



*Chairman:* Mr. Carlos GIAMBRUNO  
(Uruguay).

*In the absence of the Chairman, Mrs. Daes (Greece),  
Vice-Chairman, took the Chair.*

**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.1950, A/C.3/L.1951, E/CN.4/1096)**

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

1. Mr. TORRES (Philippines) recalled that, as had been indicated at the previous session,<sup>1</sup> the Philippines supported the preparation of an international convention on the protection of journalists engaged in dangerous missions in areas of armed conflict. His delegation had been one of the sponsors of the text adopted as General Assembly resolution 2444 (XXIII) on respect for human rights in armed conflicts, which had brought about the adoption of resolution 15 (XXVII) of the Commission on Human Rights<sup>2</sup> on the possibility of preparing a draft international agreement ensuring the protection of journalists engaged in dangerous missions.

2. The Philippine Government was of the view that the draft convention before the Committee was a necessary and important one, which would supplement the Geneva Conventions of 1949,<sup>3</sup> particularly the third one, relative to the Protection of Civilian Persons in Time of War. His delegation wished to reaffirm, in response to some criticisms, that there was no question of according special treatment to a particular category of civilians; the intent was simply to accord journalists the benefits due to them by virtue of the fact that, in order to pursue their profession in the best journalistic traditions, they deliberately proceeded to areas of conflict, instead of avoiding them as did other civilians. Moreover, journalists could promote the settlement

of disputes by peaceful means, since by describing the horrors of war they gave the public a greater awareness of the futility of solving problems by force of arms.

3. It should be borne in mind, however, that States had the right to protect themselves against subversion, sabotage or treason and that journalists should not interfere in the domestic affairs of the receiving State; those considerations had been taken into account in article 6 of the draft protocol<sup>4</sup> which had been submitted by the Working Group established under resolution 15 (XXVII) of the Commission on Human Rights. Since the draft convention under consideration (A/8777, annex I) did not include a protocol, his delegation recommended that it should incorporate provisions stipulating the obligations of journalists towards the receiving State. While it was true that there was mention of those obligations in article 13, a careful examination of the text of that article would reveal that in the final analysis it lay with the journalist himself to decide whether or not his acts constituted interference in the domestic affairs of the receiving State. Accordingly, he recommended that the second paragraph of article 13 should be deleted and that a new article, which he read out, should be inserted after article 10.<sup>5</sup>

4. With regard to article 3, he repeated his Government's suggestion that appointments to the International Professional Committee should include government experts with a knowledge of the responsibilities undertaken by States in connexion with the dissemination of information in times of armed conflict. The Committee could be composed of 15 members: 5 would represent the different regions of the world, 5 would be government experts and the other 5 would represent the information media. That number was less than the membership of 21 proposed by the Working Group. He hoped that those considerations would be taken into account when the composition of the Committee was decided upon and that his proposals would be supported by the Committee.

5. Miss PRODJOLALITO (Indonesia) stated that her delegation was in favour of the preparation of internationally binding instruments which would guarantee the safety in time of war of civilian persons, of prisoners of war and of members of national liberation movements. With regard to the draft convention under review, she agreed with the Canadian representative that the Committee should not adopt it in haste but should take enough time to draw up a document acceptable to all parties.

<sup>1</sup> See document A/8371, annex II.

<sup>2</sup> See *Official Records of the Economic and Social Council, Fiftieth Session, Supplement No. 4*, chap. XIX.

<sup>3</sup> United Nations, *Treaty Series*, vol. 75 (1950), Nos. 970-973.

<sup>4</sup> See *Official Records of the General Assembly, Twenty-sixth Session, Annexes*, agenda item 49, document A/8589, para. 3 (d).

<sup>5</sup> Text subsequently circulated as document A/C.3/L.1951.

6. Her delegation felt that the draft convention under consideration should above all be realistic. While the convention would serve to protect journalists who, in full awareness of the dangers, risked their life to inform the public, it should not be forgotten that some journalists might misuse the privileges of their profession and interfere in the domestic affairs of the receiving State and engage in political or military activities. It was therefore important to state that the issuance of the card envisaged in the draft convention should always be the absolute right of the authorities of the receiving State. For the same reasons her delegation supported article 13 and recommended that the authorities of the receiving State responsible for the issuance of the identity card should also have the authority to withdraw the card as soon as they found out that at any time during the 12-month period envisaged the holder had misused his privileges. In such a case, the authorities would make a report to the International Professional Committee, setting forth the reasons for the withdrawal of the card, with documentary evidence.

7. With regard to the International Professional Committee, she felt that it should be more comprehensively defined and that its composition, functions and finances, as also its term of membership, should be specified in an annex to the convention. She reserved the right to speak again in the debate, if necessary.

8. Mr. PAPADEMAS (Cyprus) said that his delegation supported the draft convention, which was a useful supplement to the Geneva Conventions of 1949. Those Conventions covered only war correspondents, whereas there were frequently armed conflicts without a prior declaration of war.

9. He felt, however, that before such an important instrument was adopted, it would be useful to define its scope more exactly and to determine what terms Governments were prepared to accept. For instance, in article 2 the phrase "armed conflict", whether or not international" masked a genuine problem, since in the second case the conflict was most assuredly within the frontiers of a State. He doubted whether in such a case the State would acknowledge the existence of the conflict and would invite foreign journalists to enter its territory. Similarly, when a state of war had not been declared but there none the less existed an armed conflict, it was possible that one party to the conflict, or even both parties, would not be desirous of receiving journalists.

10. While it was incumbent on the Committee to try to protect journalists, it also had to protect the rights of States. Articles 10 and 13 represented an endeavour to strike a balance between those two objectives, but some passages were too vague. Article 10 (a), for instance, referred to danger of death or injury, without specifying how a State could protect a journalist in the case of bombing, for example; furthermore, it was left to the receiving State to determine the meaning of the phrase "do all that is necessary" to protect the journalist. Article 10 (b) covered an obligation which many States might find difficult to fulfil, in so far as they might be afraid of revealing military secrets.

As the Indonesian representative had pointed out, article 13 protected the State, for it provided that the journalist must not "interfere in the domestic affairs of States". The aim of the amendment submitted by the delegation of the Philippines seemed to be to ensure that journalists conducted themselves in a manner consistent with the requirements of professional integrity. He wondered what was the exact meaning of that concept, since it varied from one country to another. For that reason he suggested that consideration should be given once again to an earlier suggestion that the International Professional Committee should draw up a code of ethics for journalists. That was not a formal proposal, but he felt that the sponsors, particularly the French delegation, which had put much work into the draft, might take his suggestion into account.

11. With regard to document A/C.3/L.1950, containing final clauses, he felt that the provisions of article 16 detracted from the importance of the convention, since they provided that the deposit of five instruments of ratification would suffice for the entry into force of the convention. He suggested that the sponsors might establish a higher figure. He reserved the right to speak again during the debate.

12. Mr. BELTRÁN (Uruguay) said that he wished to inform the Committee of the spirit in which his delegation had examined the draft under review. His delegation was sympathetic to the concern revealed in the draft and to the aims which had inspired it. The Committee was not concerned with a draft convention on freedom of information in its broadest sense; it was simply trying to ensure, subject to the necessary limitations, special protection, sanctioned by international rules, for all those carrying out an important function in the exercise of one of the fundamental human rights recognized in the Universal Declaration of Human Rights. It was also a matter of imposing certain obligations on those who, in carrying out their functions, were obliged to take particular risks and therefore deserved recognition of their special situation by States. While it was impossible to undertake to ensure the security of journalists admitted to a country where an armed conflict was in progress, at least precautions should be taken to protect them against certain risks.

13. Since the beginning of world history, there had been men who struggled in defence of their ideals and in the process were prepared to take tremendous risks. The United Nations had certain responsibilities in that respect and should carry them out unless it was to become an Organization functioning in a vacuum. Opinion was formed on the basis of knowledge of facts: the United Nations should see to it that nothing endangered freedom of information at the international level. Despite all the mistakes they might make, and which were indeed characteristic of all human beings, journalists exhibited courage and fulfilled a function linked to the development of the moral conscience of mankind. The international community must not remain indifferent to the risks faced by journalists. It was in that spirit that the Uruguayan delegation would study the amendments to be submitted; it would support

those amendments provided that they did not change the structure of the draft.

14. Mr. MOUSSA (Egypt) said that his delegation attached great importance to the subject of the preservation of the safety, rights and security of human beings in areas of armed conflict. Accordingly, it supported the efforts of the French delegation for the adoption of an international convention on the protection of journalists engaged in dangerous missions. It considered that the Organization should institutionalize the protection of various groups, in particular, freedom fighters. Moreover, that matter had been studied by the General Assembly, which in resolution 2444 (XXIII) had drawn attention to the need for additional humanitarian international conventions to ensure the better protection of civilians, prisoners and combatants in all cases of armed conflict. The question was now under serious consideration by the International Red Cross. His delegation thought that the French delegation's initiative was not contrary to the desire to institutionalize protection for the various groups referred to and it congratulated the French representative on the clarity and depth of his analysis (1932nd meeting) of the principal guidelines around which the draft convention was built. There was general recognition of the service rendered by journalists to the cause of knowledge of the contemporary world, understanding and co-operation among nations. Journalists deserved the support of the international community, particularly those who, as the French Minister for Foreign Affairs had said at the 2041st plenary meeting of the General Assembly, had by their conscience and objectivity made an important contribution to the emancipation of peoples. The Egyptian people had followed with admiration the objective reports of journalists who had exposed the atrocities committed by Israel in the occupied territories.

15. From the very outset of the discussion of the draft convention, his delegation had stated clearly that only *bona fide* journalists should enjoy protection and it was pleased that in his statement the French representative had recognized the importance of that point. His delegation suggested that the word

“objective” or the expression “*bona fide*” should be introduced into the text of the draft convention.

16. The draft convention should seek to strike a balance between two factors and in two respects: firstly, between the right of everyone to know what was happening in the world and the right of a journalist carrying out his responsibility to enjoy reasonable protection; secondly, between the obligation of a State to provide that protection and the right of the State to protect its national sovereignty and to guarantee respect for its national laws promulgated within the framework of internationally recognized principles. It must be pointed out, however, that the right of a State to protect its sovereignty in no way applied to the claims of colonial Powers or of States occupying territories which did not legally belong to them. Such States were not entitled to claim any rights under the text in question.

17. His delegation would like the text of the draft convention to include the following points, which it considered important. It must first be ascertained who the journalist to be afforded protection was, what his goals were and for whom he worked. It was also important to define the meaning of dangerous mission and to specify the obligations of journalists. In that regard his delegation supported the amendment submitted by the Philippine representative.<sup>5</sup> It was also essential to be explicit on the question of the security and sovereignty of States in the application of the convention. His delegation would submit other proposals when the draft convention was discussed article by article. It wished, however, to call the Committee's attention to the phrase “or who is under its jurisdiction” in the second paragraph of article 6; in his opinion, that expression should be clarified or deleted.

18. He concluded with a tribute to the courage of journalists and expressed the hope that the Committee would adopt a strong draft without any loop-holes. He was prepared to co-operate with all those who submitted suggestions in order to arrive at the best possible text.

*The meeting rose at 11.50 a.m.*