

**ECONOMIC  
AND  
SOCIAL COUNCIL**

**CONSEIL  
ECONOMIQUE  
ET SOCIAL**

6 June 1949  
ORIGINAL: ENGLISH

COMMISSION ON HUMAN RIGHTS  
SUB-COMMISSION ON FREEDOM OF INFORMATION AND OF THE PRESS

Third Session

SUMMARY RECORD OF THE FIFTY-SECOND MEETING

Held at Lake Success, New York,  
on Friday, 3 June 1949, at 11 a.m.

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Rev.1, E/CN.4/Sub.1/69, E/CN.4/Sub.1/73, E/CN.4/Sub.1/74,  
E/CN.4/Sub.1/75, E/CN.4/Sub.1/75/Rev.1, E/CN.4/Sub.1/76) (discussion  
continued)

<u>Chairman:</u>	Mr. LOPEZ	Philippines
<u>Rapporteur:</u>	Mr. FONTAINE	Uruguay
<u>Members:</u>	Mr. AZKOUL	Lebanon
	Mr. AZMI	Egypt
	Mr. BINDER	United States of America
	Mr. CHANG	China
	Mr. DEDIJER	Yugoslavia
	Mr. GANDHI	India
	Mr. GERAUD	France
	Mr. SILVA CARVALLO	Chile
	Mr. WILLIAMS	United Kingdom
	Mr. ZONOV	Union of Soviet Socialist Republics

Representatives of Specialized Agencies:

Mr. FARR	United Nations Educational, Scientific and Cultural Organization (UNESCO)
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JUN 8 1949

UNITED NATIONS

Secretariat:

Mr. HOGAN

Secretary of the Sub-Commission

ADOPTION OF THE AGENDA (E/CN.4/Sub.1/68, E/CN.4/Sub.1/68/Rev.1, E/CN.4/Sub.1/69, E/CN.4/Sub.1/73, E/CN.4/Sub.1/74, E/CN.4/Sub.1/75, E/CN.4/Sub.1/75/Rev.1, E/CN.4/Sub.1/76)( discussion continued)

The CHAIRMAN recalled that the draft agenda submitted by Mr. Azmi (E/CN.4/Sub.1/75) had been adopted at the preceding meeting as the basic agenda. At the current meeting the Sub-Commission would consider the first part of that agenda, namely, items 1 to 5, which concerned the methods of work. The wording of the items and their order on the agenda would be discussed. The substance of the items had not yet been adopted; they could therefore be amended.

Mr. AZKOUL, on a point of order, called attention to the fact that, in the document containing the French text of the amendment proposed by Mr. Binder (E/CN.4/Sub.1/76), the latter was called the representative of France. It had been agreed that the names of the countries would not be used in connexion with ~~the names~~ of the members of the Sub-Commission.

The CHAIRMAN requested the Secretariat not to use the names of the countries in the documents of the Sub-Commission.

Mr. AZMI stated that, after hearing the discussions at the preceding meetings, he had decided to submit two amendments to his draft agenda. One of those amendments (E/CN.4/Sub.1/75/Rev.1) concerned the first part of the draft. He proposed the introduction of a new item 1 in the agenda, which would read:

"1. Establishment of procedure for close liaison between the Sub-Commission and UNESCO."

The original item 1 would then become item 2; the original item 2 would become item 3, item 3 would become 4, and the original items 4 and 5 would be combined to read:

"5. Organization of the consideration and handling of communications."

The importance of the role of UNESCO in the field of freedom of information was well known. The Sub-Commission should be well informed on the work which UNESCO had done. A representative of that organization

/was present



was present and could be heard by the Sub-Commission at any time. Many documents had been prepared by the agency which should be of great service to the Sub-Commission.

Mr. GERAUD submitted an amendment to the first part of the draft agenda. He wished that item 1 should be: "Functions of the Sub-Commission". Those functions were defined in Economic and Social Council resolution 197(VIII). In the preamble to that resolution the Council pointed out that "the work of the United Nations Conference on Freedom of Information has shown the need to set up continuing international machinery to carry on the work undertaken by the Conference and, in particular, to study the problems involved in the application of the resolutions adopted by the Conference and the implementation of the draft conventions recommended by it."

In accordance with resolution 197(VIII), the Sub-Commission was to "consider issues and problems involved in the dissemination of information by newspapers and news periodicals, radio broadcasts and newsreels", and "perform any other functions which may be entrusted to it by the Council or by the Commission on Human Rights." It was also empowered to perform the following functions:

"(a) Study and make reports as well as recommendations to the Council" on the various subjects enumerated in the resolution;

"(b) Receive communications from any legally constituted national or international Press, information, broadcasting or newsreel enterprise or association" relating to those subjects;

"(c) Discharge, with the approval of the Council, such other functions in the field of freedom of information as may be entrusted to the United Nations by inter-governmental agreements on information."

Mr. Geraud called particular attention to two of the subjects listed under paragraph (a) on which studies, reports and recommendations were to be made, namely, item (VI): the operation of any inter-governmental agreements in the field of freedom of information; and item (IX): the conclusion or improvement of inter-governmental agreements in the field of freedom of information. He also wished to stress paragraph (c). The work of the Sub-Commission was clearly not confined to supervisory tasks. There was necessity for making studies. For instance, the preamble to the suggested programme of work (E/CN.4/Sub.1/68/Rev.1) stated that "the study of problems involved in the implementation of the draft conventions proposed by the Conference together with other tasks arising out of conventions on freedom of information constitute a <sup>series</sup> of homogeneous functions."



The Sub-Commission must define its functions and adopt working priorities: its terms of reference had been given to it "in accordance with such working priorities as the Sub-Commission may adopt". Those functions must not be reduced to study and enquiry. Many studies had already been made, including those of UNESCO. He did not wish to belittle the latter, but if the Sub-Commission confined itself to the programme of work proposed by UNESCO, it would not make great progress.

The Sub-Commission had been requested to supervise for three years the conventions and the effort made to apply them. That should be its main task. He therefore proposed that the first item on the agenda should be "Functions of the Sub-Commission."

Mr. GANDHI could not understand why the question of liaison between the Sub-Commission and UNESCO had suddenly become so important as to warrant its inclusion as the first item on the Sub-Commission's agenda, and suggested that Mr. Azmi should withdraw his amendment. The Sub-Commission could ask the Secretariat to circulate a paper dealing with relations between the Sub-Commission and UNESCO. He agreed with the substance of the proposal put forward by Mr. Geraud. Indeed, the Sub-Commission should be quite clear regarding the question of its terms of reference and should therefore define its duties and responsibilities with precision. Mr. Geraud might prepare a memorandum on that question which the Sub-Commission would examine and eventually adopt with possible amendments. That document would then be officially issued and if need be submitted for the approval of the Economic and Social Council.

Mr. FONTAINA also failed to see why the question of liaison between the Sub-Commission and UNESCO should be placed first on the Sub-Commission's agenda. That organization's work was well known to and greatly appreciated by all members of the Sub-Commission, but the question of their mutual relations did not appear to be of particular urgency. Mr. Geraud's proposal, on the other hand, did raise a very important question of substance and should be examined by the Sub-Commission.

Mr. AZMI said he had made his proposal because he felt that UNESCO possessed much useful information and material which could be of great advantage to the Sub-Commission, and because paragraph 2 of the operative part of the Economic and Social Council's resolution on the Sub-Commission's terms of reference clearly stated that "in planning its

/programme



programme of work, the Sub-Commission shall take into account section 7.2212 of the Programme of UNESCO as adopted by the third General Conference of UNESCO, which the Council notes with approval, in order to utilize as fully as possible the assistance which UNESCO has agreed to make available." In order to facilitate the work of the Sub-Commission, however, he would withdraw his proposal at the present stage, on the understanding that the question could be raised at some appropriate time in the future.

Mr. GERAUD was anxious to facilitate the work of the Sub-Commission, but still felt that the question of its exact functions and responsibilities was logically the first item it should consider. He regretted he could not agree with Mr. Williams' suggestion that the question should be included as the first item in the second part of Mr. Azmi's draft agenda (E/CN.4/Sub.1/75), headed "Substantive tasks of the Sub-Commission", because he wished to submit another amendment to that particular group of questions. He therefore pressed for a vote on his proposal for the inclusion of the question of the Sub-Commission's functions as the first item on its agenda.

Mr. Geraud's proposal was rejected by 7 votes to 3.

The CHAIRMAN drew the attention of the members to a document which had just been submitted by UNESCO on "The activities of UNESCO in the field of freedom of information in 1949" (E/CN.4/Sub.1/77) and which he hoped would meet the point raised by Mr. Gandhi.

Replying to Mr. Azkoul, who had asked whether the five points listed in the first part ("Methods of work") of Mr. Azmi's draft agenda (E/CN.4/Sub.1/75) were being proposed as the whole agenda or only as part thereof, he made it clear that the adoption of the five items in question would not prejudice the inclusion of some other points from the second part of Mr. Azmi's proposal for the consideration of the current session.

Indeed, he hoped that, after adopting the five items in question, the Sub-Commission would also adopt the remaining items listed in part 2 of Mr. Azmi's proposal in some approximate order so as to give the Secretariat an indication of the work it should do between the current and the forthcoming sessions of the Sub-Commission.

/Mr. WILLIAMS

Mr. WILLIAMS felt that the Sub-Commission should try to dispose of the procedural items listed in the first part of Mr. Azmi's proposal as soon as possible, so as to be able to deal with the questions of substance. Items 1 to 5 inclusive were purely technical questions -- he suggested therefore that the Sub-Commission should ask the Secretariat to submit a statement on the machinery it proposed setting up to meet the problems raised by those questions. It would then be for the Sub-Commission to examine the Secretariat's suggestion and take a decision thereon.

Mr. AZKOUL thought that Mr. Williams had made a most useful suggestion, but wondered whether the Secretariat should be asked to undertake that task at the present stage. The Sub-Commission might not wish to hear the Secretariat's suggestions until it examined the substance of the items in question.

Mr. ZONOV believed that items 1 to 5 inclusive were purely technical questions. Indeed, there would have been hardly any need for the Sub-Commission to hold a session if it were to confine itself to examining the problems they raised. He was in favour, therefore, of referring them to the Secretariat, as suggested by Mr. Williams, but felt that the Sub-Commission should first adopt its agenda point by point, for otherwise it might ask the Secretariat to make proposals on questions which it would subsequently delete. Once the Sub-Commission had decided what items should be included in its agenda, it could request the Secretariat to put forward suggestions in connexion with those items.

Mr. GERAUD believed, on the contrary, that the five items listed in part 1 of document E/CN.4/Sub.1/75 were questions of substance. In his opinion the Sub-Commission should have first determined its exact duties and responsibilities and then dealt with the five points in question. As an addition to those five points, or else as the first item in the second part of the document under discussion, he suggested the following question for the Sub-Commission's consideration:

"Staff arrangements to be made by the Secretary-General on the request of the Sub-Commission and, if necessary, after authorization by the Economic and Social Council, with a view to setting up a permanent office to:

/(a) Examine the



- (a) Examine the communications addressed to the Sub-Commission and to report thereon;
- (b) Gather the necessary documentation for the Sub-Commissions' work through continuing studies and research dealing with the questions listed in the Economic and Social Council's resolution on the Sub-Commission's terms of reference;
- (c) Draw up, between the sessions of the Sub-Commission, agenda proposals which would be closely related to existing circumstances."

Item 1

The CHAIRMAN put to the vote item 1 of Mr. Azmi's draft agenda.

Mr. AZKOUL made it clear that when voting on that or any subsequent item he would be expressing himself in favour of including the items in question in the Sub-Commission's agenda, but not in favour of those items alone constituting the whole of the agenda.

Item 1 in document E/CN.4/Sub.1/75 was adopted by 10 votes with one abstention.

Item 2

Mr. ZONOV recalled that at a previous meeting he had proposed the deletion of item 6 of the Secretariat's provisional agenda (E/CN.4/Sub.1/69) and of the corresponding item 2 of Mr. Azmi's draft agenda (E/CN.4/Sub.1/75). The Sub-Commission was not competent to carry out the functions suggested by that item. Its terms of reference empowered it to receive communications from organizations, but not to establish continuous liaison with them.

Mr. AZKOUL felt that Mr. Zonov's proposal involved an important point of substance. The Sub-Commission could, however, decide whether or not and to what extent continuous liaison should be established when it considered the substance of item 4. He therefore suggested that item 2 should be deleted as a separate item and item 4 should be redrafted to read: "Establishment of procedure for receiving and handling communications".

Mr. WILLIAMS agreed that Mr. Zonov's suggestion was one of substance. The Sub-Commission was required by its terms of reference to study and make reports and recommendations to the Economic and Social

deleted he was afraid that the Sub-Commission would not be in a position to ask private organizations for information, and would have to wait for that information to be sent to it; that would reduce the practical value of its work. The Sub-Commission ought to be able to approach any organization in order to obtain the necessary information on which to base its recommendations. He was therefore opposed to Mr. Zonov's suggestion.

Mr. FONTAINA recalled that the question of liaison with certain private organizations had been very fully discussed at the first session of the Sub-Commission.

As an independent non-governmental group the Sub-Commission needed the advice of private organizations in the various countries as well as reports from technical organs of the United Nations such as UNESCO. He therefore agreed with Mr. Williams that Mr. Zonov's proposal involved a matter of substance.

Item 6 of the draft agenda dealt with legal, economic and political barriers alone, and those were matters for the States concerned, which would never admit that their respective constitutions impeded the free flow of information. Hence the information received from private organizations would cover another extremely important aspect of the problem. Of course, the Sub-Commission should not interfere in any way in the internal affairs of any State, but it should be in a position to obtain all the information possible on the situation in different countries.

Mr. BINDER had intended to vote for the deletion of the item, for the same reasons as Mr. Zonov; furthermore, it seemed to place too great a burden on the Secretariat. He had not anticipated, however, that the deletion of item 2 would preclude the establishment of any contact with private organizations, as Mr. Williams had suggested. The Sub-Commission was entitled to maintain contacts with such organizations and he would like the Secretariat's assurance that the deletion of item 2 would not entail the loss of that right.

Subject to that assurance he would vote for the deletion of item 2.

Mr. HOGAN (Secretary of the Sub-Commission) explained that under its terms of reference the Sub-Commission was empowered to receive communications; it could itself decide how to deal with them. Furthermore, though no organization had the right to be heard, the Sub-Commission could decide by a majority vote to hear any one who requested to speak.



On the other hand, unless some general procedure was established there would be no liaison without a specific resolution requesting a certain organization or group of organizations for an opinion or requesting the Secretary-General to communicate with such an organization or organizations.

Mr. WILLIAMS agreed with Mr. Binder that continuous liaison would impose too great a task on the Secretariat. He felt, however, that an important point of principle was involved and that the Sub-Commission should state specifically that it had the right to take the initiative in approaching organizations and not merely to await information from them.

The difficulty might be met if the word "continuous" were deleted.

Mr. GANDHI entirely agreed with Mr. Williams.

Mr. ZONOV maintained his proposal that item 2 should be deleted. The Secretariat already had the right to receive information and to submit it to the Sub-Commission; no specific instructions to that effect were therefore necessary. Liaison between the Secretariat and Member Governments and press and other organizations in the various countries already existed. The Sub-Commission was not empowered by its terms of reference to establish continuous liaison. Item 2 should therefore be deleted.

Mr. DEDIJER thought that the adoption of item 2 might constitute a dangerous precedent. He agreed with Mr. Fontaina that the Sub-Commission would run the danger of interfering in matters which were properly within the domestic jurisdiction of a State. The Secretariat might be in continuous liaison with an organization which was protesting against actions by its own Government; if those protests were submitted directly to the Secretariat that would bypass the normal channels. The Sub-Commission's main interest was in the quality and quantity of the news exchanged between countries and any complaints on those grounds would ipso facto come to the attention of the Sub-Commission.

Furthermore, item 2 would involve a great deal of work for the Secretariat as there were innumerable organizations which it could consult. Since item 1, which the Sub-Commission had just adopted, referred to "governmental and other sources" he felt that it covered the Sub-Commission's needs completely.

He would therefore vote for the deletion of item 2.

The CHAIRMAN put to the vote the deletion of the word "continuous".

It was agreed by 8 votes to delete the word "continuous".

Item 2 as amended was adopted by 7 votes to 2, with one abstention.

The meeting rose at 1.10 p.m.