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

Fifth Session

SUMMARY RECORD OF THE HUNDREDTH MEETING

Held at Headquarters, New York,
on Wednesday, 12 March 1952, at 3 p.m.

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E/CN.4/Sub.1/151/Add.1, E/CN.4/Sub.1/L.10)(continued)
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in the field of freedom of information (E/CN.4/Sub.1/157,
E/CN.4/Sub.1/158)

<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. PLEIC	(Yugoslavia)
	Mr. POLLERI CARRIO	(Uruguay)
	Mr. SILVA CARVALLO	(Chile)
	Mr. WAITHMAN	(United Kingdom of Great Britain and Northern Ireland)
	Mr. ZONOV	(Union of Soviet Socialist Republics)

Representative of a specialized agency:

Mr. CARNES

United Nations Educational, Scientific
and Cultural Organization (UNESCO)

Representative of non-governmental organizations:

Category A: Miss SENDER

International Confederation of Free
Trade Unions (ICFTU)

Category B: Mr. JACOBY

World Jewish Congress

Mr. BEER

International League for the Rights
of Man

Secretariat: 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/L.10)(continued)

The CHAIRMAN drew attention to article IV of the draft code;
the only amendment to it was a proposal by Mr. Chang relating to form which
the Drafting Committee would consider.

He called for a vote on the Montevideo text of article IV.

Article IV was adopted by 5 votes to none, with 2 abstentions.

The CHAIRMAN called for discussion of Mr. Azkoul's proposal for a new
article to be added at the end of the code, as follows:

"No provision of this code may be interpreted as authorizing
governments to intervene in any manner whatsoever to ensure that
the personnel of the press and of other media of information comply
with the moral obligations set forth herein".

Mr. AZKOUL explained that the comments received from professional
organizations consistently expressed concern that governments might use the code
as an instrument to limit freedom of information and to interfere with freedom
of the press. In certain cases, the very idea of a code was opposed because
of the fear that the moral obligations contained in such a document would
become legal obligations enforceable by governmental authority. It was
therefore essential to dispel the fears which had been so widely expressed.

/The matter

The matter was particularly significant in the case of countries in which the press had not yet reached an advanced stage of development and in which freedom of the press had not yet been realized. The governments of countries in that category might gain the impression that journalists might be called to account in connexion with their adherence to the moral obligations set forth in a code of ethics.

The proposal for a new article would be valuable if it merely served to dissipate the anxieties which had been expressed.

Mr. CHANG understood the purpose sought by Mr. Azkoul, but felt that the provision he suggested would be inappropriate in the code of ethics. Moreover, its inclusion would serve to arouse the very suspicions it was designed to dissipate. Mr. Azkoul's objective could be achieved by including a statement in the letter transmitting the code.

He would, therefore, be compelled to vote against Mr. Azkoul's proposal.

Mr. BINDER appreciated the considerations which had led Mr. Azkoul to make his proposal, but was also impressed by Mr. Chang's argument. He felt that such a provision would be more appropriate in a convention than in a code of ethics.

He was concerned about the phrasing of the proposal and particularly about the use of the word "authorizing".

Mr. LOPEZ expressed willingness to support Mr. Azkoul's proposal despite the danger to which Mr. Chang had referred. Inclusion of such a provision would prove that the Sub-Commission had taken account of the fears and anxieties expressed in the comments from professional associations. He suggested that the word "authorizing" should be replaced by "justifying".

Mr. AZKOUL accepted Mr. Lopez's suggestion.

Mr. Chang's objection was invalid and the procedure of including the point in a letter of transmittal would not suffice. A provision was needed in

the body of the code to prevent any possible future action by Governments making journalists legally accountable for their compliance with the moral obligations of the code. His proposal would provide journalists with a weapon with which they could defend themselves against pressure from Governments.

Mr. BINDER suggested that Mr. Azkoul's point might be covered by a statement to the effect that the code was based on the belief that responsibility for the ethics of the journalist rested on the journalist himself.

Mr. AZKOUL agreed that Mr. Binder's suggestion would serve to cover the point he had raised. As the two ideas were basically the same, he suggested that the matter might be left to the Drafting Committee.

The CHAIRMAN called upon Mr. Beer, representative of the International League for the Rights of Man, to make a statement.

Mr. BEER (International League for the Rights of Man) noted that in his earlier intervention he had expressed his organization's concern about the point raised by Mr. Azkoul. The International League would be gratified at the inclusion of such a provision in the code.

While he realized that it was not within his competence to make proposals to the Sub-Commission, he ventured to suggest that the provision in question might appropriately be placed at the end of the preamble.

Mr. AZKOUL expressed appreciation of Mr. Beer's suggestion, but thought it might be better for the Sub-Commission to vote on the substance of the proposal and leave it to the Drafting Committee to decide where the provision should be placed.

Mr. WAITHEMAN expressed sympathy with Mr. Azkoul's proposal, and was prepared to vote for it on the understanding that it would be reworded by the Drafting Committee along the lines suggested by Mr. Binder and that its position in the code might be changed.

The CHAIRMAN put Mr. Azkoul's proposal, subject to revision by the Drafting Committee, to the vote.

The proposal was adopted by 7 votes to 1, with 1 abstention.

/The CHAIRMAN

The CHAIRMAN proposed that a drafting committee should be set up to prepare the final text of the draft code of ethics for submission at the Sub-Commission's 101st meeting. It should comprise Mr. Azkoul, as Rapporteur, Mr. Chang, whose drafting amendment (E/CN.4/Sub.1/L.10) would be discussed, Mr. Géraud, to deal with the French text, and Mr. Waithman, to deal with the English, assisted by the Sub-Commission's secretariat and by appropriate members of the Department of Conference and General Services.

Mr. CHANG suggested that Mr. Lopez was better qualified than he and proposed that Mr. Lopez should replace him.

Mr. LOPEZ accepted Mr. Chang's proposal.

The Chairman's proposal, thus amended, was adopted.

The CHAIRMAN drew attention to a draft resolution (E/CN.4/Sub.1/163) submitted jointly by Mr. Azkoul, Mr. Lopez and Mr. Silva Carvalho related to the draft international code of ethics.

Mr. ZONOV asked for time to consider the draft resolution, in accordance with rule 51 of the rules of procedure of the functional Commissions of the Economic and Social Council.

The CHAIRMAN acceded to that request.

SUGGESTIONS CONCERNING THE FUTURE WORK OF THE UNITED NATIONS IN THE FIELD OF FREEDOM OF INFORMATION (E/CN.4/Sub.1/157, E/CN.4/Sub.1/158)

The CHAIRMAN reminded the Sub-Commission that the Economic and Social Council in its resolution 414 B III(XIII) had asked it to make suggestions concerning the future work of the United Nations in the field of freedom of information. The Secretary-General had submitted two memoranda (E/CN.4/Sub.1/157, E/CN.4/Sub.1/158) for use as working papers. When discussing its agenda (E/CN.4/Sub.1/159), the Sub-Commission had agreed to Mr. Binder's suggestion that

item 12 of the provisional agenda -- the adequacy of the news available to the peoples of the world and the obstacles to the free flow of information to them -- should be discussed in connexion with item 5 -- suggestions concerning the future work of the United Nations in the field of freedom of information. That would be procedurally possible if the Sub-Commission based the general debate on the Secretary-General's two memoranda. Members could then either sponsor any of the Secretary-General's suggestions or make proposals of their own.

Mr. GERAUD could not see why Mr. Binder was so anxious to discuss the obstacles to the free flow of information. That subject had been thoroughly debated at the previous session and it was hard to imagine that practical proposals about the United Nations future work could emerge from an abstract general debate thereon.

Mr. BINDER was astounded by Mr. Géraud's idea that the subject had been fully debated at the previous session; all that had been discussed had been the Sub-Commission's work programme and nearly all that had emerged had been the resolution on interference with radio signals, subsequently adopted by the General Assembly (resolution 424 (V)). The Sub-Commission had never examined the adequacy of the news available to the peoples of the world, a matter which he himself regarded as the Sub-Commission's essential work. Unless that subject was thoroughly debated without further delay, the Sub-Commission could not possibly make any useful and practical suggestions about the future work of the United Nations in that field.

Mr. ZONOV observed that the Sub-Commission had listed twelve questions to be discussed within the general framework of item 5 of the agenda. Any member was thus free to submit draft resolutions on any of those twelve items in the course of the general debate and to ask for their discussion. The Sub-Commission should be careful not to prolong the general debate unduly;

/otherwise,

otherwise, it might not have sufficient time to discuss its report adequately. It should be warned by the example of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which had devoted its entire session solely to the discussion of the future work of the United Nations in that field.

Mr. BINDER recalled that, in implementation of Economic and Social Council resolution 306 F (XI), the Secretary-General had invited information enterprises and associations to transmit any surveys they might have compiled on the current status of freedom of information. In response, the Associated Press had sent to the United Nations its semi-annual world survey (July, 1951) of censorship and other conditions which were barriers to the coverage and publication of news; the Associated Press had published another such survey in December 1951, which Mr. Binder had in his possession. As his speech in the general debate on the adequacy of the news available to the peoples of the world and the obstacles to the free flow of information to them would be based in part on material collected by the Associated Press, he formally moved that both surveys should be circulated to members of the Sub-Commission as soon as possible.

Mr. EEK (Secretary of the Sub-Commission) stated that the Economic and Social Council had requested the Secretary-General to invite information enterprises and associations to transmit to him any surveys they might have compiled concerning the current status of freedom of information in the world, and to submit to the Sub-Commission an analysis of information received. The only survey received, in response to the inquiry, conforming with the description given, was the report of the Associated Press, issued in July 1951. Therefore, the Secretary-General had not been able to comply with the Council's request to prepare an analysis but, as stated in document E/CN.4/Sub.1/143/Add.1, the Secretary General would make the report from the Associated Press available to the Sub-Commission should it so desire.

/The CHAIRMAN

The CHAIRMAN ruled that the report of the Associated Press should be circulated to the members of the Sub-Commission in order to facilitate the understanding of Mr. Binder's contribution to general debate.

Mr. AZKOUL remarked that discussion of the future work of the United Nations in the field of freedom of information would naturally fall into two parts: discussion of the topics which would require attention in the future, and discussion of the machinery to be established for that purpose. Once the general debate was over, it might be wise to draw a distinction between suggestions dealing with substance and those dealing with procedure.

The meeting rose at 5.10 p.m.