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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON FREEDOM OF INFORMATION AND OF THE PRESS

Fifth Session

SUMMARY RECORD OF THE EIGHTY-EIGHTH MEETING

Held at Headquarters, New York,  
on Tuesday, 4 March 1952, at 10.30 a.m.

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Hours of meetings

Draft international code of ethics (Economic and Social Council  
resolution 306 E (XI), E/CN.4/Sub.1/151, E/CN.4/Sub.1/151/Add.1)

<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)

Members: (continued)

Mr. LÓPEZ	(Philippines)
Mr. MOULIK	(India)
Mr. PLEIC	(Yugoslavia)
Mr. POLLERI CARRIO	(Uruguay)
Mr. WATHEMAN	(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)
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Representatives of non-governmental organizations:

Category A:

Miss SENDER	International Confederation of Free Trade Unions (ICFTU)
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Category B:

Mr. BEER	International League for the Rights of Man
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Secretariat:

Mr. HUMPEREY	Representative of the Assistant Secretary-General
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Mr. EEK	Secretary of the Sub-Commission
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HOURS OF MEETINGS

The CHAIRMAN proposed that the Sub-Commission should adopt the following hours for its meetings: morning meetings from 10.30 a.m. to 1 p.m. and afternoon meetings from 3 p.m. to 5.30 p.m.

Mr. AZKOUL suggested that the hours of morning meetings proposed by the Chairman should be followed but that the schedule for afternoon meetings should in principle be from 3 p.m. to 5 p.m., with the understanding that the debates might be continued until 5.30 if necessary.

It was so decided.

/DRAFT INTERNATIONAL

DRAFT INTERNATIONAL CODE OF ETHICS (ECONOMIC AND SOCIAL COUNCIL RESOLUTION 306 E (XI), E/CN.4/Sub.1/151, E/CN.4/Sub.1/151/Add.1)

The CHAIRMAN proposed that the Sub-Commission should set noon on Friday, 7 March, as the time-limit for the submission of written amendments to the draft international code of ethics.

It was so decided.

Mr. BINDER (United States of America) recalled that he had expressed serious doubts about the possibility of drafting an international code which would gain general acceptance because of the profound divergences of views in the contemporary world. While his doubts persisted, he felt that, as the Sub-Commission was committed to the task of drafting an international code, a few observations were germane.

The Sub-Commission must draft a simple and concise code, avoiding the ambiguous and vague terms which had tended to creep in at Montevideo. It was also important to avoid expressions with legal implications such as slander and libel. In addition, it would be advisable to omit all reference to sources of information; that was a separate subject which related to protection of freedom of information rather than to ethics. He also had serious doubts as to the advisability of including such expressions as "tasks compatible with integrity and dignity" "veracity open to doubt", and "rumour".

The Sub-Commission should seek agreement on a brief non-controversial code which should not be recommended to governments, but to information enterprises and national and international professional associations, which would apply it.

At the request of the Chairman, Mr. MALE (Secretariat) explained the technique and procedure for the submission of the draft code of ethics to information enterprises and professional associations for comment in accordance with resolution 306 E (XI) of the Economic and Social Council. The Secretariat had compiled a list of approximately four hundred organizations

on the basis of lists received from governments, yearbooks, directories, UNESCO publications and other sources. It had obviously been impossible to request comments from all the information enterprises in the world, and it had been assumed that individual enterprises would make their views known through national and international professional associations. The major news agencies had been consulted.

The Secretary-General had been requested by the Economic and Social Council to prepare his analysis on the comments received for submission to the thirteenth session of the Council, held in the summer of 1951. Subsequently a further communication had been sent to organizations which had failed to reply and to others which had been added to the list.

The Executive Committee of the International Federation of Newspaper Publishers and Editors had submitted comments (E/CN.4/Sub.1/151, page 24) which must be considered in the light of the action of the congress of that organization (E/CN.4/Sub.1/151/Add.1, page 4), a group with consultative status in category B.

The task of assembling the comments had been difficult because of the necessity of compiling a list of organizations and contacting those organizations, which in many cases had frequently changed address.

The CHAIRMAN stated that Mr. Beer, a representative of the International League for the Rights of Man, a non-governmental organization with consultative status in category B, had asked to be heard by the Sub-Commission, and he proposed that Mr. Beer should be given a hearing in accordance with rule 30 of the rules of procedure.

Mr. BEER (International League for the Rights of Man) supported the reservations presented by Mr. Binder. The International League for the Rights of Man felt that the code must be voluntary and that no interference by governments or non-governmental organizations should be tolerated. If an international code was prepared, it should be considered as a recommendation on which information enterprises and professional associations would be free to act.

/As a representative

As a representative of the International League and as a working journalist, he deplored restrictive tendencies, which would limit rather than protect freedom of information. In his opinion, it would be better to conclude an international agreement establishing the duties of the press before drafting a code of ethics for journalists. Further, a number of the expressions cited by Mr. Binder might be interpreted as limitations on journalists, while others related to the powers of newspaper owners and publishers rather than to journalists or reporters.

The Sub-Commission must avoid sanctioning governmental interference and must take care that its texts would not be used by governments to restrict freedom of information. The primary objective of protecting freedom of information must constantly be borne in mind.

The International League for the Rights of Man regretted that the current session of the Sub-Commission was to be the last. The decision to eliminate subsidiary organs of the Commission on Human Rights and the Economic and Social Council was deplorable, particularly in the case of the Sub-Commission on Freedom of Information and of the Press and the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities. The International League was deeply concerned about the continuation of work in those fields by other United Nations organs.

The CHAIRMAN observed that, at its sixth session in Paris, the General Assembly had decided to continue the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities.

Mr. ZONOV said that he had amendments to the draft code to submit and would speak in the general debate when they had been duly circulated, at the next morning's meeting.

Mr. AZKOUL proposed that the Sub-Commission should not meet until the next morning if no other members were prepared to speak at the current or at that afternoon's meeting.

/Mr. BINDER

Mr. BINDER could not see why a whole day's work should be lost because members who, unlike himself, favoured the draft code of ethics, had not prepared their speeches. The Economic and Social Council had instructed the Sub-Commission to re-examine the existing draft in the light of the comments received. Those comments were before the Sub-Commission. No new light would probably be shed in the course of a general debate which had already been ample and exhaustive at the previous session. In order to save time, the Sub-Commission should proceed immediately with its work.

Mr. LOPEZ observed that the holding of a general debate was not obligatory. The reluctance of members to speak seemed to show that they had expressed their views fully at the previous session. They could make whatever additional remarks they wished during the course of drafting.

Mr. MOULIK said that he was awaiting a pamphlet from Mr. Gandhi, whose alternate he was, and wished to speak on it and also to submit some amendments. He would thus prefer to speak the next day.

Mr. BINDER supported Mr. Lopez' view. The Sub-Commission could well continue its work without a formal closure of the debate.

Mr. ZONOV objected that the Sub-Commission could not begin drafting, as it had no formal amendments before it from any member.

Mr. CHANG supported Mr. Lopez and Mr. Binder and disagreed with Mr. Zonov. A number of amendments appeared in annex B of document E/CN.4/Sub.1/1 submitted by information enterprises and professional associations. He proposed that, if members had no amendments of their own ready for submission, the Sub-Commission should at once proceed to examine the amendments submitted by those bodies.

Mr. BINDER wholeheartedly supported Mr. Chang's proposal. The members should be fully conversant with the amendments and comments submitted by the information enterprises and professional associations, most of which had been circulated in July.

Mr. ZONOV observed that the Sub-Commission could take action only on proposals or amendments submitted by its own members. The amendments cited by Mr. Binder and Mr. Chang had no official standing.

Mr. AZKOUL agreed with Mr. Zonov. There was, however, nothing to prevent any member from sponsoring any of the amendments or comments submitted by the bodies concerned.

The CHAIRMAN said that the rules of procedure and the usual practice of United Nations bodies laid down that only proposals submitted by a member of such a body could be examined by it. The original source of the proposal might be an outside organization, but the proposal itself must be sponsored by a member. No such proposal was currently before the Sub-Commission.

Mr. BINDER wondered what rule of procedure governed the specific case under discussion, as the members of the Sub-Commission sat as experts, not as representatives of governments. In any case, he was prepared to sponsor the comments of the American Society of Newspaper Editors (E/CN.4/Sub.1/151/Add. page 9) and of the National Conference of Editorial Writers (U.S.A.) (E/CN.4/Sub.1/151/Add.1, page 10), as he was an active member of both bodies, and to associate himself with the comments of the Association for Education in Journalism (U.S.A.) (E/CN.4/Sub.1/151/Add.1, pages 11 and 12), a highly reputable organization.

The CHAIRMAN said that the principle applied with regard to sponsorship could be deduced from rule 51 of the rules of procedure of the functional Commissions of the Economic and Social Council.

Mr. CHANG maintained that his proposal for the discussion of the amendments submitted by the professional associations and information enterprises was tantamount to sponsorship of them.

Mr. LOPEZ felt that the rule of procedure should not be too rigidly enforced, in view of the special nature of the Sub-Commission's work. He was not prepared to sponsor any of the amendments, but would appreciate their being discussed.

/Mr. AZKOUL

Mr. AZKOUK advocated the enforcement of the rule of procedure, not simply because it was a rule but because it was the only logical way to set about work in the circumstances. If no member was prepared to sponsor the comments or amendments of the bodies concerned, it simply showed that it would be a waste of time to discuss texts for which not a single member was ready to vote. He could not believe that Mr. Binder himself would be willing to vote for the entire substance of the comments he was sponsoring.

Mr. BINDER observed that it would be no more than common courtesy on the part of the Sub-Commission to examine attentively the many comments sent in by information enterprises and professional associations at the United Nations' own request. To fail to do so would lay the Sub-Commission, and indeed the United Nations itself, open to the kind of criticism that was already being levelled against it in many countries, including his own. Surely no member of the Sub-Commission would wish to give professional associations in his part of the world cause to say that their considered views and formal resolutions had been totally disregarded. The Sub-Commission had been instructed to re-examine the draft code of ethics in the light of these comments.

Mr. AZKOUK realized that there might be a sector of public opinion unfavourable to the Sub-Commission; he would not be surprised to read in the next day's newspapers that Mr. Binder had been in favour of proceeding with the work on the draft code of ethics and that Mr. Azkoul had been opposed to such a course. Yet the discussion was a purely procedural one, and when the Sub-Commission turned to its real work of re-examining the draft code, he would certainly show himself a firm supporter of freedom of information.

Procedurally, neither Mr. Chang's nor Mr. Binder's proposal was acceptable. It would be a waste of the Sub-Commission's time to examine amendments on which it could not take action; and the texts supported by Mr. Binder were not so phrased that the Sub-Commission could vote on them. It could, however, vote on any proposal which Mr. Binder cared to make on the basis of those texts.

/Mr. BINDER

Mr. BINDER replied that, in that case, he was prepared to make a general statement that afternoon, using those texts as guidance, and to present to the Sub-Commission the views of his countrymen. He hoped that those ideas would elicit a response from other members and that a fruitful discussion would result.

Mr. WAITMAN said that, in order to provide a concrete proposal for discussion, he was prepared to sponsor the amendment to Article 1 of the draft code proposed by the United Kingdom Institute of Journalists (E/CN.4/Sub.1/151, page 47).

The CHAIRMAN remarked that the amendment would be dealt with when Article 1 of the code had been reached.

Mr. AZKOUL recalled his earlier proposal. Enough time had already been wasted in procedural wrangling. If no other members were ready to speak that afternoon, the general debate should be adjourned until the following morning.

Mr. BINDER felt that he was not responsible for the waste of time. He had come prepared to do the work entrusted to the Sub-Commission, and was ready to present that afternoon views which would no doubt invite further discussion.

Mr. CHANG proposed that the Sub-Commission should meet that afternoon.

Mr. AZKOUL thereupon withdrew his proposal, since the issue would be decided by the vote on Mr. Chang's motion.

In reply to Mr. ZONOV, the CHAIRMAN said that no member other than Mr. Binder had indicated readiness to speak that afternoon.

The proposal to hold an afternoon meeting was rejected by 5 votes to 2, with 4 abstentions.

The meeting rose at 1.25 p.m.

5/3 p.m.