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

Fourth Session

SUMMARY RECORD OF THE SEVENTY-EIGHTH MEETING

Held at Hotel Parque, Montevideo,
on Monday, 22 May 1950, at 3.30 p.m.

CONTENTS:

Organization of the work

Draft of an international code of ethics

(E/CN.4/Sub.1/114; E/CN.4/Sub.1/124) (continued)

- Preamble

Chairman: Mr. FONTAINA

(Uruguay)

Rapporteur: Mr. JORDAN

(United Kingdom of Great Britain
and Northern Ireland)

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/Members:
E/CN.4/Sub.1/SR.78

Members: Mr. AQUINO (Philippines) .
Mr. AZKOUL (Lebanon)
Mr. AZMI (Egypt)
Mr. BINDER (United States of America)
Mr. P. H. CHANG (China)
Mr. DEDIJER (Yugoslavia)
Mr. GANDHI (India)
Mr. GERAUD (France)
Mr. SILVA CARVALLO (Chile)

Representative of a specialized agency:

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

Representative of a non-governmental organization:

Category A:

Mrs. SALMON World Federation of United
Nations Associations (WFUNA)

Secretariat:

Mr. HUMPHREY Representative of the
Secretary-General
Mr. HOGAN Secretary of the Sub-
Commission

/ORGANIZATION

ORGANIZATION OF THE WORK

1. The CHAIRMAN suggested that a time limit should be fixed for the submission of written proposals to be discussed during the remainder of the session.

2. Mr. BINDER supported that suggestion on the understanding that it would not preclude statements on specific points related to the agenda, where no action was proposed.

3. The CHAIRMAN concurred in that interpretation and requested members to submit proposals in writing not later than noon on Wednesday, 24 May.

It was so decided.

DRAFT OF AN INTERNATIONAL CODE OF ETHICS (E/CN.4/Sub.1/114, E/CN.4/Sub.1/124) (continued)

Preamble

4. At the request of the CHAIRMAN, the Secretary of the Sub-Commission read out the original draft of the preamble with the changes already adopted. He further explained the differences between that draft and the corresponding clauses of the Final Act, the text adopted by the Third Committee, and the relevant article of the draft Covenant on Human Rights. It should be noted, moreover, that sub-paragraph (e) embodied a clause drawn from article 2 of the Universal Declaration of Human Rights.

5. Mr. AZKOUL felt that the Sub-Commission should first decide the question of principle whether it wished to retain the concepts dealt with in the fourth and fifth sections of the draft code. It had rejected those articles on the understanding that the general ideas they contained might be subsequently re-introduced in the preamble.

Mr. Azkoul favoured retention of those ideas in the preamble by the adoption of sub-paragraphs (a), (b), (c), (d) and (e) with slight modifications.

6. Sub-paragraph (a) should be linked to the main clause of the third paragraph as a statement of the real function of information personnel. After the word "intent", the phrase "and thereby to" should be added to indicate that the sub-paragraphs which followed did not list further functions or directives, but rather the ideal results which would be achieved if journalists conscientiously performed their main function.

7. The clause borrowed from the Universal Declaration of Human Rights should be deleted from the present sub-paragraph (e) because it bore no direct relation to the subject of the draft code. Mr. Azkoul would accept the most recent text approved by the United Nations as a substitute.

8. Mr. GANDHI thought that the code of ethics should be self-explanatory and that its preamble should be as brief as possible. He favoured a preamble couched in general terms, and as an example of a suitably brief preamble for a professional code of ethics he quoted the following preamble to the "Canons of Journalism" adopted by the American Society of Newspaper Editors:

"The primary function of newspapers is to communicate to the human race what its members do, feel, and think. Journalism, therefore, demands of its practitioners the widest range of intelligence, of knowledge, and of experience, as well as natural and trained powers of observation and reasoning. To its opportunities as a chronicle are indissolubly linked its obligations as teacher and interpreter. To the end of finding some means of codifying sound practice and just aspirations of American journalism, these canons are set forth."

The Sub-Commission was proceeding to draft an international code of ethics for journalists which would presumably stand on its own and required no lengthy preface. Mr. Gandhi would submit a substitute text for the original preamble.

9. Mr. DEDIJER said that Mr. Gandhi had quoted a passage which applied to American journalism; but there were other journalists besides the Americans in the world and they had their own ideas. He was not satisfied with the reasons adduced by Mr. Gandhi for compressing the preamble into a short general statement bearing no direct relation to the basic objectives of the United Nations. The code should, on the contrary, be specifically linked with the principles accepted by the States Members and with the special task undertaken by the United Nations in the field of information and the press. Those principles should be recalled in the preamble and Mr. Dedijer therefore pressed for adoption of the original draft.

10. Mr. JORDAN supported Mr. Gandhi's appeal for brevity. The task of the Sub-Commission was to set up a code of ethics which would commend itself to journalists and which it was hoped they would observe. It should

/accordingly

accordingly confine itself to stating the prerequisites of good journalism without reference to the beneficial effect it might be expected to have. Mr. Jordan considered the concepts embodied in sub-paragraphs (b), (c), (d) and (e) irrelevant and suggested that they should be deleted.

11. The CHAIRMAN, speaking in his personal capacity, agreed that the preamble should be brief and concise, but felt that it must be related to the specific purposes of the United Nations in order to indicate that the code of ethics was to be universally applicable. In particular, he wished to retain the mention of the Universal Declaration of Human Rights.

12. Mr. BINDER considered the draft code as a whole unacceptable. It constituted a radical departure from the standards cherished by American journalists and advocated an inferior and dangerous type of journalism. Mr. Binder's view was dictated not by national pride, but by the firm conviction that the journalist should be guided by a voluntary sense of responsibility; however, lofty the purpose or praiseworthy the motive, no one could tell him how to slant what he wrote.

13. Mr. AZKOUH was dismayed by the tendency in the Sub-Commission to dissociate the code of ethics from the imperative needs of the contemporary world and thereby to strip it of its effectiveness. As a United Nations body its effort should be rather to relate the code to the purposes and principles of the Organization and to stress the initiative taken by the United Nations in discharging its responsibility toward public opinion. As an international instrument, the code should be universally applicable. While it should rightly lay special emphasis on the journalist's duty to strive for the truth, it should also direct him toward laudable objectives. Unless it were closely linked to current needs and problems, it would remain a dead letter. The preamble should not be further condensed; it should merely be revised as Mr. Azkoul had suggested.

14. Mr. AZMI thought that while the preamble should be brief, it must not fail to embody three essential elements the interrelation of a free press and a responsible press, respect for the truth both in reporting facts and in making comments, and references to the principles proclaimed in the United Nations Charter and in the Universal Declaration of Human Rights. Accordingly, he was submitting a substitute text (E/CN.4/Sub.1/124) for the original draft of the preamble.

15. Mr. GANDHI assured the members that he had no wish to diminish the importance of the code or to emasculate it. He had no objection to a fuller elaboration of the body of the code so as to include concepts which the Sub-Commission considered essential. But he thought that the preamble should not be another code in itself and should necessarily be very brief. It was necessary to remember that any code which went forward as a recommendation from the Sub-Commission would be closely scrutinized and criticized in the world. It was to make that point, and not in an effort to extol American journalism, that he had cited, as a sample, a preamble from an American document. His knowledge was confined to English and he therefore naturally depended upon English sources. He had no doubt that other languages could be quoted from. Unfortunately, he had another American document to quote. It was "The Journalist's Creed" by Walter Williams, founder of the Missouri School of Journalism. Mr. Gandhi read out that statement as a model code and felt that as a balanced document embodying all the points emphasized by Mr. Azkoul and others it was difficult to improve upon. It might usefully be appended to the Secretariat's survey of existing codes of honour.

16. There appeared to be a divergence of opinion in the Sub-Commission regarding the approach to a code of ethics intended to meet with general approval and to be universally applicable. The Sub-Commission was required to draft a code for journalists and other personnel, the great value of which would be that it would bear the imprimatur of the United Nations and would therefore be likely to commend itself to the profession generally, whereas other similar codes were perhaps forgotten or ignored. The document it adopted should be of permanent value, regardless of any temporary course of world events. It should not be the product of a passing phase. It need not concern

/itself

itself with repeating the principles of the Charter and the Declaration of Human Rights; there would be ample opportunity to reiterate those principles in connexion with other items of the agenda, once the code of ethics had been disposed of.

17. Mr. CHANG suggested a compromise solution which would have the effect of shortening the preamble without eliminating the reference to the aims and accomplishments of the United Nations. He reminded Mr. Azkoul that the ideas discarded by the Sub-Commission when it had rejected the fourth and fifth sections of the draft code reappeared in Mr. Dedijer's proposed addition (E/CN.4/Sub.1/123).

18. Mr. Chang proposed the following condensed text for the preamble:

"WHEREAS the Universal Declaration of Human Rights proclaims the right of everyone to seek, receive and impart information; and

"WHEREAS the attainment of a just and lasting peace depends in great degree upon the free flow of true, full and honest information to all peoples, and upon the spirit of responsibility with which information personnel seek the truth and report the facts or comment upon them;

"THEREFORE the following Code of Ethics is enacted as a standard of practice and professional conduct."

19. Mr. AZKOUL might be able to accept Mr. Chang's proposal, provided that the ideas embodied in the third paragraph of the preamble were reintroduced in the body of the code.

20. Mr. GANDHI would be prepared to accept Mr. Azmi's draft or any similar proposal, provided that it was brief.

21. The CHAIRMAN, speaking in his personal capacity, said that his only objection to the text of the joint draft was that it was too long and repetitious. It should be brief and should contain some mention of the Sub-Commission's terms of reference. Some controversial points in the joint draft of the preamble might well be transferred to the body of the code.

22. Mr. DEDIJER said that the question whether the text of the preamble should be long or short was irrelevant; it should express the requisite ideas in as many words as necessary. The Sub-Commission had been unwise in deciding to take up the consideration of the preamble before those members who objected to the existing text had submitted alternative texts. He therefore suggested that those members should be given time to prepare such texts and that the Sub-Commission should in the meantime pass on to the second reading.

/23. Mr. AZKOUL observed

23. Mr. AZKOUL observed that if the Sub-Commission at the second reading rejected the ideas which Mr. Dedijer wished to be embodied in the code, the members who desired their inclusion would be able to submit proposals for a new version of the preamble.

24. Mr. BINDER disagreed with Mr. Azkoul. Those ideas had already been deleted from the code; the sole remaining question was whether they should not also be deleted from the preamble.

25. Mr. JORDAN proposed that the third paragraph of the preamble should read: "Whereas all individuals and enterprises engaged in the collection and dissemination of information should be encouraged to report facts without prejudice and in their proper context and to make comment without malicious intent".

26. Mr. AQUINO pointed out that Mr. Jordan's proposal would enable the Sub-Commission to decide the question of principle. The vote should therefore be taken upon it first and then the form of the preamble as a whole should be decided.

27. Mr. AZKOUL interpreted Mr. Jordan's proposal as calling for the deletion of sub-paragraphs (b), (c), (d) and (e). The Sub-Commission should not, however, prejudge the form which the preamble

/would finally

would finally take, as alternative suggestions might still be submitted. In the meantime, full consideration should be given to the texts submitted by Mr. Azmi and Mr. Chang.

28. Mr. CHANG said that he would not press his proposal, but thought that it might be merged with Mr. Jordan's. Mr. Jordan's proposal, if adopted made the heading of the first article repetitious.

29. Mr. AQUINO suggested that the vote should be taken on all the proposals submitted, so that the Sub-Commission could proceed by a process of elimination.

30. Mr. AZKOUL replied that the real difficulty lay in the question whether sub-paragraphs (b), (c), (d) and (e) were to be retained or not. No satisfactory text for the preamble as a whole could be drafted until the Sub-Commission had decided whether the ideas embodied in those sub-paragraphs should be incorporated in it. The vote should therefore first be taken on Mr. Jordan's proposal.

31. Mr. BINDER suggested that the question would be simplified if Mr. Gandhi was prepared to accept Mr. Azmi's proposal.

32. Mr. GANDHI was prepared to accept either

Mr. Azmi's proposal or Mr. Jordan's. The main obstacle to general agreement appeared to be Mr. Azkoul's strong feeling about the undesirability of deleting sub-paragraphs (b), (c), (d) and (e). Mr. Azkoul's view was, however, somewhat inconsistent, as the ideas embodied in those sub-paragraphs had already been rejected when they had been discussed in connexion with the fourth and fifth articles of the code.

33. Mr. JORDAN was prepared to accept Mr. Azmi's proposal.

34. The CHAIRMAN, replying to Mr. Azkoul, observed that if Mr. Azmi's proposal was taken as the basic document, Mr. Azkoul would be able to submit amendments to it. At the second reading he could also propose additional articles embodying the ideas he advocated.

35. Mr. GERAUD observed that there appeared to be no objection to the sub-paragraphs under discussion, provided that they were construed as an indication of the results which would follow from the promotion of freedom of information rather than as obligations laid upon journalists. Mr. Azkoul's objections could be met by the adoption of Mr. Azmi's proposal

/combined

combined with a text derived from the first paragraph of the preamble to the draft convention on freedom of information, adopted by the United Nations Conference (E/CONF.6/79) with the addition of the final phrase from his own proposal for the first paragraph of the preamble of the code (E/CN.4/Sub.1/124)

36. Mr. SILVA CARVALLO supported Mr. Azmi's proposal because it incorporated ideas on which there was general agreement. The ideas embodied in sub-paragraphs (b), (c), (d) and (e) would be placed more appropriately in the body of the code where they would serve as directives to journalists, than among the statement of general principles in the preamble.

37. Mr. DEDIJER said that the discussion ought to be confined to the joint draft. Mr. Azmi's proposal was a completely new document and should be discussed only if the existing joint text was rejected.

38. The CHAIRMAN replied that, under rule 60 of the rules of procedure, Mr. Azmi's proposal could legitimately be regarded as an amendment to the existing joint text.

39. Mr. DEDIJER was not convinced by the Chairman's interpretation of that rule, but would not press the point.

40. Mr. AZMI explained that his proposal (E/CN.4/Sub.1/124) embodied a number of considerations which had been exhaustively discussed by the Sub-Commission. He had referred to the United Nations Charter because there were many references in it to the ideas which had been embodied in sub-paragraphs (b), (c) and (d) of the original text, and to the Universal Declaration of Human Rights because that document referred in several places to the considerations contained in sub-paragraph (e). He had laid particular emphasis on the word "voluntary", as the discussion had clearly shown that the Sub-Commission did not wish obligations to be imposed upon journalists but preferred that they should agree to accept such obligations of their own free will. It was particularly important that that attitude should be clearly expressed in view of the forthcoming international press conference. He had also stressed the concept of truth, because emphasis on the importance of telling the truth had been the primary consideration throughout the debate.

41. Mr. AZKOUL requested full discussion of Mr. Azmi's text, since it was the only document before the Sub-Commission.

42. Mr. AQUINO protested against any attempt to re-open the discussion. Mr. Azmi's statement could be regarded only as an explanation of his vote.

43. Mr. AZKOUL was very much surprised by Mr. Aquino's protest. It had been decided that the Sub-Commission would be given the opportunity to consider Mr. Azmi's proposal, which had not hitherto been examined in detail at all.

44. Mr. AQUINO said that the process of voting had already begun. Mr. Azmi had explained his vote. It was open to Mr. Azkoul also to request permission to explain his vote, but he could not re-open a debate which had already been exhaustive.

45. The CHAIRMAN observed that Mr. Azmi's proposal had been before the Sub-Commission in writing for some time and he had taken it that the problems involved had been fully discussed. Any requisite drafting changes could be left to the Secretariat.

46. Mr. AZKOUL maintained that the debate had not been closed and that Mr. Aquino was therefore in error. Members still had the right to submit amendments to Mr. Azmi's proposal, but there had been no time to examine it carefully to see whether there were any important omissions. He fully

/agreed that

agreed that the Sub-Commission should expedite its work, but he deprecated undue haste in matters of such importance. He had not yet been able to see the text of Mr. Geraud's proposal. He would not therefore participate in the vote on Mr. Azmi's proposal; furthermore, he would request the removal of his name as co-author of the joint draft of an international code of ethics.

47. The CHAIRMAN put to the vote Mr. Azmi's proposal for the text of the preamble to the international code of ethics (E/CN.4/Sub.1/124).

Mr. Azmi's proposal was adopted by 9 votes to none, with 1 abstention.

48. Mr. AZKOUL emphasized that he had not participated in that vote, in any way, even by abstention. Furthermore, he would abstain from participating in any decision taken by the Sub-Commission on the draft of an international code of ethics.

49. Mr. JORDAN objected to the use of the word "enacted" in the fourth paragraph of the preamble. The Sub-Commission had no legislative powers; it could merely recommend.

50. Mr. AZMI observed that all the Sub-Commission's work consisted in the drafting of recommendations; it was merely recommending that the code should virtually be given

/force of law

force of law by those who accepted it.

51. After a brief discussion on the word to be substituted for "enacted", Mr. DEDIJER proposed the word "proclaimed", taken from the corresponding paragraph in the preamble to the Universal Declaration of Human Rights.

Mr. DediJer's amendment was adopted by 9 votes to none, with 1 abstention.

The fourth paragraph of the preamble, thus amended, was adopted by 10 votes.

52. Mr. AZKOUL did not participate in the vote.

53. The CHAIRMAN proposed that the Sub-Commission should begin the second reading of the draft code at the following meeting.

It was so decided.

54. Mr. DEDIJER wished to point out that no objections had been raised to the Chairman's proposal.

The meeting rose at 6.25 p.m.