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STUDY RELATING TO THE DEFINITION AND IDENTIFICATION
OF FOREIGN CORRESPONDENTS

(Item D, 1(c) of the provisional agenda
of the fifth session of the Sub-Commission)^{1/}

Memorandum prepared by the Secretary-General

SUMMARY

The purpose of this memorandum is to study the possibility of adopting a clear and practically applicable definition of "foreign correspondent", the advisability of instituting an international professional identity card to certify his status, and the possibility of making a permanent body or professional organizations responsible for applying practical measures adopted for this purpose.

Part One deals with certain national measures relating to the definition and identification of journalists which might guide the Sub-Commission on Freedom of Information and of the Press in defining and determining the status of foreign correspondents.

Part Two deals with international, inter-governmental and professional action relating to the definition and identification of foreign correspondents.

Part Three contains, firstly, an analysis of the various criteria which emerge from a consideration of Parts One and Two and which are capable of being used for the purpose of establishing and attesting the status of foreign correspondents and, secondly, a study of the problem of establishing a permanent body which might be made responsible for applying measures in connexion with the definition and identification of foreign correspondents.

^{1/} Item 10 (c) of the programme of work and priorities for the three-year period of the life of the Sub-Commission (E/CN.4/Sub.1/80).

TABLE OF CONTENTS

	<u>Paragraphs</u>
I. INTRODUCTION	1 to 7
II. PART ONE: NATIONAL MEASURES RELATING TO THE DEFINITION AND IDENTIFICATION OF JOURNALISTS	8 to 47
Section 1: The professional system	12 to 28
A. Measures adopted in Switzerland for the definition and identification of journalists	13 to 16
B. Measures adopted in the United Kingdom for the definition and identification of journalists	17 to 22
C. Measures adopted in Sweden for the definition and identification of journalists	23 to 25
D. Measures adopted in the United States for the definition and identification of journalists	26 to 28
Section 2: The governmental system	29 to 39
A. Measures adopted in Egypt for the definition and identification of journalists	30 to 33
B. Measures adopted in Czechoslovakia for the definition and identification of journalists	34 to 36
C. Measures adopted in Argentina for the definition and identification of journalists	37 to 39
Section 3: The mixed system	40 to 47
A. Measures adopted in France for the definition and identification of journalists	41 to 44
B. Measures adopted in Belgium for the definition and identification of journalists	45 to 47
III. PART TWO: INTERNATIONAL ACTION RELATING TO THE DEFINITION AND IDENTIFICATION OF FOREIGN CORRESPONDENTS	48 to 90
Section 1. Inter-governmental and professional action undertaken under the auspices of the League of Nations	49 to 58
(a) Conference of Press Experts convened by the League of Nations at Geneva in 1927	50 to 53

Paragraphs

(b) International Federation of Journalists	54
(c) Advisory and Technical Commission on Communications and Transit of the League of Nations (1929)	55
(d) Conference of governmental Press bureaux and representatives of the Press, held at Copenhagen (1932)	56
(e) Conference of governmental Press bureaux and representatives of the Press, held at Madrid (1933)	57
(f) Conclusion	58

Section 2: Action by United Nations bodies and inter- national professional associations	59 to 90
A. Discussions and decisions by United Nations bodies	60 to 78
(a) Sub-Commission on Freedom of Information and of the Press (19 May to 4 June 1947)	61 to 62
(b) Economic and Social Council (fifth session, August 1947)	62 to 66
(c) United Nations Conference on Freedom of Information (23 March to 21 April 1948)	67 to 71
(d) Economic and Social Council (seventh session, July - August 1948)	72 to 77
(e) General Assembly (third session, part II, April - May 1949)	78
B. Action of international professional organizations	79 to 90

IV. PART THREE: PRINCIPLES WHICH MAY BE CONFIRMED BY
INTERNATIONAL ACTION RELATING TO THE DEFINITION
AND IDENTIFICATION OF A FOREIGN CORRESPONDENT

Section 1: Principles relating to the problem of the definition of the foreign correspondent	91 to 127
A. Criteria of the definition of a foreign correspondent	92 to 114
1. The foreign correspondent is a journalist	93 to 113
First criterion: aims of a journalist's work	94 to 107
Second criterion: duration of a journa- list's activities	95
	96 and 97

/Third criterion:

	<u>Paragraphs</u>
Third criterion: source of the journalist's professional earnings	98
Fourth criterion: legal ties binding a journalist to an information enterprise	99 to 106
Conclusion	107
2. A foreign correspondent is a journalist whose professional mission entails expatriation	108 to 113
Only criterion: foreign status of the country of residence of the correspondent	109 to 112
Conclusion	113
B. Application of the definition of a foreign correspondent	114
Section 2: Principles relating to the problem of the identification of foreign correspondents	115 to 127
A. Nature of identification measures	116 to 118
B. Purpose of means of identification	119 to 121
C. Body that could be entrusted with the application of measures for identification	122 to 127
V. CONCLUSION	128 to 135
ANNEX I	P. 62
ANNEX II	P. 65

I. INTRODUCTION

1. By its resolution 241 C (IX) of 22 July 1949, the Economic and Social Council invited the Sub-Commission on Freedom of Information and of the Press:

"to carry out the tasks enumerated in resolution No. 6 adopted by the United Nations Conference on Freedom of Information".^{2/}

2. Accordingly the Sub-Commission is called upon under paragraphs 1, 2 and 5 of resolution No. 6 of the Conference to:^{3/}

"1. Study the possibility of obtaining a clear and practically applicable definition of such news personnel as are to be given the status of professional foreign correspondents;

"2. Consider whether measures should be taken with a view to providing foreign correspondents with appropriate documents or identification as to their professional capacity;

...

"5. Consider whether the task of handling any practical measures to be taken could be entirely or partially entrusted to a permanent organization collaborating with professional bodies of the Press, radio and newsreel, or to such professional bodies."

3. The above provisions refer to two distinct questions: the question of defining "foreign correspondents", and the question of evidence of his professional status. A study of these two questions involves, among other things, considering whether a central body or joint bodies can be made responsible, firstly, for determining and, secondly, for attesting the professional status of foreign correspondents in each particular case.

4. At the national level, similar problems arise with regard to the definition and identification of journalists. In several countries these problems have been solved either by professional usage or by legislation. In others, they

/ are dealt

^{2/} In this document the United Nations Conference on Freedom of Information will be referred to as "the Conference".

^{3/} Paragraphs 3 and 4 of the resolution are the subject of a study of the law and practice governing the status and work of foreign news personnel and measures to facilitate the work of such personnel -- Memorandum prepared by the Secretary-General (E/CN.4/Sub.1/140).

are dealt with by a joint governmental and professional system. The thesis that a foreign correspondent is primarily a professional journalist does not seem open to question, and hence the definition of "foreign correspondent" must necessarily borrow certain features from the definition of the national journalist. Furthermore, measures providing for the identification of foreign correspondents may be modelled on certain arrangements for attesting the national journalist's professional status, such as enrolment in a register or the issue of a professional card. Consequently, a study of some national enactments and practices concerning the status of journalists can yield material useful in considering problems connected with the status of the foreign correspondents. In view of these considerations, Part One of this memorandum will be concerned with national measures relating to the definition and identification of journalists.

5. By reason of their extra-national aspects, however, problems concerning the status of foreign correspondents are essentially problems to be solved at the international level. In the past, these problems were studied at the inter-governmental and professional levels under the auspices of the League of Nations. Since the establishment of the United Nations, the same matters have been ^{the} subject of ^{international} discussions and decisions of considerable importance. This international action as a whole will be considered in Part Two of this memorandum.

6. In Part Three an attempt will be made to deduce from national experience and international action guiding principles likely to contribute to a solution of problems arising in connexion with the definition and identification of foreign correspondents. Part Three will take into account the views expressed, as regards actual practice, by some foreign correspondents who now work in the United States after having been formerly accredited to other countries and who were consulted in the course of an informal inquiry conducted in New York.

7. The purpose of the following study is to furnish data and material, some of which would be suitable for use by the Sub-Commission in preparing recommendations to the Economic and Social Council concerning the definition and identification of foreign correspondents.

II. PART ONE

NATIONAL MEASURES RELATING TO THE DEFINITION AND
IDENTIFICATION OF JOURNALISTS

8. The earliest measures adopted in connexion with the definition and identification of Journalists were the work of professional groups. Professional groups of journalists were formed in many countries in the second half of the nineteenth century to defend the collective interests of their members and the general interests of the profession. For the purpose of accomplishing this two-fold task, the "professional" journalist, who lives by his pen, had to be distinguished from the "amateur" journalist, for whom journalism is a side line. More recently, the action of professional groups to define and identify the journalist has acquired greater scope in many countries.
9. In other countries, especially since the First World War, the initiative in regulating the profession of journalism has been taken by the public authorities which by legislation or administrative regulations prescribe the conditions governing the exercise of the profession.
10. Lastly, since the Second World War, several countries have chosen a system of joint regulation, which is the product of the public authorities and the professional groups acting in conjunction.
11. Owing to this development, it is possible today to distinguish between:
- (a) countries where measures relating to the definition and identification of journalists are prepared and applied by professional groups, freely constituted under the ordinary law;
 - (b) countries where measures relating to the definition and identification of journalists are prepared by the public authorities and applied either by official bodies, or, under the supervision of such bodies, by professional groups established under enactments which regulate the journalistic profession; and

/(c) countries

- (c) countries where measures relating to the definition and identification of journalists are prepared by the public authorities and applied, under the supervision of official bodies, by professional groups freely established under the ordinary law.

These three systems now in force will be studied below in three sections in the present part entitled respectively:

- Section 1. The professional system;
Section 2. The governmental system;
Section 3. The mixed system.

Section 1. The professional system.

12. In countries where the journalistic profession is not subject to special statutory regulation, measures relating to the definition and identification of journalists are promulgated and applied by professional groups. Subject to the general provisions of the law governing associations and trade unions, but free to express their views on matters concerning the profession of journalist, the professional groups prescribe the conditions to be fulfilled by their members and confirm the status of their members by enrolment in a register or the issue of a professional card. The definition of the journalist, stipulated in the statutes of the professional groups and in the collective contracts, is generally based on, among other things, the results of prolonged professional experience. This system obviously presupposes that a journalist is free to join or not to join a professional group. It follows that a journalist's status does not depend upon possession of a professional card. Conversely, however, possession of a professional card is evidence of journalistic status. This is particularly true in countries where professional groups of journalists enjoy considerable authority and power.

In this connexion the institutions of Switzerland, the United Kingdom, Sweden and the United States are illustrating examples.

A. Measures adopted in Switzerland for the definition and identification of journalists

13. In Switzerland, under an agreement concluded between the Association de la presse suisse, whose members are professional journalists, and the Société suisse des éditeurs de journaux a professional register of journalists has been

/prepared

prepared^{4/}. The conditions of enrolment in the register are determined by Article 3 of the agreement as follows:^{5/}

"Active membership of the Association de la presse suisse shall normally confer the rights to enrolment in the Professional Register^{6/}

"Persons enrolled must have practised journalism as their principal profession for an uninterrupted period of two years. This period may be reduced in the case of editorial writers having fixed posts or engaged under contract."

A joint committee including members of the two associations and a referee gives rulings on enrolments, ascertaining in each case whether the candidate satisfies the conditions, and in particular whether eighty per cent of his professional income is derived from his journalistic activities.^{7/}

Appeals against the Committee's rulings can be brought before an "appeals committee"

14. Enrolment in the register entitles the journalist to the issue of a card which confers upon him the title of "Editorial writer, P.R." or "Journalist, P.R."^{8/}

As Mr. Jacques Bourquin writes in his La liberte de la presse: "These initials mean that the bearer of such a card ... is to be regarded as qualified in his profession and as possessing such a high moral standard that confidence may be placed in him unreservedly".^{9/}

/15. The name

4/ Freedom of Information, Vol. II, Chapter IV, page 210

(United Nations Publication, Sales Number 1950. XIV. I. Vol. II)

5/ The register shows "the name, date and place of birth, country of origin, [domicile/ and professional status of all attached and free-lance journalists in Switzerland and of all Swiss journalists abroad who are recognized as such, in either case, by the two organizations." In the case of free-lance journalist the subjects in which they specialize are also given. (See Article 3 of the Agreement concerning a Professional Register of Journalists, - Freedom of Information - loc. cit. page 210)

6/ "Only persons engaged in the profession of editorial writer or newspaper correspondent shall be admitted to the Association as active members". Article 3 of the statutes of the Association de la presse suisse - Lausanne, Imprimeries suisses S.A. 1938.

7/ Rules of 2 March 1946, Chapter III and IV, quoted by Mr. Jacques Bourquin in his work La Liberte de la Presse, page 276, Librairie Payot, Lausanne

8/ Professional Register.

9/ See Jacques Bourquin, op. cit., page 275

15. The name of a person enrolled in the Professional Register may be struck off by the joint committee:

1. as an administrative measure, if the person concerned leaves the profession of journalism; or
2. as a disciplinary measure, in the following cases:
 - (a) judicial sentence to a penalty involving loss of civil rights;
 - (b) accepting inducements;
 - (c) blackmail involving the abuse of the status of journalist;
 - (d) intentional and conscious use of false documents;
 - (e) malicious dissemination of false reports;
 - (f) dishonourable expulsion from the Association de la presse suisse;
 - (g) activities in support of a subversive organization, if established by a decision of a judicial or administrative authority.^{10/}

16. Since enrolment in the Professional Register is optional, the significance of such enrolment is relative.^{11/} It is, however, to be observed that most qualified Swiss journalists are enrolled.

/C. Measures

10/ Agreement between the Société suisse des éditeurs de journaux and the Association de la presse suisse, Article 6.

11/ Article 7 of the Agreement between the Société suisse des éditeurs de journaux and the Association de la presse suisse explains the significance of enrolment as follows:

"The Société suisse des éditeurs de journaux shall recommend its members to give preference, other things being equal, to journalists enrolled in the Professional Register when appointing editorial writers or engaging the services of free-lance contributors."

B. Measures adopted in the United Kingdom for the definition and identification of journalists.

17. In the United Kingdom the two main associations of journalists are the National Union of Journalists and the Institute of Journalists. The National Union of Journalists, whose membership includes between 80 and 90 per cent of British journalists^{12/}, is primarily a trade union. It admits to full membership only those persons who are and have been for three years members of a journalistic staff, and who draw or have drawn for three years the major part of their income from journalistic work, provided that they are under 51 at the time of admission. Newspaper proprietors, managers and directors cannot be members of the Union.

No applicant may be admitted to membership if he is a member of any other organization, the object or purport of which is the furtherance of the interests of working journalists by the regulation of their conditions of employment.^{13/}

The Rules of the Union provide that radio commentators, reporters and editorial workers are eligible for membership. Journalists engaged as publicity or public relations officers, and artists and photographers engaged in newspaper or magazine work are also eligible for membership.

The Rules of the Union provide that persons who do not satisfy all the conditions enumerated above may join the Union as probationary or associate members.^{14/}

Each candidate for admission to the Union must be supported by two sponsors who are members of the Union. Applications for admission are voted on at Branch meetings. If a candidate's qualifications are disputed, the final decision is made by the National Executive Council of the Union.

/It is

^{12/} Minutes of Evidence, 19 June 1947, page 1, Royal Commission on the Press.

^{13/} Rules of the National Union of Journalists, Rule 1 (b). (Rules, National Union of Journalists, Rosslyn House, 96 Regent Street, London, W.1).

^{14/} Rule 16 (a): "Journalists of more than twelve months' and less than three years' experience who have attained the age of 16 years, may enter as probationary members... Probationary members on attaining the age of 18 years shall...subject to the limitations made by these rules,... enjoy the same privileges as full members."

Rule 20 (b): "A member who becomes disqualified from full membership under Rule 1 (b), but remains in journalism, may be elected an associate member..."

Rule 20 (c): "Journalists aged 51 and over who are otherwise qualified for membership under Rule 1 (b) may be admitted as associate members."

It is to be observed that free lancers may become members of the Union provided that their earnings are at least 60 per cent of the minimum salaries in the scales for their areas for journalists employed by Press enterprises. They become members of the Freelance Chapters, whose representatives constitute the Freelance Council of the National Union of Journalists.^{15/}

18. Membership cards are issued by the branches. Under the Rules of the Union temporary cards may be issued in certain cases.^{16/}

Although the membership card of the National Union of Journalists is not an official identity document, in practice it is regarded as evidence of the holder's professional status as journalist.

19. The Union's disciplinary powers are vested in the National Executive Council. The penalty of suspension or expulsion may be imposed for conduct prejudicial to the interests of the profession or the Union.^{16/} Under Rule 11, sections (b) and (e), conduct prejudicial to the interests of the Union is deemed to include the disclosure of confidential business of the Union, breach of the principles laid down in the Union's Code of Conduct and the acceptance of membership in another organization whose purposes are the same as those of the Union.

20. Although possessing the legal status of a trade union,^{17/} the Institute of Journalists does not seem to have been established primarily for the purpose of defending the economic interests of its members.^{18/} Any person to be admitted to membership of the Institute,^{19/} must be not less than twenty-one years of age and must have been engaged in journalistic work professionally and continuously for not less than three years as an editor, writer of leading or other articles, correspondent, artist, literary manager, assistant editor, sub-editor or reporter on the staff of a newspaper or supplying newspapers with articles, illustrations, correspondence or reports or in a journalistic capacity recognized as constituting expert professional practice; or, alternatively, he must have reached a satisfactory standard in a course of instruction or received some other kind of professional training or else have taken the necessary professional examinations or

/obtained a

^{15/} Rule 4 (a) and Appendix II to the Rule of the Union.

^{16/} Rule 16 (f) provides that a temporary card may be issued to persons who have been engaged in the journalistic profession for less than 12 months.

^{17/} Minutes of Evidence taken before the Royal Commission on the Press; sixth day, 30 October 1937, Cmd. 7328.

^{18/} Charter of Institute of Journalists, the University of Missouri Bulletin, Vol. 30, No. 47, Journalism Series, No. 58, "Organization of Journalists in Great Britain".

^{19/} Bye-laws of the Institute of Journalists Article 2

obtained a diploma in journalism or a university degree, provided that, in this case, he has been engaged for not less than one year in journalism as his sole or chief occupation.^{20/}

21. The Institute's executive organ is its Council. The Council is empowered to issue certificates, diplomas, badges or other credentials and to recall them if it considers this necessary. The Council's disciplinary powers provide for the exclusion or suspension for a period not exceeding two years of any member who violates the institute's fundamental rules or who has been found guilty of an act discreditable to him as journalist or otherwise.^{21/} Membership of the Institute of Journalists is regarded in the United Kingdom as evidence of the status of professional journalist.

22. It should be pointed out in this connexion that whereas the National Union of Journalists admits only paid professional journalists who are not in a position to engage or dismiss editorial staff, any persons engaged in the information services, except proprietors of organs of information, are eligible to membership of the Institute. The two organizations have several times tried to amalgamate, but the attempts have not so far been successful.

/C. Measures

^{20/} The Charter of the Institute of Journalists also makes provision for associates who, without being journalists, are qualified to contribute to the advancement of journalism and for honorary and junior members.

^{21/} Article 26 of the Bye-laws.

C. Measures adopted in Sweden for the definition and identification of journalists

23. The membership of the Swedish Association of Journalists includes almost all the personnel of information services in Sweden. Under Article 3 of the Association's statutes ^{22/}, the only persons who qualify for membership of the Association are journalists, correctors, cartoonists and press photographers who are of Swedish nationality and who have been employed on a full-time basis for at least one year by a Swedish newspaper, periodical, news agency or broadcasting service. Candidates who do not satisfy all the conditions enumerated in Article 3 of the statutes, but who are engaged in the professions mentioned therein, may be admitted as "members with limited rights". Aliens cannot become members of the Association except by decision of the Association's central executive committee.

24. Every member of the Association, whether with full or limited rights, is the holder of a professional journalist's card issued by the Association's regional sections ^{23/}.

25. The Association's disciplinary powers are exercised by the executive committees of the regional sections, against whose decisions appeals may be lodged with the Association's central executive committee. The penalties which may be imposed include expulsion from the Association and withdrawal of the card. ^{24/} A member of the Association who is guilty of unethical conduct, acts contrary to the interests of the Association, gives incorrect information in his application for admission or fails to pay his subscriptions, may be expelled. If a member of the Association becomes an employer, he ceases to be a member.

D. Measures adopted in the United States for the definition and identification of journalists.

26. Professional associations of journalists, which are very numerous in the United States, are generally established on a strictly professional or territorial basis.

/For example,

^{22/} Stadgar för Svenska Journalistförbundet, Stockholm 1950.

^{23/} This card is not an official document, though many undertakings grant certain privileges to journalists who produce their cards, such as reductions on public conveyances, free admission to places of entertainment, museums etc.

^{24/} Article 4 of the statutes.

For example, the journalists of the periodical Press are organized in one association (Periodical Press Association); war correspondents in another (American War Correspondents' Association); and the editors of newspapers serving large urban centres in a third (American Society of American Newspaper Editors). Numerous Press clubs, which are really only associations for bringing people engaged in the same profession into contact with each other, exist in all States and in most of the large towns in the United States.

27. The principal nation-wide professional organization is the American Newspaper Guild, one of the chief objects of which is the defence of the material interests of its members, particularly by the conclusion of collective contracts ^{25/}. Under Article II, section 2 of the Guild's Constitution, membership is open to any person employed in the news, editorial, business, circulation, maintenance, promotion, advertising or related departments in the United States, or its possessions or in Canada of:

- (a) news or news feature publications;
- (b) agencies supplying editorial and/or advertising matter to publications or distributors which pay for the service, including press services and associations, news ticker services, news photo agencies, syndicates, radio news services, television news services;
- (c) newsreel companies, radio companies and television broadcasting companies.

28. Under Article X, section 2, of the Guild's Constitution, evidence of membership is furnished by a professional card. It follows from the foregoing that membership of the American Newspaper Guild is not invariably coterminous with journalistic status. Broadly speaking, the body of rules applicable to the journalistic profession in the United States is very small. This explains why the rules in force apparently yield little material likely to be useful for the purposes of the definition and identification of journalists. Still, some professional associations of journalists, established for definite and limited purposes, issue cards on the production of which their members are recognized as possessing journalistic status. Thus, for example, possession of a card issued by the White House Correspondents' Association entitles the holder to admission to the press conferences of the President of the United States. In practice, any person who can produce suitable credentials from his employer is recognized in the United States as possessing journalistic status.

/Section 2.

^{25/} Manual of the American Newspaper Guild, as amended by the 1950 Convention.

Section 2. The governmental system

29. In countries where the journalistic profession is governed by special statutory regulations, the journalist is defined, and the manner of proving his professional status prescribed, in legislation. In some countries where the governmental system is applied one or more professional groups are set up by enactments under which journalists are required to belong to the existing group or groups. The status of journalists is then conferred by membership of the group. Such membership is admitted and attested in each individual case either by a professional body, from whose decision an appeal lies to an official body, or directly by an official body. Under the legislation of other countries where the governmental system is applied membership of professional groups is optional. Recognition and attestation of the status of journalists are then dependent on the decision of an official body. The special features which under the governmental system may be displayed by the provisions relating to the definition and identification of journalists are studied below in relation to the institutions existing in three countries selected as examples: Egypt, Czechoslovakia and Argentina.

A. Measures adopted in Egypt for the definition and identification of journalists

30. In Egypt, the definition of journalists and the means of establishing their status are laid down by legislation under which the representatives of the public authorities are responsible for verifying and attesting such status in each particular case. All journalists belong to the Order of Journalists, a single statutory body, membership of which is compulsory. The Order represents the collective interests of its members and the general interests of the profession.

31. Under the Egyptian Act of 31 March 1941 ^{26/}, the status of "journalist" is conferred exclusively upon those professionally engaged in the information services and enrolled in the Order of Journalists. To qualify for membership, a candidate must:

- (a) be an Egyptian;
- (b) be at least 21 years of age;
- (c) have full

^{26/} Cf. Fernand Torrou and Lucien Solal, Droit de l'information, pp. 390 et seq. UNESCO, publication No. 607.

- (c) have full civic rights;
- (d) possess qualifications assuring the respectability necessary for exercising the profession;
- (e) be the holder of a certificate of higher education or possess the level of culture required for the exercise of the profession;
- (f) have been for at least two years a newspaper proprietor, or the representative of a newspaper proprietor or the editor or sub-editor of a newspaper 27/;
- (g) make journalism his principal occupation and not perform any government services not related to that occupation 28/.

Enrolment in the Order is by approval of a committee called the "Enrolment and Disciplinary Committee", against whose decisions there is no appeal and which includes three members of the judiciary, a representative of the Ministry of the Interior and the President of the Order. 29/

32. Evidence of possession of the status of journalist is provided by enrolment in the Order and possession of a special identity card issued to each member of the Order by the Ministry of the Interior. 30/ Any person who makes use of journalistic status without being enrolled in the Order and without being the holder of the special identity card is guilty of an offence punishable by a fine, and, in case of repetition of the offence, by imprisonment.

33. The disciplinary powers of the Order of Journalists are exercised by the Enrolment and Disciplinary Committee. They are used when a journalist "violates the duties of his profession or, by his conduct, detracts from the honour and dignity of the body to which he belongs". The penalties which the Committee may inflict include suspension of membership for a year or more, and expulsion. A case may not be dealt with by the Committee until the Council of the Order, after investigation, has decided to refer the case to it. No appeal lies from its decisions.

/B. Measures

27/ The word "newspaper" does not apply to sports, technical and other papers, or to periodicals not published at least twice a month.

28/ Article 4 of the Act of 31 March 1931.

29/ Article 6.

30/ Articles 22 and 23.

B. Measures adopted in Czechoslovakia for the definition and identification of journalists.

34. Czechoslovak legislation defines journalists and establishes two professional groups, membership of one of them being compulsory for any person professionally engaged in the information services. Thus, evidence of journalistic status is provided by enrolment in one of the existing groups. The Czechoslovak Act of 28 May 1947 defines "journalist" as follows:^{31/}

"A journalist is a person employed by a Press enterprise or information service who, as his principal occupation, engages in intellectual work the purpose of which is to express by word or image either his own ideas or the ideas of others with a view to their publication in the news and editorial parts of a printed publication or the oral expression of such ideas by the reproduction of sound"^{32/}.

The Act provides that this definition shall apply to all persons professionally engaged in the information services, whether employed by private undertakings or by public bodies, on condition that they:

(a) are Czechoslovak nationals; have reached the age of twenty-one years and have not been removed from the electoral lists;

(b) have taken a professional course as "candidate for the profession of journalism" or an equivalent course of at least six months;

(c) have not incurred certain penalties under criminal law or certain disciplinary penalties by decision of the Union of Journalists.^{33/}

Under the terms of the Act, failure by an employee of an information undertaking or service to satisfy the above conditions constitutes "grounds for summary termination of the contract of employment"^{34/}. The professional body is responsible for verifying whether all persons employed by an information undertaking or service

/do or

^{31/} Cf. Jan Hrabánek, The Legal Position of Journalists in Czechoslovakia, Orbis Prague, June 1947.

^{32/} Article 1, paragraph 1, of the Act of 28 May 1947.

^{33/} Article 2, paragraph 1 (c), (b) and (e) of the Act specifies what penalties and disciplinary measures constitute disqualification for journalistic status.

^{34/} Article 2, paragraph 3.

do or do not satisfy the conditions prescribed by the Act. All journalists are required to be members either of the Union of Czech Journalists or of the Union of Slovak Journalists.^{35/} These two Unions are associated in a Central Union of Czechoslovak Journalists. The Council of each Union decides questions of admission to the particular Union. If the Council considers that it has not sufficient material on which to base a decision, the application for admission may be referred to the Committee of the Union, from whose decisions an appeal lies to the Ministry of Information.

35. Evidence of journalistic status is provided by enrolment in one of the Unions.

36. Each Union exercises disciplinary powers over its members. The penalties which it may inflict include a one-year disqualification from the exercise of the journalistic profession and expulsion from the Union for three years.^{36/}

C. Measures adopted in Argentina for the definition and identification of journalists.

37. In Argentina, the definition of "journalist" is contained in, and the manner of proving journalistic status is prescribed by, the Act dealing with the status of professional journalists.^{37/} Recognition and attestation of journalistic status are the responsibility of the public authorities in each individual case. Membership of a professional association is optional. Under Article 2 of the Argentine Act of 1946:

"For the purposes of the present Act, any person regularly and for monetary consideration performing his particular duties on a daily or periodical publication or in a news agency, shall be deemed to be a professional journalist. This definition includes directors, co-directors, assistant directors, chief editors, general editors, editors, assistant editors, news editors, leader writers, correspondents, sub-editors, columnists, reporters, /draughtsmen,

^{35/} Article 6, paragraph 3.

^{36/} Article 11, paragraph 2 of the Czechoslovak Act of 28 May 1947.

^{37/} Act No. 12,908 of 1946. See Freedom of Information, Volume II, pp.9 et seq

draughtsmen, translators, proof-readers, press photographers, archivists and feature writers. The term 'news agency' shall include any wireless-telephone enterprise which distributes information or news of a journalistic nature, but only in respect of staff engaged in such distribution.^{38/}

"'Feature writer' means a person who contributes signed or unsigned articles or notes on a pro rata basis to newspapers, periodicals, magazines, weeklies, year-books, or news agencies for which he is paid by the unit or by the ^{the} centimetre if he contributes not less than 24 such articles or notes annually. This Act does not apply to publicity agents or brokers, occasional contributors and non-professional contributors.

"Persons who, for purposes of propanganda -- whether ideological political or in the interests of a particular body - take part on an unpaid basis in the daily newspapers, periodicals or magazines shall not be deemed to be professional journalists."

38. All Argentine journalists must be registered in the National Register of Journalists and be holders of a professional pass.^{39/} Journalists are entered in the Register and provided with professional passes by decision of the Ministry of Labour, subject to appeal before a corporative tribunal and in the final instance before a labour tribunal or an ordinary court.^{40/} Under the Act the journalists pass "shall be evidence of registration in the National Register of

/Journalists"

^{38/} Article 23 of the Act defines the professional functions of the following: trainee, reporter, columnist, feature writer, leader writer, chief of section, assistant director, director, translator, press photographer, proof-reader, archivist, draughtsman, portraitist.

Article 20 of the Act provides that the owners of Press enterprises shall be considered professional journalists if they pursue their professional activity on a full time basis.

Article 33 provides that the exercise of the profession of journalism is incompatible with the holding of a public office of a permanent nature and also with employment in concessionaire undertakings maintaining public services.

^{39/} Act of 1946, Articles 4 and 17.

^{40/} Articles 9 and 10

Journalists" and "shall constitute a document of identity".^{41/}

If a person who does not possess journalistic status uses the pass, he is liable to prosecution.^{42/}

39. Professional registers and journalists' passes are re-validated every two years.^{43/} Registration and the pass are suspended or cancelled:

1. If a judicial sentence for which no stay has been granted is still being served;

2. If the person concerned has ceased to practice his profession for two successive years.^{44/}

Section 3. The mixed system.

40. The characteristic feature of the mixed system for the regulation of the journalistic profession is co-operation between the public authorities and professional associations freely established under the provisions of the ordinary law governing associations and trade unions. Under this system, measures for the definition and identification of journalists are determined by law. They are applied by a professional body, sometimes subject to the supervision of an official body. Institutions partaking of the nature of the mixed system are at present

/functioning or

^{41/} Articles 11 and 12. According to Article 12, paragraphs (a) and (b), the journalist's pass must contain the following particulars:

"(a) Name and surname of the holder, the nature of his work, a photograph and such other identification data as may be required;

(b) The signature of the official to be designated for that purpose by the Ministry of Labour." Under articles 13 and 14, journalists are entitled in the exercise of their profession and on presentation of their professional passes to certain privileges including permission to cross police barriers, rebates on railway fares, etc.

^{42/} Article 16.

^{43/} Article 15 of the Act of 1946.

^{44/} Article 8.

functioning or under consideration in a number of countries of continental Europe, particularly France and Belgium.^{45/}

A. Measures adopted in France for the definition and identification of journalists

41. The relevant French laws and regulations define journalists and prescribe the manner in which they are identified; the professional bodies are responsible for giving effect to the provisions concerning identification. Freely constituted professional associations of journalists and of directors of Press undertakings are extremely numerous in France. The most important include the Syndicat national autonome des journalistes and the Fédération nationale de la presse française, whose membership includes the directors of Press undertakings.

42. The definition of the status of journalist as now recognized in France is derived from the provisions of the Act of 29 March 1935 incorporated in the Labour Code.^{46/} Article 29 (b) of the Labour Code defines journalists as follows:

"A professional journalist is a person whose principal, regular and paid occupation is the exercise of his profession in a daily or periodical publication appearing in France, or in a French news agency, and who derives the greater part of his livelihood therefrom.

"A correspondent working in French territory or abroad is a professional journalist if he is in receipt of fixed emoluments and satisfies the conditions referred to in the preceding paragraph.

"Direct editorial assistants shall be treated on the same footing as professional journalists, including editor-translators, editor-stenographers, editor-revisers, draughtsmen-reporters and photographic reporters -- but not publicity agents or persons, who, in whatever capacity, are only occasionally engaged in such work."

/The provisions

^{45/} In the Netherlands, where the professional system is at present in operation, a bill submitted to Parliament provides for the official registration of professional journalists and the establishment of a Press tribunal whose members would be appointed for life by the Crown. The tribunal, under the chairmanship of a magistrate, would include two professional journalists and two directors or owners of information undertakings. The chairman would be appointed on the proposal of the Government, and the four members on the proposal of their respective professional associations.

^{46/} See Freedom of Information, Vol. II pages 39 et seq.

The provisions regarding the status of journalists apply, pursuant to the Ordinance of 30 September 1944, to journalists engaged in broadcasting undertakings, ^{47/} but not to persons engaged in a newsreel undertaking, for these have a special status under the Act of 26 October 1940 ^{48/} and under the legislative provisions dealing with the organization and professional regulation of the cinema.

43. So far as evidence of journalistic status is concerned, Article 29 (1) of the Labour Code provides:

"Persons listed in Article 29 (b) who hold a professional identity card shall alone be entitled to claim the status of journalists."

Under Article 8 of the Ordinance of 30 September 1944:

"As from 1 July 1945 no professional journalist within the meaning of Article 1 of the Act of 29 March 1935 ^{49/} may participate in any way in the publication of a newspaper or periodical, whether printed or broadcast, or in the activities of any information agency unless he holds a new professional identity card."

The professional journalist's card ^{50/} is issued by a joint commission composed of fourteen members: seven newspaper directors "appointed by the organization which is the most representative of the newspaper directors", and seven professional journalists "elected by journalists holding professional identity cards". ^{51/} Appeals against decisions of the "Commission on Professional

/Journalists'

^{47/} See Ordinance of 30 September 1944, Article 8, Freedom of Information, Vol. II page 44.

^{48/} Under Article 2 of the Act of 26 October 1940, any person engaged in a cinematographic enterprise (newsreel reporter, technician, actor etc.) is required to have a special professional card.

^{49/} After incorporation in the Labour Code, Article 1 of the Act of 29 March 1935 became Article 29 (b) of the Code.

^{50/} Article 5 of the decree provides that the card "shall bear a photograph of the holder, his signature, surname, first name, nationality and domicile and the names of the publications or news agencies in which he carries on his profession. It shall further bear the Commission's seal and the signature of two members of the Commission, one from each category."

^{51/} Article 2 of decree of 17 January 1936, (Freedom of Information, Volume II, page 40), as amended by the decree of 22 June 1949.

Journalists' Identity Cards" may be made to a Higher Commission composed of three magistrates, one representative of the newspaper directors and one representative of the professional journalists. ^{52/} Professional identity cards are valid for one year, and are renewable for a like period on approval by the Commission. ^{53/} Any person making a false declaration for the purpose of obtaining a card or using a fraudulently obtained, expired or cancelled card, is guilty of an offence punishable by fine. ^{54/} All journalists are required to notify the "Commission on Professional Journalists' Identity Cards" of any changes in their professional circumstances. ^{55/} When a person ceases to possess journalistic status within the meaning of the Act, the Commission cancels his card if it is still in force or refrains from renewing it if it has expired. The "Cards Commission" merely considers the professional status of the person concerned and has no disciplinary function.

44. By contrast, the draft legislation to regulate the Press ^{56/} submitted to the National Assembly in 1947, proposed that a National Chamber of the Press should, in addition to certain regulatory and advisory powers, have disciplinary authority with the right to bar journalists from the exercise of their profession for one year or more. Similarly the draft legislation to regulate the Press, submitted to the National Assembly in 1950, proposed that certain regulatory and disciplinary powers should be given to a Higher Council of the Press representing the directors of information enterprises and to a Higher
/Council

^{52/} Article 10 of the decree of 17 January 1936.

^{53/} Decree of 17 January 1936, Article 6.

^{54/} Decree of 17 January 1936, Article 11.

^{55/} Article 4, paragraph 7, of the decree of 17 January 1936 provides that in support of his first application for a card the applicant shall be required to furnish "an undertaking to inform the Commission of any change in his situation involving the modification of the statements on the basis of which the card is issued".

^{56/} See Freedom of Information, pp.45 et seq.

Council of Journalists. Under the terms of this draft, the Higher Council of Journalists, which would be composed of fourteen journalists elected by their fellow-journalists and presided over by a senior judge, would also be responsible for issuing the professional card.

B. Measures adopted in Belgium for the definition and identification of journalists

45. As regards the definition and identification of journalists, Belgian institutions achieve close co-ordination between official and professional action. According to the law, a Belgian journalist may be a member of any professional association. Actually, there is one principal association of journalists, the Belgian General Press Association, which certifies the professional status of journalists vis-à-vis the public authorities. The Belgian authorities recognize any person professionally employed in the information services and belonging to one of the following categories as possessing journalistic status:^{57/}

"1. Professional journalists who have regularly worked for at least one year on the editorial staff of one or more daily newspapers or attached to a general daily newspaper or employed by a Press agency.

"2. Professional journalists who have acted as correspondents in Belgium for a foreign daily newspaper or news agency for at least one year.

"3. Professional Press photographers who have been regularly employed for not less than one year by one or more daily newspapers, or attached to daily general newspapers or to a Press photographic agency, and members of the General Association of Press Photographers of the Belgian daily Press.

"4. Professional newsreel reporters, members of the Belgian General Newsreel Association, who have been employed for at least one year by a newsreel firm."

/46. All

^{57/} Cf. Freedom of Information, Volume I, p. 102.

46. All persons professionally engaged in the information services who satisfy the above-mentioned conditions may obtain a "national Press pass"^{58/} issued by the Minister of the Interior at the request of the Belgian General Press Association, which "guarantees the integrity and the professional status of the person concerned".^{59/} Before a person can qualify for the advantages and prerogatives conferred on journalists by the Belgian authorities he must produce his pass. This document of professional identity, though not legally necessary, is in practice indispensable to the exercise of the journalistic profession in Belgium.

47. However, in Belgian draft legislation published in 1947, it is proposed to institute compulsory identification in the case of journalists. The draft proposed the establishment of an Order of Journalists responsible for ensuring "the protection of the rights of journalists and the proper performance of their duties". Enrolment in the Order was to be evidence of professional status and compulsory for all journalists; non-compliance was to be punishable by imprisonment for eight days to three months and a fine of 200 to 1,000 francs or one of these penalties only. Under this preliminary draft, a Council of the Order was to be responsible for exercising disciplinary power, including the right to inflict upon members the penalties of temporary disqualification from the journalistic profession and removal from the register.

/III. PART TWO

^{58/} The pass is valid for three years; it is green for journalists of Belgian nationality and red for foreign journalists. The pass bears, in addition to the holder's photograph, his surname, Christian names, his address and the name of the newspaper or firm which he represents; it is signed by the Minister of Interior or his representative, the burgomaster of the district in which the newspaper has its registered office, the President of the Belgian General Press Association, and bears the seal of the Department of the Interior.

^{59/} Reply of the Government of Belgium to the request for information, Freedom of Information, Volume I, p. 102.

III. PART TWO
INTERNATIONAL ACTION RELATING TO THE DEFINITION AND
IDENTIFICATION OF FOREIGN CORRESPONDENTS

48. The professional status of foreign correspondents is becoming a matter of ever greater importance as means of communication and transmission develop. The question of their status was considered in earlier years by the League of Nations, which attempted to deal with it in co-operation with professional associations of journalists and government information services. With a view to encouraging freedom of the international transmission of information, the problem of the definition and identification of foreign correspondents was considered in turn by various organs of the United Nations. The professional organizations have also endeavoured to find a solution for this problem. The whole of this inter-governmental and professional action is studied below in the following sections:

1. Inter-governmental and professional action undertaken under the auspices of the League of Nations.
2. Action by United Nations bodies and international professional associations.

Section 1. Inter-governmental and professional action undertaken under the auspices of the League of Nations

49. Action relating to the definition and evidence of the status of "foreign correspondent" was taken jointly, under the auspices of the League of Nations, by inter-governmental bodies and professional associations of persons employed in information services with a view to acceding to the wishes of the Press in respect of the professional facilities to be granted to journalists. This action will be considered below in the chronological order of the decisions adopted variously by inter-governmental and professional bodies.

(a) Conference of Press Experts convened by the League of Nations at Geneva in 1927

50. As early as 1925, the Assembly of the League of Nations invited the Council of the League of Nations to consider the advisability of convening a Committee of Press Experts in order "to discuss all technical problems the

/solution

solution of which, in the opinion of experts, would be conducive to the tranquillization of public opinion in various countries." After consulting the professional Press associations in more than thirty countries, the Council decided to convene the Committee of Experts and instructed the Secretary-General to prepare the Committee's programme of work and to arrange for convening several preparatory committees, composed of persons connected with the different sections of the Press, such as journalists, heads of information services and others.

51. The preparatory Committee of Journalists set up to consider professional facilities for correspondents suggested in its report a single document establishing identity of such standing as to enable the bearer to overcome all the obstacles that a foreign journalist might encounter in the execution of his duties. This document recommending the bearer to the authorities of the various countries was, in order to obtain from them for the accomplishment of his tasks -- so far as possible -- the maximum facilities granted to national journalists, to be issued by the Foreign Ministry of the journalist's (or his paper's) country of origin on the written request of the Director or Editor-in-Chief of his paper and, if necessary, accompanied by the recommendation of the professional organization to which the journalist belonged. This document was to be valid for one year and be renewable. The Committee of Journalists pointed out that this official document would be an advantage not only for the journalist but also for the Governments, since it would prevent the latter from being imposed upon by so-called special correspondents who were mere imposters and who did not hesitate to ask for all sorts of favours.

52. In addition to the above recommendation, the Committee proposed the issue to foreign correspondents by the Universal Postal Union of a uniform card enabling the bearer to obtain without any other formality in all countries members of the Union, Press, telegraph, telephone and wireless rates.^{60/}

/53. The

^{60/} League of Nations, Conference of Press Experts, Preparatory Documents, C. 231.M.93, Geneva 1927.

53. The Conference of Press Experts meeting in August 1927 adopted a resolution on identity cards stating, among other things, that the Conference:^{61/}

"declares that it would be of the greatest advantage to institute an international identity card for journalists which should, at the same time, be a means of professional identification, and particularly designed also to facilitate travelling and the general exercise by journalists of their profession abroad. This card should follow the principles on which the card prepared by the International Association of Journalists accredited to the League of Nations^{62/} has been framed, and the draft suggestions submitted to the Conference by the International Federation of Journalists^{63/} and the Preparatory Committee of Journalists."^{64/} The Council also recommended that the Advisory and Technical Commission on Communications and Transit of the League of Nations should consult with interested professional associations of the Press concerning the card.

(b) International Federation of Journalists.

54. The IFJ brought out its own international journalist's card in accordance with the desires expressed by the Preparatory Committee of Journalists. Before issuing the card to its members, the IFJ submitted a model for the consideration of the Advisory and Technical Commission on Communications and Transit of the League of Nations.^{65/}

/(c) Advisory and

^{61/} Conference of Press Experts, Final Report, League of Nations Publications, General, 1927.15.

^{62/} The International Association of Journalists accredited to the League of Nations was founded in 1921 for the purpose of "maintaining the prestige of the Press, defending the professional interests of its members and facilitating the performance of their duties."

Admission to the Association, confirmed by the issue of members' cards, was subject to the following conditions as prescribed by rule 2 of the rules:

"A person may not become a member of the Association unless he is a professional journalist whom the Committee regards as duly accredited to the League of Nations. He must be attached to a daily newspaper or news agency, and in such a manner as clearly to show that he is really a journalist instructed to follow the work of the League of Nations. His principal resources must be derived from his journalistic work".

^{63/} See paragraph 54 below.

^{64/} See paragraphs 51 and 52 above.

^{65/} The model of the card as modified by the Committee is to be found in the annex to this memorandum.

(c) Advisory and Technical Commission on Communications and Transit of the League of Nations (1929).

55. This Commission considered that a card on the lines of the model submitted by the IFJ as slightly modified by the Commission would be an excellent means of professional identification for foreign correspondents.^{66/} In the Commission's opinion, such a card might be issued by qualified international or national professional organizations.

(d) Conference of governmental Press bureaux and representatives of the Press, held at Copenhagen (1932)

56. After surveying the progress achieved in the matter of the identification of foreign correspondents since 1927 as a result of the experts' recommendations, the Conference recommended that the authorities in the various countries should recognize the card produced by the International Federation of Journalists and grant foreign correspondents the same privileges as those enjoyed by the holders of national cards. It also considered that the card should bear the visa of the directors of governmental Press bureaux.^{67/}

(e) Conference of governmental Press bureaux and representatives of the Press, held at Madrid (1933)

57. The Conference noted that the recommendations of the Copenhagen Conference had been satisfactorily applied. It also recommended that it should be compulsory for the cards to bear the visa of the director of the newspaper or Press agency concerned as evidence that the holder is still employed by an information agency. The Conference also expressed the hope that on production of the card foreign correspondents would be exempted from a number of administrative formalities and would be granted all the necessary facilities for the exercise of their profession.^{68/}

/(f) Conclusion

^{66/} League of Nations, Organisation for Communications and Transit, European Conference on the Transport of Newspapers and Periodicals, Records and texts. C 115M36 1930 VIII.

^{67/} League of Nations 1932, Records of the 66th and 67th sessions of the Council, Copenhagen Conference (Official Journal)

^{68/} Final Act of the Second Conference of governmental Press bureaux and representatives of the Press, held at Madrid (1933)

(f) Conclusion

58. The various measures recommended under the auspices of the League of Nations for improving and generalising the use of the foreign correspondent's card issued by the International Federation of Journalists were brought to a halt by the Second World War, as a result of which the IFJ ceased to exist.

Section 2. Action by United Nations bodies and international professional associations

59. The problem of the definition and identification of foreign correspondent as stated in resolution No. 6 of the Conference^{69/} led to numerous discussions in the United Nations in connexion with the consideration of the means of promoting freedom of information throughout the world. In addition, international professional associations tried to deal with the question so as to remove some of the handicaps due to the difficulty of identifying foreign correspondents.

The discussions and decisions of the United Nations bodies and action by professional associations in connexion with the above problem will be considered in two separate parts of this section:

/A. Discussions

^{69/}See paragraph 2 above

A. Discussions and decisions by United Nations bodies

60. The problems of the definition and identification of foreign correspondents have been considered, either together or separately and either as principal or related problems, by several United Nations bodies. For the sake of clarity, their proceedings will be considered in chronological order.

(a) Sub-Commission on Freedom of Information and of the Press (19 May to 4 June 1947).

61. The question of the definition of foreign correspondents was dealt with for the first time in the United Nations at the first session of the Sub-Commission on Freedom of Information and of the Press held at Lake Success, New York, in May 1947.

The matters to be dealt with by the Sub-Commission in contemplation of a Conference on Freedom of Information to be convened subsequently, included three drafts of an agenda submitted respectively by the French, American and British experts.^{70/}

At the eighth meeting, two terms describing "correspondent" were considered by the Sub-Commission. The first expression "duly accredited" was employed in the French draft; while the second, "bona fide", appeared in the British draft.

At this meeting two different points of view emerged concerning the meaning of the word "accredited". Mr. Chafee (United States of America) defined the phrase "bona fide" to mean: (a) "accredited", i.e. as regards the entry of the correspondent into a country; and (b) a reference to his honesty or competency during his professional sojourn abroad.

Mr. Fontaina (Uruguay) took the view that an "accredited" correspondent was not necessarily a "bona fide" correspondent, an opinion shared by Mr. van Heuven Goedhart (Netherlands).

Mr. Mackenzie (United Kingdom) considered that the word "accredited" meant a correspondent's technical qualifications, while "bona fide" meant his behaviour and the standards of his work.

Mr. Chafee (United States of America) was not in favour of linking these two expressions, because "accredited" could be judged by clear evidence while "bona fide" required a moral judgment.

/In this

In this connexion Mr. Lomakin (Union of Soviet Socialist Republics) pointed out that there were three types of correspondents: accredited correspondent sent by a newspaper to another country and accepted by that country, correspondents accredited to cover only a conference, and, lastly, correspondents visiting another country for one or two months' study of the customs of that country. He said the object was to find terms in which to define journalists qualifying for the status of "accredited correspondent". If a suitable definition could be found, it would facilitate the admission of all concerned and their work in foreign countries.

In reply to Mr. Chafee, who considered that the idea of "bona fide correspondent" was a technical one, Mr. Lomakin said that the words "bona fide" did not raise any doubts on his part. Since a correspondent permanently accredited to a country must be of good moral character and reliable, words such as "honesty, reliability and respectability" might perhaps be substituted in the definition.

Mr. Lomakin proposed the following definition of "accredited correspondent": "An accredited correspondent to a foreign country must be honest and reliable with regard to the news of the country which has extended its hospitality to him".

Mr. Fontaina opposed the definition on the ground that it was more a question of ethics than an item.

The Chairman ruled that the definition of "bona fide" as proposed by Mr. Lomakin was not suitable for inclusion in the agenda for the Conference, and the Sub-Commission deferred consideration of the problem.

A clear illustration of the difficulties and the divergencies of view among the experts can be found in the discussion on the value and use to be attached to the word "accredited" in relation to news personnel. To Mr. Chafee (United States of America), to Mr. van Heuven Goedhart (Netherlands), and to Mr. Mackenzie (United Kingdom), the word "accredited" meant chiefly that the accredited person was one designated by his employer as being competent and suitable for the work to which he was assigned.

To Mr. Lomakin (Union of Soviet Socialist Republics) the word "accredited" really meant "accredited by the Government in whose territory the personnel concerned were to work". It followed, in Mr. Lomakin's view, that the personnel involved should at all times be honest and objective with regard to the Government to which they were accredited; otherwise accreditation should be withdrawn.

62. At the eighteenth meeting, held on 2 June 1947 at Lake Success, New York, Mrs. Geraud (France) said a distinction should be made between the rights of journalists working abroad and the rights of journalists working at home.

At the twentieth meeting, held on 3 June 1947, he said the Conference should bear in mind the distinction between domestic and foreign correspondents. National or domestic correspondents might be given a scope wider than that granted to foreign correspondents. Thus, for example, only national correspondents were entitled to campaign for change of government. Foreign correspondents should have, as much as possible, the same rights as national correspondents, but, in reality, a difference did exist, and foreign correspondents had to work within the limits of the sovereignty of the country in which they were working.

Mr. Giraud's proposal was adopted unanimously and was included as item 5 (a), 8, in the agenda of the Conference.

Mr. Chafee (United States of America) remarked in this connexion that it was inadvisable to stress too much the distinction between national and foreign correspondents as far as the ultimate receipt of information by the people who was concerned.

In the end, the Sub-Commission decided to include the expression "accredited correspondent" in the Conference agenda, without expressing any opinion as to the meaning which should be attached to the expression.^{71/} Actually, the discussion summarized above was purely incidental, for the Sub-Commission had not been asked to work out a definition of foreign correspondents.

(b) Economic and Social Council (fifth session, August 1947)

63. When the report of the Sub-Commission on Freedom of Information and of the Press^{72/} on the agenda for the Conference was considered by the Social Committee of the Economic and Social Council, two amendments concerning the international professional card were submitted to it by the representative of France.^{73/}

/64. The first

^{71/} See Official Records of the Economic and Social Council, second year, fifth session, supplement No. 5; Report of the Sub-Commission on Freedom of Information and of the Press to the Economic and Social Council on the work of its first session, document E/441.

^{72/} Ibid.

^{73/} Record of the nineteenth meeting of the Social Committee, document E/AC.7/SR.18.

64. The first French amendment proposed that the Conference should consider, among measures to facilitate the gathering of information, measures "providing, if appropriate, for international professional cards for news personnel".^{74/} In recommending the adoption of this amendment, the representative of France said that for some people the title of journalist was only a disguise, and that privileges such as those proposed to be granted should only be extended to qualified newsmen. The international professional card would assist in that necessary discrimination. Furthermore, it would help to develop a feeling of responsibility among correspondents.

The Social Committee adopted the first French amendment.^{75/}

65. Under the second French amendment an international body (if the Conference thought fit to appoint one) was to be responsible for issuing international professional cards.^{76/}

The Committee adopted the second French amendment.^{77/}

The amendments adopted in this way were not discussed by the Economic and Social Council in plenary meeting.^{78/}

66. The question of the determination of the foreign correspondent's status was not raised in the Council. Still, in the course of the discussion on the Conference's agenda, the representative of France emphasized that in view of the sovereignty of nations the distinction between the rights of journalists working at home and those of foreign correspondents ought to be recognized.^{79/}

/((c) United Nations

^{74/} Document E/510.

^{75/} This amendment, adopted by 6 votes to 2, with 8 abstentions, became item 3 (c) of the Conference's agenda.

^{76/} Record of the nineteenth meeting of the Social Committee, document E/AC.7/SR.19.

^{77/} This amendment, adopted by 4 votes to 2 with 11 abstentions, became item 7 (e) of the Conference's agenda.

^{78/} The provisional agenda of the conference, as amended by the Social Committee and the Council itself, was adopted at the 118th meeting of the Council. See Official Records of the Economic and Social Council, second year, fifth session.

^{79/} Ibid., 94th meeting.

(c) United Nations Conference on Freedom of Information (23 March to 21 April 1948)

67. The United Nations Conference on Freedom of Information considered the problem of the definition of foreign correspondents as well as that of the foreign correspondent's identity card, though only the latter problem was on its agenda.^{80/}

68. It became necessary for the Conference to give its opinion on the definition of foreign correspondents at the time when it was considering the draft convention on "the gathering and international transmission of news", submitted by the United States.^{81/}

The definition of "foreign correspondent" for the purposes of the Convention appears in Article 1 of the United States draft.^{82/}

"B. Foreign correspondent

"An individual employed by an information agency, or a national of a Contracting State, who in either case is regularly engaged in the collection and reporting of news (including opinion) to the general public, and who is the holder of a valid passport identifying him as a correspondent or of a similar document internationally accepted identifying him as such".

This definition, which was incorporated in the draft convention, did not give rise to any discussion at the Conference.

69. The Conference made a decision on the problem of definition in connexion with a draft resolution submitted by the representatives of Denmark, Norway and Sweden.^{83/}

/70. The question

^{80/} Items 3 (b) and 7 (e) of the agenda of the Conference; see paragraphs 50 to 53 above.

^{81/} This draft convention has been combined with the draft convention concerning the institution of an international right of correction submitted to the Conference by France and adopted during the second part of the third session of the General Assembly under the title: draft convention on the international transmission of news and the right of correction (resolution 277 (III)).

^{82/} Final Act (E/CONF.6/79); Annex A.

^{83/} See paragraph 71 below, and E/CONF.6/C.2/30.

70. The question of an international identity card was the subject of important discussions at the Conference. The French delegation submitted a draft convention providing for the establishment of an international press organ and an international press card,^{84/} but withdrew it when discussion showed that the majority of the Conference considered the plan premature. The arguments advanced by the French delegation in support of the institution of an international professional card should be noted, however.^{85/} It pointed out that the institution of such a card would help to increase the sense of responsibility among foreign correspondents, for the card could be withdrawn in case of professional misdemeanour.^{86/} Not only would the institution of the card help to raise the professional level of foreign correspondents, but it would also be a means of combating false and distorted news.^{87/} The French delegation emphasized that if some Governments had shown themselves reluctant to facilitate the movement of foreign correspondents, it was because there was absolutely no regulation of the profession of journalist. Such regulation might be exercised by an international authority responsible for issuing and where necessary withdrawing the card. The French representative also pointed out that only foreign correspondents who had to travel at short notice would find it desirable to apply for the card in order to obtain certain special material benefits. In return for that, holders of the card would be willing to submit to international control. The representative of France added that the institution of the card would not create fresh obstacles, since the status of journalists who did not apply for it would remain unchanged. Furthermore, the facilities to be granted to holders of the card would not be prescribed by an international body but would be negotiated by means of bilateral agreements.^{88/}

/71. The delegations

^{84/} Document E/CONF.6/42.

^{85/} The draft regulations concerning the institution of the international professional card submitted by the French delegation are to be found in Annex II of this memorandum.

^{86/} Discussion on the general principles of information in Committee I of the Conference: speech by the French representative. Document E/CONF.6/C.1/SR.11.

^{87/} Document E/CONF.6/C.1/SR.22.

^{88/} Discussions in Committee II of the Conference. Document E/CONF.6/C.2/SR.14.

71. The delegations of Denmark, Norway and Sweden submitted a draft resolution recommending that the Sub-Commission should be requested to study the definition of foreign correspondents and the establishment of some means of identifying them; the French delegation supported this resolution after submitting some amendments to it that were accepted by its authors.^{89/} In this connexion it should be pointed out that the representatives of the Union of Soviet Socialist Republics and Yugoslavia remarked that the definition of journalists was determined by the laws in force in each country and was not valid at the international level.^{90/} The draft resolution submitted by the Scandinavian countries,^{91/} as amended by France is reproduced as resolution No. 6 of the Final Act of the Conference.

(d) Economic and Social Council (seventh session, July-August 1948)

72. The Conference requested the Governments concerned to forward to the Secretary-General their comments on the draft conventions adopted by it and requested the Economic and Social Council to consider those drafts at its seventh session in the light of such comments. Thus the Council had before it the comments of the Government of the United Kingdom and of the Government of Sweden on the definition of a foreign correspondent as it appeared in the draft convention on the gathering and international transmission of news.^{92/}

73. According to the United Kingdom Government, the definition of the expression "foreign correspondent" was incomplete, for it ignored the qualification indicated by the word "foreign". The United Kingdom Government therefore suggested that the definition in question should be replaced by the following text

/"Article 1

^{89/} Summary record of the 21st meeting of Committee II, E/CONF.6/C.2/SR.21 and documents E/CONF.6/C.2/30 and E/CONF.6/C.2/34.

^{90/} Document E/CONF.6/C.2/SR.21.

^{91/} See paragraph 2 above. During the consideration of item 7 of the agenda of the Conference concerning possible continuing machinery to promote the free flow of true information, Committee IV of the Conference also took up the question of international press cards. In view, however, of the resolution of Committee II quoted above, it did not adopt any decision on this point (Summary records of the 11th, 12th and 14th meetings of Committee IV, Documents E/CONF.6/C.4/SR.11, 12 and 14).

^{92/} See paragraph 69 above.

"Article 1

"(b) Correspondent of a State means an individual employed by an information agency of that State, or a national of that State, who in either case, is regularly engaged in the collection and reporting of news (including opinion) to the public, and who is the holder of one of the following documents identifying him as a correspondent namely a valid passport or similar document internationally accepted or other document issued to him by his own Government." ^{93/}

74. The Government of Sweden expressed the view that the provision relating to the holding of a passport or a similar document of identification should not be embodied in the definition of the term foreign correspondent. Since, as a rule, the authorities responsible for issuing passports were not empowered to verify the credentials of applicants -- and ought not to be so empowered -- it was not advisable to define a foreign correspondent as an individual holding a passport describing him as such. The Swedish Government also remarked that a national of a contracting State ought to be allowed to engage in work as a foreign correspondent within the territory of that State although he did not hold a passport. As a rule, the nationals of a State were not required to hold such a document when residing in their own country. Should it prove possible, as suggested in resolution No. 6 of the Conference, to provide foreign correspondents with the appropriate documents of identification, the Swedish Government would be in favour of a measure which would recognize such documents as constituting proof of their holders' professional status. ^{94/}

75. The Human Rights Committee of the seventh session of the Council, which was instructed to examine the Final Act of the Conference, took into account the comments referred to above in reaching a decision on the question of the definition of foreign correspondents for the purposes of the Convention. The Committee also had before it a joint proposal for re-draft submitted by the delegations of France, the United Kingdom and the United States of America, ^{95/}

/the main

^{93/} Document E/856, page 18.

^{94/} Document E/856/Add.1, pp. 4 and 5.

^{95/} Document E/AC.27/W.21.

the main purpose of which was to remove the limitation contained in the original text, according to which a foreign correspondent could not by definition be a national of the country in which he was working.^{96/} In urging the adoption of the joint French, United Kingdom and United States draft, the United States representative stated that the three countries had endeavoured to make allowance for the fact that foreign news agencies often employed as foreign correspondents nationals of the countries in which they were operating.^{97/}

The representative of the USSR opposed the amendment, as he considered that the functions and privileges of journalists of the country in question were a domestic matter and did not require international action.^{98/}

The Polish representative recalled that the purpose of the Convention was to ensure that foreign correspondents enjoyed equal privileges with correspondents who were nationals of the State in which they were working, and not to secure for national correspondents the special privileges which some countries, including Poland, granted to foreign correspondents.^{99/}

With reference to the scope of the amendment, the United Kingdom representative explained that the term "foreign correspondent" had been deliberately omitted because it had no generally accepted definition. Evidence of that was to be found in resolution No. 6 adopted by the Conference recommending that the Sub-Commission on Freedom of Information and of the Press be requested to study the possibility of obtaining a clear definition of the status of foreign correspondents.^{100/}

In reply to the representatives of Chile and China, who expressed apprehension at the omission of the term "foreign correspondent" from the definition, the United States representative observed that the proposed amendment was not a radical one, since it was concerned with a definition merely for the purposes of the Convention.^{101/}

/The representative

^{96/} See paragraph 77 below.

^{97/} Summary record of the fourteenth meeting of the Committee on Human Rights of the Council, document E/AC.27/SR.14.

^{98/} Ibid.

^{99/} Summary record of the fourteenth meeting of the Committee on Human Rights of the Council, document E/AC.27/SR.14.

^{100/} Ibid.

^{101/} Ibid.

The representative of France, for his part, pointed out the danger of retaining the term "foreign correspondent" in the body of the Convention, as in French, for example, that term could be used to designate either a foreigner working as correspondent of a foreign newspaper or a national working in his own country for a national newspaper but specializing in foreign political questions.^{102/}

76. The USSR representative stated that a foreign correspondent by definition should fulfil three conditions:

1. He should be of foreign citizenship and not a national of the country where he was working;
2. he should be employed by a foreign information agency transmitting news abroad; and
3. he should be the holder of a valid passport or similar document identifying him as a correspondent.

The USSR representative therefore submitted to the Committee's consideration the following text for the definition of a correspondent:

"An individual of foreign citizenship who is employed by a foreign information agency, who is regularly engaged in the collection and reporting of news abroad for publication, and who is duly accredited to one of the contracting States and who is the holder of a duly registered passport (if that is required by the laws of the host country) or of a similar document internationally accepted identifying him as such."^{103/}

This text was rejected by the Committee.

77. The joint French, United Kingdom and United States draft was adopted by 8 votes to 7, with 3 abstentions.^{104/}

(e) General Assembly (third session, part II, April-May 1949)

78. The Third Committee of the General Assembly, which had been instructed to consider the Final Act of the Conference, devoted considerable discussion to the definition of foreign correspondents in the above-mentioned draft convention.

/The question

^{102/} Summary record of the fifteenth meeting of the Committee on Human Rights of the Council, document E/AC.27/SR.15.

^{103/} Document E/AC.27/W.24.

^{104/} This text appears in Article I of the Convention on the International Transmission of News and the Right of Correction. It is quoted in paragraph 108 of the present memorandum.

The question whether the definition should cover nationals working in their own country as correspondents for a foreign agency or only foreigners engaged in such work in that country raised a point of principle, and it was decided to grant the status of foreign correspondents to nationals of the country in question.^{105/}

The Mexican representative remarked that the adoption of that principle was equivalent to giving certain persons the status of foreigners in their own country.^{106/}

The United Kingdom representative maintained that the term "foreign correspondent" ought to mean a person in the employ of a foreign information agency, transmitting news out of the country in which he resided, quite regardless of his nationality. Any other interpretation of the term would tend to create two categories of foreign correspondents and would amount to discrimination.^{107/}

The representative of China pointed out that such a broad interpretation of the term "foreign correspondent" would mean that two categories of citizens would be created one of which would be privileged merely through being employed by a foreign information agency; the representatives of Iraq, Venezuela and India supported this view.^{108/}

The representatives of the Philippines and the Union of South Africa, who favour a broad interpretation, remarked that the primary intention was the free flow of news and that freedom of information would be served by extending the field of application of the convention.^{109/}

/In the Norwegian

^{105/} The Committee took this decision by 22 votes to 17, with 7 abstentions. See Official Records of the General Assembly, third session, part II, Third Committee, 182nd and 183rd meetings.

^{106/} The Mexican representative proposed that the definition of a foreign correspondent should be amended by the addition of the following clause:
"provided, however, that no contracting State shall be obliged to consider any of its nationals as a foreign correspondent under the terms of this Convention."

This amendment (A/C.3/424) was not put to the vote, owing to the decision of principle referred to above.

^{107/} See Official Records of the General Assembly, third session, part II, Third Committee, 183rd meeting.

^{108/} Ibid.

^{109/} Ibid.

In the Norwegian representative's opinion the determining factor in the definition was the nationality of the agency and not that of the correspondent.

The Belgian representative was opposed to the insertion of the word "foreign" before the word "correspondent", as proposed by the Chinese representative. In his view the expression "foreign correspondent" was restrictive, since it seemed to cover only correspondents who were not nationals of the country in which they worked.^{110/}

The text concerning the definition of "correspondent" for the purpose of the Convention, which was referred to the General Assembly by the Economic and Social Council, was adopted by the Third Committee after the drafting had been modified in the interests of clarity.^{111/}

Several delegations reiterated their arguments in favour of a broad or a restrictive interpretation of the term "correspondent", respectively, at the plenary meeting of the General Assembly at which the decisions of the Third Committee were confirmed.^{112/}

It should be noted that, in addition to the definition of the term "correspondent" contained in the draft Convention, the General Assembly had to take a decision inter alia on resolution No. 6 of the Conference. By its resolution No. 277 B (III), the General Assembly referred this resolution without discussion to the Economic and Social Council.^{113/}

B. Action of international professional organizations

79. At present there is no international organization of journalists representing the greater part of the information personnel of the world. Two international organizations representing a number of national federations are entered in the Economic and Social Council's list of non-governmental organizations. They are the International Organization of Journalists and the International Federation of Free Journalists.

/80. The International

^{110/} See paragraph 75 above.

^{111/} The Committee adopted the text as a whole by 31 votes to 8, with 8 abstentions. See Official Records of the General Assembly, third session, part I, Third Committee, 185th meeting.

^{112/} Ibid., 209th, 210th and 211th plenary meetings.

^{113/} See paragraph 2 above.

80. The International Organization of Journalists (IOJ), which has its headquarters in Prague, instituted an international professional card in 1947. This card includes the usual particulars of the bearer's civil status and country of origin, the name of the information organization employing him and the name of the national professional organization to which he belongs. The card is renewable annually; it is printed in three languages (English, French and Russian); it bears the signature of the President and Secretary of the IOJ, who "request all civil and military authorities or public officials as well as private individuals to assist the bearer of this document in the execution of his (her) journalistic duties and to afford him (her) every assistance in any journey he (she) may undertake in the course thereof".

81. In addition to national journalists' trade unions and national organizations, the IOJ admits individual members. Any member of a national trade union or of a national organization which belongs to the IOJ or any individual member has a right to the international journalist's card issued by the Organization.

82. Disciplinary action in the IOJ includes expulsion, with recall of the card, of any individual or collective member who disseminates war propaganda, spreads national or racial hatred, causes international tension or disseminates false or distorted reports. This card does not appear to have been widely used by foreign correspondents.

83. The International Federation of Free Journalists, which has its headquarters in London, extends its membership to any national organization in the ethnic sense of the word consisting of free professional journalists from Central and Eastern Europe and from the Baltic and Balkan countries who accept the ideas and principles of the Organization.

84. At its second congress, held in London in 1949, the Federation considered the institution of an international card to assist the holder in his professional work. The members of the Federation have not yet been supplied with such cards.

85. In various countries, foreign correspondents have formed associations the main purpose of which is usually to facilitate the work of representatives of the foreign press in the country concerned. The statutes of these associations include definitions of foreign correspondents who may become members.

/86. Thus,

86. Thus, there is a Foreign Press Association in the United States, the members of which are defined as follows:

"(a) Professional Newspapermen and women who, in the opinion of the Executive Committee, are active and regular correspondents in the United States of daily or weekly publications of recognized standing, published outside the United States, its Territories and possessions, or of news agencies or of radio stations serving foreign countries, and

"(b) Professional radio journalists who, in the opinion of the Executive Committee, are actively and regularly engaged in the United States in the preparation or supervision of news broadcasts to foreign countries"^{114/}.

87. Article 4 of the statute of the Foreign Press Association in Switzerland contains the following provisions:

".....

"Any professional journalist who is domiciled in Switzerland and who is a regular correspondent of a foreign newspaper or a foreign agency may become a member of the Association.

"Professional journalists who do not reside permanently in Switzerland, but who are accredited to the United Nations Office at Geneva as regular representatives of a foreign newspaper or a foreign press agency may be admitted to the Association."

Article 5 of the statute of the Association reads as follows:

"Anyone whose activities are primarily journalistic and who works permanently and regularly for a daily newspaper, a press agency or a weekly publication shall be deemed to be a professional journalist within the meaning of this statute."^{115/}

88. Foreign journalists in France have also formed two influential associations, L'Association de la presse étrangère de Paris and the Anglo-American Press of Paris.

/89. There is

^{114/} Constitution and by-laws of the Foreign Press Association.

^{115/} Statute of the Foreign Press Association in Switzerland.

89. There is also the United Nations Correspondents' Association, which grants membership to any professional correspondent of a news agency, radio or television organization, newspaper or periodical who is accredited by the United Nations Department of Information, provided that, in the opinion of the Executive Council, the correspondent's professional activities justify his admission.

90. The establishment of a new International Federation of Journalists was considered by the Congress of the International Federation of Editors-in-Chief which took place from 7 to 9 May 1951 at Strasbourg. The Congress appointed a Committee to contact professional press organizations in various countries. The Congress also adopted a resolution advocating the institution of an international professional card.^{116/}

/IV. PART THREE

^{116/} Editor and Publisher, 26 May 1951, p. 22.

IV. PART THREE

PRINCIPLES WHICH MAY BE CONFIRMED BY INTERNATIONAL ACTION RELATING TO
THE DEFINITION AND IDENTIFICATION OF A FOREIGN CORRESPONDENT

91. A clear and precise definition and a uniform and apposite identification of a foreign correspondent would be liable to promote the free international transmission of news for a twofold reason:

- (a) they would enable foreign correspondents to benefit in all countries and in all circumstances by the facilities and privileges granted to them by the acts and usages in force;
- (b) they would enable the administering authorities of the countries of residence of foreign correspondents to distinguish between the latter and persons who are not entitled to claim the facilities and privileges granted to members of the press.

Bearing in mind the above considerations, the purpose of this part of the study is to lay down certain guiding principles with regard to the definition and identification of foreign correspondents based on:

- (a) national practices relating to the status of a journalist;
- (b) international action with regard to the status of a foreign correspondent;
- (c) opinions expressed during an unofficial survey of the subject by certain foreign correspondents carrying on their activities in the United States and previously accredited to other countries.

Separate studies are given below of the problems of the definition and identification of a foreign correspondent.

Section 1. Principles relating to the problem of the definition of the foreign correspondent.

92. This section deals successively with the criteria and the application of the definition of the foreign correspondent.

A. Criteria of the definition of a foreign correspondent

93. The definition of a foreign correspondent should confirm, on the one hand his standing as a journalist and, on the other hand, the factor of his expatriation which characterizes his professional mission.

/1. The foreign

1. The foreign correspondent is a journalist

94. Obviously a distinction must be made between the professional journalist and a person who does not possess that status, both in the case of the international and internal transmission of news. This distinction may be based on various criteria. The main factors to be taken into account would seem to be the following:

First criterion: aims of a journalist's work

95. Under this criterion, a journalist may be defined as a person who is engaged professionally in the collection and reporting of news expressed by the written or spoken word or by image. This definition, which assimilates persons professionally engaged in the information services and employed by a press undertaking to persons employed by a radio, television or newsreel undertaking, creates a distinction between journalists and employees of news organs who perform administrative, technical, publicity and commercial functions.

Second criterion: duration of a journalist's activities

96. Applying this criterion, a journalist may be defined as a person who is professionally engaged, on a permanent basis, in the collection and reporting of news expressed by the written or spoken word or by image.

97. This definition creates a distinction between journalists and occasional or non-professional contributors to a news organ. It determines the professional character of journalism, taking into account the duration of that activity which may be appraised either on the basis of the past or of the future. In the former case, the status of journalist will be ascribed to persons who can prove a certain professional seniority. In the latter case the status of journalist will be ascribed to persons who can show that they have a certain stability of professional activity. It is reasonable that a person should comply with both of these conditions in order to be recognized as a journalist. ^{117/}

Third criterion: source of the journalist's professional earnings

98. Under this criterion, the journalist may be defined as a person who is professionally engaged, on a permanent basis, in the collection and reporting of news expressed

^{117/} In some countries, the definition founded on this criterion lays down the required period of professional activity.

news expressed by the written or spoken word or by image and derives the greater part of his professional income from this activity. This definition creates a distinction between journalists and persons who work for information agencies on an unpaid basis or as a means of supplementing their incomes.^{118/}

Fourth criterion: legal ties binding a journalist to an information enterprise.

99. By virtue of this criterion, the journalist may be defined as an employee of an information agency who is professionally engaged, on a permanent basis, in the collection and reporting of news expressed by written or spoken word or by image and derives the greater part of his professional income from this activity.

100. This definition draws a distinction between the journalist and the owner of an information agency and between the journalist and an official in the service of a public administration which does not possess the characteristics of an information agency. The definition also raises the problem of the status of a person who collects and reports news, not in the service of one or more specific press organs, but on behalf of any information organs which may wish to acquire the professional writings of the person concerned.^{119/}

(a) Definition of a journalist as against the owner of a press organ

101. On the national plane, provisions relating to the definition of a journalist are frequently incorporated in legal, statutory or conventional instruments, the purpose of which is to determine the relations between the journalist and the public authorities, and still more important, between the journalist and his employer. In this case, the main object of defining journalists is to determine what persons are entitled to avail themselves of a series of professional defence measures. This definition of a journalist therefore draws a distinction between the latter and the owner of an information agency. Although the definition can provide a useful factor of appraisal in determining the status of a foreign correspondent, the definition of a correspondent should be regarded mainly from the point of view of his relations with the public authorities of the country of residence.

(b) Definition

^{118/} In some countries, the definition based on this criterion lays down the proportion of the professional income which must be derived from journalistic work.

^{119/} The term used in the French text for "free lance" is correspondant indépendant

(b) Definition of a journalist as against an official of the public administration which does not possess the characteristics of an information agency

102. The above definition draws a distinction between the journalist and an official who may be called upon to collect news and transmit it to information agencies, but who performs this function in the service of a public administration which does not possess the characteristics of an information agency. A distinction might then be drawn between a journalist and an official of the Ministry of Information or of the Press Service of the Ministry of Foreign Affairs in his own country, or an official of the governmental information bureau or the press attache of his embassy, abroad.

103. On the other hand, it does not seem possible to make a distinction between the employee of a private information agency and an employee of an information agency under direct or indirect State control. In that connexion, it may be recalled that radio information networks are, generally speaking, private enterprises on the American continent and semi-public enterprises on the other continents. Thus, if the definition of a journalist is to be adopted universally, it must refer to the legal status of the employee of an information agency, irrespective of the legal nature of the agency itself.

(c) Problem raised by the professional status of the free lance correspondent

104. The proposed definition makes the question of whether or not journalistic status should be ascribed to a free lance correspondent depend on the interpretation given to the expression "employee of an information agency".

1. It may be argued that a person professionally engaged in information services who does not work for one or more specific agencies, but regularly places his articles, broadcast productions or newsreels on the market, does not possess the status of an employee. The contract which binds the free lance correspondent to the successive takers of his professional products relates, not to his work, but to the results of his work; such a contract resembles more articles of partnership, or even a bill of sale, than a labour contract.

/2. Without

2. Without underestimating the weight of the above legal argument, there seem to be grounds for the view that it only partly applies to the complex professional standing of the free lance correspondent. The expression "employee of an information agency" may in fact apply to the free lance correspondent, and it is thus interpreted in certain countries. Like journalists in the service of several press enterprises, free lance correspondents work for "specific" information organs, which are accustomed to accepting their professional work. These organs do not just accept the completed work of the free lance correspondents, but often order articles from them in advance. Thus, the successive takers of a free lance correspondent's work may be said to fulfil the function of his "employers". The free lance correspondent, whose work is acquired and paid for by several information agencies, and the employee of an information agency, whose work is paid for by his firm in order to acquire what he produces, would seem to be comparable in respect of their professional status.

105. National practices with regard to determining the professional status of the free lance correspondent vary greatly. In some countries, the free lance correspondent is assimilated to a journalist employed by an information agency under a labour contract. In others, a distinction is made between a journalist employed by a press enterprise and a free lance correspondent who works "on his own behalf".

106. The above definition leaves an open choice between the two theories of the recognition or non-recognition of a free lance correspondent as a professional journalist.

Conclusion

107. The definition of a journalist based on the four criteria given above might read as follows:

A journalist is an employee of an information agency who is professionally engaged, on a permanent basis, in the collection and reporting of news expressed by the written or spoken word or by image and derives the greater part of his professional income from this activity.

2. A foreign correspondent is a journalist whose professional mission entails expatriation

108. The definition of a foreign correspondent in Article 1, paragraph 4, of the Convention on the International Transmission of News and the Right of Correction reads as follows:

"'Correspondent' means a national of a Contracting State or an individual employed by an information agency of a Contracting State, who in either case is regularly engaged in the collection and the reporting of news material, and who when outside his State is identified as a correspondent by a valid passport or by a similar document internationally acceptable."^{120/}

This definition is divided into two parts. The first part (from "'Correspondent' means" to "news material") relates to the definition of a journalist; the second part (from "and who when outside" to "internationally acceptable") relates to the special status of the foreign correspondent. It will be seen, therefore, that a foreign correspondent is defined as the holder of documentary evidence of his professional status. Criteria are therefore needed on which to base the definition of the professional status of a foreign correspondent.

Only criterion: foreign status of the country of residence
of the correspondent

109. By virtue of this criterion, the foreign correspondent may be defined as a journalist who performs his professional functions in one country on behalf of an information agency which has its headquarters in another country.

110. This definition draws the distinction between the foreign correspondent and the "national" journalist. It also differentiates between the country of residence of the correspondent and the country where his information agency has its headquarters, and not the country of origin of the correspondent. If the nationality of the foreign correspondent is also taken into consideration, three situations are in fact possible.

(a) The correspondent of an information agency which has its headquarters in country A is a national of country A and carries on his activities in country B (the most frequent situation);

/(b) The

^{120/} See paragraph 68 above

(b) The correspondent of an information agency which has its headquarters in country A, is a national of country C and carries on his activities in country B;

(c) The correspondent of an information agency which has its headquarters in country A is a national of country B and carries on his activities in country B.

111. The last-mentioned case gave rise to differences of opinion during the seventh session of the Economic and Social Council ^{121/} and the second part of the third session of the General Assembly. Certain delegations considered that the status of foreign correspondent should be granted to a journalist working in his own country for a foreign information agency, whereas others were of the opinion that only journalists on mission outside their national frontiers should qualify as foreign correspondents.

112. Although the administrative practice of a great majority of countries is to eliminate any distinction between journalists on the basis of their nationality, ^{122/} it was maintained in the Sub-Commission on Freedom of Information and of the Press ~~and~~ at the fifth session of the Economic and Social Council ^{123/} that a journalist working in his own country had wider opportunities to criticize national institutions than a journalist of foreign nationality, who had to maintain a certain reserve with regard to a country which had given him hospitality. ^{124/}

/Certain

^{121/} See paragraphs 72 to 77.

^{122/} Freedom of Information, A Compilation, Vol. I, comments of Governments on question 3 of the request for information, pages 100 to 120.

^{123/} See paragraph 61 above.

^{124/} Mr. Bourguin writes as follows in this connexion (La liberte de la presse, p. 164):

"...A distinction has to be made according to whether the work is carried on in the country itself or abroad and whether it relates to artistic, cultural or political questions. Foreign correspondents residing outside Switzerland play a useful part by adopting a reserved attitude both with regard to our internal policy and to questions of foreign policy."

Certain foreign correspondents, whose views were obtained in an unofficial survey carried out in connexion with the drafting of this memorandum, stated that in the course of their professional careers they had frequently noticed the inequality of treatment meted out by certain countries to journalists of their own nationality on the one hand, and journalists of foreign nationality on the other. These considerations lead to the conclusion that, at the present stage of national institutions and practices, a universally acceptable definition which would ensure uniform status for all journalists working in a country for an information agency with headquarters in another country cannot be based on a criterion derived from the nationality of these journalists. The proposed definition is, on the contrary, based on a criterion which does not lend itself to a variety of interpretations. It should be noted that the above definition does not include any qualification of the foreign correspondent, owing to the opposing theories put forward in the Sub-Commission with regard to the meaning which should be attributed to the words "accredited" and "bona fide".^{125/}

Conclusion

113. It would seem from the foregoing that a foreign correspondent may be defined as follows:

A foreign correspondent is an employee of an information agency which has its headquarters in a country other than that in which he is professionally engaged, on a permanent basis, in the collection and reporting of news expressed by the written or spoken word or by image and derives the greater part of his professional income from this activity.

B. Application of the definition of a foreign correspondent.

114. The Sub-Commission has to consider whether the application of the definition of a foreign correspondent in each individual case can be entrusted, in whole or in part, to a permanent organ, working in collaboration with professional organizations, or to those organizations themselves. It does not seem practicable, however, to request any organ to apply measures for the definition of a foreign correspondent without at the same time entrusting it with the identification of the latter. In view of that consideration, the problem of the organ which might be instructed to apply provisions concerning the status of a foreign correspondent will be dealt with in Section 2 of this part, which relates to the identification of a foreign correspondent.

/Section 2.

^{125/} See paragraph 61 above.

Section 2. Principles relating to the problem of the identification of foreign correspondents.

115. This section will deal in turn with the nature and purpose of measures for identifying foreign correspondents, and with the question of the organ which might be made responsible for applying such measures.

A. Nature of identification measures.

116. As this study has already shown, inter-governmental organs and professional bodies have frequently maintained that the international identification of foreign correspondents would considerably benefit both the foreign correspondents themselves and the authorities of the countries of residence. Nevertheless, the opinion of the information profession is not unanimous on that point.

117. During the unofficial survey in connexion with the drafting of this memorandum, certain foreign correspondents who were questioned on the desirability of instituting measures of identification which would enable them to give official proof of their status were against the adoption of such measures. They gave various reasons for this attitude. They feared, for example, that the correspondent might become dependent on the organ responsible for identification measures, whatever that organ might be; they wished to reduce rather than multiply the number of official documents required in every day life; and they doubted whether it would be feasible to put international measures of identification into practice.

118. Although the majority of foreign correspondents advocated the principle of international identification, this divergence of views should be taken into consideration. Moreover, it should be noted that in many countries journalists have no legal or statutory status and that professional proofs of identity either do not exist or are unofficial and optional. These considerations lead to the conclusion that international measures for identification of the foreign correspondent should not be of a compulsory character. The value that certain representatives of governments and professional groups attach to measures of identification should generalize their use on the basis of the consent of the persons concerned, without the adoption of any measures of compulsion.

/B. Purpose

B. Purpose of means of identification.

119. A consideration of the provisions adopted and planned on the national or international level with regard to evidence of professional status shows that there are two types of means of identification, professional registration and the issue of professional cards. The two measures are often amalgamated, either by issuing to the person concerned a document to certify that he has been enrolled in the professional register, or by including his name in a list of holders of professional cards.

120. There can be no doubt that professional registration could not be regarded as the only, or even the principal, means of identification of a foreign correspondent, who is obliged to travel from one country to another and give frequent proof of his status. The means of identification which seems to be the most practical for foreign correspondents is the issue of professional identity cards.

121. In determining the form which the professional identity card of a foreign correspondent should take, the following specimens could be usefully noted:

- (a) the identity card issued to members of the International Federation of Journalists, slightly altered by the Advisory and Technical Commission on Communications and Transit of the League of Nations, which recommended its use;^{126/}
- (b) the identity card issued to members of the International Organization of Journalists;^{127/}
- (c) various national press cards.^{128/}

The particulars to be shown on the card, the certifications required and the period of validity of the card should be decided.^{129/}

1. Particulars to be shown on the card

A professional identity card for foreign correspondents might well give the following particulars:

/Name

^{126/} See paragraph 55 above; a specimen of the card is annex to this memorandum.

^{127/} See paragraph 80 above.

^{128/} See Part One of this memorandum.

^{129/} See the study regarding the details to be shown on the card and its period of validity which was prepared for the purposes of the Conference (E/CONF.6/11).

Name of bearer

First names

Pseudonym

Date and place of birth

Nationality

Place of residence

Organ of information by which the bearer is employed

Professional speciality

National professional organization

Signature of bearer

Photograph of bearer

Signature of representative of the organ issuing the card

Stamp of the above-mentioned organ

Should the card be instituted by a multilateral convention, a list of the States signatories to the convention might appear in the text of the card.

2. Certifications required

It would be reasonable to include among the formal conditions for the issue of the card a visa of the information enterprise by which the bearer is employed.

On the other hand considerable difficulties might result if the validity of the card were made dependent upon a visa from the administrative authorities either of the country of residence or of the country of origin of the bearer.

3. Period of validity

In fixing the period of validity it should be borne in mind, on the one hand, that it might be difficult for foreign correspondents to comply with excessively frequent formalities and, on the other hand, that an unduly long period between such formalities would destroy any guarantee that the entries on the card corresponded to the facts. Taking these factors into account, provision might be made for a renewal of the card every two years.

C. Body that could be entrusted with the application of measures for identification^{130/}

122. The study of measures for identifying foreign correspondents raises a two-fold question with regard to the body that could be entrusted with the application of such measures:

/(a) Should

^{130/} A body that could be entrusted with the application of measures for identification should also be entrusted with the application of measures regarding the definition of foreign correspondents. See paragraph 70 above.

- (a) Should such a body be created?
 (b) If so, what type of body should it be?

123. The replies to this double question that were received from governmental and professional sources showed a considerable divergence of opinion. Under the terms of the request for information addressed to them by the Secretary-General, the Governments invited to attend the Conference were requested to express their views concerning the establishment of machinery for the issue of international professional cards for news personnel.

Fourteen Governments replied to this question.^{131/} Nine of them favoured the creation of such international machinery.^{132/} Two Governments were opposed to it,^{133/} while three others sent no formal reply to the question.^{134/} Most of the favourable replies contemplated the creation of a body under United Nations auspices. Several of these replies referred to the practical difficulties which the creation of such a body would entail; others advocated the establishment of a professional body; others again suggested the creation of an inter-governmental body.

124. The proposals regarding the creation of international machinery were brought up at the first session of the Sub-Commission on Freedom of Information and of the Press, which placed upon the provisional agenda of the Conference the item: "Consideration of possible continuing machinery to promote the free flow of true information" (preferably within the United Nations).

125. During the discussion of this item at the Conference, the French delegation submitted a draft convention concerning the establishment of an international information council, whose powers would include that of issuing an international professional card for news personnel working abroad. This draft did not meet with a favourable reception and was withdrawn by the French delegation.^{135/} The United States representative declared that the Conference ought to reach "agreement on the establishment of some continuing machinery"^{136/} and proposed that the Sub-Commission should be continued for a period of three years
 /which

^{131/} See the compilation Freedom of Information, Vol.I, chapter XI.

^{132/} Australia, Austria, China, Denmark, India, Iran, Italy, Philippines and Turkey.

^{133/} Argentina and Switzerland.

^{134/} Czechoslovakia, Finland and the United Kingdom.

^{135/} Document E/CONF.6/42 and paragraph 70 above.

^{136/} Summary record of the 11th meeting of Committee IV, Document E/CONF.6/C.4/SR.11.

which would give it a certain degree of permanence. The Conference adopted the United States proposal.^{137/} By adopting resolution No.6,^{138/} the Conference recommended to the Economic and Social Council that the Sub-Commission on Freedom of Information and of the Press should be requested to consider whether it would be advisable to set up a permanent organization and if so what type of organization it should be.

126. In order to provide the Sub-Commission with what it might consider to be a valuable element of appreciation, foreign correspondents were unofficially canvassed for their views on the principle of setting up a permanent organization entrusted with the issue of international identity cards.

127. The majority of the foreign correspondents were of the opinion that an identity card ought to be issued by an international body. Some held that such a body should be an international professional association; others, that it should be an inter-governmental institution; while others maintained that it should be a technical body under the Secretary-General of the United Nations. Regardless of the type of international body envisaged, most of the correspondents said that it should be under the auspices of the United Nations. Many of them, however, questioned the feasibility of establishing such a body. It would seem from the above that, while the creation of an international organization in principle appears to meet the need of a uniform practice in the definition and identification of foreign correspondents, it raises practical difficulties which the Sub-Commission will have to assess when it submits its recommendations on this point to the Economic and Social Council.

/V. CONCLUSION

^{137/} Document E/CONF.6/C.4/6/Rev.1. The United States proposal appears in the form of resolution No.39, in the Final Act of the Conference (E/CONF.6/79).

^{138/} See paragraph 2 above.

V. CONCLUSION

128. In taking a decision on the various measures relating to the professional status of a foreign correspondent, the Sub-Commission might consider, while realizing the interdependence of these measures, that the adoption of some of them should be recommended to the exclusion of others.

129. Accordingly, the Sub-Commission may consider that it should request the Economic and Social Council to recommend States Members of the United Nations to adopt provisions on the definition of a correspondent, but not on his identification.

130. It would seem that, if the Sub-Commission sees fit to recommend to the Economic and Social Council to adopt provisions concerning both the definition and the identification of a foreign correspondent, it should provide at the same time for the establishment of a permanent body responsible for the application of these provisions. Although it is conceivable that evidence of a correspondent's status may be furnished in accordance with national usages and regulations by virtue of a single criterion (in this case, the internationally accepted definition of a foreign correspondent), it is difficult, owing to the diversity or absence of national provisions, to institute an internationally accepted identification document for foreign correspondents without making a central organ responsible for the issue of such documents.

131. According to the solution which it chooses, the Sub-Commission might request the Economic and Social Council:

(a) to recommend Member States to adopt provisions in connexion with the professional status of a correspondent, either by concluding a multilateral convention, or by concluding bilateral agreements, or by including the aforesaid provisions in their internal legislation;
or

(b) to invite national non-governmental professional organizations to form an international association of journalists, managers, directors and proprietors of information agencies, and to make that association responsible for applying the definition of a foreign correspondent and for issuing identity documents to the correspondents.

132. If the Sub-Commission decides that an international professional association should be instructed to determine the status of correspondents and to provide evidence of this status, it might wish that question to be considered by an international professional conference, on the convening of which it is called

/upon to

upon to decide in connexion with the establishment of an international code of ethics^{139/}.

133. If the Sub-Commission decides to convene a professional conference for the preparation and adoption of an international code of ethics, it might recommend that this conference should at the same time consider the possibility of establishing such an international professional association.

134. Should the Council decide to convene an inter-governmental conference or recommend the convening of a professional conference, the consideration by one of these conferences of the measures recommended by the Sub-Commission in connexion with the professional status of foreign correspondents would be justified, apart from its practical advantages, by the fact that the purpose of such measures is to promote the free international transmission of news and, hence, to ensure respect for freedom of information throughout the world.

/ANNEX I

^{139/} The Sub-Commission was instructed by the Economic and Social Council, by virtue of resolution 306 E (XI) to examine the draft international code of ethics prepared at the Sub-Commission's fourth session in the light of comments made by information enterprises and national and international professional associations, with a view to recommending any action it might deem desirable, including "the possibility of convening an international professional conference".

68

ANNEX I

SPECIMEN CARD SUBMITTED BY THE INTERNATIONAL FEDERATION OF
JOURNALISTS TO THE ADVISORY AND TECHNICAL COMMISSION ON
COMMUNICATIONS AND TRANSIT OF THE LEAGUE OF NATIONS, AS
AMENDED BY THE COMMISSION (1929)

/(Recto)

70

The Editor-in-Chief.....

 certifies that Mr.....
 is a permanent member of the staff of this newspaper and as such is
 required to perform duties at.....

 from..... to.....

Signature of Editor-in-Chief

Stamp of the Newspaper

(Space reserved for remarks or stamps
of official authorities)

IDENTITY CARD
 for
 JOURNALIST
 on duty abroad

The exact dimensions of the card should be 20 x 26 cm.

/(Verso)

(Name of international or national organisation)

Theof the (name of national organisation, whether affiliated to an international organisation or not) certifies that Mr.....born at.....ON..... resident at..... of.....nationality, is a journalist by profession and is travelling on duty as such.

Stamp of the Organisation:

Date.....

The.....of the (name of international organisation, or repetition of name of national organisation if not affiliated to an international organisation) requests the national organisations in whose territory the holder of this card travels in the course of his journalistic duties to assist him in obtaining the necessary facilities on the usual conditions.

Signature of President:

Number of card:.....

Stamp of international organisation, or national organisation if not affiliated to an international organisation:

Photograph | Description:
| Height
| (Shape of) face.....
| Hair.....
| Mouth.....
| Distinguishing marks
|

This card is available for one year from.....to.....19...

Signature of Holder:

ANNEX II

ANNEX TO THE CONSTITUTION OF THE INTERNATIONAL INFORMATION COUNCIL
INTERNATIONAL PROFESSIONAL CARD

Draft Regulations

Article 1 - The International Information Council hereby establishes an international professional card for news personnel of the press and radio, and for news cameramen working abroad.

Article 2 - The Permanent Committee of the Council shall decide applications for a card, which shall be accompanied by the following documents:

1. A legalized certificate from the director of the enterprise employing the services of the applicant, specifying that he is called upon to exercise his profession abroad;
2. A certificate from a professional organization (union or association) in relationship with the International Information Council or any other document proving that the applicant draws his main livelihood from the exercise of the profession of journalist;
3. A declaration by the person concerned that he has not been sentenced for libel, false news or violation of the right of reply, in accordance with the criminal law in force in his country;
4. The amount of the fee required for opening the applicant's file;
5. Three copies of the applicant's photograph.

Article 3 - The professional card shall serve as an identification document for the authorities of the countries which have acceded to the Constitution of the International Information Council. It shall entitle the holder to the additional facilities granted by those authorities in conformity with the provisions of Article 20 of the Convention.

Article 4 - The holder of the international official card shall be required, on pain of incurring the penalties laid down in the Convention:

- /1. To respect

1. To respect everywhere and in all circumstances, for the duration of his mission, the general rules of honour customary in his profession, and, in particular, not to use his status or his card to cover activities which are not those of his profession;
2. Not to publish information he has obtained by asserting that he had no intention of making use of it;
3. Not to break undertakings he has entered into in order to obtain information;
4. Not to claim any status or qualifications which he does not possess.

Article 5 - The international professional card shall be valid for the current year only.