
ADJUDICATION

1. On 22 March 2016, the FT (and FT.com) published an article headlined ‘*Can Israel go from start-up to scale-up nation*’, written by John Reed and Murad Ahmed. The article discussed the astonishing success of Israel as a tech-sector incubator. The article is still available to read online here: <http://www.ft.com/cms/s/0/e4b5a70a-c903-11e5-a8ef-ea66e967dd44.html#axzz45WAq52os>

2. Paragraph 4 of the article read:

“The sector is growing without apparent regard for the cooling of investor sentiment toward tech companies elsewhere, the political violence in Israel and the West Bank, or the growing international boycott movement targeting the Jewish state for its occupation of Palestinian lands. Intel announced a \$6bn investment in a new chip plant in Israel in September 2014, less than a month after the end of Israel’s last war in the Gaza Strip against the Islamist group Hamas.”

3. As a result of this paragraph, in particular the phrase ‘... its occupation of Palestinian lands’, the FT received a complaint from Mr Jordan Jay on 23 March 2016, which demanded an apology, and warned that the complainant might seek legal advice.

4. The FT Special Reports Editor responded on 24 March 2016, saying “*It is a point of fact that Israel has occupied the West Bank and East Jerusalem since 1967...We do not agree that the story warrants a correction*”.

5. Mr Jay responded in the following terms:

- “Please explain your legitimate reasons for calling this an ‘occupation’ when*
- 1. The land does not belong to anyone;*
 - 2. Israel stays there for defensive and security purposes;*
 - 3. The Torah, Bible, Quran and archaeology concurs [sic] that the the land you claim is, as a matter of fact, ‘occupied’ belongs to the Jews;*
 - 4. Three times the Jewish people have offered the disputed territory to the other side. On all three occasions this was rejected by the other side despite offering them 99% of what they sought; and*
 - 5. The disputed land was captured in a defensive war that took place when Israel was attacked in 1967.*

On this and the basis of the previously [sic] email I ask for an immediate public apology from your editorial. If you do not do so and do not provide a valid reason for doing so, I will forthwith refer this to the IPSO in the first instance on the basis of an anti-Semitic agenda that is providing inaccurate, misleading and distorted information, as well as failing to distinguish between your own conjecture on this matter and established fact.”

6. On 29 March 2016, the FT Special Reports Editor declined to correct the article, and referred the complainant to me (as many readers will be aware, *Financial Times* publications are not members of IPSO).

Discussion

7. I have interpreted the complainants emails to allege two breaches of the FT Editorial Code of Practice. Clause 1(1) requires the press to take care not to publish 'inaccurate, misleading or distorted' information.
8. I have not considered this complaint under Clause 12 (Discrimination) on the basis of the alleged 'anti-Semitic agenda'. No *prima facie* case for such a serious allegation is made. I will repeat what I have said in previous Adjudications: an unsubstantiated allegation as to the motive of journalists can itself be grounds for dismissal of a complaint. The tendency to hyperbole only serves to undermine a complaint which might otherwise have validity.
9. As to the complaint as to Clause 1, I must expressly re-state that it is no part of my role to adjudicate on contentious matters in the news. I can only find an inaccuracy where there is near-consensus as to objective facts which is materially different from what the FT has published. Absent any consensus, then editors enjoy discretion to take a line.
10. Roula Khalaf, Foreign Editor of the FT, informs me that the newspaper uses 'occupied (Palestinian) territories' to describe areas captured in 1967 from which the Israeli military has yet to withdraw (namely the Golan Heights and the West Bank including East Jerusalem). Accordingly, while there is some dispute over terminology, it is not the practice of the FT to include the Gaza Strip within this description since the withdrawal of Israeli land forces in 2005.
11. I note that the Supreme Court of Israel, sitting as the High Court of Justice, has consistently held since the early 1980s that its administrative law jurisdiction (over what Israel calls the Judaea and Samaria Area) is contingent on Israel holding that territory under the doctrine of *occupation bellica* or 'belligerent occupation'¹, whereby the Fourth Geneva Convention and Hague Regulations apply.

¹ See, for a recent example reciting the line of authority, H CJ 2150/07 *Safiyeh & ors v Minister of Defense & IDF Commander in the Judaea and Samaria Area & ors* at [14]: http://elyon1.court.gov.il/files_eng/07/500/021/m19/07021500.m19.pdf

12. A brief perusal of other organisations suggests that references to the “occupied territories”, or the “occupied Palestinian territories”, are commonplace and do not carry any connotation of anti-Israeli sentiment. The terms are used by the United Nations, the US State Department, the UK’s Foreign & Commonwealth Office. They are employed by the Anglophone world’s major journalistic outlets: the BBC, New York Times, Wall Street Journal, and every major UK broadsheet and tabloid newspaper.
13. On the basis of the above, the editorial line which the FT chooses to take – whereby the West Bank and Golan Heights are referred to by a term which describes them as ‘occupied’, but that Gaza will not be so described - is clearly within the reasonable bounds of editorial discretion.
14. In all the circumstances, while I acknowledge and respect that there are different views as to the borders and status of the areas under dispute, and these are substantive matters on which I take no view, I am satisfied that it is not factually *inaccurate* to describe them (in their present state) as ‘occupied (Palestinian) territories’. As such, there is no breach of Clause 1 of the FT Editorial Code of Practice, and the complainant is not entitled to any remedy.

GREG CALLUS
Editorial Complaints Commissioner
Financial Times Limited
14 April 2016