



Chairman: Mr. Carlos GIAMBRUNO  
(Uruguay).

AGENDA ITEM 49

Human rights in armed conflicts (*continued*):

- (b) Protection of journalists engaged in dangerous missions in areas of armed conflict: report of the Secretary-General (*continued*) (A/8703, chap. XIV, sect. B; A/8777 and Add.1 and 2, A/C.3/L.1952, A/C.3/L.1956, A/C.3/L.1958, A/C.3/L.1960, A/C.3/L.1961, A/C.3/L.1963/Rev.1, A/C.3/L.1968, E/CN.4/1096)

DRAFT INTERNATIONAL CONVENTION ON  
THE PROTECTION OF JOURNALISTS  
ENGAGED IN DANGEROUS PROFESSIONAL  
MISSIONS IN AREAS OF ARMED CONFLICT  
(*continued*)

1. Mr. LOPEZ (Colombia), speaking on behalf of the sponsors, introduced draft resolution A/C.3/L.1968, which would adjourn consideration of the question to the twenty-eighth session of the General Assembly and requested Member States to communicate their comments in the meantime, particularly with regard to the revised draft convention contained in document A/C.3/L.1963/Rev.1. In accordance with the rules of procedure, he asked for precedence to be given to the motion of adjournment.

2. The Colombian delegation was unreservedly in favour of the humanitarian principle which underlay the draft convention, but in view of the very importance of that instrument it wished to avoid any hasty action. In its view, the text of the draft convention was not yet in its final form and the large number of amendments and additions proposed showed that further consideration was necessary. If the convention was to receive the broadest possible support, Governments must have time to study the amendments and additions and make their comments. He reminded the Committee that in its resolution 6 (XXVIII) the Commission on Human Rights, which had drawn up the draft articles submitted to the Third Committee for its consideration, had approved them as a "basis for further work", which meant that it did not consider them to be a suitable text which could be recommended to the General Assembly for adoption. In that connexion he recalled that his delegation had already suggested that all the proposed amendments and additions should be transmitted to the Commission on Human Rights, not in order to prolong the debate unnecessarily, but in order

ultimately to obtain a balanced text, which could not be used to undermine national sovereignty or the principle of non-intervention in the internal affairs of States. That fundamental political aspect of the question must be recognized: the draft convention must not be such as to be potentially harmful to any State, and the card issued to journalists must not be in the nature of a political passport. Of course, journalists on dangerous professional missions in areas of armed conflict should enjoy special protection, but it would not do them much good to have a draft convention adopted to which Governments had been unable to give detailed consideration owing to lack of time. The important thing was that the rules adopted to ensure the protection of journalists should be applied as widely as possible. He wondered what would happen when the convention was actually applied if the opinion of Governments was flouted when the convention was adopted.

3. However that might be, the Colombian delegation wished to explain its reservations regarding the wording of the draft convention and which had led to its taking up its current position. The first point to which it wished to draw attention was that under article 2 (b), the convention would apply not only to international armed conflicts but also to internal conflicts. Although that provision might not be a problem for developed countries, it was quite unacceptable to the developing countries, which suffered from imbalances in their economy for which the great Powers were partly responsible. It was understandable that its application might be a disturbing factor in internal conflicts, which were often difficult to eliminate completely in countries whose development was proceeding despite many obstacles which foreign visitors generally found it difficult to identify with any speed. The application of that provision would mean that such internal disturbances were placed in the international limelight by the hasty dissemination of news which would be only a partial description of the facts, without any appropriate analysis of the problems and their causes that might enable readers who were not on the spot to draw the right conclusions. Furthermore, absurd situations might arise on the strictly legal plane if a State party to the convention was placed on the same footing as a party to a conflict which had not adhered to the convention and which might well have as its objective, for instance, overturning the Government of one of the States parties to the convention, which would be a new source of conflict.

4. Article 13 safeguarded the sovereignty of States to some extent, since it allowed them to apply national laws with respect to the crossing of frontiers or the movement or residence of aliens. But he wondered

what would be the attitude of the International Professional Committee of journalists and the State party to the convention which had issued a card to a journalist if he was refused an entry visa for a country where there was an internal armed conflict. Would the right of Governments to refuse a visa and expel journalists be respected, or would advantage be taken of it to present the country concerned as being against freedom of information? Moreover, how could a country whose press was little known internationally combat the false image which powerful international press agencies might give of it? The experience of many of the developing countries in that field could not but make them extremely cautious.

5. Turning to article 3 of the revised draft convention, he said that the text had been considerably improved, but there were still gaps to be filled. For instance, the article provided that the Professional Committee should consist of 9 members and that the Secretary-General would be represented on it. Did that mean there would be 9 members or 10 in all? If there were to be 10 members, was it absolutely necessary for the Secretary-General to be a member? Or was it to be concluded that it would be a United Nations committee? In the latter case, the expenses relating to its activity should be included in the budget of the Organization, instead of being borne by the States parties as provided in article 4. Furthermore, if the expenses were to be borne by the States themselves, would it not be fairer to provide that their contributions should be in proportion to their resources? Was it natural for the developed countries—which would be the ones sending the journalists on mission—to pay the same proportion of the Committee's expenses as a country like Colombia, for instance?

6. Article 4 was one of the most important in the draft convention, for it provided that the International Professional Committee should "make regulations prescribing the conditions for the issuance, renewal and withdrawal of the card, as well as its form and contents". On the other hand, article 6 provided that the competent authorities of the States parties to the convention should be "responsible for the issuance, authentication, renewal and, where necessary, withdrawal of the card on the terms prescribed in article 4", whereas no such condition was laid down in article 4. That was an obvious legal problem, and a very dangerous situation if it meant that Governments were to submit to regulations issued by the Professional Committee, since that would be tantamount to making the Committee a supranational body. Furthermore, there was a danger that the regulations might conflict with national laws. To resolve that difficulty, why not spell out the conditions for the issue, renewal or withdrawal of the card in the text of the convention itself?

7. The Colombian delegation also had serious reservations about articles 7 and 10, which dealt with parties to a conflict that was not internationally recognized as a conflict between States. It had other points to raise regarding that text, but it did not wish to waste too much time on the question; all it wished to do was to explain the reservations which had led it and

other delegations, to the conclusion that the revised text of the draft convention should be transmitted to Governments for their consideration. Indeed, the less-developed countries, where there were no big news agencies, had an attitude to that question which was very different from that of a country where journalism was highly developed.

8. The Colombian delegation nevertheless wished to emphasize that it had the greatest respect for all fundamental freedoms, which included the freedom of information; its objective was not to delay examination of the question or to oppose it: it merely wished to enable the Committee to polish the draft a little more. That being so, it recognized the efforts that had been made by the sponsors of the draft convention and by the members of the working group, thanks to which definite progress had been achieved, but in the interests of journalists themselves and of the prestige of the United Nations, it was important that the convention should be an effective instrument and not one of those documents which the United Nations adopted but which States never ratified.

9. Mr. VAURS (France) said that all he wished to do for the time being was to point out that the objections just put forward by the Colombian representative could have been raised in the working group which had been meeting for several weeks and had heard statements from many delegations. Since draft resolution A/C.3/L.1968, which had just been submitted to the Committee, had been distributed only at the beginning of the meeting, he requested the application of the 24-hour rule as was usual in the Third Committee to enable delegations to study it. He added that, for the reasons he had explained at length at the preceding meeting, the sponsors of the draft convention felt that the time had come to consider the draft article by article.

10. Mr. ALFONSO (Cuba) endorsed the remarks just made by the representative of Colombia and those made at the previous meeting by the representative of Ghana. His delegation supported draft resolution A/C.3/L.1968, which the Committee should consider first, in accordance with the rules of procedure of the General Assembly. That draft met the desire of many delegations to give Governments time to examine the revised text of the draft convention (A/C.3/L.1963/Rev.1) and submit comments on it. The revised text was unquestionably far superior to the earlier one, but certain important deficiencies remained, and States should be allowed enough time to study it so that they could work out an improved draft which could command wide support. Moreover, the deferment would be in conformity with the spirit of Economic and Social Council resolution 1690 (LII), in which the draft articles submitted by the Commission on Human Rights were described as a "basis for further work". It was possible that in the intervening year a solution would be found to some of the problems which were still troubling certain delegations. The progress made at the current session, particularly with regard to the preamble, encouraged optimism on that score. Haste was not advisable when dealing with a

question of such importance, which, in addition to its humanitarian character, also had serious political implications; for example, such a crucial aspect as the question of internal conflicts should not be left in suspense or disposed of with an inadequate definition.

11. Also, there were other considerations of a practical nature which must be taken into account. The Committee was far behind in its work and if it began to consider the draft convention article by article at the current stage it would have to devote considerable time to that lengthy and arduous task, at the expense of other equally important items on the agenda. It would, of course, be possible to consider certain articles and defer consideration of others, such as the final clauses, until the twenty-eighth session. However, if the Committee recalled certain conventions the preamble and some articles of which had been adopted while other articles had been left in suspense for years, it might conclude that that would not be the best solution.

12. He would be willing to support the French representative's proposal that delegations should be given 24 hours to consider draft resolution A/C.3/L.1968 provided the draft convention itself was not considered in the meantime.

13. Miss PRODJOLALITO (Indonesia) agreed with the French representative that the draft convention under consideration was important and necessary; as she had stated at the outset of the discussion, her delegation was in principle in favour of working out a mandatory international instrument to ensure the protection of journalists.

14. The preparation of such a text would require a great deal of work. Moreover, the Commission on Human Rights at its twenty-eighth session had taken the position that the draft articles annexed to its resolution 6 (XXVIII) constituted the "basis for further work", which showed that it had had certain reservations with regard to the text drawn up at that time. However, with the many amendments which had been submitted that text had been considerably improved. At the same time, it was to be regretted that certain useful amendments had not been taken into consideration. In any case, the instrument was one which must be studied in detail. Accordingly, she supported draft resolution A/C.3/L.1968, the purpose of which was to give Governments time to study the revised text and the relevant amendments and which recognized, in its fourth preambular paragraph, the considerable progress made by the sponsors of the new text.

15. Mr. PAPADEMAS (Cyprus) said that his delegation, whose position was well known, would like to see the Committee adopt a draft convention on the protection of journalists. Moreover, the efforts made over the preceding two years by various bodies and those of the working group all pointed in that direction. At its most recent meeting that group, concluding that a number of differing viewpoints had been reconciled, had felt that the text was ripe for adoption but that it was for the Committee to take the decision on that matter. Now, however, the Committee had before it

draft resolution A/C.3/L.1968, reflecting the opinion of delegations which thought that consideration of the revised text should be deferred to the following session. The Committee would therefore have to take a decision on that matter, but he felt that the postponement called for by the French representative should be granted; the sponsors could use the intervening time to make a final effort to reach some degree of unanimity so that the Committee would not be divided on such an important question.

16. Mr. SEKYIAMAHA (Ghana) and Mr. TORRES (Philippines) expressed the view that the French delegation's request should be granted and said they hoped the sponsors of the draft convention would likewise show a spirit of understanding with regard to the sponsors of the draft resolution.

17. Mr. PARDOS (Spain) said that he had no objection to the French delegation's request for a postponement. He noted that as a result of the efforts of the working group some 40 amendments had been incorporated into the text of the draft convention, so that only a few amendments remained before the Committee. Consequently, he thought that the Committee could proceed without delay to adopt a large number of the articles of the draft convention.

18. Mrs. WARZAZI (Morocco) thanked the sponsors of the draft resolution for supporting the request of the French delegation but reminded the Committee of the terms of rule 122 of the rules of procedure which stated, *inter alia*: "As a general rule, no proposal shall be discussed or put to the vote at any meeting of the committee unless copies of it have been circulated to all delegations not later than the day preceding the meeting".

19. With regard to draft resolution A/C.3/L.1968 itself, she thought the operative part contained a superfluous paragraph. Both paragraphs 1 and 3 referred to consideration of the draft convention at the twenty-eighth session. In paragraph 3, however, consideration of the international convention was made subject to a condition, namely, that which was set forth in the last part of the sentence, from which it could be concluded that if Member States did not reply, as had happened in the past, the draft convention could not be considered at the twenty-eighth session. The draft resolution should be more carefully worded so as to reflect more precisely the thinking of its sponsors.

20. Mr. SAYAR (Iran) supported the French representative's proposal that the draft convention should be considered article by article. The question had been studied exhaustively by various bodies and almost all of the proposed amendments had been incorporated into the text which the Committee had before it. In its present wording that text seemed to safeguard the sovereignty of States, which allayed the misgivings of many delegations, including his own.

21. He also thought that it would be appropriate to grant the request for a postponement so that draft resolution A/C.3/L.1968 could be studied.

22. Mr. LÓPEZ (Colombia) said that he would have no objection to postponing consideration of the draft resolution until the next meeting, provided that the draft convention was not considered in the meantime.

23. Mr. MOUSSA (Egypt) noted that in draft resolution A/C.3/L.1968 the Secretary-General was requested to transmit the revised draft articles to Member States. He knew that certain delegations still had amendments to submit or suggestions to make. He wondered if it would not be preferable to have them put forward without delay so that they could appear in the text to be transmitted to Member States if draft resolution A/C.3/L.1968 was adopted.

24. Mr. JAYAWICKREMA (Sri Lanka) congratulated the representatives of Colombia and Cuba on their excellent presentation of their criticisms of the draft convention. His delegation, which still had certain difficulties in supporting that text, would like to make them known to the sponsors of the draft convention so that they could help it to resolve them.

25. First of all, he would like to know exactly what would be the role of the International Professional Committee. According to article 4, paragraphs 2 and 3, that committee would make regulations prescribing the conditions for the issue, renewal and withdrawal of the card, as well as its form and contents, and would inform the States parties of those conditions. However, the conditions for the issue of the card were already prescribed in the draft convention. Paragraph 1 of article 6 indicated which were the authorities competent to issue the card, while paragraph 2 specified the persons to whom the card could be issued; furthermore, article 5, paragraph 4, specified the mission in respect of which the card was to be issued, the area in question and the period of validity. That same paragraph also specified the conditions in which the card could be renewed, and article 6, paragraph 1 specified the authorities which would be responsible for its renewal. Withdrawal of the card was dealt with in article 5, paragraph 5. As far as the form and contents of the card were concerned, details were given in paragraphs 1 and 3 of article 5. As the text of the draft convention appeared to make all the necessary provisions, he wondered what matters the Professional Committee would regulate.

26. In addition, the draft convention in its present form did not seem to give journalists better protection than that which war correspondents already enjoyed in their capacity as civilian persons under the Geneva Conventions of 1949. The "reasonable" protection mentioned in article 10 (*a*) was no better than that already provided for, and the provisions of subparagraph (*c*) simply repeated those of the Geneva Convention relative to the Protection of Civilian Persons in Time of War. Moreover, subparagraph (*b*) could even be used to prevent journalists from having access to certain areas on the pretext that those areas were dangerous. Finally, under articles 7 and 10 of the draft convention all the parties to an armed conflict in the territory of a State party to the convention would be expected to abide by its provisions, but it was hard

to see how parties to an armed conflict which were not parties to the convention could be bound by that instrument.

27. He would therefore appreciate it if the sponsors of the draft convention would offer some clarifications with respect to the questions which he had raised.

28. Miss FAROUK (Tunisia) proposed that the sponsors of the draft convention consider adding paragraph 1 of article 13 to the end of article 1, so that article 1 thus amended would exhaustively define the scope of the convention, namely to protect journalists while ensuring respect for the sovereignty of States, thereby establishing a balance between those two concepts. Her delegation believed that the amendment could help to win the support of some delegations. In making its proposal, however, her delegation had no intention of prejudging any decision that might be taken on draft resolution A/C.3/L.1968.

29. Mr. MOUSSA (Egypt) endorsed the proposal made by the representative of Tunisia and drew the Committee's attention to article 6, paragraph 2. His delegation, like others, had had occasion to point out that the last part of that paragraph raised problems as far as territories under colonial occupation were concerned because it might confer rights over a given territory to those who had no such rights. His delegation therefore insisted that the last part of the paragraph in question should be deleted. In the event that the revised text of the draft convention was transmitted to Governments for comments, he would like the observations he had just made to be reflected in the Committee's report so that Governments would be aware of the position of his delegation. If the revised draft convention was put to a vote, his delegation would propose an amendment or would ask for a separate vote on the paragraph in question.

30. Miss FAROUK (Tunisia) supported the suggestion made by the representative of Egypt to delete in article 6, paragraph 2, the words "or who is under its jurisdiction". She also asked that the suggestion she had made with regard to article 1 of the draft convention be mentioned in the report.

31. Mr. VAURS (France) said that the sponsors of the draft convention should take into account the suggestion made by the representative of Egypt with regard to article 6, paragraph 2. The objections raised by the representative of Egypt were important and should be heeded. The Tunisian proposal with regard to article 1 also merited consideration and should be taken into account.

32. Replying to the observations made by the representative of Sri Lanka, he pointed out that the Committee was dealing with a convention whose purpose was clearly stated in article 10 (*d*) and that, in the texts to which the representative of Sri Lanka had referred, there were no provisions corresponding to those appearing in article 10 (*d*). Those provisions were an essential element of the substance of the convention and were made in response to very specific and very



numerous cases that had occurred in recent years. With regard to the proposed International Professional Committee, he noted that the body in question would not be a major one. It would function with a small secretariat and would meet once or twice a year. Lastly, he drew the attention of the representative of Sri Lanka to article 5, paragraphs 6 and 7, which represented an improvement and an innovation in relation to the Geneva Conventions.

33. Mr. MASRI (Jordan) endorsed the proposals put forward by the representatives of Tunisia and Egypt and expressed the hope that the sponsors of the draft convention would take those proposals into consideration.

#### AGENDA ITEM 51

##### **Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights (continued) \* (A/8778 and Add.1, A/C.3/631)**

34. Miss MARQUESPINTO (Portugal) expressed dissatisfaction with regard to the way in which agenda item 51 had been introduced (see 1948th meeting). The introduction had been made in the context of a draft resolution submitted in the Fourth Committee,<sup>1</sup> despite the fact that the General Assembly had not yet voted on that text. The attitude adopted was not consistent with the impartiality one would expect from the Secretariat, which in the current instance was lending itself to obvious political manoeuvres. The aim was to turn the Third Committee into a political arena, but such an approach would not contribute to the solution of the problem.

35. Mr. SCHREIBER (Director, Division of Human Rights) said that Portugal had misjudged the thrust of the introductory statement he had made in accordance with the custom of the Third Committee when the Committee had commenced its consideration of item 51. In his statement he had recalled resolution 2787 (XXVI), which had given rise to a debate in the General Assembly at the current session, the documentation before the Committee and related questions which had been brought up for consideration in plenary meetings of the General Assembly and in the Fourth Committee. He had also mentioned that the Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of Minorities had also dealt with that problem within the limits of their terms of reference. There had been no intention to advise the Third Committee as to how it should proceed in studying the question before it.

36. Mrs. MARICO (Mali) said that, while one could not say that a particular philosophical doctrine emerged from the Charter, the "faith in fundamental human rights, in the dignity and worth of the human person" which was proclaimed in the Preamble of that instrument and reaffirmed in several of its Articles indicated

the attachment of the United Nations to a certain ideal of justice both in relations among men and in relations among nations. In a world torn by violence, the United Nations—faithful to the precepts of the greatest religions, which had stressed the concept of natural law, and including among its basic purposes "respect for human rights and for fundamental freedoms for all"—constituted the last recourse of the oppressed.

37. It was in pursuance of those provisions of the Charter and with regard for the firm determination of oppressed peoples to regain their dignity and accede to an independent national existence that the General Assembly had adopted the Declaration on the Granting of Independence to Colonial Countries and Peoples in resolution 1514 (XV) of 14 December 1960. To promote decolonization, the General Assembly had adopted at its sixteenth regular session resolution 1654 (XVI), which established the Special Committee on the Situation with regard to the Implementation of the Declaration with a mandate to examine the application of the Declaration and to make suggestions and recommendations on the progress of its implementation.

38. Twelve years after the adoption of the Declaration, however, colonialism was still rampant in Africa and elsewhere in the world. The appeals to reason made by the General Assembly and the decisions it had taken continued to be ignored by Portugal and South Africa, and by their allies as well, in particular the Powers belonging to the North Atlantic Treaty Organization (NATO) which, in defiance of United Nations resolutions, gave those two countries economic and military support. The Portuguese Government persisted in keeping millions of human beings in a state of indescribable enslavement and exploitation. In southern Africa the illegal régime of Ian Smith continued to defy the United Nations. Elsewhere in the world, the colonial Powers continued to deny the right of self-determination and independence to more than 20 million people. In the Middle East, the martyred Palestinian people and the Arab world had been subjected to the most inhuman humiliations for 24 years. In Viet-Nam, Cambodia and Laos the people were victims of imperialist aggression which had progressed to all-out war. The obstinacy of the colonial Powers had left the oppressed peoples no alternative but armed conflict, the legitimacy of which had been recognized by the General Assembly.

39. The United Nations, in close collaboration with the representatives of the liberation movements, should intensify its assistance to the people in the liberated areas of Angola, Mozambique, Guinea (Bissau) and the Cape Verde Islands. It was the duty of the Third Committee to draw the attention of the international community to the crimes of genocide committed in Africa by the Portuguese Government, which was resorting to weapons of all-out war, such as napalm and other incendiary weapons.

40. The armed struggle being waged by the colonial peoples throughout the world was indissolubly linked to the United Nations activities aimed at liberating and fully developing the individual and strengthening inter-

\* Resumed from the 1948th meeting.

<sup>1</sup> A/C.4/L.1013.

national peace and security. The United Nations should therefore bring the liberation movements out of the anonymity to which it currently relegated them and treat them as the legitimate spokesmen of the colonial peoples fighting for their freedom and independence. Indeed, the General Assembly in its resolution 2787 (XXVI) had resolved “to devote constant attention to the question of flagrant large-scale violations of human rights and fundamental freedoms”, and what Africa and the countries devoted to peace and justice expected was that a speedy and radical solution should be sought to the situation in the colonial territories.

41. She wished to draw the attention of the Committee to the important contribution of the Continental Organization of African Women. The 28 national African organizations and 15 national and international Asian, European and American organizations attend-

ing the tenth anniversary Conference of African Women at Dar-es-Salaam had decided *inter alia* to create a special fund to assist liberation movements, to earmark part of the budget of the Conference of African Women for that fund, to set up service centres to minister to the needs of the liberation movements and to provide scholarships enabling candidates from the liberation movements to receive training in African educational establishments.

42. She had no doubt that the United Nations would take effective decisions to grant justice to millions of human beings who were still subjected to the most abject form of alienation and thus contribute to the achievement of one of the cardinal purposes of the Charter.

*The meeting rose at 12.50 p.m.*