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HUMAN RIGHTS IN ARMED CONFLICTS

PROTECTION OF JOURNALISTS ENGAGED IN DANGEROUS MISSIONS
IN AREAS OF ARMED CONFLICT

Report of the Secretary-General

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* A/8760.

I. INTRODUCTION

1. At its twenty-sixth session, the General Assembly had before it a report of the Secretary-General (A/8371 and Add.1 and 2) containing a summary of the relevant developments, since the adoption of General Assembly resolution 2673 (XXV) on the protection of journalists engaged in dangerous missions in areas of armed conflict, during the twenty-seventh session of the Commission on Human Rights and the fiftieth session of the Economic and Social Council, and the action taken by the Secretary-General under Commission resolution 15 (XXVII). The annexes to the report contained, in accordance with Commission resolution 15 (XXVII): (a) the text of the preliminary draft international convention on the protection of journalists engaged in dangerous missions, which had been transmitted to the General Assembly by Economic and Social Council resolution 1597 (L) and Commission on Human Rights resolution 15 (XXVII); (b) the observations received from Governments on the preliminary draft international convention, and the observations made at the first session of the Conference of Government Experts convened by the International Committee of the Red Cross.

2. The Assembly also had before it a note by the Secretary-General (A/8438) transmitting the report of the Working Group established under Commission resolution 15 (XXVII). The document contained the text of a draft protocol relating to the composition and functions of the international professional committee for the protection of journalists engaged in dangerous missions pursuant to article 3 of the preliminary draft international convention, as well as the conclusions and recommendations of the Working Group.

3. At its twenty-sixth session, the Assembly adopted, on 20 December 1971, resolution 2854 (XXVI). In this resolution the Assembly, *inter alia*, invited the Economic and Social Council to request the Commission on Human Rights to consider as a matter of priority at its twenty-eighth session the preliminary draft convention contained in Council resolution 1597 (L), taking into consideration the draft conventions submitted by Australia ^{1/} and by the United States of America, ^{2/} and the observations of Governments (A/8371, annex II; A/8371/Add.1 and 2), as well as all subsequent documents including the draft protocol (A/8438, annex) prepared by the Working Group in accordance with Commission resolution 15 (XXVII). The Assembly further requested the Commission to transmit its report to the Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts at its second session scheduled in May-June 1972, in order that the International Committee of the Red Cross might submit its observations to the General Assembly at its twenty-seventh session. In the same resolution, Governments were invited to transmit their observations on the part of the report of the Commission on Human Rights on its twenty-eighth session relating to this question. The Secretary-

^{1/} Official Records of the General Assembly, Twenty-sixth Session, Annexes, agenda item 49, document A/8589, para. 26.

^{2/} Ibid., para. 27.

General was requested to submit the replies received and an analytic report on those replies to the General Assembly at its twenty-seventh session. The Assembly also decided to examine the question as a matter of the highest priority at its twenty-seventh session, taking into consideration the recommendations transmitted to the Assembly by the Economic and Social Council.

II. CONSIDERATION BY THE COMMISSION ON HUMAN RIGHTS

4. At its twenty-eighth session, the Commission considered this question at its 1165th, 1166th and 1168th to 1176th meetings held between 24 March and 3 April 1972. The Commission adopted, at its 1175th meeting, resolution 6 (XXVIII) which approved as the basis for further work the draft articles of the international convention on the protection of journalists engaged in dangerous professional missions in areas of armed conflict, the text of which is reproduced in annex I to this report. The Commission also decided to transmit the resolution and the draft articles of the international convention, as well as all other relevant documents containing drafts or amendments that were submitted during that session, to the second session of the Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts in order that they might be brought to the notice of that Conference for its observations. The Commission recommended a resolution for adoption by the Economic and Social Council.

III. CONSIDERATION BY THE ECONOMIC AND SOCIAL COUNCIL

5. At its fifty-second session, the Economic and Social Council adopted on 2 June 1972 resolution 1690 (LII) as recommended by the Commission on Human Rights in resolution 6 (XXVIII). By resolution 1690 (LII), the Council transmitted to the General Assembly: (a) the draft articles of the international convention on the protection of journalists engaged in dangerous professional missions in areas of armed conflict as approved by the Commission at its twenty-eighth session as the basis for further work; (b) the proposed amendments and the records of the discussion at that session of the Commission; and (c) the relevant observations submitted by the Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts.

IV. ACTION TAKEN BY THE SECRETARY-GENERAL

6. In pursuance of General Assembly resolution 2854 (XXVI) and Commission on Human Rights resolution 6 (XXVIII), the relevant documentation relative to the question of the protection of journalists engaged in dangerous professional missions in areas of armed conflict was communicated on 12 April 1972 to the International Committee of the Red Cross for transmittal to the second session of the Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts. During the Conference, which was held from 3 May to 3 June 1972, this question was assigned to Commission III for consideration. The Commission devoted its 9th and 10th

meetings, held on 12 May 1972, to consideration of this matter. The observations by the experts are contained in the extract from the report of the Commission which is reproduced in annex III to this report.

7. In implementation of paragraph 3 of General Assembly resolution 2854 (XXVI), the Secretary-General, in a note dated 31 May 1972, drew the attention of Governments to chapter V of the report of the Commission on Human Rights on its twenty-eighth session, 3/ to Commission resolution 6 (XXVIII) and to the relevant drafts or amendments mentioned in chapter V of the report. Governments were invited to transmit, if possible before 15 July 1972, their observations on the above-mentioned documentation.

8. In paragraph 5 of resolution 2854 (XXVI), the General Assembly requested the Secretary-General to submit the replies received and an analytic report on those replies to the Assembly at its twenty-seventh session. As of 31 August 1972, five replies had been received and they are reproduced in annex II to this report. In view of the very limited number of replies so far, the analytic report on all replies received, together with any additional replies, will be issued as an addendum to this report.

3/ Official Records of the Economic and Social Council, Fifty-second Session, Supplement No. 7 (E/5113).

ANNEX I

DRAFT ARTICLES OF THE INTERNATIONAL CONVENTION ON THE PROTECTION OF
JOURNALISTS ENGAGED IN DANGEROUS PROFESSIONAL MISSIONS IN AREAS OF
ARMED CONFLICT

Article 1

The provisions of this Convention shall extend to journalists who hold the card provided for in article 4 below and subsequent articles while engaged in dangerous professional missions.

Article 2

For the purposes of the application of this Convention, the word "journalist" shall mean any correspondent, reporter, photographer, film cameraman or press technician who is ordinarily engaged in any of these activities as his principal occupation and who, in countries where such activities are assigned their particular status by virtue of laws or regulations, have that status (by virtue of the said laws or regulations).

The words "dangerous professional missions" shall cover any professional activity exercised by a journalist carried out in an area where there is armed conflict, whether or not of an international character, for the purpose of collecting information, photographs, films, sound recordings or any other material and disseminating them through media of public information.

The term "armed conflict", whether or not international, refers to the conflict defined in the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and in all protocols to that Convention ratified by States parties to this Convention.

Article 3

There shall be established an International Professional Committee composed of nine members appointed by the Secretary-General of the United Nations in consultation with the Chairman of the Commission on Human Rights, with due regard for the principle of equitable geographical distribution and with the establishment of an equitable balance among the various information media. The Secretary-General shall be represented in that Committee.

The Secretary-General shall invite the International Committee of the Red Cross to participate in the work of the Committee as an observer.

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Article 4

The International Professional Committee shall make regulations prescribing the form, contents and conditions for the issuance and the withdrawal of the card.

A journalist who is engaged in a dangerous mission may hold the above-mentioned card.

The Committee shall inform all States parties to the Convention of the form, contents and conditions for the issuance and the withdrawal of the card and an exact description of the distinguishing emblem provided for in article 9.

Article 5

The card shall certify the status of the journalist and shall indicate the occupation that gives him the right to that status within the meaning of article 2 above. It shall also state his name, date and place of birth, habitual residence and nationality, and shall bear his photograph, his signature and the distinguishing emblem provided for in article 9.

The card shall be issued for the execution of a dangerous professional mission in a specified geographical area where there is an armed conflict and shall be valid for a period of 12 months from the date of issue. It may be renewed on the same terms provided its holder retains the status of a journalist.

The authorities responsible for the issuance of the card shall communicate without delay to the International Professional Committee the names and all other relevant personal data of journalists to whom cards have been issued. In the case of withdrawal of a card from a journalist, such withdrawal shall also be communicated immediately to the International Professional Committee. The latter shall establish and maintain an up-to-date register of journalists who hold cards.

Article 6

The competent authorities of the States parties to this Convention shall be responsible for the issuance, authentication, renewal and, where necessary, withdrawal of the card.

The card may be issued only to a journalist who is a national of the State party to this Convention that issued the card or who is under its jurisdiction.

Article 7

The States parties to this Convention and, as far as possible, all parties to an armed conflict in the territory of a State party to the Convention shall

recognize a duly authenticated and current card and the distinguishing emblem provided for in article 9, and they shall give effect to them as required by this Convention.

States parties to this Convention shall give wide circulation to the model of the card and to the distinguishing emblem provided for in article 9.

Article 8

A journalist who holds a card and who is engaged in a dangerous professional mission shall produce the card when necessary to secure the protection of this Convention.

A journalist who holds a card may wear the distinguishing emblem described in article 9.

Article 9

There shall be a distinguishing emblem, which shall consist of the letter J in black on a gold circular background. The emblem shall be displayed on the left upper arm in such a way that it shall be clearly visible at a distance.

Article 10

The States parties to this Convention and, as far as possible, all the parties to the conflict in the territories of a State party to the Convention, having identified a journalist as one who holds a card, shall:

(a) Do all that is necessary to protect him from the danger of death or injury or from any other danger inherent in the conflict and in the conduct of all parties to the said conflict;

(b) Inform him to the extent compatible with military requirements of the areas and circumstances in which he may be exposed to danger;

(c) Recognize, in case of internment, that the regulations for the treatment of internees set forth in articles 79 to 135 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, shall apply;

(d) Ensure that, if a journalist who holds a card is killed or injured, falls seriously ill, is reported missing, or is arrested or imprisoned, the information concerning the said journalist is communicated forthwith to his next of kin or to the State party that issued the card, or ensure that the said information is made public. This information may be communicated through all appropriate media, in

the quickest and most effective manner and, preferably, through the International Committee of the Red Cross or the Secretary-General of the United Nations, in order that the International Professional Committee may be informed without delay.

When undertaking dangerous professional missions in an area where there is a conflict within the meaning of article 2, journalists have the right to protection from an immediate danger resulting from hostilities only to the extent that they shall not expose themselves to danger without needing to do so for professional reasons.

Article 11

Each State party to this Convention shall use its best endeavours to ensure that the provisions of this Convention are observed.

Article 12

The application of this Convention shall have no legal effect under international law on the situation of the parties to a conflict.

Article 13

This Convention shall not affect the sovereignty of States in so far as concerns national laws with respect to the crossing of frontiers or the movement or residence of aliens.

Possession of a card shall not confer on a journalist any right or privilege save and except as prescribed by this Convention. It implies that the journalist to whom the card is issued shall undertake to use it only for his personal safety and therefore not to interfere in the domestic affairs of States to which he proceeds, and not to engage in any activities which may involve a direct or indirect participation in the conduct of hostilities in the area where the dangerous mission is being undertaken.

Article 14

None of the provisions of this Convention shall affect the provisions of the Geneva Conventions of 12 August 1949, or any protocols to those Conventions.

ANNEX II

REPLIES RECEIVED FROM GOVERNMENTS

AUSTRALIA

/Original: English/

18 July 1972

Australia believes that the international community has a major interest in the free dissemination of news and information, and that it is therefore of considerable value that bona fide journalists should have access to information of public interest, particularly in areas of armed conflict. It is, however, increasingly evident that journalists often face considerable dangers in their work in such areas, and Australia believes that, since their work is of benefit to the international community, they are entitled to special protection by that community.

Accordingly, Australia has supported proposals for a convention for the protection of journalists engaged in dangerous professional missions in areas of armed conflict. This is not to suggest that the obligations of all States towards civilian populations should in any way be weakened, but simply to recognize that journalists are often required by the special nature of their work to be present in areas of activity dangerous to their safety.

Australia does not intend to propose at this stage any further amendments to the draft Convention prepared in the Commission on Human Rights at its twenty-eighth session as a basis for further work. It will however continue to take a close interest in further developments and will be active in the work of drawing up an effective convention acceptable to all Members of the United Nations.

BHUTAN

/Original: English/

1 June 1972

The Royal Government has no comments to offer on the subject.

MOROCCO

/Original: French/

14 July 1972

The following considerations might be taken into account in the draft Convention:

- (1) The concept of danger should be extended to missions carried out in areas affected by earthquakes, fires, floods and epidemics;
- (2) With regard to the safe-conduct card, provision should be made for:
 - (a) Cards of different colours according to the status of the journalist and the nature of his mission;
 - (b) The bearer's blood group, the correct address of the person or organization to be notified in case of accident and, if possible, the number and type of the bearer's personal insurance policy.

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PAKISTAN

/Original: English/

3 April 1972

The draft international agreement on the protection of journalists engaged in dangerous missions has been duly considered by the Government of Pakistan and it is felt that it contains no provision which may be against the interest of the country. Therefore, so far as the Government of Pakistan is concerned, it has no further comments to make on the said draft.

SPAIN

/Original: Spanish/

31 July 1972

The Spanish Government has already had occasion to express its views on this question in its observations on the preliminary draft contained in document E/CN.4/L.1149/Rev.1 (which were reproduced in document A/8371, annex II) and in the statement by the Spanish representative in the Third Committee of the General Assembly at its twenty-sixth session (summarized in the record of the 1897th meeting).

The Spanish Government reaffirms its view that an international agreement ensuring the protection of journalists on dangerous missions would constitute a valuable contribution to international information activities and to the protection of human rights in armed conflicts. The international community has an undeniable need for information on the respect actually shown for humanitarian law in armed conflicts. If it had objective information on events which occurred, the international community would have a sound basis for exercising moral pressure with a view to the application of the principles of humanitarian law.

The new draft articles, approved by the Commission on Human Rights in its resolution 6 (XXVIII) "as the basis for further work", merit a positive appraisal in general and represent an undoubted improvement on the previous texts. However, the Spanish Government considers it appropriate to formulate certain observations on them, in a constructive spirit and in a desire to obtain a generally acceptable instrument.

Article 1. In order to define the scope of the Convention, it is necessary to specify whether the dangerous professional missions relate only to armed conflict (whether or not international) or include internal disturbances. If they relate only to armed conflict - and that appears to be the conclusion to be drawn from draft article 2 - that fact must be specified. After the word "missions", the words "in areas where armed conflicts is taking place" might be added.

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As to the card, on which more is said below, it could be referred to as "the card established and regulated by this Convention". Perhaps a reference could also be made to the distinguishing emblem mentioned in articles 7, 8 and 9.

Article 2. For greater clarity, this article should be divided into subparagraphs (a), (b) and (c) with the opening phrase: "For the purposes of the application of this Convention".

The third of these subparagraphs should be redrafted because: (a) the Geneva Conventions of 1949 do not "define" conflict whether or not international; (b) the concept of armed conflict, whether or not international, cannot depend on the ratification of any protocols to the Geneva Conventions. The following text is suggested: "The term 'armed conflict' whether or not international, refers to the armed conflict to which the Geneva Conventions of 12 August 1949 and the protocols annexed thereto apply".

Articles 3 and 4. There are serious doubts regarding the need for the establishment of the "International Professional Committee", whose sole function is to make regulations prescribing "the form, contents and conditions for the issuance and the renewal of the card". That could all be regulated in the Convention itself.

The second and third paragraphs of article 4 are particularly infelicitous. It would appear that the journalist will have to hold the card (there is no need to repeat that the journalist must be engaged "in a dangerous mission", in view of the definition of "journalist" for the purposes of the application of the Convention in the first paragraph of article 2). As to the provision that "the Committee shall inform all States...", the question is how it will do so and whether it is not therefore better if States, by the fact of participating in the Convention, accept "the form, contents and conditions for the issuance and the withdrawal of the card".

Article 5. The data given on the card (first paragraph) should also include an indication of the information medium which the journalist represents (press, radio, television or film) and of its head office.

Questions which require reconsideration are whether the card shall be issued for the execution of the professional mission "in a specified geographical area" and whether the period of its validity must be "12 months" (second paragraph). The expression "specified geographical area" is extremely vague, and the conflict may quickly spread from one area to the other. The prescribed period of validity may impede the execution of the mission.

Article 6. It would appear that this article should precede article 5 (for reasons of logic) or should form the first part of that article. The words "or who is under its jurisdiction" (second paragraph) may give rise to all kinds of doubts and could be deleted.

Articles 7, 8 and 9. Could be redrafted or placed in logical order.

The letter J in the distinguishing emblem (article 9), which has presumably been chosen because it is the initial of the word "journalist" in English and French, does not have the same connotations in Spanish and other languages. It might be preferable to choose the letter I ("information") or P ("press") which are common to a greater number of languages.

Article 10. Subparagraph (a) of the first paragraph appears to be redundant. With regard to subparagraph (c), the internment regulations set forth in articles 79 to 135 of the Fourth Geneva Convention may be difficult to apply. Furthermore, it should be indicated when internment is not in order and the journalist must accordingly be released.

In the second paragraph, the words "area where there is a conflict within the meaning of article 2" can be replaced by the expression "area of armed conflict", which is more concise and more consistent with the title and article 2 of the Convention.

This article should be reviewed and it (or another article) should indicate more precisely than in article 13 the obligations of the journalist and the penalties he may incur if he does not fulfil those obligations.

Article 11. This article appears to be superfluous and could therefore be deleted.

Article 13. It might be appropriate to add a sentence to the first paragraph spelling out the right of each State Party to grant or deny requests for access to specified danger-points on the same terms as apply to its own journalists.

ANNEX III

EXTRACT FROM THE REPORT OF COMMISSION III OF THE CONFERENCE OF GOVERNMENT
EXPERTS ON THE REAFFIRMATION AND DEVELOPMENT OF INTERNATIONAL HUMANITARIAN
LAW APPLICABLE IN ARMED CONFLICTS

(SECOND SESSION)

/Original: French/

Protection of journalists engaged in dangerous missions

- 3.73 The Commission devoted two meetings (its 9th and 10th meetings on Tuesday, 12 May) to the consideration of the protection of journalists engaged in dangerous missions, which had already been the subject of two meetings at the first session of the Conference of Government Experts (see the report on the first session, paras. 507-515).
- 3.74 In resolution 2854 (XXVI), adopted in December 1971, the United Nations General Assembly requested the Commission on Human Rights to transmit its report covering this matter to the Conference of Government Experts at its second session in order that the International Committee of the Red Cross would be in a position to submit the observations of the Conference to the twenty-seventh session of the United Nations General Assembly. In compliance with that request, the International Committee of the Red Cross placed that item on the agenda of the second session and, at the beginning of the Conference, the experts were given the relevant documentation produced by the United Nations, which included an extract from the report on the twenty-eighth session of the Commission on Human Rights (March 1972) and Commission resolution 6 (XXVIII), to which were annexed the "Draft articles of the International Convention on the Protection of Journalists Engaged in Dangerous Professional Missions in Areas of Armed Conflict" (hereinafter abbreviated to "draft International Convention").
- 3.75 The item was introduced by the representative of the Secretary-General of the United Nations, who began by recalling the development of the work on the subject in United Nations bodies that had resulted in the draft articles approved by the Commission on Human Rights as the basis for further work. He then briefly outlined the various aspects of the draft International Convention which had been submitted together with other documents for consideration by the experts, indicating on what points that draft differed from the text submitted to the first session of the Conference of Government Experts.
- 3.76 In the ensuing discussion, some experts questioned the need to grant special protection to journalists engaged in dangerous missions. In their opinion, the granting of special protection to an increasing number of categories weakened the general protection due to the civilian population, from which

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journalists also benefited unless they were war correspondents within the meaning of the Third Geneva Convention. In order to improve the situation, it was first of all necessary to ensure that the existing law was respected. Consideration might if necessary be given to expanding the provisions relating to war correspondents or to inserting appropriate clauses in the Additional Protocol to the Geneva Conventions. One expert made the further point that journalists ran risks voluntarily and that their situation was therefore very different from that of the persons protected by the Geneva Conventions, who were unwilling victims of circumstance.

- 3.77 Those experts added that, if a majority of States were nevertheless in favour of granting special protection to journalists, their own Governments would co-operate in drawing up a suitable convention, provided the latter was applicable and appropriate, which they did not feel could be said at the moment of the draft articles produced by the Commission on Human Rights. In that connexion, they made a number of critical comments on the draft International Convention, which are summarized below together with the comments of other experts on the various articles of the draft.

The majority of the experts who spoke on the subject, however, were in favour of granting special protection to journalists engaged in dangerous missions and thought it should be done by means of a special convention. They put forward two arguments in support of that opinion: in the first place, it was in the interest of world public opinion that events connected with armed conflicts should be open to the widest possible information gathering and reporting; secondly, such information and the presence of journalists on the spot could contribute to the more effective implementation of humanitarian law relating to armed conflicts. It was therefore in the interest of the international community that journalists exposed themselves to risks, and if certain measures such as the granting of an identity card or of a distinguishing emblem could lessen those risks or avoid casualties among members of the profession, that opportunity to offer them added safeguards should not be overlooked. The experts did not see that as weakening the general protection afforded to civilian populations.

- 3.77a One expert proposed, as an alternative, that the question be approached as indicated in United Nations document E/CN.4/L.1199 and Corr.1, which was referred to in resolution 6 (XXVIII) of the Commission on Human Rights.
- 3.78 A representative of the International Committee of the Red Cross stated that it was in that spirit that his organization, although opposed to the proliferation of categories to be accorded special protection, had collaborated and continued to collaborate in the United Nations studies carried out in that field. Because of the complex nature of the problem, it seemed preferable to draw up a special convention rather than try to deal with the question in the Additional Protocol to the Geneva Conventions. It would, however, be desirable for the relationship between that special instrument and the Geneva Conventions, as well as the Additional Protocols, to be clearly established, and the draft produced by the Commission on Human Rights might be improved upon in that regard.

- 3.79 In addition to the opinions expressed about the actual principle of granting special protection to journalists engaged in **dangerous** missions, some experts commented on the substance of the draft International Convention. Several of them stressed that their comments were nevertheless of a general nature since they had had little time to study the relevant documents and also because it appeared to some of them that the subject fell mainly within the competence of United Nations bodies. For those reasons, all comments were made orally and no written amendments were submitted. In that connexion, one expert suggested that the basis for the United Nations studies on protection for journalists (namely, the right to information set forth in article 19 of the Universal Declaration of Human Rights) was very different from the basis for the work of the Conference of Government Experts (humanitarian law); the only point at which the two lines of work coincided was article 10 of the draft Convention, and it was in regard to that article that the views of the Conference would be particularly valuable.
- 3.80 In connexion with article 2 of the draft International Convention, some experts suggested that the third paragraph should refer not only to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, but to all four Geneva Conventions of 1949. One expert pointed out that the said article related to the Geneva Conventions as a whole, and not to the Fourth Convention alone.
- 3.81 With reference to articles 3 and 4 of the draft International Convention, which dealt with the International Professional Committee, some experts pointed out that the functions of that Committee had been considerably restricted as compared with those defined in the previous text, so much so that it might be asked whether that body was still required or whether it might not be preferable to include in the Convention itself or in an annex a model identity card and the procedures for issuing cards. In that regard, two experts suggested deleting all provisions concerning the International Professional Committee. It was also pointed out that no provision had been made for financing the Committee and that its expenses should not be borne by the United Nations. Finally, in the opinion of two experts, the powers of the Committee should not infringe on freedom of the press as understood in their country.

As to article 5, the idea of issuing a card for a specified geographical area where there was an armed conflict, which appeared in the second paragraph, was seen by three experts as having drawbacks: it might lead to a situation where authorities must take a position on the existence of an armed conflict, which in many cases they would refuse to do; moreover, what would happen if the conflict were to spread beyond the geographical area for which the card was valid? It would be preferable to find a more general formulation. Comments were also made on the 12-month period of validity of the card; it should be possible to withdraw the card, if necessary, before the expiry of that period or, in other cases, to extend its validity beyond the stated period.

- 3.82 In regard to article 6, one expert proposed that, to avoid the granting of "cards of convenience", it should be stipulated that journalists should be habitually resident in the State whose authorities issued the card.
- 3.83 With respect to article 8, some experts were of the opinion that carrying the card should be made compulsory, and not merely optional, as in the draft International Convention.
- 3.84 The principal comments were directed at article 10. Some experts found it too detailed, difficult for the military authorities in question to apply and contradictory in so far as subparagraph (a) and the last paragraph were concerned. In that connexion, in order to establish the protection to which journalists were entitled, some experts preferred the approaches embodied in the amendments submitted to the Commission on Human Rights by the United Kingdom (E/CN.4/L.1203) or by the United States (E/CN.4/L.1205). One expert, who was also in favour of simplifying the article, suggested taking as a model, mutatis mutandis, the provisions of article 68 of the Protocol, which related to civil defence personnel and showed more clearly the two main aspects of the protection to be granted.
- 3.85 Subparagraph (c) of article 10 (application of articles 79 to 135 of the Fourth Geneva Convention to interned journalists) also gave rise to comments: application of those articles seemed to some experts to be all but impossible in the case of internal conflicts, and even in the case of international conflicts; on the other hand, application of certain of the articles (especially those relating to the Protecting Power) did not provide the necessary allowance for the fact that the journalists in question would in some cases be nationals of co-belligerent or neutral countries.
- 3.86 Some experts considered article 11 to be superfluous.

As to article 13, two experts held that the draft International Convention should state more clearly the obligation on the part of journalists to comply with the instructions of the military authorities, as was done in the draft amendments submitted to the Commission on Human Rights by the USSR (E/CN.4/L.1208).

- 3.87 In the same connexion, one expert stated that the Convention should place emphasis not only on the rights of journalists, but also on their duties in so far as the objectivity of the information they transmitted was concerned. Regarding journalistic ethics, a representative of the International Committee of the Red Cross also drew attention to the fact that, according to the Geneva Conventions, the human dignity of victims of conflicts should be spared from public intrusion and that that aspect might also be covered in the draft Convention.
- 3.88 Some experts referred primarily to additional points for incorporation in the draft International Convention. The draft Convention made no mention of sanctions to be imposed on journalists in the event of violation of its provisions. One expert and the representative of the International Committee

of the Red Cross suggested that the draft Convention should provide a clearer exception for war correspondents already covered by the Third Geneva Convention in order to avoid any ambiguity as between the two instruments; the draft Convention should also specify that it did not in any way diminish the protection to which journalists without identity cards were entitled under the general rules of humanitarian law concerning the protection of civilians.

- 3.89 Replying to some of the preceding criticisms, one expert observed that the draft International Convention struck a balance between the indisputable interests of journalists and the requirements of the sovereignty of States, of which account had been taken in articles 6, 11 and 13 of the draft.

In closing the debate, the representative of the Secretary-General, without wishing to appear as a champion of the draft International Convention, nevertheless recalled that the idea of the convention had been approved by the majority of the Members of the United Nations and that it met a specific and truly humanitarian need; while some journalists were prepared to run risks in all circumstances and without even availing themselves of the guarantees envisaged in the proposed Convention, others considered that their work would be facilitated if they had an appropriate identity card and distinguishing emblem. At any rate, he considered that the debate in Commission III provided a body of commentary which would be very useful in the subsequent work of United Nations bodies and in making the improvements in the draft International Convention which were desired by many experts.

Several experts expressed their approval of the draft Convention.
