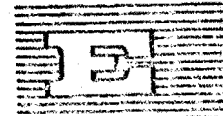


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COMMISSION ON HUMAN RIGHTS
SUB-COMMISSION ON FREEDOM OF INFORMATION AND OF THE PRESS
Fifth Session

SUMMARY RECORD OF THE NINETY-FIRST MEETING

Held at Headquarters, New York,
on Thursday, 6 March 1952 at 10.55 a.m.

CONTENTS:

Draft international code of ethics (E/CN.4/Sub.1/151,
E/CN.4/Sub.1/151/Add.1, E/CN.4/Sub.1/160, E/CN.4/Sub.1/L.1,
E/CN.4/Sub.1/L.2/Rev.1, E/CN.4/Sub.1/L.3, E/CN.4/Sub.1/L.4)

<u>Chairman:</u>	AZMI Bey	Egypt
<u>Rapporteur:</u>	Mr. AZKOUL	Lebanon
<u>Members:</u>	Mr. P. J. CHANG	China
	Mr. SILVA CARVALLO	Chile
	Mr. GERAUD	France
	Mr. LOPEZ	Philippines
	Mr. ZONOV	Union of Soviet Socialist Republics
	Mr. WAITHMAN	United Kingdom of Great Britain and Northern Ireland
	Mr. BINDER	United States of America
	Mr. POLIERI CARRIO	Uruguay
	Mr. PLEIC	Yugoslavia

Representative of a specialized agency:

Mr. CARNES

United Nations Educational, Scientific
and Cultural Organization
(UNESCO)

Representatives of non-governmental organizations:

Category A:

Miss SENDER

International Confederation of
Free Trade Unions (ICFTU)

Miss KAHN

World Federation of Trade Unions
(WFTU)

Secretariat:

Mr. HUMPHREY

Representative of the
Secretary-General

Mr. EEK

Secretary of the Sub-Commission

DRAFT INTERNATIONAL CODE OF ETHICS (E/CN.4/Sub.1/151, E/CN.4/Sub.1/151/Add.1,
E/CN.4/Sub.1/160, E/CN.4/Sub.1/L.1, E/CN.4/Sub.1/L.2/Rev.1, E/CN.4/Sub.1/L.3,
E/CN.4/Sub.1/L.4)

The CHAIRMAN announced that, as had been decided the previous day, the Sub-Commission had to examine the proposed amendments to the preamble of the international code of ethics.

Mr. ZONOV said that, as he had already explained his views at the preceding meeting, he would be brief. The purpose of his draft amendment was to supplement the preamble in such a way as to bring it into line with the purposes and principles of the United Nations,

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one of which was to "develop friendly relations among nations based on respect for the principle of equal rights and self-determination". That principle should be expressly mentioned in the preamble. The United Nations had come into being as a result of the common struggle of the peoples of the world against fascism. It was therefore necessary, at a time when fascism was again showing signs of rearing its head, to make it clear that one of the tasks of the workers in the press and information agencies was to combat the propagation of fascist-nazi views. While the preamble could still be supplemented in other respects, it should first be amended in the way suggested if the Sub-Commission wished to bring its draft into line with the principles of the United Nations.

Mr. LOPEZ said that the French title, "code d'honneur international", was more fitting than the English title, "international code of ethics". The Commission's real purpose was to draft a code which would serve as "a standard of professional conduct" and not to impose a political or ideological mission on the press personnel. The Sub-Commission should therefore take care not to introduce any provisions likely to impose specific duties on journalists into the preamble. Even if war-mongering and the rebirth of fascism were real dangers, as Mr. Zonov believed, the Commission would be going against its own aims if it inserted the text Mr. Zonov proposed in the preamble of the international code of ethics. The very fact of allowing some journalists to indulge in war propaganda with impunity might have some beneficial results, by providing a means of identifying the persons responsible for such campaigns and thus of effectively combatting them. In countries such as the USSR, where the publication of such articles was forbidden, it was impossible to know what was concealed under the peaceful statements imposed by conformity to official requirements.

It was surprising that Mr. Zonov had not thought it necessary to refer to subversive propaganda. It had been seen in many countries that those who sought to undermine the social order were all the more dangerous because they worked in secret. He wondered whether the Commission should not go even further and ask the press to unmask them and disclose their secret machinations. The Commission should reject Mr. Zonov's form of words, the ideological content and formal provisions of which had no place in the preamble of an international code of ethics.

The CHAIRMAN recalled that all draft amendments to the preamble should be submitted before noon on Friday 7 March. He therefore wondered whether it would be better to take a vote on each of the amendments as they were submitted or to delay voting until the time-limit had expired.

Mr. AZKOUL thought that the Sub-Commission could not vote on any of the amendments until the time-limit had expired.

The CHAIRMAN agreed.

Mr. LOPEZ and Mr. BINDER wondered whether, in order to save time, the Sub-Commission should not begin to vote on the proposals before it on the following morning.

The CHAIRMAN said that, in addition to the speakers already on his list, Mr. Moulik had announced his intention of submitting a draft amendment to the preamble. He felt that the authors of the amendments already tabled should be given an opportunity to reconcile their texts in the light of the new proposals and the discussion to which they had given rise and, if necessary, to present a modified form of words.

In reply to a question by Mr. POLLERI CARRIO, the CHAIRMAN confirmed that under the rules of procedure the Sub-Commission could start voting on the draft amendments at the meeting the next afternoon.

He reminded Mr. BINDER that all draft amendments should be submitted in writing.

Mr. ZONOV said that he was in favour of any decision which would speed up the Sub-Commission's work.

The CHAIRMAN pointed out that, as soon as it was clear that none of the members had any further proposals to make, and after Mr. Moulik had submitted his amendment, the Sub-Commission could proceed to the vote at its first meeting next day or even at its next meeting that afternoon.

/Mr. PLEIC

Mr. PLEIC submitted his amendment (E/CN.4/Sub.1/L.2/Rev.1). Freedom of information was only one of the factors likely to contribute to the peace; that was why he proposed that the words "is essential to the peace" in the first paragraph of the preamble should be replaced by the words "is of great importance to the peace".

Nor should the part played by press personnel be underestimated. The text of the second paragraph also seemed to go rather too far. It would therefore be better merely to state that press personnel "can make a great contribution towards safeguarding that freedom".

Finally, in order to emphasize the supra-national character of the code of ethics, the third paragraph should be amended by the inclusion of a provision inviting press personnel and their organizations to collaborate "at the international level ... in the interests of peaceful relations between the peoples".

Mr. LOPEZ stressed the fact that the first two amendments proposed by Mr. Pleic would tend to lessen the significance of freedom of the press and to reduce the importance of the role of journalists. Emphasis should be laid on the importance of freedom of information, and the persons for whom the code was designed, that is, the journalists themselves, should be made clearly to understand all the responsibilities they had assumed.

Mr. BINDER noted that Mr. Pleic's amendment, like that of Mr. Zonov, seemed to introduce into the code of ethics ideas which were foreign to those journalists of the Western nations and of many other countries had about their profession. A journalist, as an individual, might well try to further international peace; but he could not be forced to become a propagandist for any ideology whatsoever in the course of his work. That was not the way to further international peace, justice and security and freedom for the peoples of the world. In the democratic countries, honest and conscientious journalists sought above all to find the truth and to report or comment objectively upon the facts. If the international code of ethics tried to force them to distort or conceal the truth in the name of any ideology, however noble, they would find the code unacceptable. In the USSR and Yugoslavia, as in some other countries, journalists

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clearly had a different idea of their duty. They considered themselves propagandists, responsible for distorting or hiding certain facts which did not fit in with the official version of the truth. It was true that there might be ideas of journalism other than those current in the democratic countries, but no international code of ethics based upon such principles could hope to be widely accepted and applied.

Mr. ZONOV, referring to the preceding speaker's remarks said that he had the impression that Mr. Binder was, in fact, opposed to the draft international code of ethics, even in its present form, and that he was using specious arguments to cover his real attitude. Moreover, he had, on one occasion, let fall a revealing remark in that respect, and certain statements which had appeared in his country's press could only bear out the same conclusion. Furthermore, Mr. Zonov did not for a moment believe that the United States press sought to report and comment objectively ^{on} the facts. Everyone knew that that press systematically distorted the news, and he was prepared, if necessary, to provide the Sub-Commission with further information on the subject.

Mr. BINDER had not wished to reply to Mr. Zonov's two attacks upon the American press by giving certain details of the defects of the Soviet press, although he was in a position to do so, being well informed on the matter. He now wished, however, categorically to deny the intentions Mr. Zonov had attributed to him. He did not oppose the idea of a code as such, but he feared that it might be difficult to draw up a universally acceptable code in view of the fact that different countries had completely different ideas of journalism. The American Society of Newspaper Editors, of which he was a member, had had since 1923 a code which laid down for its members a standard of professional conduct to which they conformed. He would, personally, be delighted to see the Sub-Commission adopt that code, if that were possible. But he stressed the fact that the statement of certain objections on the subject of a code was a very different thing from the complete absence of principles; and it was for that reason that he formally denied Mr. Zonov's observations.

/Mr. PLEIC,

Mr. PLEIC, replying to Mr. Lopez, wished to make it clear that he had not intended, in his amendment, to minimize the contribution of press and information personnel; he merely wished to avoid giving them undue importance. Although the information facilities available to them were limited, some countries enjoyed good neighbourly relations with others.

Mr. Binder's remarks about his amendments were rather vague and he did not see why it could not be emphasized that the lack of understanding between the press personnel of various countries was one of the obstacles to good relations among peoples; that would state one of the purposes of the code.

Mr. GERAUD thought that the amendments submitted by Mr. Pleic and Mr. Zonov made the mistake of confusing the conduct of the journalist with the particular policy which journalists might be required to follow. It was hardly logical, for example, to speak of professional integrity in the case of the journalist who was bound by a totalitarian policy to adopt a specific position.

The idea in Mr. Pleic's third amendment -- that, if the code of ethics were universally respected, a bond would be created among the journalists of all countries -- was new and interesting but it was a possible result of the code rather than a principle and therefore had no place in the code. None of Mr. Pleic's amendments should be retained.

Mr. WAITEMAN thought that the precise task of the journalist should be clarified and pointed out that in Great Britain the ideal of the journalist was not to carry on propaganda, but to respect the truth even if it was hard to reconcile with his argument.

The CHAIRMAN asked Mr. Géraud to introduce his amendments.

Mr. GERAUD explained that his amendments (E/CN.4/Sub.1/L.3) made no changes in substance; they were drafting changes intended to make the ideas clearer.

He had used the phrase "seek the truth" in the second paragraph of the preamble because he considered the truth as an ideal toward which the journalist should constantly strive, and not as an objective reality. He reserved the right to elucidate his amendments further at a later stage.

/Mr. PLEIC

Mr. PLEIC asked Mr. Géraud what substantive difference there was between his amendments and those he had himself submitted.

Mr. GERAUD repeated that he had sought primarily to improve the drafting, while Mr. Pleic's amendments not only did not clarify the text but perhaps further confused it. For example, in the first paragraph, he saw no reason to distinguish between freedom of information and of the press and the other fundamental freedoms. The change in the second paragraph added nothing, while the amendment to the third paragraph, as he had already explained, could not be included in the preamble.

Mr. PLEIC still considered that there was no significant difference between the text he had suggested and that of Mr. Geraud.

At Mr. AZKOUL's request, Mr. PLEIC explained why he had submitted amendments to the original text.

At the invitation of the CHAIRMAN, Mr. LOPEZ introduced his amendments (E/CN.4/Sub.1/L.4) and explained that they were intended first, to eliminate certain ambiguities in the original text; secondly, whenever possible, to use expressions which had become familiar because they had been used in the resolutions of the General Assembly, the Economic and Social Council or the Sub-Commission; and, thirdly, to meet the objections raised by professional associations in their comments, by seeking to improve the style.

Accordingly, in the first paragraph of the preamble, he had reproduced the text of General Assembly resolution 59 of 14 December 1946. In view of the comments made by various associations, he had considered it necessary in the second paragraph to refer explicitly to the personnel "of the various media of information". In the same paragraph, he had replaced the words "constantly maintaining and promoting" by "constantly striving to maintain and promote the highest..." in order to impress upon journalists the idea that their task was to fight indefatigably. Finally, he had preferred to replace the last sentence of the original text, which seemed ambiguous, by a wording which had already been used in the summary records of the Sub-Commission's discussions at its first session, when it had endeavoured to work out what should be the objectives of the press.

/Mr. BINDER

Mr. BINDER welcomed Mr. Lopez's amendments because they markedly improved the drafting. He also congratulated Mr. Lopez upon having changed the second paragraph of the preamble to take into account the desire expressed by the Motion Picture Association of America that the code should deal with freedom of the various media of information, not only of the press. He had some doubt, however, about the meaning of the phrase "with complete fidelity to the truth". Those words might give the impression that there was such a thing as a core of truth or absolute criteria for which the State was answerable, and from which there could be no departure. While it was true that all men, without exception, sought the truth, the concept of truth nevertheless remained somewhat relative and variable. Only in totalitarian States had it been possible to build up a core of dogma through official indoctrination and represent it as inviolable truth.

That was also one of the reasons why he had not been able to support Mr. Pleic's amendment. Mr. Pleic had maintained at one of the earlier sessions of the Sub-Commission that the State should establish organs to control information. In the United States the right of the State to determine the criterion for assessing the truth was not recognized. In the American view, the men who held power temporarily were considered as fallible as others and were held responsible for their actions in the same way as every citizen.

For all those reasons, Mr. Binder asked Mr. Lopez whether he would agree either to replace the words "with complete fidelity to the truth" by the word "loyally", or to add the phrase "as he understands it" after the word "truth". With that change, he was prepared to accept Mr. Lopez's amendment.

In the second paragraph of Mr. Lopez's amendment, Mr. CHANG would like to replace the word "news" by the word "events"; the latter term was more general.

Mr. GERAUD wished to explain his amendment more fully.

In the first paragraph of the preamble, he had inserted the words "freedom of the press" to meet the wishes expressed by the Association suisse des éditeurs de journaux and by the Union romande de journaux. He had deleted the word "all" from the phrase "all the fundamental freedoms" solely for euphony and to make the sentence less ponderous. Finally, he proposed to change his own amendment by replacing the words "and the exercise of fundamental freedoms" by

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"and it has often proved to be the most vulnerable of the fundamental freedoms". The only purpose of his amendment to the second paragraph was to eliminate the ambiguity of the very confused original draft. The change in the third paragraph of the preamble broadened and complemented the ideas in the original text. He had not retained the word "rule" because the code actually stated principles and did not lay down rules of behaviour.

In his amendment to article I he had added after the word "check" the words "to the best of their ability" because there was not always one single and universally recognized truth.

In article II, he had replaced the phrase "personal interest" by "seeking personal advantage" because personal interest was not necessarily reprehensible in all cases. In paragraph 2 of the article, he was suggesting that only calumny and defamation voluntarily committed should be considered to be professional offences. Lastly, in paragraph 3, he felt that the word "spontaneously" should be substituted for the word "voluntarily" because the latter word sometimes implied the existence of outside pressure.

In conclusion, he proposed that the Sub-Commission should set up a drafting committee to redraft and, if necessary, to combine the various texts accepted by the Sub-Commission.

The CHAIRMAN shared that view but proposed that the question should be considered at the next meeting.

Mr. ZONOV asked that all the texts of the amendments and proposals should henceforth be translated into Russian.

Mr. SILVA CARVALLO asked that they should also be translated into Spanish.

Mr. EEK (Secretariat) said that the Secretariat would do its best to see that the relevant texts were translated into Russian and Spanish.

on After a brief discussion, in which Mr. Azkoul suggested that 10.30 a.m. /Friday, 7 March should be the time-limit for the submission of amendments, the Sub-Commission, at the Chairman's suggestion, decided to continue consideration of the amendments at the next meeting and to vote on them not later than the close of the morning meeting the next day.

The meeting rose at 1 p.m.