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COMMISSION ON HUMAN RIGHTS
SUB-COMMISSION ON FREEDOM OF INFORMATION AND OF THE PRESS

Fifth session

SUMMARY RECORD OF THE HUNDRED AND FIRST MEETING

Held at Headquarters, New York,
on Thursday, 13 March 1952, at 3.20 p.m.

CONTENTS:

Draft international code of ethics: draft resolution concerning
the calling of an international professional conference
(E/CN.4/Sub.1/163, E/CN.4/Sub.1/L.10, E/CN.4/Sub.1/151,
E/CN.4/Sub.1/151/Add.1) (continued)

<u>Chairman:</u>	AZMI Bey	(Egypt)
<u>Rapporteur:</u>	Mr. AZKOUL	(Lebanon)
<u>Members:</u>	Mr. BINDER	(United States of America)
	Mr. P. H. CHANG	(China)
	Mr. GERAUD	(France)
	Mr. LOPEZ	(Philippines)
	Mr. MOULIK	(India)
	Mr. PLEIC	(Yugoslavia)
	Mr. POLLERI CARRIO	(Uruguay)
	Mr. SILVA CARVALLO	(Chile)
	Mr. WAITHMAN	(United Kingdom of Great Britain and Northern Ireland)

Members (continued):

Mr. ZONOV (Union of Soviet Socialist Republics)

Representative of a specialized agency:

Mr. CARNES United Nations Educational, Scientific,
and Cultural Organization (UNESCO)

Representatives of non-governmental organizations:

Category B:

Mr. JACOBY World Jewish Congress (WJC)
Mr. LEWIN Agudas Israel World Organization

Secretariat:

Mr. JEK Secretary of the Sub-Commission

DRAFT INTERNATIONAL CODE OF ETHICS: DRAFT RESOLUTION CONCERNING THE CALLING OF AN INTERNATIONAL PROFESSIONAL CONFERENCE (E/CN.4/Sub.1/163, E/CN.4/Sub.1/L.10, E/CN.4/Sub.1/151, E/CN.4/Sub.1/151/Add.1) (continued)

The CHAIRMAN announced that the drafting committee which was to give final form to the draft international code of ethics was on the point of finishing its work. Members of the Sub-Commission would have the final text at the next day's meeting. The Sub-Commission could thus satisfy the groups which were attentively following its work and impatient to learn the results.

He asked the Sub-Commission to consider the draft resolution concerning the calling of an international professional conference (E/CN.4/Sub.1/163) submitted by Mr. Azkoul, Mr. Lopez and Mr. Silva Carvallo.

Mr. ZONOV wondered whether it would not be wiser to allow the Sub-Commission to complete its consideration of the code of ethics as soon as possible. If the drafting committee could meet immediately, the Sub-Commission would be certain to complete its work at the next meeting.

The CHAIRMAN explained that the drafting committee had decided to meet at the close of that meeting so as to complete its work the same day.

Mr. AZKOUL introduced the joint draft resolution. It was natural that, at the present stage, the Sub-Commission should wonder what would be the fate of
/the draft

69

the draft code it was perfecting. It had already decided at its previous meeting in favour of calling an international professional conference to review and finally to adopt the text. The great majority of the professional associations and information media consulted had also emphasized that, whatever additional work on the draft code might be required, should be left to professional members of information organs to do, without governmental interference. It was clear, however, that the calling of the conference would require considerable preparation. The authors of the draft resolution proposed first of all to set up an ad hoc committee of five representatives of professional press and information workers appointed by the Secretary-General himself. The committee would, inter alia, prepare the agenda and draft the rules of procedure for the conference. The authors of the resolution then suggested that at its seventh session the General Assembly should make available such funds as might be necessary for the successful conclusion of the conference. Under the terms of the draft resolution, the Sub-Commission was therefore submitting the draft international code of ethics to the Economic and Social Council and asking the Council to make a recommendation to the General Assembly requesting the Secretary-General to set up the ad hoc committee. It was further requesting the Secretary-General immediately to communicate the report of the fifth session of the Sub-Commission, together with other relevant documents, to professional associations and press agencies in order to permit them to prepare for the conference. The draft resolution reaffirmed the two principles which should guide any action by the Sub-Commission in that field. It noted in the preamble that the majority of organizations consulted were of the opinion that an international code of ethics would serve a useful purpose, and that many of them had strongly expressed the opinion that further work on it should be undertaken by professional workers in the media of information without governmental interference, national or international, and therefore outside the United Nations itself. That idea was further developed in paragraph (c) of the operative part. It was to be hoped that the Sub-Commission would adopt the draft resolution.

/Mr. BINDER

Mr. BINDER emphasized that the journalists consulted had unanimously stated that members of the profession alone should draft and implement an international code of ethics. It was essential that the code of ethics should in no circumstances be used by governments, directly or indirectly, as a means of attacking the freedom of the press. That was the crucial point.

Yet by submitting the draft code to the Commission on Human Rights or to the Economic and Social Council, the Sub-Commission would in fact be communicating it to Governments. The facts must be recognized. The risk of government interference was difficult to avoid. It was difficult to see, on the other hand, how the United Nations could call an international professional conference. To whom would its invitations be addressed and what criteria would it apply in appointing participants since at present the Secretariat did not even have a complete list of the information enterprises and professional associations concerned? Finally, the financial aspects of the problem could not be disregarded. If the United Nations agreed to bear the full cost of the conference, including the travelling expenses of the participants, there was reason to fear that it might seek to influence the discussions.

In any case, it was vain and fanciful to try to impose rules of professional conduct on journalists and information personnel from without. Some members of the Sub-Commission seemed inclined to deceive themselves on that point. Journalists should make their own rules of professional conduct of their own free will.

The example of other professions did not apply; it was true that the practice of medicine or law was subject to very strict professional rules, generally approved by the public authorities. But journalists were more jealous of their independence than anyone else. Instead of trying to impose a professional code of honour upon them, it would be wiser to disseminate the draft very widely and leave each professional association free to decide whether to adopt it. Although the Sub-Commission had decided to prepare a detailed code instead of confining itself to a broad statement of principles, as the Inter-American Association of Broadcasters had suggested, it would be desirable to follow it up in accordance with the proposal made by that

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Association (E/CN.4/Sub.1/151/Add.1, page 3) and address "an appeal to all professional associations of each country to accept the principles embodied in the international code in their respective codes of ethics". If the new international code of ethics thus had the long-term effect of raising the professional standards of journalism, the Sub-Commission's work would not have been in vain.

He would therefore vote against the draft resolution (E/CN.4/Sub.1/163) as a whole. He wished to add a few comments on paragraphs (a) and (b) of the operative part. The members of the Sub-Commission felt only a very tempered enthusiasm for the text of the code. The voting on the separate articles had resulted in at least three abstentions and in some cases in unfavourable votes. In the circumstances, the draft code would not appear to justify the calling of an international professional conference. He personally did not feel entitled to ask the United Nations, which had already undertaken such heavy commitments in other fields, to make the considerable expenditure which such a conference would entail. Furthermore, the timing was bad; such a hazardous undertaking was unlikely to succeed during a period of international tension. He was therefore opposed to paragraphs (a) and (b). For the reasons which he had already indicated, he would vote for paragraph (c).

Mr. MOULIK agreed with some of Mr. Binder's comments, but also admitted that Mr. Azkoul had put forward some convincing arguments in favour of the draft resolution. He was persuaded that the idea of an international professional conference was good in itself, but would encounter very major obstacles. If the Sub-Commission, which had only twelve members, had never been able to reach a unanimous decision on any part of the draft code, it might be expected that a professional conference, attended probably by 150 people, would find it extremely difficult to reach agreement. He did not think that too much importance should be attached to the financial side of the question.

He regretted that the Economic and Social Council had decided that the Sub-Commission should not continue after the present session. He was convinced that, if the Sub-Commission had been able to spend two more years on its task it might have produced a much more effective instrument than the code which it had just prepared. He had not submitted a draft resolution to that effect because it would certainly have been rejected. He wished, however, to state his opinion on the matter clearly. Whatever happened, even an unsatisfactory code was not entirely devoid of value.

Mr. SILVA CARVALLO said that he had listened to Mr. Binder's arguments with interest, but had not been convinced. There could be no doubt that the calling of an international professional conference would raise financial and technical difficulties, but it could not be asserted in advance that the difficulties would be insurmountable. There was no proof that they would be greater than those arising in the case of other conferences held under the auspices of the United Nations. Mr. Binder had quite rightly stressed the principle that journalists themselves should be responsible for preparing the code, without interference from governments or inter-governmental organizations. The draft resolution jointly presented by him and two of his colleagues also clearly stated that principle. Mr. Binder attached too much importance to the relatively high number of abstentions in the voting on the different articles of the code. It was understandable that members whose amendments had been rejected should prefer to abstain from voting on a text which they would have drafted differently. It was a question merely of differences in inclination, and the differences were more apparent than real. The great majority of members of the Sub-Commission agreed in recognizing that the press was a free institution which should be protected from any interference from the public authorities. They also admitted that journalists, like other professional workers in the field of information, had both rights and duties which might be embodied in an international code. In conclusion, he emphasized the fact that the draft resolution before the Sub-Commission was inspired by a desire to give journalists an opportunity to meet together and for themselves to draft, in the light of those two principles, the charter which should govern their professional activities.

Mr. ZONOV did not share the optimism of the sponsors of the joint draft resolution as to the practical utility of an international professional conference. After again stressing the importance of the amendments which he had submitted to the draft code, and which the Sub-Commission had unfortunately felt that it should not adopt, he stated that he would vote against the draft resolution because he felt that the draft code, as it stood, was a very defective document and unworthy of being put before an international conference.

/Mr. WAITHMAN

Mr. WAITHMAN did not wish to refer again to the doubts he had expressed at the previous meeting about the value of the draft code drawn up by the Sub-Commission. He merely wished to ask Mr. Azkoul to explain what were the exact implications of the following phrase in paragraph (a) (ii): "taking such further steps concerning the implementation of the code as the professional conference may deem advisable". It seemed that the Sub-Commission should specify the steps it was desirable to take.

Mr. AZKOUL said that the sponsors of the draft resolution had started from the idea that the final drafting and adoption of the draft code and its implementation should henceforth come within the purview of professional associations exclusively. The provision in paragraph (a) (ii) was merely meant to stress that the problem of implementation existed.

It was for the conference to take the necessary steps. It could establish an ad hoc committee for that purpose or take the necessary measures itself, or decide that there was no need to consider special action. The important thing was for the conference to settle those questions so that the code should not once again come before United Nations bodies. It was therefore in order to give the conference full leeway that the sponsors of the draft resolution had felt that they did not have to list the specific steps which ought to be taken.

With regard to Mr. Binder's comments, he had not clearly understood whether Mr. Binder merely wanted clarification on the practical implementation of the draft resolution or whether he had objected to the principle of convening an international conference. If Mr. Binder merely wanted clarification, it was easy to give him satisfaction. The text of the draft resolution made it clear that the Sub-Commission was forwarding the text of the draft code to the Economic and Social Council for "transmittal" to the profession. The Council, as a governmental body, would not therefore have to take any decision on the code. Mr. Binder's anxiety about the practical difficulties of convening the proposed conference was hardly justified. The difficulties were far from insuperable. The sponsors of the draft resolution were fully aware of the difficulties to which Mr. Binder had referred, and were therefore proposing that the Sub-Commission should recommend the Council to request

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the Secretary-General to set up an ad hoc committee of experts to prepare a conference. It would be that committee which would have to draw up the list of professional associations, send out the invitations and make the detailed arrangements.

If, on the other hand, Mr. Binder's comments were fundamental objections to the actual principle of the proposed conference, the objections could not be upheld. Convening of the conference did not raise more difficult technical problems than those raised in convening any international conference, even an intergovernmental one. Mr. Binder was also being inconsistent in advocating the dissemination of the existing text of the draft code, on the one hand, and in asserting that the draft was defective, on the other. If the draft was defective, that was all the more reason for referring it to an international conference for improvement. He did not see what authority a code coming from the Sub-Commission, which was only a secondary body, destined to disappear and even discredited in certain circles, could have in the eyes of the profession. If hesitancy were shown in transmitting the code to a professional conference, that very fact would encourage intervention by some intergovernmental body, such as the Economic and Social Council or the General Assembly.

With regard to Mr. Moulik's comments, he fully realized the disturbing effect which the failure of an international conference generally had on public opinion. But there were no grounds for presuming that the proposed conference would not succeed in adopting a satisfactory text. There would obviously be differences of opinion at the conference, as there had been in the Sub-Commission. But, as Mr. Silva Carvalho had pointed out, the differences did not apply to the principles set forth in the code. They arose from the fact that some representatives, such as Mr. Zonov, wanted to add new principles, whereas others, like Mr. Géraud, wished to restate the existing principles. It was nevertheless true that there was almost unanimous agreement on the principles appearing in the code at the moment. To complete such a collective undertaking, it was essential to dismiss many suggestions and to be satisfied with setting forth certain general principles. During the discussion of the text of the Universal Declaration of Human Rights, it had also been necessary to dismiss

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many proposals, but that would not have justified purely and simply giving up the very idea of a Universal Declaration. Moreover, even though the conference produced no positive results, the meeting of such a professional conference for the first time in history, convened to consider not a series of technical matters but an international code of ethics in which the rights and duties of information personnel were set forth, would undoubtedly have a very good effect on the moral conduct of that personnel and on public opinion.

Finally, Mr. Zonov's statement was contradictory also because, while Mr. Zonov felt that the code was defective, he objected to referring it to an international conference for improvement. Mr. Zonov would certainly have had no objection to referring the draft to a conference if it had contained the principles which he wanted to have included. The fact that those principles had not been accepted by the Sub-Commission should rather be an additional reason for Mr. Zonov to seize the opportunity offered to submit his argument again to an international conference.

Mr. BINDER wished to reply to some of the questions raised by Mr. Azkoul, who seemed to have misinterpreted his point of view. He certainly did not think that it would be impossible to call an international professional conference, but he wondered to what extent the proposed conference would be representative. While he was not authorized to make a pronouncement on that point, he thought that American journalists would certainly take part in such a conference, but it was most unlikely that any really important professional associations would be represented.

The Sub-Commission's work had shown that the different ideas of journalism held in different countries were irreconcilable. Moreover, the number of abstentions in the votes clearly showed a lack of enthusiasm for the code. He, for his part, would vote against such a futile draft if he were serving on the Economic and Social Council or in the General Assembly.

/Mr. Azkoul

Mr. Azkoul had asked why he wanted the code disseminated if it was so useless. He had never proposed that it should be disseminated but, in view of the time the Sub-Commission had devoted to the drafting of the text, both at Montevideo and during the current session, he had simply wished to join with his colleagues in endeavouring to do some useful work by transmitting the text to those whom it might concern.

Finally, he did not feel that, if the code was not submitted to an international professional conference, it would automatically be left to governments to implement it. Moreover, differences of opinion between countries in which the press was subject to censorship and countries in which the press was free would be even more aggravated at a conference. The text of the code could be looked upon as a reflection of the times; it could be studied in schools of journalism and it would later be said that it was the maximum which the journalists of the time had been able to achieve. But it would never be widely recognized in the United States.

Mr. WAITHEMAN was not convinced of the need to submit the code to another body. It was more important to find how it could be passed on to journalists. He proposed that the Sub-Commission should request the Secretary-General to instruct the ad hoc committee provided for in the draft resolution to take effective steps to ensure the dissemination of the code.

Mr. ZONOV was surprised and regretted that Mr. Azkoul had found any contradiction or ambiguity in his statement. The view which he had expressed seemed to him to be very clear: the draft code, as it stood, could not be submitted to an international professional conference, which would probably produce the same results as the Sub-Commission.

He had deeply regretted the rejection of the provisions he had proposed as additions to the text. They had been supported by news and information personnel of countries representing almost half the world, and it had therefore seemed difficult to him to ignore them. If those proposals were to be again rejected at the proposed conference, it was pointless to call the conference. The United Nations might subsequently decide to go back on the existing draft and amend it. It might then happen that an acceptable text would be drafted. As it stood, however, the code was not worthy of being submitted to a conference.

The CHAIRMAN summed up the opinions of members of the Sub-Commission: Mr. Zonov was generally opposed to calling the conference; Mr. Moulik wished the Sub-Commission's mandate to be prolonged for two years more -- and that suggestion should be considered rather in relation to the future work of the Sub-Commission; Mr. Binder felt that only item (c) of the draft resolution should be adopted; and, lastly, Mr. Waithman proposed that an ad hoc committee should be set up to disseminate the code.

He put the draft resolution concerning the calling of an international professional conference to the vote in parts.

The first paragraph was adopted by 7 votes to none, with 5 abstentions.

The second paragraph was adopted by 6 votes to none, with 6 abstentions.

The third paragraph was adopted by 7 votes to none, with 5 abstentions.

The fourth paragraph was adopted by 8 votes to none, with 4 abstentions.

Each of the three sub-paragraphs of paragraph (a) was adopted by 6 votes to 2, with 4 abstentions.

Paragraph (b) was adopted by 6 votes to 4, with 2 abstentions.

Paragraph (c) was adopted by 8 votes to none, with 4 abstentions.

The CHAIRMAN put the draft resolution as a whole to the vote.

The draft resolution as a whole was adopted by 6 votes to 2, with 4 abstentions.

The meeting rose at 4.50 p.m.