn't mention that there were Jewish refugees from Arab countries in addition to the Palestinian and Syrian refugees.

The complainant said the article should have made reference to the Jewish refugees from Arab lands created by the 1967 conflict, not just the Palestinian and Syrian ones.

Jeremy Bowen's response was:

"Jewish refugees from the Arab world have made homes in a strong and prosperous state. There may one day be the matter of compensation for them as part of an overall settlement, but they are not a political issue. The Palestinian refugees are a political issue because they live in limbo, usually in very bad conditions. Look at Gaza. Most of its population of 1.4 million are Palestinian refugees."

The Committee decided that the article was concerned with the problems arising from the 67 war and that the Jewish refugees had not created any long-lasting political problem. It was therefore reasonable for the article to have discussed only those refugees in relation to whom there had been serious political ramifications over the forty years since the conflict. These were the Palestinian and Syrian refugees.

Finding: Not upheld on accuracy

2. The article re-wrote history to make Israel the aggressor, for example by referring to it as a Goliath v Goliath struggle.

The complainant thought that this was an inaccurate description of the relative power of the combatants in 1967 and implied Israel was more aggressive than it had been.

Sir Martin Gilbert stated:

“The two Goliaths as opposed to one is alright but I can see why some would reject it. It’s a revisionist history that I don’t agree with.

The Arabs were not ready for combat ...but they were in a stronger position overall so it’s not an accurate reflection...

To say “the Jewish Goliath had never been stronger...” was not true – it was well armed to DEFEND itself against attack. I would disagree with that quite strongly.”

Professor Shlaim considered the Two Goliaths metaphor acceptable

“Israel had a formidable military machine and the leaders knew it...among the public was a deep and real anxiety...the army was raring to go but the politicians were hesitating...the army was like a coiled spring – it lashed out at all the Arabs.

They had to go in first because they could not sustain a prolonged mobilisation...the David and Goliath is a figure of speech – we all know what that means...Maybe it’s bald but it’s accurate. Israel had overwhelming conventional superiority and a nuclear monopoly.

Israel’s survival was not at issue although people thought it was. The outcome supports the view that it was not the underdog and there was no weakness.

It had military superiority over the entire Arab world all together and the war proved it.”

The Committee agreed that this was a metaphor, a figure of speech. It did not dispute that there was a perception of a little Israel at the time and that this metaphor turned that perception on its head. It concluded that it was a reasonable metaphor to communicate that people believed this was a David and Goliath battle but that this was wrong – the conflict was more evenly matched. The fundamental

fact that Israel was much stronger than was widely believed at the time is not disputed by the complainant.

The Committee decided that the application of an accuracy guideline to a metaphor of this nature which is interpretable is inappropriate and that there was no inaccuracy.

Finding: Not upheld on accuracy

3. The statement that the Israeli generals all knew they would only lose if the 'IDF did not turn up' would lead the readers to think Israel had exaggerated the threat it faced.

Professor Shlaim endorsed Jeremy Bowen's interpretation:

"It's correct – though it's not a very good formulation. There was no question of Israel losing the war. But the generals wanted to move fast – they knew the longer they waited the higher the casualties would be...they would have been higher if they had waited.

The air force was confident...with the element of surprise, they seized the initiative.

The US/UK intelligence was confirmed by the outcome...it wasn't touch and go – there was no evidence the Arabs would win."

Sir Martin Gilbert stated:

"The generals knew the only way they would lose was not if the IDF did not turn up but if Egypt and Syria could take to the air – so they did the pre-emptive strike"

The Committee noted the evidence of the historical experts. It concluded that the phrase "...if the IDF did not turn up" was a figure of speech and should not be taken literally. This colloquial term is used frequently. The Committee agreed that the accounts it had been given of the American and British intelligence reports suggested that the Israeli force was well equipped and well prepared and that this supported this use of the colloquial phrase for a general audience.

The Committee discussed the use of the word 'all' and the arguments the complainant made regarding, for example, Rabin's breakdown, under the related point regarding the self-confidence of the generals in point 7 below.

Finding: Not upheld on accuracy

4. The complainant said that the statement that, "the Israeli generals...had been training to finish the unfinished business of Israel's independence war of 1948 for most of their careers." was unfair in that it was the Arab states that had unfinished business, not the Israelis.

The complainant said this made the conflict look like a pre-meditated expansionist war by Israel whereas the reverse had been the case.

The response from the Middle East Editor had been that by “*unfinished business*” he had meant it to be understood that he was referring to the capture of East Jerusalem:

*“I was referring specifically to the desire to overturn the Jordanian conquest of the Old City of Jerusalem. In his memoir *The Liberation of Jerusalem* (London Valentine Mitchell 1992) Gen Uzi Narkiss, who was OC Central Command in 1967 writes specifically above [sic] the feeling he had, along with his colleagues in the Palmach who had fought in 1948, about taking the Old City. Yigal Allon, in the cabinet in 1967, had also urged Ben Gurion in 1949 to capture the West Bank.”*

He continued:

“Note also the last line, which refers to the West Bank. Yigal Allon was very influential in 1967, with many followers in the IDF, and was Dayan’s main rival to become Minister of Defence.

For Israel, the unfinished territorial business that mattered about 1948 concerned Jerusalem and the West Bank”

Both the expert historians consulted by the Trust’s adviser agreed that this phrase was not accurate.

Sir Martin Gilbert commented:

“If he meant the unfinished business was the capture of Jerusalem, then he should have said the capture of “East Jerusalem”

The training to finish unfinished business adds to the picture of Israel being stronger. It’s very misleading indeed to the general reader.”

And Professor Shlaim agreed:

“It’s not accurate – the unfinished business of the 48 was capturing the West Bank...in 48 could have captured the West Bank...Ben Gurion said no – he didn’t want lots of Arabs in the state.

It was true some of the right wing generals Weitzman, Sharon Za’evi...these were expansionist and waiting for the opportunity. But that was not true of the army...they had plans for all eventualities...[Jeremy Bowen] goes too far in implying the Israeli Army was planning and plotting to capture the West Bank – it’s not true...”

When Professor Shlaim learned that Jeremy Bowen had responded to this complaint by indicating that by the unfinished business he meant Jerusalem, he replied

“But he doesn’t say Jerusalem...It’s a bit too terse and too many claims – it’s not accurate and is a bit misleading in suggesting the army was single-minded, it didn’t have a plan to finish unfinished business.”

The Committee considered that the phrase had not been specific enough, and that it had breached the guideline on “clear, precise language.” It decided that it would have been impossible for the reader to know what unfinished business the author had meant and that the language here had lacked precision.

Finding: Upheld on accuracy

5. The article referred to Zionism’s ‘innate instinct to push out the frontier’, whereas this is only the objective of the right-wing element of Zionism.

The Committee discussed whether there were different strands of Zionism – as there might be of any political movement. It noted the author’s response that:

“The Zionism settlement of Palestine started in Ottoman times with one kibbutz. Had there been no ‘instinct to push out the frontier’ how would Israel have developed into a highly successful nation-state?”

But the Committee contrasted that with the opinion of one historian that, “Zionism has an innate instinct to compromise” and another that, “it was not the Zionist movement that had an innate instinct but the right wing”

The Committee concluded that this statement was unqualified and that, to be precise and clear, it should have been qualified.

Finding: Upheld on accuracy

6. The fact that this was a “defensive” war for Israel was not mentioned in the piece.

The Committee considered the evidence including the opinions of both historians consulted.

Sir Martin Gilbert said:

“The generals knew the only way they would lose was NOT if the IDF did not turn up but if Egypt and Syria could take to the air – so they did the pre-emptive strike.

...but in this article, everything relating to the threat to Israel is minimised. Israel believed it was threatened with destruction...It did not smash the enemy in a vacuum Had Egypt and Syria won Israel would have had a terrible fate – Israel escaped it because the fortunes of war went Israel’s way.”

Professor Shlaim commented:

“Israel’s wars divide into wars of choice and wars of no choice, and I say this as a “new historian”, I still regard 1967 as a war of no choice...as a defensive war. Israel was challenged and provoked and was right to pre-empt. I don’t see it as an expansionist war but one of defence.”

The Committee decided that, although the complainant had raised this matter under accuracy as well as impartiality, it was not something which could be discussed under accuracy. The complainant was objecting to the omission of a strand of argument rather than the inaccurate statement of any specific fact.

Finding: Not upheld on accuracy

7. The complainant objects to the characterisation of Israeli’s generals as “hugely self-confident”. He points out, among other things, that Rabin, then chief of staff, had a brief nervous breakdown only days before the war started.

The Committee noted the actual phrase used:

“The Israeli generals, hugely self-confident, mainly sabras (native-born Israeli Jews) in their late 30s and early 40s...”

It noted the views of the historians:

First Sir Martin Gilbert;

“the two or three Generals I knew were not confident, they were petrified and feared the war going on so long they could not maintain it.”

But Professor Shlaim thinks the remark about the generals’ self-confidence:

“...is a generalization that holds...look at Sharon, Weizmann, deputy chief of staff...there was almost a revolt of the generals who wanted a decision to unleash war...and had a low opinion of the Arabs.

One general – the chief of staff – Rabin did have a nervous breakdown because he could not get a decision out of the cabinet. He kept getting summoned to cabinet meetings and couldn’t prepare for war...but it was not a breakdown because he was afraid the Arabs would win. The day before he had had a meeting with Ben Gurion who said “You involved Israel in terrible danger, you are responsible, it’s a crisis and our army is not ready.”

The Committee concluded that the phrase “hugely self-confident” was used in a particular context, to characterise the different attitudes to war between the native-born generals on the one hand and the older, largely immigrant politicians on the other. The Committee considered that this was a generalisation that held, and would do even if some of the generals had episodes of doubt or fear. The phrase was used as a general description of their characters.

Finding: Not upheld on accuracy

8 The article stated that the settlement of land occupied in 1967 was in defiance of ‘everyone’s interpretation of international law except its own’. This was not correct as not ‘everyone’ has that interpretation.

The Committee noted that Jeremy Bowen said:

“I think that in the context of the piece it is clear that my mention of ‘everyone’ refers to states and international organisations, not to individual academics. Settlements are a major legacy of 1967 and high on the agenda in the Annapolis peace process...

I am not aware of any countries that accept Israel’s view of the legality of settlements. I think Micronesia and other South Pacific nations have voted with Israel a couple of times in the General Assembly. Crucially for the Israeli government, the US does not endorse its view. Many Israelis don’t either.

I know there are various academics who endorse the Israeli view but they are in a small minority.”

The Committee noted that the Middle-East web editor added:

“If “everyone” means people and not governments then I would have to say that the language was loose but there was consensus among organisations and governments.”

The Committee noted that the Editorial Adviser had consulted Professor Sir Christopher Greenwood, then at the LSE and now a member of the International Court of Justice who had said

“If you take it to literally mean “everyone” well, not everyone even knows of the existence of the settlements ... but you could say everyone – except Israel and its supporters – who is reputable in international law – would agree.

Even the American government is not keen on the settlements.

...it’s dressing up interpretation as fact.”

The Committee noted that the US Embassy which was consulted, indicated that the most recent published American opinion can be found in a report from the Congressional Research Service in June 2008 which seems to state the American position as clearly as it can be expressed:

“Settlements. *All recent U.S. Administrations have disapproved of Israel’s settlement activity as prejudging final status issues and possibly preventing the emergence of a contiguous Palestinian state. On April 14, 2004, however President Bush noted the need to take into account changed “realities on the ground, including already existing major Israeli population centers” (i.e., settlement blocs), asserting “it is unrealistic to expect that the*

outcome of final status negotiations will be full and complete return to the armistice lines of 1949.”⁵⁴ He later emphasized that it was a subject for negotiations between the parties.”

The ECU had conceded at the complaint’s second stage that this *“is not phrased as precisely as it could be”*

The Committee concluded that “everyone” was a loose use of language. It would have been possible to have qualified this. The Committee agreed that, especially, when writing about the Middle East, the BBC has to be careful about its use of “clear, precise language.” This phrase had therefore breached that guideline. The Committee considered that this sort of generalisation should have been picked up by BBC Online’s editorial processes.

Finding: Upheld on accuracy

9. There is no mention that the PLO swore to violently destroy Israel for most of the ensuing 40 years.

The Committee concluded that there is discussion in the piece about the Palestinians over time since the 1967 war and indeed of the role of the war in subsequent history. While the author does not mention the PLO specifically, it is clear that the 1967 war was largely responsible for how Palestinian history has developed since then. It was not essential for the article to deal specifically with the part played by the PLO as distinct from other organisations active in the area during the last 40 years.

Finding: Not uphold in accuracy

Impartiality

The Committee noted that Clause 44(1) under the BBC Agreement of 2006 between the Secretary of State for Culture Media and Sport and the BBC says that:

“The BBC must do all it can to ensure that controversial subjects are treated with due accuracy and impartiality in all relevant output”.

The Agreement later defines relevant output as news or output dealing with matters of, “political... controversy...”

The Committee noted that this article was on the news section of the website. The Committee noted that the article dealt with a historical subject - the 1967 war and its legacy – but that its legacy affected the Middle East today which was a matter of political controversy. The Committee agreed that this article dealt with a highly controversial subject.

The Committee agreed that therefore this guideline applies:

“we must ensure we avoid bias or an imbalance of views on controversial subjects.”

And

“We must ensure a wide range of significant views and perspectives are given due weight in the period during which a controversial subject is active. Opinion should be clearly distinguished from fact. When the issues involved are highly controversial and/or a decisive moment in the controversy is expected we will sometimes need to ensure that all of the main views are reflected in our output. This may mean featuring them in a single programme, or even a single item.”

The Committee noted that this was a piece by the BBC’s Middle East Editor, under his by-line. The Committee agreed that this was not a “personal view” under the guidelines and the personal view guidelines did not apply. The article should be duly accurate and impartial in its own right. Although it was possible on the web to create a series of articles which provided alternative views and which were linked to allow the exploration of a range of views there was no suggestion that this article was part of such a series.

The Committee noted that there are several schools of thought in the interpretation and analysis of the events of 1967 in the Middle East. The Committee benefited from the advice of two historians of the period who have largely different opinions about the conflict.

The Committee noted that there is one view that takes the position that Israel was attacked by the Arab nations, that a pre-emptive strike was necessary to ensure the survival of the nation, and that there was no drive to expand the size of Israel: it was an unplanned outcome of a justified reaction to an overwhelming threat.

An alternative interpretation is the one held by the “New Historians” of Israel, otherwise known as the “revisionists”. This is that Israel was not realistically facing defeat in 1967, that its leaders knew as much, and that the war became an opportunity to retake East Jerusalem, to push into Judea and Samaria and to secure better borders.

There are also other theories of the causes and events of the six-day war.

The Committee discussed the argument put forward by the BBC that, in this item, the Middle East Editor was offering his professional judgment about the events of 1967. The guideline says:

“our journalists and presenters, including those in news and current affairs, may provide professional judgments but may not express personal opinions on matters of public policy or political or industrial controversy. Our audiences should not be able to tell from BBC programmes or other BBC output the personal views of our journalists and presenters on such matters.”

The Committee considered that a “professional judgment” on a matter of opinion regarding a highly controversial subject should be contextualised to indicate that other views exist.

The Committee noted that, near the start of the piece, a thesis was propounded:

“The myth of the 1967 Middle East war was that the Israeli David slew the Arab Goliath. It is more accurate to say that there were two Goliaths in the Middle East in 1967”

However, the Committee noted that this was the only suggestion in the article that there was another interpretation of the causes and effects of the war other than the one that the Middle East Editor then went on to outline. The Committee thought there was a problem arising from this statement which was that the myth was one thesis and that, by implication, the truth was the version given in the article. The Committee considered that the author should have done more to explain that there were alternative views which had some weight. The Committee thought readers would come away thinking that the interpretation offered was the only sensible view of the war.

The Committee concluded that the article did not sufficiently signpost that this was one possible theory among other possible theories.

The Committee was not suggesting that the same amount of space be given to the different arguments. That was not necessary under the guidelines. All that was required was a clear statement signposting that there were alternative theses subscribed to by respectable historians.

The Committee therefore concluded that the article breached the impartiality guidelines.

Finding: Upheld on impartiality

COMPLAINTS HANDLING

The Committee regretted that this complaint had taken an exceptionally long time to be considered and concluded. This was partly because the complaint itself was complex and had therefore taken some extra time to be considered at all stages. The consideration of this appeal by the Editorial Standards Committee of the BBC Trust was also held up for some months awaiting resolution of issues concerning another appeal about the same item. The Editorial Standards Committee would like to apologise to the complainant for this delay.

Rejected appeals

Complaints on alleged bias of Jeremy Bowen

The Committee then considered the admissibility of an additional appeal which related broadly to the BBC's coverage of the Middle East.

The complaints were made by letter dated 13 June 2007 to the Director of BBC News. The Director responded by letter dated 21 June 2007, rejecting the complaints. The following letters were then exchanged: from the complainant dated 4 July 2007; from the Director dated 10 July 2007; from the complainant dated 2 September 2007; from the Director dated 21 September 2007.

The complainant appealed to the Editorial Standards Committee of the BBC Trust by letter dated 14 December 2007. There then followed various detailed correspondence regarding the complainant's complaints.

The complaints and appeals were complex, and the Committee noted that there had been some disagreement between the complainant and the BBC Trust Unit regarding the proper characterisation of his complaints. In summary, however, the editorial complaints related to reports dating from as early as January 2006. The complainant also raised issues regarding matters including the contents of Mr Bowen's book, "Six Days: How the 1967 War Shaped the Middle East", the BBC's Impartiality Review, and the BBC's complaints handling process. The complainant stated that all of these matters were raised in support of a specific allegation that Mr Bowen was biased against Israel.

The Trust Unit wrote to the complainant on 22 December 2008 explaining that the Trust may take the view that some of his complaints were made out of time, that some of the complaints were repetitive of complaints from the same complainant which the Trust had previously resolved, and that the appeal was also made out of time.

The complainant wrote to the Trust by letter dated 11 January 2009, setting out the reasons why he felt the Committee should consider his appeal.

The Committee began by considering the question of whether the appeal itself was made out of time.

It considered that the Complaints and Appeals Procedures in force at the time when the complainant made his appeal stated that:

"You must write to appeal within eight weeks of the final correspondence with the ECU or Divisional Director about your complaint."

As the complainant had appealed some 3 ½ or 4 weeks after this period, he had failed to comply with the relevant procedural rules.

The Committee agreed that it had a discretion to consider appeals even though the complainant had failed to comply with the correct procedural rules. However, the procedural rules were there for good reason, and were intended to be observed by all. The Trust would therefore exercise its discretion only if there were “exceptional circumstances”.

In considering whether there were exceptional circumstances in this case, the Committee had particular regard to the matters set out in the complainant’s letter of 11 January 2009. It gave particular weight to the following matters.

First, the complainant’s argument that the Trust had itself indicated in correspondence that his appeal would be considered. The Committee considered that the letters which the complainant highlighted in this regard did not in fact state that his appeal would be considered despite the procedural breaches. Furthermore, the Trust had clearly indicated in correspondence that it would need to consider the admissibility of the appeal.

Second, the complainant’s argument that the passage of time since he had lodged his appeal, and the work which he had subsequently put into it, would make it unfair for it now to be turned down on procedural grounds. The Committee was of the view that one reason why this matter had taken so long was the complexity of the procedural issues raised by the complainant, and that it was necessary to resolve those issues even before considering the admissibility of the appeal. Delay was regrettable but to some extent inevitable in complex cases.

Third, the complainant’s argument that the Trust had itself failed to comply with certain procedural rules. The Committee was of the view that any departure from the normal procedure by the Trust Unit was a result of the complexity of the issues raised and the need to adopt a procedure flexible enough to manage the appeals process effectively. It also did not consider that, in deciding whether to extend time, any departure from the proper procedure by the Trust Unit were of particular relevance unless they had in some way contributed to the complainant’s own breach, which they had not.

Fourth, the complainant’s argument that any delay should be considered in light of the seriousness of the issues raised by the complaint. In this connection, the Committee also had regard to the fact that it had, earlier in this meeting, upheld certain complaints against Mr Bowen’s reporting. However, it recognised that this was the first occasion on which complaints had been upheld against Mr Bowen’s reporting. There was no reason whatsoever to conclude that the Trust should waive the normal complaints and appeals procedures.

The Committee was also of the view that it is particularly important to enforce the proper procedural rules unless there are exceptional circumstances. The Committee

did not consider that the reasons put forward by the complainant were of such gravity as to meet the necessary threshold.

The Committee therefore decided that this appeal was out of time and inadmissible.

In light of this conclusion, the Committee did not go on to consider whether the appeal was also inadmissible for any of the other procedural reasons which had been raised.

Appendix A – “How 1967 defined the Middle East”, BBC News Online, 4 June 2007

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How 1967 defined the Middle East

By Jeremy Bowen
BBC Middle East editor

To understand what is happening between Israel and the Palestinians now, you have to understand what happened in the Middle East war of 1967.

It took only six days for Israel to smash the armed forces of Egypt, Jordan and Syria but over the last 40 years, the legacy of the war has shaped the conflict into what it is today.

The war made 250,000 more Palestinians - and more than 100,000 Syrians - into refugees. No peace is possible in the Middle East without solving their problems.

Israel became an occupier.

See a map of land taken by Israel during the 1967 war

It captured the Sinai Peninsula and the Gaza Strip from Egypt, the Golan Heights from Syria, and the West Bank and East Jerusalem from Jordan.

Israel had another, very serious, war with Syria and Egypt in 1973, but increasingly the main Arab thrust against Israel came from Palestinian groups, led by Yasser Arafat's PLO.

Listen to Jeremy Bowen's programmes Six Days that Changed the Middle East

For Palestinians, the lesson of the humiliating defeat suffered by the Arab frontline states in 1967 was that no-one else was going to do their fighting for them.

The failure of Arab nationalism in 1967 was also a major factor in the early development of political Islam. The mosques began providing the answers to questions that the secular strongmen could not convincingly answer.

Spoiling for a fight

The myth of the 1967 Middle East war was that the Israeli

1967 MIDDLE EAST WAR

Mapping the war
Chart how the conflict progressed on a by-day basis

Syria's war goes unmentioned
Personal accounts of the war
Lasting impact of the conflict
Mideast press surveys legacy

OPEN Jerusalem captured

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Moveable frontiers
Palestinian refugees
Water disputes
Struggle for Jerusalem
Failed peace talks

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LISTEN Uri Dromi: former journalist
LISTEN Ron Chester: journalist

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How can the legacy be resolved?

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Middle East crisis

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Rubinger's famous photo (L) was updated in 2007 by Amit Shabi

OPEN Enlarge Image

“ The tail started wagging the dog - now the tail is so strong the dog can't move ”

David Rubinger
Israeli photographer of the Six-Day War

David slew the Arab Goliath. It is more accurate to say that there were two Goliaths in the Middle East in 1967. The Arabs, taken together, had big armed forces, but they were not ready for combat.

The Jewish Goliath had never been in better shape, and knew it, or rather its leaders did. In 1967 Israel was a fortress society in a way that it is no longer. There was no television, and generals and politicians did not leak their business to their favourite journalists as they do today.



“ We have nothing for Israel except war ”

Ahmed Said
Egyptian radio announcer
speaking before the war

Israeli civilians, especially in the crisis that led to war, were left to their own fears, which for many people were considerable.

The Jewish state was only 19 years old and the youngest survivors of the Holocaust were barely in their 20s. Egyptian leader Gamal Abdul Nasser's radio station Voice of the Arabs fed their anxieties by broadcasting bloodcurdling threats.

Its chief announcer, Ahmed Said, had the best known voice in the Arab world in the 1960s after Nasser himself and the legendary diva, Umm Kulthum.

Said was famous for lines like this: "We have nothing for Israel except war - comprehensive war... marching against its gangs, destroying and putting an end to the whole Zionist existence... every one of the 100 million Arabs has been living for the past 19 years on one hope - to live to die on the day that Israel is liquidated."

No wonder many Israelis and their friends and relations abroad were scared stiff.

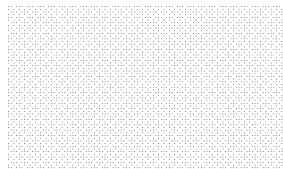
Reports of what Said was saying, and even the broken Hebrew of broadcasts beamed directly into Israel from Cairo, convinced many Israeli civilians that if they were facing enemies that were prepared to annihilate them, then they needed to fight, and fight hard.

The problem for the Arabs was they believed Ahmed Said and his colleagues too, and convinced themselves that an easy victory was coming.

The generals' hour

Israel's generals were not taken in. They all knew that the only way that Israel would lose the war would be if the IDF did not turn up.

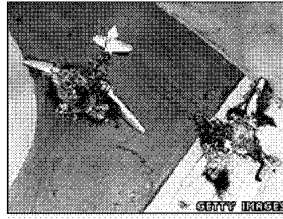
So did King Hussein of Jordan, and most of the Egyptian generals - with the exception of the inept and corrupt commander-in-chief, Field Marshal Abd al Hakim Amer.



The Israeli Air Force destroyed the Egyptian air force on the ground on the morning of 5 June 1967 in a surprise attack.

In the next five days Israel confirmed the intelligence estimates of the British and the Americans.

Six weeks earlier, the British cabinet's Joint Intelligence Committee had concluded that an Arab victory was "inconceivable."



“ The Israeli generals... had been training to finish the unfinished business of Israel's independence war of 1948 for most of their careers ”

Around the same time, the US Joint Chiefs of Staff said Israel would be "militarily unchallengeable by any combination of Arab states at least during the next five years".

The Israeli generals, hugely self-confident, mainly *sabras* (native-born Israeli Jews) in their late 30s and early 40s, had been training to finish the unfinished business of Israel's independence war of 1948 for most of their careers.

When their political leaders, most of whom were cautious immigrants at least 20 years older, tried to use diplomacy to end the crisis that led to war, the top brass were beside themselves with frustration.

They believed that delay meant more casualties, and the unnecessary postponement of the inevitable war and inevitable victory for which they had been preparing.

Victors

Nasser's motives for risking war in 1967 are still debated.

Two Israeli historians have recently suggested that he was egged on by the Soviet Union, which wanted Egypt to destroy Israel's nuclear weapons programme at Dimona.



“ Another explanation is that Nasser was prepared to take Israel to the brink to reinforce his position as an Arab hero ”

Another explanation is that Nasser was prepared to take Israel to the brink to reinforce his position as an Arab hero.

If it went over the brink, he assumed the superpowers would rescue him and deliver a political victory, as they had in the Suez war of 1956.

When victory came, Israeli civilians, who had never been told how strong Israel was, believed that they had escaped a terrible fate.

David Rubinger, the Israeli photographer who took the most iconic pictures of the war, was with IDF paratroopers when they captured the Western Wall, and was swept up in the

mood:

"We were all crying. It wasn't religious weeping. It was relief. We had felt doomed, sentenced to death. Then someone took off the noose and said you're not just free, you're king. It seemed like a miracle."

The conviction that it was a miracle, that God saved the Jewish people and reunited them with their historic homeland in Judea and Samaria, is still the driving force behind Israeli religious nationalism.

When the messianic moment of victory combined with Zionism's innate instinct to push out the frontier, the result was the settlement movement.

Occupiers

Israel's reward, apart from victory itself, was a new strategic relationship with the United States.

Yet even before the fighting ended, as Israel completed its capture of Jerusalem and the West Bank, President Lyndon Baines Johnson, one of the staunchest friends Israel has ever had in the White House, warned that by the time the Americans had finished with all the "festering problems", they were going to "wish the war had never happened".



Nearly half a million Jews have settled in the West Bank since 1967

Four days after the war ended, US Secretary of State Dean Rusk warned that if Israel held on to the West Bank, Palestinians would spend the rest of the century trying to get it back.

Forty years on, Israel has settled around 450,000 people on land occupied in 1967, in defiance of everyone's interpretation of international law except its own.

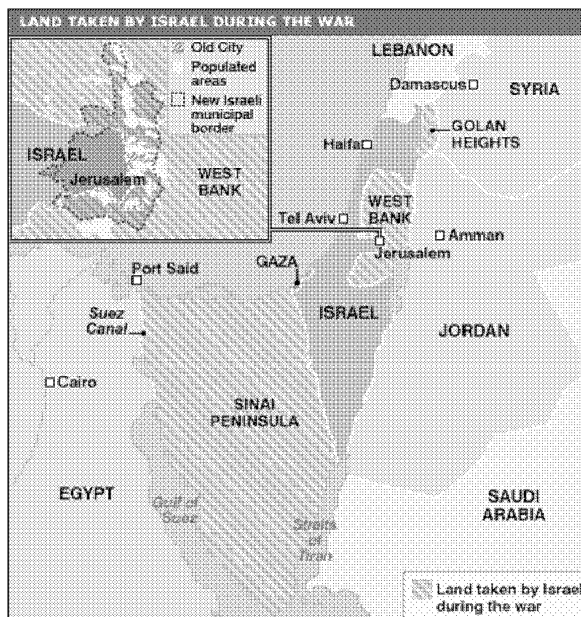
The settlers are protected by all the resources of the state, including the IDF, from a rebellious subject people, many of whom believe that ruthless violence targeted at civilians as well as soldiers is a legitimate response to occupation.

For Palestinians, the settlements are a catastrophe, made worse every day by the fact that they are expanding fast.

After 40 years as an occupier, Israel can no longer count on the international support it had in 1967.

The settlers see their presence as a national asset, necessity and obligation, but many other Israelis, to varying degrees, believe the settlements, and all the other legacies of 1967 that have deepened the conflict with the Palestinians, are a national disaster.

"The tail started wagging the dog," David Rubinger complains bitterly. "Now the tail is so strong the dog can't move."



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