

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

“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 onto 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 onto 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 complainant’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 complaint’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 complainant 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 unsupported.

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.