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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-NINTH MEETING

Held at Hotel Parque, Montevideo,
on Tuesday, 23 May 1950, at 10.30 a.m.

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The adequacy of the news available to the peoples
of the world and the obstacles to the free flow of
information to them (E/CN.4/Sub.1/106, E/CN.4/Sub.1/114)
(continued):

Draft of an international code of ethics
(E/CN.4/Sub.1/125): Second reading-Preamble.

Chairman: Mr. FONTAINA

(Uruguay)

Rapporteur: Mr. JORDAN

(United Kingdom of
Great Britain and
Northern Ireland)

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/Members:

<u>Members:</u>	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)
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Representative of a non-governmental organization:

<u>Category A:</u>	Mrs. SALMON	World Federation of United Nations Associations (WFUNA)
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Secretariat:

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

/THE ADEQUACY

THE ADEQUACY OF THE NEWS AVAILABLE TO THE PEOPLES OF
THE WORLD AND THE OBSTACLES TO THE FREE FLOW OF
INFORMATION TO THEM (E/CN.4/Sub.1/106, E/CN.4/Sub.1/114)
Draft of an international code of ethics (E/CN.4/Sub.1/125)
second reading

Preamble

1. The CHAIRMAN stated that the Sub-Commission
would proceed to the second reading of the draft international
code of ethics and expressed the hope that members would
refrain from presenting proposals which re-introduced texts
or ideas eliminated during the first reading.

2. Mr. DEDIJER proposed that the words "the
basis" in the first paragraph should be replaced by "one
of the bases".

3. Mr. GANDHI proposed the following formula
instead of the wording submitted by Mr. Dedijsr: "... is
vital to all the fundamental freedoms".

4. Mr. DEDIJER withdrew his proposal in favour
of Mr. Gandhi's text.

5. Mr. GERAUD preferred to keep the original
text.

Mr. Gandhi's proposal was adopted.

/Mr. DEDIJER

6. Mr. DEDIJER proposed that in the second paragraph the words "seek the truth" should be deleted. In his opinion, the sole duty of the journalist was to report facts or comment on them.

7. Mr. AZMI opposed Mr. Dedijsr's proposal. The search for the truth was one of the essential functions of a journalist and that idea appeared frequently in one form or another in the various sections of the code.

8. Mr. BINDER agreed with Mr. Azmi. He would object to the formula in question if the text qualified the truth and thereby implicitly prevented the journalist from seeking the truth in the light of his personal conviction.

9. Mr. DEDIJER expressed the view that a journalist should engage in the search for truth only to the extent of reporting the facts or commenting upon them. He therefore proposed that the text should read "seek the truth in order to report facts or comment thereon".

10. Mr. AZMI commented that the second paragraph of the preamble was not intended to establish relationships between the various functions of the journalist but to emphasize that he should have a sense of responsibility. The first paragraph, which contained the idea of freedom, and the second,

/which contained

which contained the idea of responsibility were in a sense parallel.

11. Mr. GERAUD agreed with Mr. Azmi and suggested the following wording: "seek the truth in reporting facts as well as commenting thereon".

12. Mr. DEDIJER gave a concrete example to prove that the journalist's search for the truth was not always directly reflected in his professional activities.

13. The CHAIRMAN commented that the idea of truth was purely subjective and that what was true for one person was not necessarily true for another. The search for the truth should therefore not be linked with the accurate reporting of facts.

14. Mr. AQUINO preferred the present text of the second paragraph. He shared the views of Mr. Dedijer but did not think that the amendment the latter had proposed eliminated all the difficulties because its adoption would mean that the sole function of the journalist would be to seek the truth in order to report or comment on facts. Like any other person, the journalist might very well seek the truth for reasons which were linked only indirectly to the reporting of facts.

15. Mr. AZMI said that if Mr. Dedijer wished to establish a closer link between the truth and the news, he should attempt to

/do so in

do so in the body of the code rather than in the preamble.

Mr. Dedijer's proposal was rejected by 5 votes to 2,
with 2 abstentions.

16. Mr. GERAUD and Mr. AZKOUL indicated that the drafting of the second recital might well be improved.

17. Mr. GANDHI proposed the following: "whereas that freedom can best be safeguarded through the voluntary efforts of the personnel of the press and other media of information to maintain and promote the spirit of responsibility in which...". In his opinion that amendment would retain the thought of the author of the text and at the same time achieve the clarification sought by Mr. Géraud and Mr. Azkoul.

18. Mr. CHANG thought that the text might read: "whereas that freedom can best be safeguarded through the voluntary efforts of the personnel of the press and other media of information by maintaining and promoting..."

19. Mr. AZMI expressed surprise that the deep significance of a text adopted the preceding day by an affirmative vote of ten members of the Sub-Commission should be questioned. He noted that the second recital was intended to promote a spirit of responsibility among journalists.

/The idea

The idea of the responsibility of the journalist could not be separated from the concept of freedom of information. Since the first recital of the preamble had proclaimed freedom of information, the second sought to give it greater force by stressing the importance to it of maintaining or if necessary arousing a feeling of professional responsibility on the part of the journalist.

20. In addition, the text contained a third element: the voluntary contribution of the journalist to the work of strengthening freedom of information. There was no attempt to impose rules on the journalist; but only to make him aware of the influence his personal attitude might have on the protection of that freedom.

21. Mr. GERAUD said that he had grasped the substance of Mr. Azmi's idea, and believed that the following draft reflected it: "Whereas the protection of that freedom required that personnel of the press and other media of information, in seeking the truth in reporting as well as commenting on facts, try to acquire an increasingly keen awareness of its responsibilities..."

22. Mr. AZKOUL noted that the original text lacked clarity because of the expression "in order to" which should refer to the word "efforts" but which seemed to be linked to the word "safeguarded", contrary to the intention of Mr. Azmi.

/He thought

He thought that the formula suggested by Mr. Gandhi eliminated that disadvantage.

23. Mr. SILVA CARVALLO also recognised that the text of the second paragraph of the preamble required improvement. No matter what wording was finally adopted, the Sub-Commission should see to it that the important idea of the voluntary contribution of the personnel of the press and other media of information to the protection of that freedom should be retained. That idea signified that protection of that freedom was not entrusted to Governments alone but was shared by journalists who should do nothing which might endanger that freedom.

24. Mr. GANDHI then proposed the following rewording:

"Whereas that freedom can best be safeguarded by the personnel of the press and other media of information constantly maintaining and promoting, through **their voluntary action, the spirit of** responsibility in which they seek the truth, report facts or comment on them."

25. Mr. AQUINO expressed appreciation of the efforts made to reach a common ground but stated that he preferred Mr. Gandhi's first proposal.

/26. Mr. AZMI accepted

26. Mr. AZMI accepted Mr. Gandhi's second proposal which contained all of the elements of the original text.
27. Mr. JORDAN also accepted the second text proposed by Mr. Gandhi.
28. Mr. CHANG and Mr. GERAUD withdrew their proposals.

The second proposal of Mr. Gandhi was approved by 7 votes to none with 4 abstentions.

29. Mr. AZKOUL noted that the Sub-Commission's undue haste in seeking to conclude its work at the preceding meeting, which had led him to refuse to participate in the vote, had merely resulted in an unnecessary prolongation of the discussion at the current meeting.

30. He proposed the addition to the preamble of a third paragraph as follows: "Whereas the attainment of a just and lasting peace depends in great degree on freedom of information as well as the spirit of responsibility of personnel of the Press and other media of information."

31. He felt that that was an absolute minimum which the Sub-Commission should accept. The text which he proposed took up the idea expressed in the second

/paragraph

paragraph of the preamble of Resolution No. 2 adopted by the United Nations Conference on Freedom of Information. It indicated the ideal to be sought and reflected the hopes and anxieties of journalists as citizens of the world.

32. He felt that the discussion which had taken place at the preceding meeting had not been conclusive. Perhaps Mr. Azmi had felt that the reference to the Charter and the Universal Declaration of Human Rights in the first paragraph of the preamble was sufficient to take into account the considerations which certain members of the Sub-Commission wished to express. Nevertheless, while that paragraph referred to the Charter and the Universal Declaration of Human Rights, it merely recalled the fundamental human freedoms which were proclaimed in principle in those two documents rather than the purposes which they set forth. Accordingly it contained no reference to the lofty ideals of peace, economic and social progress etc. expressed in the Charter.

33. He regarded that as a mistake. While he would never agree that freedom of information and of the Press should be governed by concern for truth, he considered it wrong for a document issued by a United Nations organ to contain no reference to what was, in the last analysis, the Organization's very reason for being.

/34. He himself

34. He himself would have preferred to have the Sub-Commission deal solely with the search for the truth. He reminded the members that they served not only as experts, and representatives of their profession, but also on behalf of the United Nations.

35. All the resolutions of the General Assembly, the Economic and Social Council and the Conference on Freedom of Information relating to false and distorted news condemned such news as "likely to injure friendly relations among peoples" and not only as news which was merely inaccurate.

36. The United Nations, an organization which was political in character, sought to ensure peace based on freedom. It would be unthinkable that a code of ethics emanating from that organization should ~~not~~ mention that basic concern. The present text of the code took no account whatever of current realities; it might just as well have been written in the 18th century or two hundred years hence. He felt that such a text should reflect the Organization's interest in safeguarding peace and establishing friendly relations among nations.

37. Moreover it was not impossible that, if the Economic and Social Council and the General Assembly considered the international code

/of ethics

of ethics, they would consider that the text had no connexion with United Nations and was unworthy of it. Those two bodies might perhaps be of the opinion that the Sub-Commission had wasted its time. Therefore the code must stress the close relationship between the concern of the United Nations for freedom of information and the general principles proclaimed in the Charter.

38. Mr. AZMI supported Mr. Azkoul's proposal which had the advantage of establishing a link between the work of the Sub-Commission and the ideas of peace. In that connexion, he recalled the text of the message sent by Mr. Cohen, Assistant Secretary-General in charge of the Department of Public Information, on the occasion of the inauguration of the fourth session of the Sub-Commission.

39. Mr. GANDHI commented that, except for the reference to a just and lasting peace, Mr. Azkoul's proposal repeated the second paragraph of the preamble. He therefore felt that the Sub-Commission might merely insert the idea of peace in the second paragraph.

40. Mr. AZKOUL felt that no repetition was involved since his proposal dealt both with sense of responsibility and with freedom of information. The second element was as essential as the first since both were bulwarks of peace.

/Mr. AZMI

41. Mr. AZMI felt that the third paragraph which Mr. Azkoul proposed to insert established a close link between freedom of information, referred to in the first paragraph, the sense of responsibility mentioned in the second and the idea of the maintenance of peace which was very logically introduced.

42. Mr. BINDER stated that he would vote against Mr. Azkoul's proposal but that his vote would not be directed against the maintenance of peace or against the purposes of the United Nations. He hoped that there would be no misinterpretation of the intentions of those voting against the insertion of that text in the code. He himself yielded to no one in his desire for peace and justice.

43. Mr. JORDAN regretted that Mr. Azkoul had proposed the insertion of a text which was completely unrelated to the code of ethics and that he was thus obliged to vote against it. The Sub-Commission would go beyond its terms of reference if it adopted that text. It should urge journalists to try to publish accurate and objective news corresponding to fact. Journalists were not, however, professionally obligated to concern themselves with the maintenance of peace.

/44. The maintenance

44. The maintenance of peace did not depend on freedom of information alone. Besides, it was common knowledge that certain Governments invoked that freedom to justify the pressure which they exerted in the publication of news. That hypocritical attitude was well-known and he felt that the Sub-Commission should refuse to insert in the code mysterious definitions which would merely play into the hands of totalitarian regimes. He considered the new text proposed as dangerous and absurd and would oppose its adoption.

45. Mr. GANDHI concurred to some degree in the opinions which had been expressed both in favour of and against Mr. Azkoul's proposal. As a compromise, he proposed the addition of the words "and to the peace of humanity" at the end of the first recital.

46. Mr. GERAUD agreed with Mr. Gandhi. He in turn proposed the following formula "and which should be foremost in the establishment of a just and lasting peace".

47. The CHAIRMAN feared that the insertion of the new paragraph proposed by Mr. Azkoul would limit the scope of the code of ethics by linking it to an international political problem which he hoped would soon be solved. He pointed out that members of the Sub-Commission were not representatives of Governments on a political organ of the United Nations but rather served in the capacity of

/technical experts.

technical experts. He therefore considered it more logical to adopt Mr. Gandhi's drafting which related to the peace of humanity in general rather than specifically to the current period.

48. Mr. AZKOUL said that Mr. Gandhi's proposal took up only half of his idea, since it failed to make a connexion between peace and a sense of responsibility.

49. He regretted Mr. Jordan's and Mr. Binder's remarks. While the text proposed by himself might be interpreted in a manner contrary to his intentions, it was even more to be feared that public opinion would ascribe to Mr. Jordan other motives than those he had cited.

50. He requested that Mr. Binder's and Mr. Jordan's statement should appear in the summary record so that the public might judge whether the reasons advanced by them justified rejection of his proposal. He then asked for a roll-call vote on that proposal.

51. Mr. DEDIJER stated that the arguments advanced on both sides had convinced him that Mr. Askoul's proposal should be adopted. The maintenance of peace was the basic purpose of the United Nations, as well as the most critical problem facing the world today.

/Some fifty

52. Some fifty countries had unanimously adopted resolution No. 2 of the United Nations Conference on Freedom of Information. The Sub-Commission had been instructed to study ways and means of implementing that resolution.

53. He further cited a provision of the code adopted by the American Society of Newspaper Editors in 1923 to the effect that a journalist's freedom of action should be limited by fidelity to the public interest. That limitation was fully justified and could be imposed on all the journalists in the world; and the public interest in global terms meant largely not to misuse the press for war propaganda or propaganda against equal rights for all countries.

54. He agreed with Mr. Azkoul that the Sub-Commission could do no less than to adopt the latter's text. If Mr. Dedijer had drafted it himself, he would have formulated it differently and broadened it; he felt, however, that no organ of the United Nations could in all conscience submit an international code of ethics which did not contain at least the idea contained in the paragraph proposed by Mr. Azkoul.

55. Mr. BINDER was aware of Mr. Azkoul's good intentions and admitted that the proposal would probably have no harmful effect. He recalled, however, that when the United States delegation had voted for resolution

/No. 2

No. 2 at the United Nations Conference on Freedom of Information, it had not foreseen the use to which that resolution would be put by Soviet propaganda. Some two years previously, the USSR had launched a cynical campaign to persuade the peoples of the world that it alone desired peace and that certain other countries wanted war.

56. He refused to furnish more grist for the mill of Soviet propaganda, and would therefore vote against Mr. Azkoul's proposal.

57. Mr. AQUINO said that he had heard with interest the Chairman's appeal to Mr. Azkoul to view the problem as an expert and not as an accredited representative to the United Nations. He found himself in the same position as Mr. Azkoul, having also, though in a more modest fashion, taken part in the drafting and adoption of the various resolutions and conventions mentioned. A distinction should, however, be made between an instrument under which Governments assumed obligations - such as a convention - and a code of ethics intended for a given profession. Naturally, in concluding a political agreement the Contracting Member States would seek primarily to achieve the purposes of the Charter and would take the world situation into account; but the document which the Sub-Commission had been asked to prepare should rise above the changing

/situation

situation. A code of ethics was a compilation of moral precepts intended as guidance in the exercise of a profession, and in order to have a lasting value those precepts should be stated in the most general terms and should be as detached as possible from current events.

58. While he agreed with Mr. Azkoul that the maintenance of peace would ever remain the goal of mankind, he also recognized the validity of Mr. Binder's apprehension that any such formula as that proposed by Mr. Azkoul might be exploited; he would therefore be compelled to vote against its insertion in the preamble, in order to avoid falling into the errors of the past.

59. Mr. GANDHI appealed to Mr. Azkoul to accept the compromise solution he had suggested. Its advantage was that it met Mr. Azkoul's wish to link the idea of maintenance of peace both with that of freedom of information and with that of the journalist's sense of responsibility. Inasmuch as the first recital stressed the fact that freedom of information was an essential prerequisite to the maintenance of peace, while the second recital made it clear that in order to safeguard that freedom journalists must exercise a sense of professional responsibility, the obvious conclusion

/was that

was that since freedom of information depended upon responsibility, peace, which depended upon freedom of information would be imperilled if there was no responsibility.

60. To insert a third recital might cause difficulties. He personally did not share Mr. Binder's misgivings, since he firmly believed in the ultimate victory of the true forces of peace; but he did not think that the responsibility of members of the Press towards mankind should be over-emphasized; it had been sufficiently stressed in the second recital.

61. Mr. JORDAN stated that he would not object to the adoption of the wording proposed by Mr. Gandhi. He wished, however, to clarify a point raised by Mr. Azkoul. The task of the members of the Sub-Commission was not to reaffirm the purposes and principles of the United Nations, but to draft a code of ethics for newspapermen; if they overburdened that document by useless reference to previously adopted conventions and resolutions they would merely prolong their work and put another weapon into the hands of the enemies of freedom. It was common knowledge that for the past two years, the USSR had used to its own advantage the words "just and lasting peace".

/He was opposed

He was opposed to inserting anything whatever in the code which might feed the Soviet propaganda machine. That was why he considered Mr. Gandhi's wording acceptable, but would vote against Mr. Azkoul's proposal.

62. Mr. DEDIJER was not convinced by Mr. Binder's and Mr. Jordan's arguments against Mr. Azkoul's proposal. True, there was an immense gap between the declarations and actions of certain Governments; the question had even been spoken about by the General Assembly. He said that his country had perhaps the best evidence of the disparity between the words and deeds of the USSR; witness the campaigns of slander and libel launched by the Soviet Press against his country in violation of the principles of the Charter, in particular those of maintenance of friendly relations among nations and the equality of all nations, large and small. That had not, and would not, however, prevent him from fighting with all the means at his disposal for strengthening peace and the independence of all countries. It had been said that those were slogans exploited for purposes of propaganda. Yet it was an incontestable fact that the peoples of the world wanted peace, and that their collective desire for peace was the principal factor in the prevention of another war. The code could not but take into account that fervent wish of all mankind.

/63. Mr. Binder

63. Mr. Binder apparently wished to denounce the resolutions in favour of peace adopted by the United Nations and formulated with the participation of all Member States, including the United States. Yugoslavia had also taken part in that work; it continued to be faithful to the ideas then stated and would spare no effort to translate them into reality, in the conviction that its endeavour would, in the last analysis, contribute to **strengthening** the peace.

64. The Press, too, should play a part in that work and should effectively assist the nations in bridging the gap between theory and practice. Mr. Gandhi's proposal differed somewhat from Mr. Azkoul's in that it was less closely related to the current situation; but no one should close his eyes to the fact that in more than one country journalists were openly advocating war. He therefore preferred Mr. Azkoul's proposal and would vote in its favour.

65. Mr. AZKOUL also thought that Mr. Binder's argument, founded as it was on the use made by Soviet propaganda of United Nations resolutions in favour of peace, was invalid. If it were carried to its logical conclusion, the United Nations would have to admit that it had made a mistake and abstain from any further exhortations of that kind. That was hardly to be expected; and he

/recalled

recalled that the United States delegation itself had submitted at the last session of the General Assembly a resolution entitled "Essentials of peace" which had been adopted by a large majority. He did not think it proper to refuse to follow what was admittedly the right path merely because others, less well-intentioned, pretended to follow it. Moreover, it should not be impossible to counteract injurious propaganda by equally effective propaganda serving a better purpose.

66. In reply to the Chairman, he agreed that in a certain sense it was right to regard the code as a document which stood above the changing situation; but he doubted that the maintenance of peace could be considered a temporary goal, for it could be assumed that the peoples, even if in the future they were to live in an ideal world, would always have to continue their efforts to maintain a just and lasting peace. Consequently, the insertion of the text he proposed could in no way weaken the future scope of the code of ethics.

67. He wished to dissociate himself from those who felt that a document of that kind should bear no relation to the current situation. The United Nations had had powerful reasons for deciding, at that particular juncture, that it was necessary to proclaim the principles by which freedom of information should be governed on the international plane.

/Those reasons

Those reasons were rooted in a situation which the Sub-Commission could not afford to ignore.

68. Neither could it dissociate itself from the totality of the work of the United Nations, as Mr. Jordan would wish. For his part, Mr. Azkoul regarded himself as a member designated by the Commission of Human Rights, and through it by the Economic and Social Council and the General Assembly, in order to take part in a specific task which, within the framework of United Nations activities, promoted the realization of the purposes of the Charter. Members of the Sub-Commission were of course experts, but they were experts elected by the United Nations in order to serve it. He was proud that he could be reproached only with placing the interests of the United Nations above all other considerations.

69. Mr. BINDER wished to correct the impression that, by opposing the insertion in the draft code of a statement which he knew would be exploited for purposes contrary to those of the United Nations, he had indicated that the United States delegation had given up its efforts to maintain peace and that his country's foreign policy was no longer entirely directed to that goal. He hoped that there would be no misunderstanding on that score and that his personal sincerity was not in doubt.

/As a member

As a member of a religious sect which for three hundred years had worked for peace among men and nations, he stated that he had never faltered in his devotion to the cause of peace; by voting against Mr. Azkoul's proposal, he would merely be recording his opinion that the proposed text was not appropriate in a code of ethics designed exclusively for the journalistic profession.

70. Mr. AZMI feared that if it persisted in its course the Sub-Commission would find itself actively engaged in the cold war. He was among those who abhorred propaganda, whether it came from the East or from the West, and he appealed to members of the Sub-Commission to remember that they were sitting as experts and that they must successfully complete their work. He therefore moved closure of the debate.

71. The motion for closure of the debate was adopted by 9 votes to none, with 2 abstentions.

The CHAIRMAN put to the vote Mr. Azkoul's proposal.

/A vote was

A vote was taken by roll-call.

In favour: Mr. Azkoul

Mr. Azmi

Mr. Dedijer

Against: Mr. Binder

Mr. Fontaina

Mr. Gandhi

Mr. Géraud

Mr. Jordan

Mr. Silva Carvalho

Mr. Aquino

Abstaining: Mr. Chang

Mr. Azkoul's proposal was rejected by 7 votes to 3,
with one abstention.

72. The CHAIRMAN put to the vote Mr. Gandhi's
proposal to add the words "and to the peace of humanity"
at the end of the first recital.

That proposal was approved by 8 votes to none, with
3 abstentions.

73. Mr. AZKOUL explained that he had voted in favour
of the words proposed by Mr. Gandhi on the basis of the
latter's assurances that they established a relation
between the concept of maintenance of peace on the one hand,

/and the

and the concepts of freedom of information and the journalists' sense of responsibility on the other. He was convinced that peace would be endangered not only by restrictions on freedom of information but also by breaches of professional ethics on the part of irresponsible journalists, whether in the East or in the West.

The meeting rose at 1 p.m.
