



UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



GENERAL  
E/CN.4/Sub.1/SR.86  
12 September 1950  
ORIGINAL: ENGLISH

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

Fourth Session

SUMMARY RECORD OF THE EIGHTY-SIXTH MEETING

Held at Hotel Parque, Montevideo,  
on Friday, 26 May 1950, at 3 p.m.

CONTENTS:

Resolution suggested by Mr. Chang condemning discriminatory treatment or mistreatment of foreign information personnel (E/CN.4/Sub.1/135);  
Communications (item D. of the agenda) (E/CN.4/Sub.1/137);  
Items referred to the Sub-Commission by the Economic and Social Council at its ninth session arising from consideration of resolutions of the United Nations Conference on Freedom of Information not already included in the programme of work and priorities (resolution 241 (IX))  
Draft report of the fourth session of the Sub-Commission on Freedom of Information and of the Press to the Economic and Social Council (E/CN.4/Sub.1/138);  
Closing of the fourth session.

<u>Chairman:</u>	Mr. FONTAINA	(Uruguay)
<u>Rapporteur:</u>	Mr. JORDAN	(United Kingdom of Great Britain and Northern Ireland)
<u>Members:</u>	Mr. AQUINO	(Philippines)
	Mr. AZAOUL	(Lebanon)
	Mr. AZMI	(Egypt)
	Mr. BINDER	(United States of America)
	Mr. P.H. CHANG	(China)

RECEIVED

SEP 16 1950

UNITED NATIONS  
ARCHIVES

Mr. DEDIJER	(Yugoslavia)
Mr. GANDHI	(India)
Mr. GERAUD	(France)
Mr. SILVA CARVALLO	(Chile)

Representative of a specialized agency:

Mr. FARR	United Nations Educational, Scientific and Cultural Organization (UNESCO)
----------	---

Representative of a non-governmental organization:

<u>Category A:</u>	Mrs. SALMON	World Federation of United Nations Associations (WFUNA)
--------------------	-------------	--

Secretariat:

Mr. HUMPHREY	Representative of the Secretary- General
Mr. HOGAN	Secretary of the Sub-Commission

RESOLUTION SUGGESTED BY MR. CHANG CONDEMNING DISCRIMINATORY TREATMENT OR  
MISTREATMENT OF FOREIGN INFORMATION PERSONNEL (E/CN.4/Sub.1/135)

1. The CHAIRMAN called attention to a resolution suggested by Mr. Chang (E/CN.4/Sub.1/135) condemning discriminatory treatment or mistreatment of foreign information personnel.
2. Mr. CHANG introduced that resolution; he had already explained its purpose at a previous meeting.
3. Mr. AZMI could see no reason for the restrictive statement that the practice of mistreating foreign information personnel existed only "in certain wide and densely populated areas". He proposed the substitution of the words "in certain countries".
4. Mr. CHANG accepted that amendment.
5. Mr. AZKOU observed that the words "in those countries" in paragraph (1) of the operative part were too restrictive and proposed their deletion.

/6. Mr. CHANG

6. Mr. CHANG accepted that amendment.

7. The CHAIRMAN put to the vote Mr. Chang's suggested resolution (E/CN.4/Sub.1/135).

The draft resolution (E/CN.4/Sub.1/135), as amended, was adopted by 9 votes to one.

8. Mr. DEDIJER had voted against the draft resolution because the phrase "wide and densely populated areas" in the draft submitted by Mr. Chang and remarks made at a previous meeting had led him to believe that it dealt with the alleged situation in one particular country. The Sub-Commission was being asked to take a decision against the Chinese Government without the benefit of any expression of its views. In a spirit of fairness, he had cast a negative vote.

9. Mr. CHANG pointed out that Mr. Dedijer's interpretation was too restrictive; he had intended to allude to the USSR as well.

10. In that connexion, he wished to take exception to the wording of Mr. Dedijer's statement in paragraph 29, of the provisional summary record E/CN.4/Sub.1/SR.82, which constituted an indirect attack upon him personally and upon his Government, as the words "recent proponent" and "until very recently" clearly indicated.

11. In the first place although Mr. Chang's own experience in the field of information had not been as extensive or as long as that of many of the members of the Sub-Commission, his record of activities in that field was, he maintained, clean. He had always worked hard to give information personnel all possible facilities. He believed that all foreign correspondents who had been in China during the years 1943 to 1946 would testify to that.

12. Secondly, it was a deliberate distortion of truth to give the impression that even less freedom of information had existed under his Government than that which currently prevailed on the mainland of China. In proof of that, he need merely point out that an official communist daily newspaper had been allowed to exist and to publish in Chungking throughout the war years and that a great many foreign correspondents had worked in Free China during the war, whereas practically none were there at the present time.

COMMUNICATIONS (ITEM D. OF THE AGENDA) (E/CN.4/Sub.1/137)

13. Mr. AZKOL drew attention to the summary of a communication from the Difusoras del Uruguay on the status of the freedom of radio broadcasts (E/CN.4/Sub.1/137) and requested the Secretariat to circulate it in extenso.

14. The CHAIRMAN explained that the document was a summary of an extensive memorandum on various aspects of freedom of expression in radio broadcasting, which dealt in particular with the difference between freedom of broadcasting and freedom of information through other media. The summary had been prepared for the use of the Sub-Commission, but the whole document would be circulated as soon as it had been translated. He himself would use it as the basis for a draft resolution to be submitted at the fifth session.

ITEMS REFERRED TO THE SUB-COMMISSION BY THE ECONOMIC AND SOCIAL COUNCIL AT ITS NINTH SESSION ARISING FROM CONSIDERATION OF RESOLUTIONS OF THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION NOT ALREADY INCLUDED IN THE PROGRAMME OF WORK AND PRIORITIES (RESOLUTION 241 (IX) )

15. Mr. AZKOL requested that documentation should be provided, without giving it special priority, for item C (2) of the agenda dealing with problems involved in the establishment of governmental and semi-governmental information services in accordance with resolution No. 24 of the United Nations Conference on Freedom of Information.

It was so decided.

16. Mr. FARR (United Nations Educational, Scientific and Cultural Organization) thought that the Sub-Commission might wish to hear the most recent available information in connexion with the activities of UNESCO in the field of freedom of information (E/CN.4/Sub.1/109). He was particularly anxious to provide that information, as all the documentation which UNESCO had prepared for the Sub-Commission had not been received early enough for full consideration at the current session.

17. The survey "World Communications: Press, Radio, Film," which was already available in English, would be circulated in French within the next few weeks.

/The study

The study on Newsreels, available in French, would be distributed in English at about the same time. The "Manual on Trade Practices", an important document dealing with restrictions of an indirect nature, would be ready within a month.

18. Mr. Terrou's study, "Legislation in Press, Radio, Films and Television", would be ready within three months. That study should be particularly useful in connexion with the communication on radio broadcasting summarized in document E/CN.4/Sub.1/137 and would be to some extent complementary to it.

19. Of particular interest in the light of the discussion on the resolution on governmental intervention in the sale and purchase of newsprint (E/CN.4/Sub.1/133) would be the report on the problem of newsprint and other printing paper, prepared in collaboration with the Intelligence Research Unit of the weekly London "Economist" on the basis of information supplied by the Food and Agriculture Organization and other organizations.

20. He wished to draw the Sub-Commission's attention to the very important international agreement to facilitate the international circulation of publications (E/CN.4/Sub.1/109, page 11), which was currently under discussion by the UNESCO General Conference. The text had been drafted by experts from 25 Member States, had been adopted unanimously and he had every reason to hope that it would be adopted by the General Conference. If adopted, it would free all papers, periodicals and printed books, newsreels and sound recordings from customs duties and import restrictions. The Sub-Commission had been principally concerned with the removal of other kinds of obstacles to the free flow of information, but its members had undoubtedly had some experience of the difficulties of moving such material across national frontiers; not only were customs duties expensive, but the administrative burden caused by customs formalities was extremely onerous. The agreement would therefore prove a substantial contribution to the Sub-Commission's work.

/21. The CHAIRMAN

21. The CHAIRMAN said that a number of private petitions had been received and had been dealt with in accordance with the rules concerning them.

The meeting was suspended at 4.10 p.m. and resumed at 6.15 p.m.

DRAFT REPORT OF THE FOURTH SESSION OF THE SUB-COMMISSION ON FREEDOM OF INFORMATION AND OF THE PRESS TO THE ECONOMIC AND SOCIAL COUNCIL (E/CN.4/Sub.1/138)

22. At the invitation of the CHAIRMAN, Mr. Jordan, Rapporteur, read the draft report of the fourth session of the Sub-Commission on Freedom of information and of the Press.

Chapter I

23. Mr. DEDIJER requested the insertion of the words "without participating in the vote" between the words "meeting" and "Mr. Kotik" in paragraph 5.

It was so agreed.

Chapter I was approved.

Chapter II

24. Mr. AMKOU observed in connexion with paragraph 13 that Mr. Binder had accepted an amendment submitted by him proposing the deletion of the specific reference to the violation of the Atlantic City Convention by the USSR (E/CN.4/Sub.1/115). If reference to that amendment was omitted, the Economic and Social Council would not be able to understand the reason for the change in the text of the original resolution.

25. Mr. BINDER observed that the Council could refer to the summary records.

Chapter II was approved.

Chapter III

26. Mr. AZKOUL proposed that a reference should be made to Mr. Gandhi's amendment alluding to the peace of humanity in the description of the efforts to introduce a mention of the purposes of the United Nations in the draft code of ethics (paragraphs 22 to 25 inclusive). It had resulted in other amendments and finally to the insertion of the phrase "vital to the peace of humanity" in the preamble, and had been the most important gesture towards a compromise between the views of the majority and those of the minority.

27. Mr. GANDHI supported Mr. Azkoul's suggestion.

It was so decided.

28. Mr. GANDHI thought that the reference to Mr. Azkoul's amendment should have been placed in its context in the debate.

29. Mr. DEDIJER wondered whether the words "as a result of the foregoing decision" ought to be retained in paragraph 22.

30. Mr. AZKOUL, while sharing Mr. Dedijsr's doubts, would not press for the deletion of those words.

31. In connexion with paragraph 25, he observed that the phrase "should be stated as obligations" expressed the dissenting opinion of Mr. Dedijsr rather than of himself, as a member of the minority. His own opinion would be better stated by the insertion of the words "or at least as a standard" after the word "obligations".

32. Mr. JORDAN, Rapporteur, suggested that a new paragraph could be inserted after paragraph 25, to read: "A proposal by Mr. Gandhi to insert the words "to the peace of humanity" after the word "vital" in the first paragraph of the preamble was adopted.

It was so decided.

33. Mr. GANDHI observed in connexion with paragraph 29 that his original proposal (E/CN.4/Sub.1/128/Rev.1) had quoted the full text of the eight clauses of the creed drafted by the late Mr. Walter Williams. The text of  
/those

those eight clauses should be inserted in the report to bring it into accord with the text of his original proposal.

It was so decided.

Chapter III was approved.

Chapter IV

34. In paragraph 30, Mr. AZKOUL suggested that the reference to the text submitted by Mr. Binder to replace the operative part of his draft proposal concerning the implementation of the principles contained in the Conference resolutions should read: "An amendment by Mr. Binder, substantially modifying the operative portion..."

35. Mr. BINDER accepted that revision.

36. Mr. AZMI observed that chapter IV contained no mention of the proposal submitted by Mr. Gandhi concerning a method of completing the draft convention on freedom of information (E/CN.4/Sub.1/134). Although it had finally been rejected by the Sub-Commission, there should be some reference to its substance.

37. Mr. AZKOUL pointed out that it was especially important to give either the full text of the draft proposal, or at least a summary of its substance, because while the text as a whole had been rejected, each of its separate clauses had been approved by the Sub-Commission. Moreover, Mr. Azkoul himself had submitted an amendment to one of those clauses which the Sub-Commission had accepted.

38. Mr. GANDHI thought that inasmuch as the report was a factual account of the Sub-Commission's work and not merely a record of its decisions, it should contain a reference to his draft proposal, even though it had been defeated. The case was somewhat exceptional in that all the component parts of that proposal had been adopted. Obviously, the reference had been inadvertently omitted. While he would not press for the inclusion of a full text, he considered it advisable and in keeping with the practice followed throughout the report, to give the substance of the rejected draft proposal and the details of the vote both on its separate parts and on the text as a whole.

/39. Mr. JORDAN



39. Mr. JORDAN, Rapporteur, read out a provisional text to be added to chapter IV giving the title of Mr. Gandhi's proposal together with the final decision taken on it.

40. Mr. AZKOUL felt that the title itself did not adequately describe the subject and suggested instead that the report should present a summary of the operative part, the substance of Mr. Azkoul's amendment, the separate votes on each clause and finally, the vote on the whole.

41. Mr. GANDHI concurred in that view and suggested a wording to be added to the provisional text read out by the Rapporteur.

42. Mr. AZKOUL emphasized that the report must include an accurate account of what had occurred in the Sub-Commission; it could not fail to mention proposals and amendments even though they had ultimately been rejected; it should record the views of the minority as well as of the majority. It was the duty of the Rapporteur to set down all amendments, at least in substance, regardless whether they had been adopted or defeated.

43. Mr. AQUINO supported Mr. Gandhi's suggestion and outlined the three elements which must be included in the Rapporteur's text: a statement of the objective of the original proposal, the substance of Mr. Azkoul's amendment and the details of the votes.

44. The CHAIRMAN proposed that Mr. Gandhi should collaborate with the Rapporteur in drafting a final version of the text to be added to chapter IV.

It was so agreed.

Chapter IV was approved.

/Annex A

Annex A

45. The CHAIRMAN noted that annex A which reproduced the draft of an international code of ethics adopted by the Sub-Commission required no further action.

Annex B

46. In order to avoid possible errors in interpretation, the CHAIRMAN asked the Rapporteur to read annex B, containing the draft resolutions based on the recommendations of the Sub-Commission, which the latter wished the Economic and Social Council to adopt.

47. Mr. DEDIJER asked for an explanation of the documents included in the annex. While he was prepared to accept the report itself as a fair reflection of the Sub-Commission's work, he felt that to ask the Economic and Social Council to transmit the resolutions adopted by the Sub-Commission prejudged, to some extent, the action of the Council.

48. Mr. HUMFREY (Representative of the Secretary-General) explained that the Sub-Commission was authorized by its terms of reference to report directly to the Council. The Council normally asked all its commissions and sub-commissions to prepare drafts of the resolutions they wished the Council to adopt to implement the decisions and recommendations they had formulated. That task had previously been entrusted to the Secretariat, but had recently become the responsibility of the commissions themselves. Accordingly, their decisions had to be edited and put in a form suitable for adoption by the Council.

49. Mr. DEDIJER was not satisfied that the Sub-Commission would not thereby be prejudging the action of the Council and he would therefore abstain in the vote on annex B.

/50. Mr. AZKOUL

50. Mr. AZKOUK had some doubts regarding the method employed in adapting the form of the Sub-Commission's resolutions for adoption by the Council. There appeared to be some inconsistency, for example, in the choice of the preambles which had been reproduced in the Council resolutions. In many instances, the paragraphs of the preamble contained the essential reasons which had led the Sub-Commission to request action on the part of the Council. The decision regarding the retention or omission of those paragraphs involved careful judgment and should be left, in the future, not to the Rapporteur alone, but to the members of the Sub-Commission. Mr. Azkoul feared that a decision taken by a single member might result in an involuntary distortion of the real intentions of certain recommendations, and thus create difficulties for the Council.

51. Mr. JORDAN, Rapporteur, pointed out that preambles of the Sub-Commission's resolutions were retained only when they were considered useful or of interest to the Council. They had been deleted when, after careful consideration, it had been found that they were essential neither to the Sub-Commission's recommendation nor to the proposals which the Council might make at its request.

52. The CHAIRMAN called for a vote on annex B.  
Annex B was approved by 10 votes to none, with one abstention.

53. The CHAIRMAN put to the vote the draft report as a whole (E/CN.4/Sub.1/138).  
The report was adopted by 10 votes to none, with one abstention.

#### CLOSING OF THE FOURTH SESSION

54. Mr. BINDER congratulated Mr. Fontaine upon the efficiency and forbearance with which he had conducted the meetings as Chairman, and thanked the Vice-Chairman, the Rapporteur and the Secretariat staff for their co-operation and hard work. He especially appreciated Mr. Fontaine's initiative in inviting the Sub-Commission to meet in Uruguay and wished to extend to the Government and people of that country his deepest gratitude for their warm welcome, and unstinting hospitality.

/55. Mr. GANDHI,

55. Mr. GANDHI, Mr. AZKOUL, Mr. GERAUD, Mr. JORDAN, Mr. AQUINO and Mr. SILVA CARVALLO wholeheartedly associated themselves with Mr. Binder's expression of gratitude.

56. Mrs. SALMON (World Federation of United Nations Associations) thanked the Sub-Commission for having granted her the privilege of attending its fourth session.

57. Mr. DEDIJER, joining in the tribute paid to the Chairman and to the host country, observed that the Chairman was not responsible for the failure of the Sub-Commission to link more closely freedom of information and the responsibility incumbent upon press and information personnel.

58. Mr. AZMI also associated himself with the congratulations extended to the Chairman and the appreciation of the hospitality and atmosphere of the host country. He was especially gratified because the Sub-Commission had produced concrete results on the basis of the voluminous and carefully assembled documentation prepared by the Secretariat. The international code of ethics, while it was a provisional document, was a signal achievement. Mr. Azmi noted that although his proposal for a definition of freedom of information had been rejected, the Sub-Commission had clearly been guided and inspired by that definition throughout its work. It had always been aware of the need to correlate freedom of information with the responsibility of information personnel. Its decision to postpone action on a definition had been wise.

59. The CHAIRMAN, speaking in his personal capacity, thanked the members for the tribute paid him, but especially for the kind remarks they had made regarding Uruguay. His confidence that they would find in that modest country an atmosphere of freedom and regard for human rights had led him to extend his invitation to them. With the able assistance of the Secretariat, the Sub-Commission had worked in a spirit of understanding and compromise and had accomplished an important task. Mr. Fontaine asked its members to remember that they would always be welcome in Uruguay and wished them godspeed on their journey.

60. He declared the fourth session of the Sub-Commission on Freedom of Information and of the Press closed.

The meeting rose at 8.25 p.m.