

Global Provisions for Media Regulation Basic Rules to Regulate Mass Media Roles within Societies

القواعد الشاملة للضبط الإعلامي
الأحكام الأساسية لتنظيم دور وسائل الإعلام في المجتمعات

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Abstract:

This paper entitled “ *Global Provisions for Media Regulation: Basic Rules to Regulate Mass Media Roles within Societies* ’’, will be dealing, firstly with the international documents relating to the performance of the mass media, and, secondly with the most universal legal standards. In the third part, it will be question of looking at how those universal standards are reflected at a national level in some countries by examining contents of codes of ethics and some relevant professional instruments. This approach might lead to rethinking the roles of the Mass Media as a whole and particularly the New Media in shaping communication spaces in the e-World and the e-Societies, networked or in networking. How the new and old media could contribute in setting up a political,

informational, cultural and economic best environment?

Key Words: Mass Media, New Media, Media Regulation, Legal Rules, Code of Professional Ethics

ملخص:

تستهدف الورقة البحثية الموسومة بـ "القواعد الشاملة للضبط الإعلامي: أحكام أساسية لتنظيم دور وسائل الإعلام الجماهيرية في المجتمعات" معالجة، أولاً، الوثائق الدولية المتعلقة بأداء وسائل الإعلام الجماهيرية، وثانياً، المعايير القانونية الأكثر شيوعاً على الصعيد الدولي. وفي الجزء الثالث، سيكون الأمر متعلقاً بالنظر في كيفية انعكاس هذه المعايير العالمية على المستوى المحلي في بعض البلدان من خلال فحص محتويات مدونات قواعد السلوك وبعض الأدوات المهنية ذات الصلة. قد يكون من شأن هذه المقاربة أن تسهم في الدعوة إلى إعادة التفكير في أدوار وسائل الإعلام ككل وخاصة الوسائط الجديدة، في تشكيل فضاءات الاتصال في العالم الإلكتروني والمجتمعات الإلكترونية المشبكة والجاري تشبيكها من خلال ضبط السبل التي يمكن لوسائل الإعلام القديمة والجديدة أن تساهم في تهيئة أفضل بيئة ممكنة سياسياً، إعلامياً، ثقافياً واقتصادياً؟

كلمات مفتاحية: وسائل الإعلام الجماهيرية، الوسائط الجديدة، الضبط الإعلامي، قواعد

قانونية، مواثيق الشرف المهني.

Introduction- Since the beginning of the twentieth century; various attempts have been made to establish universal principles through international organizations and specialized agencies such as the League of Nations and the International United Press Associations (IUPA). Attempts, like these, have covered areas of universal interests, political, economic, cultural, scientific and information fields.

As a main source of information, Mass Media are of great importance regarding their potential impact on international relations. Mass Media in general terms, cover all forms of communication, printed and electronic, as well as the types of information transmitted (News, Films, Documents, Fictions...). They have been the subject of more or less binding measures taken by international, regional, or professional organizations, such as the United Nations Organization, Unesco, European Conference on Security and Cooperation, and journalistic institutions (IUPA, IFJ, IOJ...).

One of the recent works in this field is the Mass Media Declaration of the Unesco (1978) and the Mexico Declaration (1981) signed by various professional organizations. These documents are seen as achievement of the dead NWICO movement. Nordensrcng, for instance, has drawn a conclusion from the first initiative, saying that "One of the most significant consequence of the Mass Media Declaration of Unesco will be probably the development of what It can be called international law of communication"(1). This law expressing relationships between communication including journalism on the one hand and, the principles and rules of international law on the other hand, has to a large extent, been discovered and inspired by the Unesco Declaration.

Academics have also been interested in this field and have focused their attentions upon freedom of information, foreign propaganda and free flow of information across national borders. In the early 1950's, for instance, Eek was interested in "Freedom of information as a project of international legislation"(2), and in 1975 and 1978 Kleinwschter dealt respectively, with "*International Legal Aspects of Direct TV Transmission from Satellite*", and "*Journalism and Responsibility in International Relations*"(3). Other academics from the United States (e.g., Gross, Whiton, Larson) and the defunct Soviet Union (e.g., Georgi, Arabatov and Yuri Kolossov) have also contributed to attempts to define universal principles governing the use of the Mass

Media.

The last academic study is the analysis of the Unesco Declaration itself⁷ made in 1984 by Nordenstreng and Hannikaincn in the light of international humanitarian law.

1.1- International Instruments Relating to the Mass Media

By the above title, is meant all the basic formal documents of international organizations or those subjected to multilateral or bilateral agreements related directly or indirectly to the field of information and mass communication. This inventory of regulatory materials is aimed at showing the increasing importance given by the international community to the mass media. It is also intended to provide reference points for the universal standards of the mass media which constitute a source of international law of communication. This perspective of international law of communication is thought to be of great importance, because, as Nordenstreng says, "It may turn out to be revolutionary in the long run because of⁸ the influence it can have on fundamental thinking on the role of journalism a much influence than over-politized controversies can have."⁽⁴⁾

Naturally, there are several aspects of international law governing mass communication such as post and telecommunications, transfer of education, scientific and cultural material, and freedom of information and content of communication. As the controversial debate over the NWICO turns upon the freedom of information and the content of communication, discussion here is limited to a considerations of the two latter aspects.

It is common for writers of international law to distinguish between different types of international treaties that contain some basic instruments setting up universal standards for the performance of the mass media. Sinclair, for instance, in his book, "The Vienna Convention on the Law of Treaties», quotes three types of regulatory instruments:

1. Treaties which are effectively (formally) universal, such as the Charter of the United Nations and the charters of several specialized organizations of the UN.
2. Conventions and covenants which have been ratified by a majority of states. A good example of this kind of instrument is the UN Covenants on Economic, Social and Cultural, and on Civil and Political Rights, booth adopted by the General Assembly in 1966.
3. Regional and bilateral agreements such as the Final Act of the Conference on Security and Cooperation in Europe (1975), and agreement between two or more states.

It is clear that Sinclair, as an international jurist, is interested particularly, in

instruments that are legally binding on states. These treaties are seen as the main sources of international law according to Article 38 of the International Court of Justice(5).

Brownlie, another international law writer, states that treaties as a formal source of international law "create rules of general application which are legally binding on the addressees"(6). A state usually becomes a party of a treaty by ratifying it, and the State must observe treaties to which it is a party in good faith.

The result of being a party of a treaty is clearly expressed as the consequence transgression that brings about the responsibility for the breach and the obligation for reparation. In general, as Nordenstreng quotes, "A state cannot withdraw from its obligations except with the consent of the other parties to the treaty" (7).

Besides these binding instruments, there are others that can be considered as sources of universal standards, but are not binding on states. These are declarations and resolutions adopted by international organizations. The statute of international Court of Justice does not include them as a source of international law. These instruments which are merely recommendations can, however be of 'a particular juridical significance, under special considerations.

Theorists such as Asamoah and Castaneda(S), who have addressed themselves to questions of international law, sum up those considerations in the following points:

If a declaration or a resolution has been unanimously adopted, and

If the text deals with rules of international law or with the basic principles in certain domain and has been worded in a legally obligatory form (words like "States shall refrain from" are used), or,

If a declaration or a resolution is intended to interpret or clarify a stipulation of the UN Charter or other multilateral convention, one can speak of a unanimously adopted clarification of an existing rule, and

If states subsequently refer to a declaration as an important and binding instrument and generally observe it.

A good example of this process, is the 1970 UN General Assembly Declaration on principles of International Law Concerning Friendly Relations and Cooperation among states in accordance with the Charter of the UN. Indeed This declaration was:

"Firstly, adopted without opposition, and

"Secondly, it gives a more explicit definition of the basic principles of the United Nations Charter (Cooperation and friendly relations between states, and

"Thirdly. its text has been written in binding form, and

"Fourthly, it declares that the defined principles of the UN Charter are basic principles in international law"(9).

Other examples of similar instruments, would include the 1960 Decolonization Declaration, the 1974 Definition of Aggression and the 1945 Universal Declaration of Human Rights which is clearly reflected in the two extensive UN human rights covenants adopted in 1966 concerning respectively, economic, social and cultural, and civil and political rights.

In addition to treaties, there are also two other sources of international law. These are the international customary law and the general principles of law recognized by "civilized nations".

The 1969 Vienna Convention of the law of treaties incorporates in Article 26 the customary rule of international law "pacts sunt servanda". "Every treaty in force is binding upon parties to it and must be performed by them in good faith."(10)

Customary law emerged from the practice of states and their acceptance of such practices as binding...while it may be a matter of customary law, there is no doubt that a body of customary international law exists.

As far as the "principles of law recognized by "civilized nations", most of the important rules of what is known as modern international law come to be formulated and developed in the second half of the 19th century and later according to the needs of European business.

Nevertheless, some writers such as Nordenskiöld, confirm that this "principle has remained in a secondary position." In the present context it is understood as principles which are applied in all of the most important types of domestic legal systems and which can be applied in international law as well"(11). The International Court of Justice has been cautious in applying it and has not used it as a basis for decision.

The shift from "principle recognized by civilized nations" to a universal principle may be due to the attempts of the new states of Asia and Africa who, after having achieved their political independence, have wanted to improve their lot and increase their political influence." The criteria of 'civilized nations' as a basis for participation in the community of nations have been abandoned", stresses Amanda, an international law writer(12).

After leaving the era of "European and civilized nations», as professor Rolling acutely remarks."We have entered the era of peace-loving nations. The family of nations in the

form of the United Nations has become practically universal, open to every peace-loving state, able and willing to carry out the Charter of obligations"(13).

After this brief general review of the legal nature of the various international standards, we now turn to the specific field of **information** and mass communication. The first step is to draw up an inventory of available documents that aim to establish a set of principles relating to the performance of the mass media.

First of all, it should be noted that the international **community**, earlier in this century, turned its attention to the mass media. In 1923's convention for the control of the dissemination and traffic in pornography was adopted in Geneva, and in 1936, the League of Nations adopted the International Convention concerning the Use of Broadcasting in the Cause of Peace, an instrument which is still in force under the Charter of the United Nations.

However, the post-war period has witnessed more intensive efforts in the field of information regulation, following the rapid development in the new technology of communication.

Eek (1979) and MacBride (1980) detailed 44 instruments directly or indirectly related to the performance of the mass media. In 1984, Nordenstreng made a list of 49 instruments that were adopted between 1936 and 1978, from the International Convention Concerning the Use of Broadcasting in the Cause of Peace to the Mass Media Declaration of Unesco. This open list includes formal documents that make direct or indirect reference to the mass media related instruments, even though they do not refer directly to the information field.

But this list does not include documents such as the Draft Convention on Direct Television Broadcasting by means of Satellites which was under preparation in the UN Outer-Space Committee, at the beginning of the 1980's. Instruments such as International Telecommunication Convention, the Copyright Convention and Unesco's agreements concerning the movement of education, scientific and cultural material have also been omitted because of their technical and administrative nature.

Compared with Eek and MacBride's work, Nordenstreng's list (Table 1) is more comprehensive with regard to the contribution of the mass media to international relations, since it includes other conventions such as the Huremberg Tribunal of 1945, the UN Declaration on the Granting of Independence to Colonial Countries, the Principles of International Law concerning Friendly Relations and Cooperation among States, the Strengthening of International Security and the Preparation of Societies for Life in Peace as well as two documents on disarmament.

Nordenstreng also included regional instruments of particular significance on human rights in America and Europe, and in the Final Act of the Conference on Security and

Cooperation in Europe.

Two other documents are also included in the Nordcnetrng's list, the Draft Convention (1959-61) and the Draft Declaration (1961) on Freedom of Information which have not get adopted by the United Nations member states.

The analysis of this body of documents shows the legal nature of these instruments according to the types of they source of international law as mentioned below:

1. Treaties of a binding nature upon states

A dozen out of the whole inventory of the instruments are relevant treaties (in addition to the Draft Convention), including the UN Charter which does not contain any reference to the mass media but is seen occupying a central position among "proper" information instruments. Its importance derives from its nature as a basic source of international law as a whole.

Only two of these treaties are exclusively devoted to the mass media, the International Convention Concerning the Use of Broadcasting in the Cause of Peace adopted by the League of Nations in 1936, and the Convention on the International Right of Correction adopted by the United Nations in 1952. The remaining treaties contain more general references to information 'Propaganda', 'Public opinion', ..., and thus constitute a set of instruments that indirectly refer to the mass media.

2. Declarations of lesser or non-binding nature

There are seventeen such declarations and one draft declaration. Four of them do not refer directly or indirectly to the mass media, but are considered as the basis of other subsequent instruments.

Here again, two declarations only are entirely devoted to the mass media adopted by the Unesco, the Declaration on Direct Satellite Broadcasting of 1972 and the Miiss Media Declaration of 1975. Six contain some parts which make direct and explicit reference to the mass media. A good example of the latter type

of instruments are the Universal Declaration of Human Rights (1945) and the Declaration on the Preparation of Societies to life in Peace (1978).

3. Resolutions of non-binding nature

The list of resolutions, which are merely recommendations without any binding power, comprises 18 instruments adopted by the UN General Assembly or by the General Conference of Unesco. These documents have no binding force on states, but they can be considered signil'icant regarding the principles of the mass media invol ved.

Eleven of them are wholly devoted to questions of information and to the standards of the mass media. As Nordenstreng points out, the list of resolutions "is not intended to be completed", since there are many other resolutions on the development of the mass media facilities which are not included in the list under study.

It might be worth noting that these instruments, explicitly or implicitly involved in the field of the mass media content, treat a series of broad topics that are seen as universal principles the mass media can strengthen or weaken depending to the users willing.

Seven themes are wholly contained in these instruments. They turn around:

1. Peace and Security
2. War Propaganda
3. Friendly, Understanding and Cooperation
4. Objectivity, Veracity, and Honesty of information
5. Racial, Equality and Discrimination
6. Free Flow, Freedom of Information and Neighboring rights
7. Other duties and responsibilities concerning media content

How are those instruments related to these themes? The following table (n. 1) discussed by both MacBride and Eek shows clearly the direct or indirect connection between instruments and the dominant themes which are seen to be basic universal standards of the mass media.

Table n°1: Content analysis of instruments

Content categories	12 Treaties			14 Declarations			18 Resolutions			All Instruments		
	D	I	N	D	I	N	D	I	NDI			N
1. Peace and Security	3	1	8	7	4	3	9	4	5	19	6	16
2. War Propaganda	3	5	4	1	6	7	1	2	15	5	13	26
3. Friendship	5	1	6	6	4	4	10	5	3	21	10	13

4.Objectivity	5	0	7	6	2	6	6	0	15	17	2	25
5.Racial	1	7	4	5	1	8	3	0	18	5	8	27
6.Free Flow	5	3	4	7	2	5	8	0	18	20	5	19
7.OtherDuties	5	3	4	9	2	5	12	2	4	26	5	13

D=Direct reference to the mass media

I=Indirect reference to the mass media

N=Non reference to the mass media

Source: K. Nordenstreng, *The Mass Media Declaration of Unesco*, Ablex Publishers, Newood, New Jersey, 1984, p. 158.

International Legal Standards relating to the Mass Media

The previous part of this paper has served to look, in the light of the international law principles, at the nature of the main instruments that contain what could be called universal standards governing the use of the mass media. The purpose of the present part is an attempt to give a general outline of some fundamental elements which could be found in works by the UN and its specialized agencies, particularly Unesco.

Other source of universal standards of the mass media might be found in academic works as Well as in provisions common to the majority of existing national and regional legislative and professional documents.

The MacBride Report of mass communication problems "Many Voices-One World" (1981) expresses the importance of universal standards and the necessity to readapt some instruments to the realities of the modern world. The report makes it clear declaring that "The texts of international instruments... should contain:

- 1.Protection of environment and national use of nature resources.
- 2.Respect of human rights.
- 3.Basic feature of the structure of international law.

The common characteristic of these principles is the fact they that constitute the fundamental foundation for conduct of states, they must be observed in all domain of interstate relations including international communication. That is to say that their general character establishes obligations upon and rights for all states, as members of international community.

Eek, on the other hand, centers his work(15) on the freedom of information as project of international legislation in the field of mass communication. One of the most important of his referncing texts is 'The Principles Governing the Use of the Mass

Media, in "sovereignty and international communication"(1979).

Gross has, also been interested in 'Some international Aspects of the Freedom of Information and the Right to Communication'(16). He provides an overview of the legal framework, that is the principles and rules of international law, which may be applicable to the freedom of information, the free flow and its postulated evolution from 'one way flow' to balanced flow' or 'two-ways flow' in the name of the right to communication.

Both of these latter writers base their points of view concerning the principles of the mass media on the international instruments dealing explicitly with the field of information, such as the Universal Declaration of Human Rights (1948), the International Covenants on Civil and Political Rights (1966), the International Conventions of the Elimination of all Forms of Racial Discrimination (1965) and the International Convention on the Suppression and Punishment of Crime of Apartheid (1978).

But, the 1975 Unesco Declaration on the Principles of the Mass Media, although of a non-binding nature, constitutes one of the most important international sources of fundamental standards for the use of the mass media. It deals with the contribution of the mass media to:

1. Strengthening peace and international understanding.
2. The promotion of human rights.
3. Countering racism, apartheid and incitement to war.

This set of principles and ideals represents a summary of all those principles that the international community has attempted to set up in order to build an international environment of peace, security and mutual understanding between peoples in the world. It is also a reminder of the fact that journalism mass communication, have common basic principles from which an international code of ethics can be inspired and constructed.

As a stage in the evolution of the debate over a new world information and communication order, this declaration has, also caused a more intensive hostile reaction than the call for a NWICO itself'. In this respect, a USA group of prominent international affairs experts (including former secretaries of state, Dean Ruak, Gyas Vance and Edmund Muskie), in 1982, issued a study of United States Policy towards the United Nations, warning against 'dangers at the UN, where both the press freedom and economic freedom are under attack'(17).

The former Secretary General of the UN, Javier Perez de Cuellar, illustrates those

hostile reactions and expresses the legal nature of the declaration. "Critics of the declaration, who express concern that national public authorities have been given an instrument to limit freedom of the press, are mistaken. Such a concept was not and could never be the intention of any United Nations deliberative body. In which rich and open debate always prevails"(15).

This is an overview of the main principles that the international community has, through United Nations agencies, attempted to devote to the mass media as a main source of general information and as a potential instrument of rapprochement and better understanding between peoples.

"How are such universal standards reflected in a national or in a regional level'? And what is the position of professionals themselves'? An attempt to answer such questions will be made in the following part of this paper.

Professional Codes and Universal Standards of the Mass Media

As has previously been shown in the preceding parts, the international values relating to the use of the mass media derive from several sources among them are the international relevant instruments, codes of ethics and national legislation governing the field of information and mass communication. The latter source can be seen, from the view of international law, as a 'universal principle which has come to replace the old principle recognized by civilized nations'.

Since professional codes of conduct in journalism are mainly of national character, this part will, therefore, be considering some common principles contained in a number of well-known codes of ethics adopted by professional organizations or by states.

First of all, it should be noted that international standards are not usually aimed directly at the mass media, but rather at states which are the subject of international law, and this is one of the major obstacle before the application of an international law of communication. However, there is one document of international law that may be seen as addressed directly to journalists, the Convention on the International Right of Correction (1952). In this respect, Nordenstreng states that 'in recognizing the professional responsibility of correspondents and information agencies, for the factual reporting in the interest of universal values. This convention clearly states that journalists may be understood to be subject to international law'(19).

However, Eek considered such a document as a convention that does not impose any obligation on news media or news people directly. This instrument stipulates in Article

One that 'in case in which a contracting state alleges that news reports are likely to injure its relations with other states transmitted from one country to another by a correspondent or by news agencies and disseminated abroad are false or distorted, it may submit its version of the facts (called communiqué to the contracting state within whose territories such reports has been published. Any government or contracting state receiving such a communiqué shall make available the news enterprises functioning within its territory.

Whether this convention is addressed to journalists directly or through their states, it has not won wide acceptance in the international community as during 20 years between 1952 and 72 only 10 states had ratified it. But nonetheless the document still has a role to play in international mass communication relations and in the formulation of new codes of professional conduct. A good example of the influence of this document in the development of professional codes is provided by the 1982, the 1990 and the 2012 Algerian codes of information. Article 77 of the first code stipulates that 'the right of correction is an international right recognized in conformity with the Article 5 f the Declaration on the fundamental principle concerning the contribution of the mass media to strengthening peace and international understanding and the countering propaganda, racism and apartheid'(2).

On the other hand, it is Well known that a state, entering into such convention will introduce the necessary regulations within its own jurisdiction. Consequently, journalists and mass media are there by subordinated to an array of international instruments through their domestic jurisdiction which provides the legal and political framework within it work the mass media, including journalists.

In addition to national legislation, journalists and 'gatekeepers' of the mass media content are also subordinated to a number of values and rules adopted by their professional organizations throughout the world, especially in Western societies where 'liberalitarian' systems of state-media relationship lays great emphasis on the professional competence and responsibility of the mass media, in particular journalists, as a substitute for legal or other types *or official* control of communication. Thus, codes of conduct in journalism or the 'Deontology of information' which has recently been developed to formulate professional standards, constitute an important source of universal values that impose a moral responsibility or often a legal responsibility on media workers.

The nature of the professional responsibility depends on the origin of the code regulating the profession: Sometimes the media themselves seek self-regulation through applying self-discipline, on other occasions, the authority decides to exercise control over

the media. But all codes of conduct, whatever their genesis when formulated have a number of common elements which can be easily recognized.

However, codes of ethics as applied to the mass media at a national level are of recent creation. Clement confirms, in this respect that 'Codes of ethics are so recent that there are many countries in the world without accepted or formulized media discipline'(21). In fact contemporary surveys carried out by the International Organisations of Journalists (IOJ) in 1979 and by Unesco in 1980 showed that out of 183 countries in the world which have developed systems of mass communication, less than a quarter, that is fewer than 50, have codes of ethics which can have effective influence on the communicators or protect the free flow of information(22).

Before dealing with the content of the well-known codes of professional conduct, it should be noted that even though these document are chiefly of a national, if not sartorial character, worldwide and regional professional organizations and the United Nations have made efforts to develop professional standards that can generate the universal principles of the use of mass media and reproach the opposing viewpoints over certain values.

Worldwide examples of these *efforts* are the principles adopted in 1936 by the International Union of Press Associations (IUPA), the 'Bordeaux Declaration' adopted in 1954 by the International Federation of Journalists (IFJ) and the resolution on professional ethics adopted in 1962 by the 5th Congress of the International Organization of Journalists(23). In 1973, the IOJ proposed a draft concerning codes of ethics. A first draft had been prepared in 1951 and had been sent to 500 professional organizations and mass media enterprises for their comments and suggestions, and in 1952 a further draft has also been prepared and sent to national and international professional associations and information enterprises, but they have never become operative.

As a regional example, there is the 'Declaration of Principles' adopted in 1979 by the Federation of Latin-American Press (FELAP), and approved by its 12 national organization members, and the 'Declaration of Duties and Rights' adopted in 1971 by six journalists trade unions of the European Community at Munich(24).

From academic studies (25), it appears that codes of conduct do consider the international level. The best represented is the obligation to promote peace and security, typically combined with the standards of friendship and cooperation.

Referring to work by J. Clement on codes of ethics around the world, Nordenstreng analyzed the content of the 50 documents known to Unesco by comparing manifestations of professional ethics in journalism with the standards set by the

international community.

The following table (n° 2) shows clearly how many codes. on the one hand, and international standards, on the other, deal with each of the seven themes in question.

Table n° 2: Comparison between codes of ethics and instruments

These themes, both as general standards and as specifically international obligations are differently reflected in the professional regulations. Fourteen out of the 50 codes of conduct cover in one way or another, professional responsibility related to peace and **security** while, 5 codes only deal with war propaganda and even that number is high, because two of them speak about **domestic** or unspecified violence and security.

The same distinction between local and international obligations is made for the topics of objectivity, other duties and free flow of information.

Analyzing the list of codes of ethics in reference to their content as regards the international standards, it is concluded that standards concerning war propoganda and the nature of information dissemination (truthfulness, objectivity, honesty,...) as a factor in international relations are practically absent from the professional codes of journalists, with some notable exceptions.

It is shown that among the codes of which pay no or little attention to international obligations are those from most western countries and from a number of developing countries.

Taking the unique super power *us* example, Nordenstreng stresses that 'none of the three USA codes of ethics include in this inventory contain any reference ¹⁰ international obligations. Even the American writers. Whitten and Larson state that the absence of a precise treatment of the type on news and editorial writing bearing on international tension, particularly when defamation, subversion and war mongering dangerous to international peace are involved, is greatly to be regretted.

On the other hand, codes with a strong emphasis on international relation can be found in the Germany, Austria, Belgium, Cuba, Egypt as well as in the Algerian codes of information. For example, the Algerian codes of 'information'

Themes	Codes of ethics (50)	Instruments (44)
1. Peace and security	14	2D
2. War propoganda	5 (3 int)	15

3. Friendship and cooperation	12	31
4. Objectivity, ...	49 (4 int)	19
5. Racism, ..	18	17
6. Free flow	34 (4 int)	25
7. Other durries	47 (9 int)	3.1

Source: Nordenstreng, 1984

Stipulate that "information from abroad is diffusible in Algeria when it responds to international exchange, to the promotion of great ideals of liberation of human being, to the principles of peace and cooperation and of justice and equality between peoples'. Moreover, these documents consider that... information and mass media constitute an irreplaceable means of diffusion of knowledge, comprehension and cooperation between peoples, and of promotion of their respective cultures.'

But this tendency towards the 'internationalization' of professional standards in conformity with the international instruments would be found explicitly treated in documents of regional and international character: The UN draft of international code, the Mexico Declaration which is seen as a manifestation of the same lines of universal values emerged in the debate on the **NWICO**, as well as the **FELAP** code and the 'Principles of IUPA'.

It is perhaps worth quoting some examples from these documents considered more 'universal' than national codes of ethics. The UN Draft International Code includes international responsibility *ct* the mass media of information.

Article I stipulates that "The personnel of the press and other media of information should do all in their power to ensure that the information the public receive is factually accurate. They should check all items of information to the best of their ability. No fact should be willfully distorted and no essential fact should be deliberately suppressed." Article IV amplifies this overriding call for objectivity. It states that: "It is the duty of those who describe and comment upon events relating to a foreign country to acquire the necessary knowledge of such a country which will enable them to report and comment accurately and fairly thereon."

Evaluating the significance of this international document, Nordenstreng point out that: "Although the UN text was never formally adopted, it has exercised considerable influence in the preparation of various national codes. Contributing to a neglected

rather than an observance of journalists' international obligation."

Whitten and Larson also stated that: "Even such a modest instrument, if adapted and respected, would make the task of the propagandist or the purveyor of false news extremely difficult."(26)

The 'principles' of IUPA extended the international aspects of the mass media to obligations to rectify and to respect diversity in the world. In terms of those 'principles' the journalist has:

1. "To check conscientiously the truthfulness and authenticity of every news item, particularly such as may be likely to provoke prejudice, mistrust, hatred, or contempt for other nations, or may convey a lame impression of their internal values and their strength.
2. "rectify willingly any news of this nature which may subsequently be found not to be authentic or accurate.
3. "To insist on his own right and acknowledge the right of others to report objectively on all internal events and on all questions of interest to other states, to compare their internal situation with that of other countries and to criticize it
4. "To bear in mind, however, that the great diversity of historical, physical and moral conditions naturally implies a similar diversity in the political and social development of the various nations and states' and an equally great diversity in political regimes.(27)

Another example of international character is explicitly represented in the so-called "Mexico Declaration" as it is seen as a decisive step in the development of codes in the same line as the NWICO, let us consider the following quotation from an example of regional character: Article 2 of the FELAP code prescribes that: "journalists must contribute to the strengthening of peaceful coexistence, self-determination of people, disarmament, international detente and mutual understanding between peoples of the world, fight for the equality of human beings without distinction of race, opinion, origin, language, religion or nationality. It is the lofty duty of Latin-American journalists to contribute to the economic, political and cultural independence of our nations and people, to the establishment of a New International Economic Order and to decolonization of information."(25)

From the above quotations of national, regional, and international texts of professional ethics in journalism, it could be concluded that the universal values of international community as expressed by the international instruments are poorly reflected in professional ethics as expressed by the codes of ethics concerned.

This may be due, as Nordenstreng confirms to the predominance of the Western Value transplanted to the rest of the world together with the transfer of mass **communication** and models. "It is one manifestation of fundamental tendency in the dominant Western tradition of journalism to understand professionalism in narrow technocratic terms, without notable reference to socio-political realities, national anymore than international.

Suggestions have been made to foster international responsibility of communicators within a legal framework that takes into account the present realities and future perspectives in the world and the aspirations of international community

Footnotes and references

- (1) -K. Nordenstreng: The Mass Media Declaration of Unesco , Ablcx Publishers, Newoo, New Jersey, 1984, p.139.
- (2) -II.Eck ,Emeritus professor of International Law at the University of Stockholm, he served the UN as an expert on of freedom of information (1950's) and Unesco as prime consultant to the preparation of the Mass Media Declaration (1976-1975).
- (3) - Wolfgan Kleinwaethcr, a German (ex. GDR) expert on mass communication, in
- K. Nordenstreng, up.cit. Footnotes - references
- (4)
- (3) - According to Article 35 of the statute of the International Court of Justice, there are three formal sources of International Law: treaties, customary law and general principles recognized by civilized nations
- (6)- **I. Brownlie**: Principles of Public International Law, Clarinda Press,Oxford,1971,p.1.
- (7) - Ibid, p.148.
- (8) -D.Y. Asamoah:The Legal Significance of the Declaration of the Assembly of the UN. The Hague, M. Aljbof,1966.
- (9) –Nordenstreng ,K.,op.cit.,p.150.
- (10) –Quotations cited in P.C.Hartm: The Third World and Press Freedom, Praeger Publishers, New York, London, Sydney,1979.
- (11) - Nordenstreng, K., op. cit., p.149.
- (12) -Amanda, R.P.: international Law and Developing Countries, Maritime Nijhol Publishers, Boston, Lancaster,1987.
- (13) - Rolling B.V.A. International Law in an Extended World, Amesterdam,1960.
- (14) - MacBride, S.: Many voices-One World, Unesco, Paris, 1980, p.273.
- (15) Eck, 11.: Freedom of Information as a Project of International Legislation, Uppsals University Press, Sweden,1953.
- (16) Article by Gross published in I.I.I. Schiller: National Sovereignty and International

Communication Ablcx, Newood, New Jersey, I979.

- (17) - In Nordenstreng K., op. cit., p.XII.
- (IS) –From his first speech on communication addressing UN Committee on information, New York, 1982.
- (19) - Nordenstreng, K., op. cit., p.211.
- (20) Author's translation of the French version: ' Il est reconnu un droit international de rectification, en application de l'article 5 de la déclaration sur les principes fondamentaux concernant la contribution des organes d'information an renforcement de la paix ct de la compréhension internationale, a la lutte contre la propagande belliciste, le racisme ct l'Apartheid
- (21) - Clement J. – Mass Media Codes of Ethics, on Councils, Paris, 1980
- (22) - Ibid, p. 14.
- (23) - These worldwide professional organizations were founded respectively in: IUPA-1892, IFJ-19 52 and IOJ-1949.
- (24) –The FELAP, Federation of Latin-American Pressmen, was founded in Mexico City in1976 and it has now 60.000 members belonging to 12 Professional Organizations
- (25) - Some recent studies are works by Nordenstreng, 1984, op. cit., Clement. L980, op. cit., and W. Schramm in: Responsibility in Mass Communication,1980.
- (26) - Whitten, J.B. and Larson, A.: propaganda, Towards disarmament in the War of Words, Dobbs Ferry, New York, l'J64.
- (27) W.V. O'Brian: International Propaganda and Minimum World public Order, cited in Nordenstreng. op.cit.
- (28) - K. Nordenstreng, op. cit., p. 245.

Abbreviations used in the text

FELAP: Federation tit' Latin-American Prcs,sincn (Journalists) IFJ:

International Fedci ation of Journalists

IOJ: International Organisation ol' Journalists

IUPA: International United Press Associations

NWICO: New World Inl'ormation and Communication Order TV:

Television Broadcasting Systems

UN: United N'ations (Organisation)

Unesco: United Nations Education, Science and Culture Organisation.