

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



GENERAL 15
E/CN.4/Sub.1/SR.96
20 March 1952
ORIGINAL: ENGLISH

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

SUMMARY RECORD OF THE NINETY-SIXTH MEETING

Held at Headquarters, New York,
on Monday, 10 March 1952, at 3 p. m.

CONTENTS:

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, E/CN.4/Sub.1/L.11) (continued)

<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)

Secretariat:

Mr. HUMPEREY Representative of the Secretary-General
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, E/CN.4/Sub.1/L.11) (continued)

The CHAIRMAN invited the Sub-Commission to consider document E/CN.4/Sub.1/L.10, which contained the original text of the draft international code of ethics and all the amendments submitted to it. The Sub-Commission would vote on the various amendments to article I, taking first the amendments furthest removed from the original text. Minor defects of style could be disregarded, since they would be remedied later by a drafting committee.

He put to the vote an amendment by Mr. Géraud consisting in the insertion in article I, after the words "in commenting thereon", of the words "and in describing contemporary events by the written word, by word of mouth or by any other means of expression".

That amendment was adopted by 5 votes to none, with 6 abstentions.

The CHAIRMAN put to the vote the proposal of Mr. Chang, Mr. Lopez and Mr. Géraud to delete the words "and objective" at the end of the first sentence in article I.

It was decided by 4 votes to 3, with 4 abstentions, to delete those words.

The CHAIRMAN put to the vote an amendment by Mr. Chang and Mr. Lopez which applied only to the English text and consisted in replacing the words in the first sentence, "make the utmost endeavour" by "do their utmost".

The amendment was adopted by 4 votes to none, with 7 abstentions.

Mr. BINDER, in reply to a question by Mr. PLEIC, said that the purpose of his proposal to delete the words "whose veracity is open to doubt" in the second sentence was to ensure that all items of information, and not merely the dubious ones, were checked. The third sentence of article I could be deleted because it was repetitious.

It was decided, by 6 votes to 4, with one abstention, to delete the words "whose veracity is open to doubt".

/The CHAIRMAN

The CHAIRMAN put to the vote Mr. Géraud's amendment to add the words "to the best of their ability" after the words "items of information" in the second sentence.

The amendment was adopted by 6 votes to none, with 5 abstentions.

Mr. Binder's proposal to delete the third sentence was rejected by 6 votes to 3, with 2 abstentions.

Mr. WAITMAN recalled that his amendment to the third sentence was to insert the word "wilfully" before the word "distorted". He was prepared to accept Mr. Lopez's amendment, to insert the word "deliberately" before the word "suppressed" in the same sentence, so that the two amendments could be put to the vote together. The sentence would then read: "No fact shall be wilfully distorted or essential fact deliberately suppressed."

The joint amendment was adopted by 8 votes to none, with 3 abstentions.

The CHAIRMAN stated that, in view of the vote which had just been taken, it was unnecessary to vote on Mr. Moulik's proposal, which read: "They shall not distort facts, or suppress essential facts which may lead to distortion".

He directed the Sub-Commission's attention to the last sentence of article I of the Montevideo text.

Mr. LOPEZ expressed the view that the last sentence should not be included in the article because it was redundant and proposed that the Sub-Commission vote on that sentence.

By 2 votes in favour, 5 against, with 4 abstentions, the Sub-Commission decided that the last sentence should not be included in article I of the Montevideo text.

The CHAIRMAN called for a vote on Mr. Géraud's proposal for the addition of the following sentence at the end of article I: "The foregoing is a matter of conscience".

Mr. Géraud's amendment was rejected by 4 votes to 2, with 5 abstentions.

/The CHAIRMAN

The CHAIRMAN called for a vote on Mr. Moulik's proposal to transpose the following sentence from article II to article I: "Rumour and unconfirmed news shall be identified and treated as such".

Mr. Moulik's proposal was rejected by 4 votes to 1, with 6 abstentions.

The CHAIRMAN stated that Mr. Moulik had also proposed that article I should be divided into parts.

Mr. AZKOUL, supported by Mr. LOPEZ, proposed that discussion of the presentation of article I suggested by Mr. Moulik should be deferred and considered in conjunction with Mr. Chang's proposal, which was in the same category.

It was so decided.

The CHAIRMAN put to the vote the following amended text of article I, and noted that the text would be subject to stylistic changes:

"All engaged in gathering, transmitting, disseminating and commenting on news and in describing contemporary events by the written word, by word of mouth or by any other means of expression, shall do their utmost to ensure that the information the public receives is factually accurate. They shall check all items of information to the best of their ability. No fact shall be wilfully distorted or essential fact deliberately suppressed."

Article I as amended was adopted by 6 votes to none, with 5 abstentions.

The CHAIRMAN drew attention to Mr. Azkoul's proposal for a new article to be inserted after article I (E/CN.4/Sub.1/L.10, page 10).

Mr. AZKOUL recalled that at the preceding meeting the Sub-Commission had rejected Mr. Zonov's proposal stating that the fundamental obligation of journalists was to combat aggression and to fight for democratic principles, to develop friendly relations between peoples and to combat discrimination. The proposal which had been defeated constituted a positive injunction upon journalists, while the article he now proposed was fundamentally different. It was a negative statement calling upon journalists to refrain from any propaganda

/intended

intended to impair friendly relations, provoke threats to the peace or encourage discrimination. The primary obligation of the journalist was to conform to the principles set forth in article I and the article he now proposed would be of secondary importance.

It was essential to recognize the influential role which media of information could play in the fate of individuals and of nations, and to include in a code of ethics an appeal to journalists to refrain from propaganda detrimental to the principles of the United Nations and the cause of world peace.

In anticipation of objections that the code was intended to regulate the conduct of journalists rather than the content of their writings, he stated that subject-matter was dealt with in other articles of the draft code and that the codes of many groups of journalists included negative statements of a similar nature. In view of the gravity of the situation, an exception would be called for, although he himself could not look upon his proposal as an exception.

If the code of ethics was to be enforced by governments, he would never have proposed a text which might provide grounds for restriction of freedom of information. It was, however, important to remember that the code was to be a voluntary code, which the individual journalist was free to follow or disregard, and that there would be no machinery of any kind to enforce adherence or impose penalties for violations. The journalist's primary obligation would still be to report the truth, but at the same time the Sub-Commission should call attention to the importance of exhorting the individual not to engage in the types of propaganda enumerated in the new article he now proposed.

Mr. BINDER stated that the negative form in which Mr. Azkoul had couched his text did not entirely eliminate the difficulty. The proposal seemed to conceive of the journalist as an indoctrinator. It raised the problem of who was to judge whether or not given material constituted

/propaganda and

propaganda and seemed to be predicated upon the existence of a tribunal and enforcement machinery. Moreover, as past experience had repeatedly shown, it was impossible to make an exhaustive listing in any text.

He would vote against Mr. Azkoul's proposal, but wished to stress that his negative vote should not be interpreted to mean that he was in favour of any of the types of propaganda enumerated in the text. Article I, which the Sub-Commission had just adopted, would rule out propaganda per se. Moreover, the principles of the United Nations Charter and other international instruments were applicable to all Member States and to all citizens of those states, including journalists.

In view of the divergent conceptions of the role of the newspaperman, he was no more able to support Mr. Azkoul's proposal than that of Mr. Zonov.

Mr. WAITHEMAN expressed sympathy with the objectives sought by Mr. Azkoul, but felt that the article he proposed would do more harm than good. While he was in favour of discouraging newspapermen from writing anything likely to provoke threats to the peace, he could not support the proposal in its present form.

Mr. LOPEZ commended Mr. Azkoul for his ingenuity, but would be unable to support the proposal, which bore some resemblances to that of Mr. Zonov. His objection was therefore a matter of degree rather than of kind.

He could not lend his support to any attempt to dictate to press personnel what they were to think or to do on any subject.

Mr. PLEIC observed that, although Mr. Binder had contended that no one could decide what propaganda was likely to give rise to the undesirable effects listed in Mr. Azkoul's amendment, he had said that he himself would not countenance such activities. That showed that Mr. Binder himself had some criteria; surely he could apply them.

/Mr. BINDER

Mr. BINDER replied that his own ideas might well differ from those of others; the reporter and the editor must be given complete liberty to choose for themselves what should be published, at least until collective security and the free flow of information to the peoples had been attained.

Mr. AZKOUL said that he would have wholeheartedly agreed with Mr. Binder's argument, had the code been intended as a legally binding instrument to be interpreted by governments; but it was in fact intended as a code for journalists, to be interpreted by journalists without any government interference whatever. That, indeed, was the purpose of the additional article (E/CN.4/Sub.1/L.10, page 11) he was proposing for inclusion at the end of the code. As Mr. Pleic had pointed out, Mr. Binder himself had some criteria about deleterious propaganda. It was to be left to the conscience of the journalist himself not to infringe the code of ethics. Only deliberate warmongers and preachers of discrimination would be affected, and even they would not be subject to governmental interference. The code would be violated only if the provocative activities were deliberate. The proposed new article was purposely made subject to the provisions of article I, so that the obligation to abstain from harmful propaganda could not be interpreted as an obligation to suppress any essential facts.

Mr. ZONOV would support Mr. Azkoul's proposal, although the wording and purpose were very different from the positive proposals he himself had made previously. It could be assumed that most workers in the press and information services were honourable persons and could thus be regarded as on an equal footing with those who were guided by the Universal Declaration of Human Rights, which also was not a mandatory instrument. The code would be a guide and inspiration to the honest journalist; those who were in favour of peace and against discrimination could properly decide what propaganda was likely to impair friendly relations among nations or to encourage discrimination. Public opinion was becoming increasingly hostile to those who favoured aggression and discrimination; the journalist himself must be increasingly influenced by that trend, and the inclusion of such an article in his code of ethics would greatly assist him in reflecting public opinion.

/Mr. GERAUD

Mr. GERAUD asked Mr. Askoul whether the prohibition of discrimination on grounds of nationality would prevent a journalist from writing against German rearmament.

Mr. AZKOUL explained that he had used the words in the sense usual in United Nations documents and organs. In any case, it was the journalist's own conscience to decide whether he was deliberately advocating the kind of discrimination condemned by the United Nations.

The CHAIRMAN, speaking in his personal capacity, said that he had opposed Mr. Zonov's amendments because they had seemed to imply some interference with the journalist's freedom. Mr. Azkoul's proposal, however, was unexceptionable; all the aims he had enumerated were universally accepted, in particular the undesirability of discrimination. Mr. Géraud's disagreement with Mr. Azkoul about discrimination on ground of nationality was probably due to the fact that Mr. Géraud had been thinking in legal terms, whereas Mr. Azkoul had intended the more usual social context. The term used in Article 2 of the Universal Declaration of Human Rights was "national origin", which might well be substituted for the word "nationality".

Mr. AZKOUL accepted that change.

Mr. GERAUD doubted whether that change met his objection; but he was even more dubious whether the principle ought to appear in the code of ethics at all.

Mr. LOPEZ said that the point raised by Mr. Geraud showed how difficult it was to make a satisfactory enumeration and how much leeway any list might give to misinterpretation. Mr. Azkoul's proposal might prevent the publication of the views of persons who were in favour of preventive war; yet such views were legitimate news. Furthermore, some perfectly honest journalists might not believe in the purposes and principles of the United Nations, but advocate some other form of international organization; such views ought not to be suppressed. The placing of the reference to the United Nations Charter

/at the

at the end of the proposed article was confusing; it might imply that the list of aims was exhaustive -- which it certainly was not -- or that it comprised principles not embodied in the Charter. In any case, the idea about promoting friendly relations between nations was already implicit in the second paragraph of the preamble. He could not support Mr. Azkoul's amendment.

Mr. PLEIC wondered whether Mr. Lopez could name any outstanding and honest journalist who did not believe in the purposes and principles of the United Nations.

Mr. ZONOV could not see any reason for excluding provisions already embodied in Articles 1 and 2 of the Charter. The Sub-Commission was a United Nations organ; thus, it ought not to pay any heed to those who did not subscribe to the purposes and principles of the United Nations.

The CHAIRMAN remarked that there was nothing sacrosanct about the United Nations Charter. Many people believed that parts of it could be bettered. That did not, however, imply that they were hostile to the United Nations as such.

Mr. AZKOUL replied that his amendment would not prevent a journalist from reporting the views of those who favoured a preventive war, unless that were done with the deliberately propagandist intention of impairing friendly relations among nations. That was explicitly guaranteed by the reference to the principles set forth in Article I. While an honest journalist might well disagree with some provisions of the Charter, he could not possibly publish propaganda deliberately designed to prevent the attainment of the purposes and principles of the United Nations. The list was not intended to be exhaustive; it was completed by the general reference to the attainment of the purposes and principles of the Organization. The argument that the substance was already in the preamble was fallacious. The preamble dealt only with the principle of freedom of information, whereas the amendment dealt with prevention of the abuse of that freedom.

/Mr. CHANG

Mr. CHANG and Mr. BINDER suggested that Mr. Azkoul's amendment should be put to the vote and that any proposals for changes in the text should be discussed only if it was adopted.

Mr. Azkoul's amendment (E/CN.4/Sub.1/L.10, page 10) was rejected by 6 votes to 4, with 1 abstention.

The meeting rose at 5.45 p.m.