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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON FREEDOM OF INFORMATION AND OF THE PRESS
Fourth Session

SUMMARY RECORD OF THE SIXTY-EIGHTH MEETING
Held at Hotel Parque, Montevideo,
on Monday, 15 May 1950, at 11 a.m.

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<u>Acting Chairman:</u>	Mr. BINDER	(United States of America)
<u>Chairman:</u>	Mr. FONTAINE	(Uruguay)
<u>Rapporteur:</u>	Mr. JORDAN	(United Kingdom of Great Britain and Northern Ireland)

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/Members:
E/CN.4/Sub.1/SR.68

Members: Mr. AQUINO (Philippines)
Mr. AZKOUL (Lebanon)
Mr. AZMI (Egypt)
Mr. P. H. CHANG (China)
Mr. DEDIJER (Yugoslavia)
Mr. GANDHI (India)
Mr. KOTIK (Union of Soviet Socialist Republics)

Representative of a specialized agency:

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

Representatives of non-governmental organizations:

Category A:

Miss CATRO) World Federation of United Nations
Miss IARGUIA) Associations (WFUNA)

Category B:

Mr. GALLIARDO Commission of the Churches on
International Affairs

Secretariat:

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

OPENING OF THE SESSION

Mr. Binder, First Vice-Chairman of the Sub-Commission at its third session, took the Chair.

The Acting CHAIRMAN regretted the absence of Mr. Lopez, Chairman of the Sub-Commission, from the opening meeting of its fourth session, and paid a tribute to Mr. Lopez for his contributions to the Sub-Commission's work. As Mr. Williams and Mr. Zonov had also been unable to attend the session, they, as well as Mr. Lopez, had under rule 70 of the rules of procedure, appointed duly accredited alternates with the right to vote. The three alternates were Mr. Aquino, Mr. Jordan and Mr. Kotik.

The Sub-Commission was extremely grateful to the Government of Uruguay for its gracious invitation to hold the fourth session in Montevideo. While Uruguay was a small country, it had been an example of democracy and freedom and had exerted a great influence both in South America and in other parts of the world. It was uniquely fitting, therefore, that the Sub-Commission should hold a session in a land where freedom of speech and of the press were so firmly rooted in theory and so constantly observed in practice. That atmosphere of freedom should have a beneficial effect on the Sub-Commission's work.

It was a tragic fact that freedom of information was less secure in many parts of the world than it had been even two decades earlier and that there was a trend towards increasing governmental limitation on freedom of speech and freedom of the press. That trend was due both to the feeling of insecurity on the part of some Governments owing to unsettled political, economic and social conditions,
/and to their

and to their increasing awareness of the power of ideas and of the great force of the press, radio and films in shaping ideas and opinions.

The fact that Governments were becoming increasingly sensitive to the power of the mass media gave a new urgency and importance to the Sub-Commission's work. He hoped that the Sub-Commission, which had been established to promote freedom of information, would achieve concrete and practical results. It was a small body in the United Nations system, but its voice, like that of the Republic of Uruguay, would be heard if it took its stand on the side of freedom and if its actions were a clear affirmation of that stand.

PROPOSAL BY MR. KOTIK

Mr. KOTIK recalled that the Central People's Government of the People's Republic of China had officially informed the United Nations that it considered illegal the presence of the representatives of the Kuomintang group in the organs of the United Nations and insisted on their exclusion. He was empowered to state that the expert from the USSR considered illegal the presence of the expert of the Kuomintang group in his capacity of representative of China at the fourth session of the Sub-Commission and insisted on his exclusion from membership of the Sub-Commission.

He therefore proposed the following resolution:

"The Sub-Commission on Freedom of Information and of the Press,

"Considering that the Government of the People's Republic of China regards as illegal the presence of the representatives of the Kuomintang group in the organs of the United Nations and insists on their exclusion,

"Decides

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"Decides to exclude from its membership the expert recommended by the Kuomintang group."

The Acting CHAIRMAN ruled that Mr. Kotik's proposal was out of order since members of the Sub-Commission were not Government representatives, but had been chosen by the entire United Nations on the basis of personal competence, to serve until the end of 1952. Consequently, the question of governmental representation did not arise. All the experts on the Sub-Commission had the same standing, and it was not within their competence to exclude any one of their number.

Mr. DEDIJER replied that all members had been elected with the knowledge and support of their respective Governments and that the question whether or not an expert still enjoyed the support of his country's Government - as Mr. Chang clearly did not - was within the Sub-Commission's competence. He therefore supported Mr. Kotik's proposal.

The Acting CHAIRMAN stated that, once a member had been elected by the United Nations, he was to serve the interests of mankind; his relationship with any Government was irrelevant.

Mr. AZMI recalled that at a previous session he had objected to the seating arrangements on the grounds that members sat in their personal capacity as experts and not as representatives of Governments. On that occasion, Mr. Zonov had agreed that the members - including himself - did not represent their Governments. Mr. Azmi regretted that Mr. Zonov was absent and therefore could not bear witness to the correctness of those facts.

/He therefore

He therefore suggested that the Sub-Commission might adopt a resolution declaring that Mr. Kotik's proposal was out of order and regretting the absence of Mr. Zonov from its fourth session.

Mr. DEDIJER, invoking rule 44 of the rules of procedure, challenged the Acting Chairman's ruling that Mr. Kotik's proposal was out of order.

That ruling was upheld by 8 votes to one, with no abstentions.

Mr. KOTIK said he was instructed by his Government to state that the Union of Soviet Socialist Republics would not recognize the legality of any decisions of the Sub-Commission on Freedom of Information and of the Press taken with the participation of the expert of the Kuomintang group and would not abide by such decisions.

He thereupon withdrew from the conference room.

Mr. CHANG remarked that the vote just taken by the Sub-Commission represented an action that spoke louder than words. He thanked the Acting Chairman for his ruling and the members for supporting it; their fair-mindedness and courage would, he hoped, set an example to others so that eventually big countries would learn to use their power for good and not for evil.

He wished to rectify Mr. Kotik's statement. Although his Government had suffered military reverses and had been forced to retreat from the mainland to Formosa, it was still the Government of China and not "the Kuomintang group".

/Furthermore,

Furthermore, those who had helped the rebels should be the last ones to reproach that Government for its reverses. In any case, the important issue was not who governed, but how he who was in power governed. Hitler and Mussolini had also ruled; Mr. Kotik's charge, based solely on the grounds of temporary territorial control, was as unfair as it was unjustified, and Mr. Chang took exception to it.

ELECTION OF OFFICERS

The Acting CHAIRMAN invited the members of the Sub-Commission to proceed to the election of officers for the fourth session.

A vote was taken by secret ballot.

Mr. Fontaina was declared elected Chairman and took the Chair.

Mr. Azmi was declared elected Vice-Chairman.

Mr. Jordan was declared elected Rapporteur.

Mr. AQUINO thanked Mr. Binder for his tribute to Mr. Lopez, the Chairman of the Sub-Commission during its third session. On behalf of the retiring Chairman and in his own name, he congratulated Mr. Fontaina on his election and expressed confidence that the Sub-Commission would make substantial progress under his able leadership.

Mr. Aquino stressed the dramatic symbolism of the Sub-Commission's meeting in Uruguay, a country that was one of the few remaining islands of freedom in a rising sea of reaction.

The CHAIRMAN, recognising that his election had been an act of homage to his country rather than to himself, expressed gratification both as an individual and as a citizen of Uruguay and cordially welcomed the Sub-Commission to Montevideo.

/While

While Uruguay was not a large country, it might be described as a great country because of its lofty ideals, its strong convictions and, above all, its devotion to freedom. The people of Uruguay looked upon freedom not as a privilege but as a right which must be exacted, respected and defended.

International action could not be measured in terms of the geographical area of a given country. Uruguay consistently defended the freedom of other nations because of its belief that the liberties and rights of men everywhere were equally important and because of its conviction that, in a world of increasing interdependence among nations, the denial of freedom to men in any part of the world constituted a threat to the freedom of all other men.

He stressed the desirability of holding meetings of United Nations organs away from headquarters as a means of promoting international understanding. Direct contact with various nations by delegations and members of the Secretariat could thus be achieved and at the same time the work of the United Nations could be brought closer to the peoples of Member States.

In his opinion the fourth session of the Sub-Commission could best contribute to the achievement of the objective of promoting freedom of information by presenting concrete and positive proposals.

Freedom of information was an essential freedom, the criterion of all other freedoms which the United Nations had undertaken to protect as necessary safeguards for the maintenance of peace. The basic principles on which freedom of information rested were set forth in a number of international instruments, notably the United Nations Charter and the Universal Declaration of Human Rights. Although none of the three draft conventions prepared by the Geneva Conference in 1948 had come into force as a binding international instrument, the General Assembly had approved a single instrument merging two of them into the Convention on the International Transmission of News and the Right of Correction.

Progress was therefore being made in the field despite tremendous practical difficulties and despite the conflicting and seemingly irreconcilable points of view and political concepts. Those serious obstacles and conflicts ~~had~~, however, served to enlighten world public opinion and to make the issues clear. It must, moreover, be remembered that the ultimate objective of freedom of information could not be achieved in a single day.

Careful study revealed general agreement that the press and other media of information were under obligation to seek the truth and give objective accounts of facts, to contribute to the solution of world problems through the free exchange of information, to encourage respect for human rights and fundamental freedoms without discrimination, to promote understanding and co-operation among peoples and to assist in the maintenance of international peace and security. There existed a rather broad area of general agreement regarding the rights and responsibilities of members of the press and information
/services.

services. Very fruitful work might at that juncture be accomplished by extending the area of agreement in connexion with items on the Sub-Commission's agenda which aroused no sharp political differences. The preparation of concrete and positive proposals to raise professional standards through an international code of ethics for journalists and an international court of honour or other methods would mark an important advance.

The Sub-Commission might well give priority to the worthy and positive objective of consolidating the rights of journalists, safeguarding their dignity and affirming their responsibilities. It could also study the other items of its agenda on which there were diametrically opposed views. It was, however, most likely to achieve fruitful results during its session in Montevideo by concentrating on defining the principles and standards of objectivity, truth and responsibility which should prevail in the field of journalism.

Mr. DEDIJER wished to draw attention to an incident which he hoped would not be repeated. During an exchange of amenities at a reception given in the Sub-Commission's honour by the Uruguayan Press Association, Mr. Azkoul, speaking in the name of the Sub-Commission - and consequently of Mr. Dedijs as well - had expressed views with which Mr. Dedijs strongly disagreed. He suggested that in the future any statements of substance delivered in the name of the Sub-Commission should first be submitted to all its members for approval.

/The CHAIRMAN

The CHAIRMAN replied that Mr. Azkoul, while expressing views shared by the majority of the Sub-Commission had spoken in his personal capacity. If Mr. Dedijer had indicated a desire to state his own views, he would certainly have been afforded an opportunity to do so.

Mr. AZKOUL pointed out that he had thanked the Uruguayan Press Association in the name of the Sub-Commission and the Secretariat; and had then expressly stated that the ideas he would expound were his own. He could only regret that Mr. Dedijer did not share them.

The meeting rose at 12.05 p.m.
