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Fifth Session

SUMMARY RECORD OF THE EIGHTY-NINTH MEETING

Held at Headquarters, New York
on Wednesday, 5 March 1952, at 11.45 a.m.

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E/CN.4/Sub.1/151, E/CN.4/Sub.1/151/Add.1, E/CN.4/Sub.1/160)
(continued)

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<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. MOULIK	(India)
	Mr. PLEIC	(Yugoslavia)
	Mr. POLLERI CARRIO	(Uruguay)
	Mr. WAITMAN	(United Kingdom of Great Britain and Northern Ireland)
	Mr. ZONOV	(Union of Soviet Socialist Republics)

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DRAFT INTERNATIONAL CODE OF ETHICS (E/CN.4/Sub.1/138, E/CN.4/Sub.1/151,
E/CN.4/Sub.1/151/Add.1, E/CN.4/Sub.1/160) (continued)

The CHAIRMAN invited the Sub-Commission to resume debate on the draft international code of ethics.

Mr. ZONOV said that there were serious gaps in the draft before the Sub-Commission which threatened to make it worthless and prevent it from achieving its purpose. It made no mention, for example, of the two basic obligations of every journalist: first, to fight for the maintenance of international peace and security and promote friendly relations among peoples, and, secondly, to combat the spread of nazism and fascism and oppose all types of discrimination on grounds of race, religion and sex.

At a time when the countries of the Atlantic Treaty were being crushed by the burdens brought by the increase in armaments, when the Atlantic Treaty nations were openly preparing for war, when the Western imperialist bloc was already waging a war in Korea and Indochina, the press was more than ever under an obligation to do everything in its power to eliminate the causes of

/friction and

friction and promote the maintenance of international peace. Although General Assembly resolution 110 (II) had condemned war propaganda, that propaganda was taking unprecedented proportions in some countries, and particularly in the United States. All channels of information were utilized to that end, whether press, radio or cinema. Among the many press attacks on peace, none had been more serious or more unfortunate than that perpetrated in the American magazine Colliers of 27 October 1951. It was actually an inflammatory pamphlet, and had provoked indignation throughout the world although the articles in it were signed by known journalists. It was to be noted that the American press had not intervened in the matter, and that only a few individuals had denounced the cynicism of the articles. The duty of the press to fight primarily for international peace and security could therefore not be over-emphasized. The press must also work to eliminate nazism and fascism. The United Nations had been built on the ruins of those movements, but they were far from having disappeared and were regaining strength in both Western Germany and Italy, not to speak of Franco Spain. The American press announced that fascist organizations had met in Malmö (Sweden) in May 1951. In July, the New York Times published an article on the resurgence of nazism in Europe. Recently, an American correspondent in Western Germany, Mr. Middleton, in an article published in the same newspaper on 29 October 1951, had revealed the numerical strength of nazis in the German Federal Government. A certain General Remer of notorious nazi sympathies, was their leader. Thus, the nazi and fascist ideology was once again spreading throughout the world. Yet, the draft code under discussion contained no provision which made it the journalist's duty to combat an ideology which had caused the loss of millions of human lives. It also neglected to mention the need to fight the discrimination of all kinds which not only prevailed in fact but was sanctioned by law in some countries. It referred timidly and incompletely to the campaign against slanderous information. The American press was full of slanderous stories about the USSR and China, and radio and cinema were vying with the press in that respect. The proof of that was the tendentious way in which the American press had reported the USSR delegation's position at the last session of the General Assembly and its treatment of the USSR's industrial and technical achievements.

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It was essential to combat the powerful financial groups which had monopolized the press and its means of production. For in reality it was such groups, like the Hearst group, that shaped public opinion.

An article in the newspaper Daily Compass in May 1949, in which the author, Mr. MacDougall, had denounced the excesses resulting in the last few years from nationalist hysteria, showed that the press was accentuating differences on the national as well as the international level, rather than seeking to reconcile them. Accordingly, a press code should be worked out which would correspond to the basic purposes of the United Nations. It was surprising to find that, even in its present form, the code did not meet with the unreserved approval of Mr. Binder and of the representative of the League for the Rights of Man, who claimed that it would unduly restrict the independence of press personnel. They would like it to be drafted in very general terms. A code of ethics which did not impose the obligation to fight for peace on journalists would not deserve the name, however.

In the light of all these considerations, Mr. Zonov proposed the insertion between the second and third paragraphs of the preamble of a statement of principle of the basic duties of press personnel, which were: to publish true news, to co-operate in implementing General Assembly resolution 110 (II), to co-operate in developing friendly relations among peoples and to combat nazism, fascism and all forms of discrimination (E/CN.4/Sub.1/160). The text he proposed also stressed the need to preserve the independence of press personnel in relation to private monopolies, trusts and syndicates. In addition, he asked that a new article 1 should be inserted in the draft, listing the basic duties of press personnel in detail.

Mr. AZKOUL recalled that the Commission's main task was, first, to revise the present text of the code in the light of the observations of information enterprises and national and international professional associations (E/CN.4/Sub.1/151 and Add.1), and, secondly, to make suggestions to the Economic and Social Council as to the action to be taken on the document after revision.

/Before dealing

Before dealing with the substance of the matter, Mr. Azkoul wished to dispel the impression which might have been created by his remarks the day before on consideration of the observations. He had opposed dealing with them in public not because he underestimated their value and obvious usefulness, but solely for procedural reasons and in the interest of useful and orderly work.

The question of the usefulness of an international code of ethics had evoked differing reactions in the United Nations. Although by instructing the Sub-Commission to draft such a code the General Assembly, the Economic and Social Council and the Commission on Human Rights had recognized that it would be useful. The position of the Economic and Social Council on the matter had not been unqualified inasmuch as it had requested the Secretary-General to ask the opinion of professional associations as to its usefulness. The replies received justified the Council's hesitation. Some organizations had expressed doubts about the practical usefulness of the code, while others had gone so far as to affirm that it was entirely unnecessary. Those reservations should be given special attention because they came from organizations representing American and British opinion and possessing the most powerful media of information. As was well-known, the Anglo-American press enjoyed great independence. Among the many reasons why at least some of the organizations representing that press had opposed the adoption of a code, there was probably one which was inherent in human nature. The most scrupulous and honest of men did not like their moral obligation to be transformed into a material obligation and did not like to account for the way in which they had done their duty. That did not in any way mean that they had no ideal or refused to live up to it. It was perfectly conceivable that some journalists, while adhering strictly to the rules of their profession, preferred to maintain absolute independence and to remain accountable for their actions to their associations or to public opinion and not to any national or international body. If such were the grounds for the reservations made by the associations referred to above, they constituted yet another reason in favour of the adoption of a code. It was an established fact that one of the reasons invoked by governments to impose restrictions on the independence of the press was the fear, justified or not, /of the abuses

of the abuses which might result from that independence. Removal of that alibi would therefore mean distinct progress. To that end, it would be sufficient to raise the moral standards of press personnel and impose certain rules on them.

If American and British press associations had endorsed the code of ethics and consented to subject themselves to criticism from other press organizations, even if less well-equipped and less powerful, they would have rendered a great service to the cause of freedom of information by their solidarity. For, even if they enjoyed complete independence, they would by that action be helping to remove obstacles to freedom of the press in other countries. It had been argued that the difficulties of drafting such a code were insurmountable because it was impossible to lay down general rules. But that was still another reason for redoubling efforts to establish such rules.

It was undeniable that there was some danger in drafting an international code of ethics, first, because of the way in which the document would be implemented, and, secondly, because of its very terms. There was indeed reason to fear that governments might avail themselves of the code in order to restrict freedom of information and of the press and lay claim to the right to make the moral obligations laid down in the document legally binding.

The history of the document should be enough to allay such fears. Governments had taken no initiative in the matter. He himself, together with Azmi Bey and Mr. Chang, had been the first to propose the drafting of an international code of ethics to the Sub-Commission, without, in his own case, any previous consultation with his Government. The proposal had been submitted to the Sub-Commission on Freedom of Information and of the Press, an organ consisting of experts meeting in a private capacity. It was open to the Sub-Commission to redraft the international code of ethics as it saw fit since it had received no instructions from the inter-governmental organs

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under which it served -- the Commission on Human Rights and the Economic and Social Council. On the contrary, the Council, under its resolution 306 (XIII), had requested the Secretary-General to transmit the draft code only to national and international professional associations for comment and suggestions, thus excluding governments, despite the Sub-Commission's wishes. That was why documents E/CN.4/Sub.1/151 and Add.1, prepared by the Secretariat, contained no comments from a governmental authority.

It was obvious, in considering what would be the future of the draft code after the Sub-Commission's meetings, that the Economic and Social Council would have no opportunity to take a decision as to its substance. The Council would merely ask the Secretary-General to transmit the text submitted to it by the Sub-Commission to an "international professional conference" composed of representatives of media of information. The conference, in turn, would be at liberty to amend the draft as it saw fit and to decide its final wording without consulting either governments or the United Nations. If adopted, it would be the property of the professionals, not of the United Nations or of governments.

Referring next to the dangers to which the very text of the international code of ethics might give rise, Mr. Azkoul observed that divergent views had been expressed in that connexion by members of the Sub-Commission. Mr. Zonov held that the primary function of the press and of information organs was to campaign in favour of peace, understanding among peoples, and implementation of the principles laid down in the Declaration of Human Rights. Journalists and information personnel would thus at all times have to consider themselves defenders of those principles; they would be propagandists in the service of an ideal. In other words, it was the duty of the press not to publish true information if likely to prove prejudicial to international co-operation and to the observance of human rights. Others, and particularly the Anglo-Saxon element, whose views Mr. Binder had taken it upon himself to interpret, thought that the first duty of the press was to publish accurate information, whatever the consequences.

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There was some truth in both views, but neither took sufficient account of the complexity of the situation. It was his view that the two opposing ideas were to some extent complementary. A clear distinction should be made, in that connexion, between the basic duties of information personnel, resulting from the very nature of their functions, the complementary obligations deriving from the social role of the profession, and, finally, the moral duties, international in character, which did not concern journalists alone.

The basic mission of the press was, in fact, to seek and proclaim the truth. That was an unconditional obligation to which no exception could be made. But, on another plane, the press must guide the public. The owner of a press undertaking or a radio station could not, contrary to the position taken in some quarters, adopt towards his readers or audience the same attitude as that of any merchant. Internationally or otherwise, he left his public no freedom of choice. The way he presented an item of news brought some reactions from public opinion. His activity was social and collective in character, and he thereby assumed considerable responsibility. He should therefore refrain from any comment likely to prove prejudicial to international co-operation or to the implementation of the principles laid down in the Declaration of Human Rights. That was nevertheless a negative duty, which should at no time prevent him from first proclaiming the truth.

Journalists, like all men, had a moral duty to work for peace and international understanding. That was, however, an individual responsibility. It had nothing to do with their professional code and could not be imposed from without. The international code of ethics should consequently emphasize the fundamental obligation of press personnel, which was to seek and state the truth. It should also request them to refrain from actions contrary to the ideals of the United Nations, but it could not compel anyone to become the apostle of those ideals in his words and writings.

The draft should make it clear that the journalist was responsible solely to his professional conscience, and had no account to render to his government. A provision of that kind would probably allay the anxiety of those who feared government interference.

/Mr. Azkoul

Mr. Azkoul said that in that spirit he would endeavour to co-operate with the other members of the Sub-Commission in perfecting the draft international code of ethics.

Mr. MOULIK observed that the All-India Newspaper Conference, which was the leading organization of press personnel in his country, had its own professional code of ethics, not very different, on the whole, from the draft before the Sub-Commission. He distributed copies of that code to members of the Sub-Commission. In the light of it, it would be desirable to make some changes in the present text of the international code, and he reserved the right to submit a few amendments himself when the Sub-Commission dealt with the text article by article.

Whether the code was necessary was the first question to be decided. The greater number of the replies received from interested bodies and the experience of a number of countries showed that it was. Five years earlier, when India and Pakistan had become independent States, Indian and Pakistani journalists, concerned over the tension between the two countries, had jointly decided to abstain from any aggressive propaganda. Their decision to place certain restrictions upon themselves had been voluntary. The two Governments concerned had in no way attempted to profit by the situation to introduce legislation designed to restrict the freedom of the press. There were other examples, such as the Code of Ethics of the Inter-American Broadcasting Association. There were thus already several codes resulting from the free initiative of the parties concerned, regulating particular aspects of international relations, and none had been imposed by government authorities. That fact was basic so far as the international code of ethics was concerned, and all the parties consulted seemed to be unanimous on the point.

While there was general agreement regarding the need for an international code of ethics, there were serious differences of opinion as to its wording. He agreed with Mr. Binder that freedom of the press was a sacred asset, to be preserved at all cost. He also shared Mr. Zonov's

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view that there was need for an energetic campaign against hate propaganda and that the question of press monopolies was far from being unimportant.

Freedom of the press was obviously restricted by the very nature of the profession, and he did not think it was advisable to go beyond that and add controversial provisions to the code. Furthermore, it seemed difficult to explain what constituted warmongering and to give an exact definition of fascism. As for the question of press monopolies, it was wiser to leave it aside entirely. The Sub-Commission would never come to an agreement as to the respective merits of private and state monopolies. Moreover, the Sub-Commission was composed of experts and it was not their business to interfere in extremely delicate political matters. In the circumstances, it would be better to insert, not in the preamble but in Articles 2 and 3 a provision requesting press personnel to avoid anything which might incite national hatreds, violence or any form of discrimination.

After having read the code of the All-India Newspaper Conference, Mr. Moulik asked the Sub-Commission not to forget that the international code of ethics was intended to regulate the work of a profession of which the members jealously guarded their independence. If it wishes to succeed in its task, it must try to be conciliatory and take account of the wishes of all concerned.

Mr. LOPEZ drew from the comments received by the Secretariat the conclusion that the large majority of information enterprises and professional associations were in agreement in recognizing the usefulness of an international code of ethics, but that some significant United States and United Kingdom associations, which, as it happened, were quite influential disagreed.

The objections raised by the second group could be summarized as follows: (1) the proposed code represented nothing new; (2) there was a danger that it would give governments an opportunity to intervene and to impose rules of behaviour on the press; (3) it would be difficult to draft a code that was universally acceptable. Without denying the validity

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of those objections, Mr. Lopez felt that they were not absolutely convincing. He recalled the criticisms which had preceded the drafting of the Universal Declaration of Human Rights, the moral value of which was now recognized. He did not think, however, that there should be any provision for penalties against those who violated the code of ethics except for such penalties as journalists might be left to apply themselves.

Implementation of the code should be left to journalists. He hoped that the Sub-Commission would again recommend that the Council should call an international professional conference for that purpose. Having been a journalist himself, he understood how sensitive members of the profession were and realized that they were anxious to preserve their independence. However, the right of peoples to be well informed must be recognized, as well as the fact that it was one of the most sacred rights. There was a considerable distinction between freedom of the press and the wider field of freedom of information, and it was to be hoped that the code would strike a fair balance between the two.

He reserved the right to submit amendments and comments when the articles of the code were considered in detail.

Mr. PLEIC said that it was the Yugoslav journalists' view that the code should not be lightly rejected. It should be examined not in the abstract, but in the light of the existing situation in the field of information. The present role of the press must be to strengthen peace between countries of different tendencies. It was to be noted that the under-developed countries, where media of information were still small, were more in favour of the code because they saw in it a way of protecting themselves from interference by the foreign press. It was his personal view that the code could contribute to strengthening freedom of information provided that it was not simply a collection of abstract principles. It should be more definitely professional in character and more closely linked to freedom of information and of the press. To that end he proposed that it should be entitled "International Code of Professional Ethics in the Field of Information".

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The nations should have one common aim at least, and that was to maintain peaceful, if not friendly, relations with each other. That was the principle from which journalists' behaviour should start. The code should emphasize moral sanctions, not from a desire to give governments an opportunity to intervene, but because press personnel had a very great influence on society and must use that influence in the interest of mankind. The code would not alter the existing situation but it would be at least a step toward the desired goal.

Mr. BINDER wished to thank some of his colleagues for the understanding they had shown. He regretted that Mr. Zonov had felt it necessary to make another attack upon the United States press, and only hoped that one day it would be possible for journalists of the free world to quote criticism relating to freedom of the press by USSR citizens in the USSR press, as it was possible today to quote such criticism about the United States press.

As for himself, he rejected the principle of government indoctrination of journalists and that was what made it difficult to work out a code.

The comments that had been made should be considered very significant, and it was to be hoped that the Sub-Commission would treat documents E/CN.4/Sub.1/151 and E/CN.4/Sub.1/151/Add.1 as working papers and put the various proposals in them to the vote. If the Sub-Committee decided to revise the draft of the code, he hoped that it would not overlook such a question as that of the body to which the document should be sent, and the problems connected with its implementation.

Documents E/CN.4/Sub.1/151 and E/CN.4/Sub.1/151/Add.1 expressed three different attitudes: (1) opposition to adoption of the code; (2) the opinion that the code was inadequate and that its scope should be widened; and (3) the predominating opinion that it was for journalists, and not for government, to work out such a code.

Opposition to the code was illustrated in the replies of the following United States associations (E/CN.4/Sub.1/151/Add.1): American Society of Newspaper Editors (p.9), National Conference of Editorial Writers (p.10),

/Association

Association for Education in Journalism (p.11). The same attitude was expressed, in Finland, by the Sanomalehtien Liito -- Tidningsärnas Förbund (p.5), and, in Canada, by the Canadian Press (p.15) and the Canadian Association of Broadcasters (p.12). From the replies of those organizations it would seem that the code was opposed by those whom it was supposed to help.

In the second category were to be found the following associations: in France, Syndicat des journalistes de la presse périodique (p.5), Syndicat de la presse française d'Outre-Mer (p.6); in Peru, Centro de periodistas Cuzco (p.7); and in Norway, Press Telegraph A/S (p.15). He wondered what consideration would be given to the ideas expressed by those organizations.

Finally, among the associations which felt that governments should leave it to journalists to work out a code of ethics, there were (E/CN.4/Sub.1/151: Fédération nationale de la presse française (pp. 4, 10 and 29), the Newspaper Proprietors Association Ltd. (pp. 3, 10 and 37), the Australian Associated Press (p. 10), Reuters Ltd. (pp. 6, 10 and 42), Fédération internationale des éditeurs de journaux et publications (p. 7), Nederlandsche Dagbladers (pp. 7 and 30), Agence d'Athènes (pp. 9 and 40); and, E/CN.4/Sub.1/151/Add.1) Canadian Association of Broadcasters (pp. 12, 13 and 14), Northern Press Organizations (p. 4) and Centro de periodistas Cuzco (p. 7).

It was interesting to note that even government agencies were of the opinion that it would be useful to consult journalists directly in regard to the code.

Finally, it should be recalled that at the eleventh session of the Council even the representatives of some States (Mexico, Brazil, Denmark, France and the United States of America) had recognized that it would be better for governments not to intervene in the matter.

Mr. Binder reserved the right to return later to the question of the procedure to be followed after the code was adopted. The actual wording might be affected by the decisions on implementation.

In the course of the Sub-Commission's work he would not cease struggling against the principle of indoctrinating journalists and would try to simplify and clarify the text of the code of ethics.

The meeting rose at 1.15 p.m.