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

Fourth Session

SUMMARY RECORD OF THE SEVENTIETH MEETING

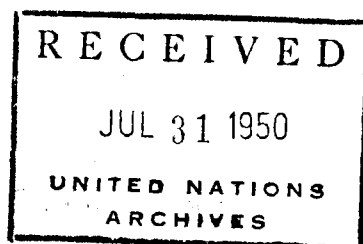
Held at Hotel Parque, Montevideo,
on Tuesday, 16 May 1950, at 10 a.m.

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The adequacy of the news available to the people of the world
and the obstacles to the free flow of information to them
(E/CN.4/Sub.1/106) (Continued).

Chairman: Mr. FONTAINA (Uruguay)
Rapporteur: Mr. JORDAN (United Kingdom of Great Britain and
Northern Ireland)

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/Members:

Members: Mr. AQUINO (Philippines)
Mr. AZKOUL (Lebanon)
Mr. AZMI (Egypt)
Mr. BINDER (United States of America)
Mr. P.H. CHANG (China)
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)

Representatives of a non-governmental organization:

Category A:

Miss Castro) World Federation of
Miss Larguia) United Nations 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

THE ADEQUACY OF THE NEWS AVAILABLE TO THE PEOPLES OF THE
WORLD AND THE OBSTACLES TO THE FREE FLOW OF INFORMATION
TO THEM (E/CN.4/Sub.1/106) (continued)

The CHAIRMAN invited the Sub-Commission to
continue its discussion of the Survey of Obstacles to
the Free Flow of Information, a memorandum prepared
by the Secretariat (E/CN.4/Sub.1/106).

Mr. AZMI noted that the Secretariat paper
was well done but agreed that it was not entirely
complete. The forthcoming material from UNESCO would
supply additional information.

Commenting on salient points raised in the
Secretariat paper, he indicated that the reference to
the general lack of public awareness of the continuing
existence of restrictive practices in peacetime would
be a significant factor in the Sub-Commission's
deliberations.

In his opinion, the list of twelve government-
imposed restrictions should also include government
censorship of news sent by mail.

He also felt that the section on entry, travel
and residence of correspondents should be extended to
cover the entry of the wives of journalists seeking
admission to foreign countries.

/He noted

He noted that entry visas had been denied wives of journalists and cited the case of a journalist whose wife had not been permitted to accompany him to the United States because her place of birth was entered on her papers as St. Petersburg. An atmosphere of fear bordering on hysteria seemed to prevail in the United States. Inasmuch as all persons granted entry were subject to laws and regulations concerning security, it seemed unjust to exclude the families of correspondents for such technicalities as place of birth.

He pointed out that although the section on government censorship referred principally to fascist regimes, the devices mentioned were equally applicable to other regimes. The trend towards restriction seemed to be spreading and engulfing many democratic and liberal countries.

The tenor of the final section of the document on an international code of ethics and an international court of honour showed that those proposals came within the framework of the first agenda item.

Mr. BINDER expressed surprise at the case cited by Mr. Azmi and requested further details of the incident. He indicated that in the United States, as in many other countries, officials granting entry permits had occasionally been less liberal than might have been warranted. He noted, however, that the American Society of Newspaper Editors had adopted a resolution urging officials to take a very liberal attitude

/toward

toward applications for the entry of journalists and their families to the United States. He wished to give assurance that if the facts were as represented by Mr. Azmi in that particular instance the case was not representative of American policy.

While many people throughout the world were sorely troubled regarding the security of free institutions, in some cases even to the point of hysteria, he felt that a more comprehensive study would show that hysteria was not the general mood of the American people and was not the basis of its policy.

Mr. AZMI expressed gratification at the statement of Mr. Binder and indicated that he would be pleased to furnish complete details.

At the suggestion of the CHAIRMAN, the Sub-Commission agreed to use the Secretariat paper (E/CN.4/Sub.1/106) as the basic document in its consideration of the first item on its agenda.

Mr. AZMI recalled that at the final meeting of the third session of the Sub-Commission it had agreed to the postponement of the consideration of his definition of information. He felt that priority should now be given to the following definition of information:

/"Information

"Information consists of facts and opinions intended for publication by all media, especially by the Press, radio and films, for the purpose of revealing facts, helping to promote the moral and cultural development of humanity, maintaining good relations between nations and spreading the concept of peace throughout the world."

He explained that the definition related only to true information. In his view, information included opinions as well as facts which were intended for publication. He emphasized that one of the primary functions of a journalist was to reveal facts, which in the modern world, were often hidden from the public. In addition, true information should further the ideals and principles of the United Nations by promoting moral and cultural development, maintaining friendly international relations and striving for peace.

Mr. JORDAN stated that he was unable to accept Mr. Azmi's definition of information beyond the word "publication". The qualifications imposed in that definition would, for example, make it impossible to report inflammatory statements and would in effect curb the dissemination of information.

/In his

In his view, it was the duty of the journalist to report all utterances and facts, no matter how undesirable they might seem. Limitation of news to items promoting moral and cultural development would force most newspapers to discontinue their service completely. If the Sub-Commission considered it necessary to have a definition of information, the wisest course would be to consult a dictionary and leave out all moral considerations.

Mr. AZKOUL agreed with Mr. Jordan in opposing any qualification of the term information. Moreover, he noted that Mr. Azmi might not have considered all the consequences of the definition he proposed. The reference to moral and cultural development would provide an excellent pretext for limitation and censorship of news by dictatorial and autocratic regimes. It must also be borne in mind that States which adopted a rigid and comprehensive philosophy, would inevitably be forced to limit freedom of information. Actually, any qualification of information constituted a limitation.

The stress on the duties and responsibilities of journalists was commendable, but freely accepted moral obligations must not be confused with a definition of information. It might be fitting for Mr. Azmi to raise those points in some other more acceptable context or to present his proposal in some other form.

/Mr. SILVA CARVALLO

Mr. SILVA CARVALLO expressed general agreement with the views of Mr. Azkoul and stressed the dangerous implications of Mr. Azmi's definition. In combining facts and opinions, that definition ran counter to the general trend of journalism which sought to establish a clear distinction between objective accounts of the news and editorial judgments and commentaries. Objective treatment of the news would thus be placed in jeopardy.

He also concurred in the view that the purposes referred to by Mr. Azmi would constitute powerful weapons in the hands of dictatorial regimes. To ensure freedom of information, all facts must be reported to the public regardless of their nature.

Mr. AQUINO felt that any definition of information must take account of the realities of the modern world. Mr. Azmi's definition again raised the long-standing philosophical controversy regarding the nature of truth. In practice, the definition of truth and true information varied considerably depending on the point of view of the journalist concerned.

Referring to the constitutional concept of freedom of speech and expression, Mr. Aquino drew attention to the dangers of seeking to define freedoms. He agreed that the greatest caution must be exercised to avoid restrictive definitions.

The legal implication of Mr. Azmi's definition would impose serious restraints upon newspapers and would prevent from reporting actions and statements which endanger world peace.

/Finally

Finally, he objected to the statement that the function of the journalist was to reveal facts. Actually, the journalist merely reported information which he gathered from various sources.

Mr. GÉRAUD took exception to the statement that a journalist did not reveal information. In his opinion, the quality of information was directly related to the intelligence of the reporter who gathered the information.

Mr. Géraud considered that it was possible to draft a text defining information and at the same time overcoming the objections which had been voiced. To that end, he presented the following draft:

"Information should be understood to mean the description and interpretation of facts, and the expression and interpretation of opinions, in so far as fact and opinion are of general interest or likely to concern the public at large.

"The basic purpose of information is to give people a clear understanding of the world in which they live.

"Information should not be restricted in any manner whatsoever, by anyone, under any pretext of morality or of the requirements of national policy or for the alleged purpose of restoring international harmony. Information is not propaganda.

/"Information

"Information ceases to be information as soon as it is subjected to monopoly by legal means or in practice. It necessarily involves a multiplicity of sources and a multiplicity of means of expression.

"It may be assumed that the fullest freedom of information exercised by enlightened persons with a sense of responsibility will eliminate, at least in the long run, self-interest, illusions, errors and lies and will contribute to the moral and cultural advancement of nations and to the cause of peace throughout the world".

Mr. BINDER agreed in general with the objections to Mr. Azmi's definition which in his opinion applied more appropriately to propaganda than to information. Even a definition which included a good propaganda was inherently dangerous because its underlying concept was to indoctrinate or condition public opinion. Any definition would be used, not only by individuals of moral character, but also by governments seeking to control public opinion through censorship and other restrictions.

Mr. Binder himself felt that it was unnecessary to define information.

His basic objection to Mr. Azmi's text was that its approach was extremely dangerous. In the final analysis, who was to decide what information constituted fact, what news promoted moral and cultural development or spread the concept of peace? His purpose was to advance the freedom of all journalists to report any news, facts and opinions of interest to the general public. He therefore was unable to support any definition restricting information.

Mr. CHANG was not certain that a definition of information was necessary. If the Sub-Commission should decide that it was, he would be inclined to support that proposed by Mr. Azmi, with possible drafting changes, since it corresponded with the Chinese concept of the Press as not merely a purveyor of information but also a guide and a great cultural force.

In reply to an objection raised by Mr. Jordan, he said that the adoption of Mr. Azmi's definition would not prevent the Press from reporting inflammatory speeches; on the contrary, it would be the duty of the Press to do so in the very interests of peace, since people must be warned that trouble was brewing so that they could take steps to prevent it.

/Mr. DEDJER

Mr. DEDJER remarked that, in view of the troubled world situation, the Sub-Commission could not shut itself up in an ivory tower, but had to face reality. In trying to distinguish between information and propaganda, Mr. Binder had attempted the impossible. Information had become a weapon in the cold war, and there was no longer any such thing as neutral news. That fact had been recognized by highly-placed United States officials who had recently stated that the United States must intensify its propaganda, while C. D. Jackson, vice-president of Time, in the compilation of articles entitled "Public Opinion and Foreign Policy", made it very plain indeed that in the cold war every word transmitted through the media of information should be weighed according to its propaganda impact. The actual situation was such that it was no longer possible to draw any line between information and propaganda.

Organized propaganda had been used as a means of undermining the regimes of small countries. Yugoslavia had been the victim of a concerted campaign of that kind in which the Tass news agency and the Polish Information Centre located in Belgrade itself had taken part.

/Many other

Many other examples could be adduced. Such activities would be curbed if Mr. Azmi's definition were adopted, as news would then once more be used for purposes of information, and not as a weapon in the cold war.

Mr. Azkoul's concept of freedom of information would have been valid in the 18th century, when it had been possible to start a newspaper on very little capital; it was no longer valid under modern conditions, when newspapers required a vast investment and were concentrated in the hands of a small group.

With reference to Mr. Aquino's remarks, he observed that Mr. Aquino, himself a newspaper editor, must have formed some opinion of his own on what was news and what was truth. Mr. Azmi's definition could certainly not be rejected on the grounds that it was impossible to define the concepts of information.

For all those reasons, he was prepared to support Mr. Azmi's definition, with minor drafting changes.

Mr. AZKOUL said that, while the Press might be in a position to furnish guidance to public opinion, that was a privilege and not a right.

The real right implied by the term "freedom of information" was the right of the people to be informed, and journalists should be protected only insofar as they purveyed information to the people. There was a grave danger that assumption by the Press of the function of leadership might result in suppression or distortion of the news and thus infringe the right of the people to know the facts.

While he agreed with Mr. Dedijer that freedom of information encountered difficulties unknown in the 18th century, his conclusion was merely that new measures were required to overcome new obstacles, but that the concept itself remained, and should remain, unchanged. No one would argue that, because science had been used as a tool of war, it should now be defined as an inquiry into only those laws of nature which were conducive to good international relations and the maintenance of peace.

Consequently, while the moral precepts advanced by Mr. Azmi and Mr. Geraud were unexceptionable, they should not be put in a definition of information, where they would serve to limit freedom of information and to introduce the false and dangerous concept that guidance by the Press was an integral part of the people's right to the news.

/Mr. GERAUD

Mr. GERAUD observed that Mr. Azkoul's distinction between reporting the facts and commenting on them could not be made in practice. Every description contained some degree of interpretation; political events were generally unintelligible to the people unless they were explained and interpreted. Consequently, journalists could not escape the role of guides of public opinion, and for that very reason should be imbued with a sense of responsibility in the discharge of their public function.

Mr. AZMI said that he had listened with pleasure to the debate on the ~~definition~~ he had proposed since it had shown that all members were motivated by the desire to protect freedom of information.

Having fought for the same ideal for 32 years of practice as a journalist, he had no wish to limit that freedom in any way. Furthermore, his definition did not apply to propaganda; rather, it was intended to echo Wickham Steed's differentiation between a journalist and a newspaperman, to curb the latter's love of sensationalism and to give the former a sense of his mission as a guide to public opinion.

To the objection that it was difficult to define freedom of information, he replied that a thing must be defined in order to be understood and that fear of the process of definition should be alien to the cultivated mind.

/He recalled

He recalled that he had drafted his definition at the previous session in response to Mr. Zonov's statement that such topics as obstacles to the free flow of information could not be discussed until the Sub-Commission knew what it meant by information. The definition had not been drafted in the form of a resolution because it had been intended merely for the guidance of the Sub-Commission in its future discussions.

The ideals expressed in his definition had inspired him throughout ^{his} /journalistic career without a single conflict between theory and practice. He wished to appeal to the Sub-Commission on that basis to adopt either his definition or Mr. Geraud's, with such amendments as it might deem necessary.

Mr. GANDHI said that in view of the strong divergence of opinion disclosed by the discussion he would appeal to Mr. Azmi and Mr. Geraud to drop the idea of a definition of the expression "Information". He felt that the Sub-Commission could very well get along with its work without having to agree upon a definition of "Information" which was well understood.

The CHAIRMAN, speaking in his personal capacity, said that he was unable to accept Mr. Azmi's definition because of the danger that other journalists might distort and put to evil use the very principles by which Mr. Azmi had so faithfully abided.

Moral attitudes, cultural traditions and political regimes differed so widely from country to country that it was highly inadvisable, if not impossible, to define an isolated principle. Moreover, the basic problem of what limitations should be set to the freedom of information could not be solved, as Mr. Dedijer had suggested, by taking into account the current political situation.

/The Sub-Commission

The Sub-Commission must strive to reach agreement, and must not be diverted from its task by the temporary confusion of values brought about by the cold war. He noted in passing that Mr. Dedijer, who had objected to political pressure exercised against his country by a Government-controlled news agency, was himself the director of just such an agency. The difference between information and propaganda, incidentally, was simple enough: directed information originating from a single source was, beyond any doubt, propaganda.

He was opposed to Mr. Azmi's definition both because it limited unduly the concept of information and because it was entirely isolated. The Sub-Commission would achieve better results if it addressed itself to drawing up a unified code of ethics dealing with all the phases of journalism.

Mr. GERAUD suggested that a small drafting committee might be formed to prepare a text combining Mr. Azmi's definition with his own, since Mr. Azmi was not opposed to that definition in principle.

Mr. AZMI and Mr. SILVA CARVALLO supported that suggestion.

Mr. AZKOUL proposed that, in order to save time, the Sub-Commission should first vote on whether it wanted any definition of freedom of information. If no definition was desired, the drafting committee would be spared its labours.

/Mr. JORDAN

Mr. JORDAN and Mr. BINDER supported Mr. Azkoul's proposal.

Mr. DEDIJER felt that the proposal was out of order; since Mr. Azmi's definition had been submitted to the Sub-Commission and had not been withdrawn, the Sub-Commission had no choice but to vote on it.

Mr. AZMI shared that view.

After a brief procedural discussion, the CHAIRMAN stated that under rule 61 of the rules of procedure the point raised by Mr. Azkoul constituted a previous question and must be put to the vote first.

The Sub-Commission decided, by 6 votes to 2, with 3 abstentions, that a definition of freedom of information at this session was not necessary.

Mr. DEDIJER considered the Sub-Commission's decision unfortunate, since the adoption of Mr. Azmi's definition would have assisted the Sub-Commission in its future work and given support to the forces endeavoring to lessen international tension and to strengthen peace.

Mr. SILVA CARVALLO explained that he had abstained from the vote not because he considered it impossible for the Sub-Commission to arrive at a definition of freedom of information, but because he was not in agreement with the definition submitted by Mr. Azmi.

The meeting rose at 1 p.m.
