

UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



GENERAL

E/CN.4/Sub.1/SR.82  
20 June 1950

ORIGINAL: ENGLISH

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

Fourth Session

SUMMARY RECORD OF THE EIGHTY-SECOND MEETING

Held at Hotel Parque, Montevideo,  
on Wednesday, 24 May 1950, at 3.30 p.m.

CONTENTS:

Draft resolution concerning restrictions on the  
gathering, transmission and dissemination of  
information by means of newsreels (E/CN.4/Sub.1/126)  
(continued)

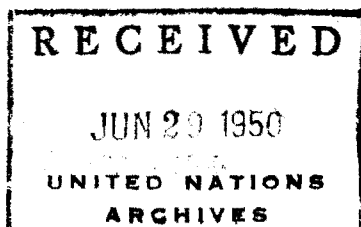
Draft resolution concerning mistreatment and  
discriminatory treatment of foreign correspondents  
(E/CN.4/Sub.1/127)

Chairman: Mr. FONTAINA

(Uruguay)

Rapporteur: Mr. JORDAN

(United Kingdom of Great  
Britain and Northern  
Ireland)



/Members:

<u>Members:</u>	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)
----------	---

Representative of a non-governmental organization:

Category A:

Mrs. SALMON	World Federation of United Nations Associa- tions (WFUNA)
-------------	---

Secretariat:

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

DRAFT RESOLUTION CONCERNING RESTRICTIONS ON THE GATHERING,  
TRANSMISSION AND DISSEMINATION OF INFORMATION BY MEANS OF  
NEWSREELS (E/CN.4/Sub.1/126) (Continued)

1. The CHAIRMAN invited the representative of UNESCO to present his views on the item under discussion.
2. Mr. FARR (United Nations Educational, Scientific and Cultural Organization) regretted that, owing to delay in the receipt of the English text, the Sub-Commission would not have the opportunity during the current session, of examining the report prepared by UNESCO on the production, distribution and content of newsreels. That report set forth fundamental differences between newsreels and newspapers as media for the dissemination of information.
3. Newsreels could not be considered on the same basis as newspapers. Whereas journalism was an established and honoured profession respected by governments, newsreel personnel worked in the cadre of the film industry and were viewed with less respect by administrative and legislative authorities dealing with that medium.

/On the

On the other hand, the cinema was a more powerful and influential medium than the printed word and had a very different effect on the public from newspapers. It was important to dispel the illusion that the camera never lied. On the contrary, the actual technique of film-making aimed at preventing the camera from lying.

4. It was significant that censorship of films was practised in all countries, even when the press was uncensored.

5. Finally, the financial and industrial organization of newsreels was completely different from that of newspapers.

A large majority were subsidized by sources unrelated to information, such as advertising concerns, large industries and governments. Moreover, practices common to the newsreel industry would not be tolerated in the field of journalism.

6. These were matters which bore closely on the difference in treatment given to the production and publication of newsreels as compared with newspapers. The Sub-Commission might well examine the situation more thoroughly at its next session with a view to initiating effective proposals regarding newsreels as a means of disseminating information.

/7. The CHAIRMAN

7. The CHAIRMAN asked the Sub-Commission to resume consideration of the draft resolution proposed by Mr. Aquino (E/CN.4/Sub.1/126) and recalled that there were two amendments to it. The first called for deletion of the phrase "without just cause" in paragraph 2 of the operative part and the second would substitute the phrase "national defence" for "national legislation" in paragraph 3.

8. In connexion with the first amendment, Mr. JORDAN wished to retain the general idea expressed in the phrase, and suggested an alternative wording intended to protect the right of countries to impose import duties on newsreel equipment brought in from abroad.

9. Mr. AZKOUL wanted a similar phrase inserted in order to protect the right of countries to develop their national information agencies.

10. Mr. SILVA CARVALLO proposed to substitute the phrase "without justifiable legal cause". Thus it would be possible to bring newsreel equipment into the country, transport it through that territory, and utilize it, subject only to the right of the State to impose restrictions for a justifiable legal reason.

11. After a brief discussion, the CHAIRMAN put to the vote Mr. Silva Carvalho's substitute text.

It was approved by 9 votes to none, with 2 abstentions.

12. The CHAIRMAN called for discussion of the second amendment, submitted by Mr. Binder, altering the final words of paragraph 3 to read "national defence" instead of "national legislation".

13. Mr. BINDER pointed out that he based his amendment on resolution number 12 of the United Nations Conference on Freedom of Information and on article XII, paragraph 3 of the Convention on the International Transmission of News and the Right of Correction adopted by the General Assembly at its third session. The Conference text prohibited the censorship of news material - and by definition, newsreels constituted visual or auditory news material - provided that "governments may make and enforce regulations relating directly to the maintenance of national military security". Mr. Binder understood "national defence" to be equivalent to the last phrase. The General Assembly text, moreover, used the identical expression and stated: "No contracting State shall ... impose censorship in peacetime on news material leaving its territory except on grounds of national defence ..."

14. Mr. AZMI noted that the phrase "national defence" in the Convention instead of "national military security" had been the result of a compromise, and applied to the safeguarding of both military and non-military security.

/15. Mr. AZKOUL

15. Mr. AZKOUL wished to retain the phrase "national legislation". He would have preferred to have that phrase apply to paragraph 2 as well as paragraph 3, and to be amended to read "justifiable national legislation".

16. Careful examination of the Convention text would show that reference had been made in various articles not only to the requirements of national defence, as grounds for imposing censorship or confiscating news material, but also to public order and national security. In the circumstances, it would simplify matters to maintain the more comprehensive phrase "national legislation". Moreover, a distinction must be made between news material "leaving the territory of a country" (article XII, paragraph 3 of the Convention text), and newsreels designed for use within the country itself.

17. Mr. BINDER proposed an alternative wording for paragraph 3 to supersede his original amendment:

"3. Not to confiscate or censor newsreels or portions of newsreels unless absolutely required on grounds relating directly to public morals or national defence."

That wording was approved by 5 votes to 2, with 4 abstentions.

The draft resolution (E/CN.4/Sub.1/126), as amended, was adopted by 6 votes to 4, with one abstention.

18. Mr. DEDIJER explained that he had abstained in the vote on all the amendments and had voted against the resolution as a whole. It left the way open to restriction of the free flow of news by failing to correlate freedom with responsibility, and it did not effectively allow for the development of national news agencies.

DRAFT RESOLUTION CONCERNING MISTREATMENT AND DISCRIMINATORY TREATMENT OF FOREIGN CORRESPONDENTS (E/CN.4/Sub.1/127)

19. Mr. DEDIJER had presented his draft resolution (E/CN.4/Sub.1/127) in order to bring to the attention of the United Nations a new form of discriminatory treatment being practiced against foreign correspondents, which placed further obstacles in the way of the free flow of news and contributed to the undermining of international relations. As a specific example of such mistreatment, he cited the case of the Tanjug correspondent in Prague, in Radisau Bayagich, and asked the Secretariat to include it together with other similar cases, in its next survey of obstacles to the free flow of information. With that understanding, he did not consider it necessary to put his draft resolution to a vote, and accordingly withdrew it.



20. Radisau Bayagich had begun his journalistic career in Montenegro during the war of liberation against the Nazi occupation, had joined the Tanjug agency in 1944 and had been sent by it as foreign correspondent to Prague, Czechoslovakia in 1948. The Czechoslovak authorities had subjected him to shocking mistreatment, prevented him from working and finally were holding him as a virtual prisoner. He had been refused access to official press conferences, forbidden to attend public meetings or to send news published in Prague to Yugoslavia, his movements had been severely restricted and he had finally been placed under police surveillance. Since his activities had been thus paralyzed, Tanjug had recalled him. The Czechoslovak authorities, however, had refused to grant him an exit visa, without indicating the grounds for that refusal; he was thus prevented from leaving Czechoslovakia or working in that country. There had recently been indications that he might be brought to trial as a further pretext for the Czechoslovak authorities to slander Yugoslavia.

21. It was an undeniable fact that Yugoslavia had never subjected foreign correspondents to such mistreatment. Verbatsky, the Czech correspondent in Belgrade, had been offered every facility in his work and had been granted an exit visa for his return to Prague without difficulty.

/Yugoslavia as a

Yugoslavia, as a Socialist State dedicated to socialist concepts, found it inadmissible that correspondents should be subjected to mistreatment and prevented from performing their important functions. It was significant that Czechoslovakia which also had a socialist structure should have employed such pressure and such reprehensible tactics in its effort to destroy Yugoslav independence.

22. The case of Bayagich was only one example of those tactics. The Secretary-General should be made aware of all such practices and should publish similar cases in the new "Survey of obstacles to the free flow of news and information".

23. Mr. BINDER regretted that Mr. Dedijer had withdrawn his draft resolution. For his part, Mr. Binder would have been glad to vote in favour of it. But the mistreatment of foreign correspondents illustrated by the case of Bayagich was not a new development; it had long been practised by police states. For that reason, very few American journalists were left in the countries of Eastern Europe and in the USSR. The latter had directly encouraged such discriminatory treatment and had virtually stopped the flow of information from that part of the world. The Communist authorities in China refused access to correspondents unless they

/were nationals

were nationals of countries enjoying diplomatic relations with the new Communist Government.

24. Mr. JORDAN would also have voted in favour of Mr. Dedijer's draft resolution. He thought the Sub-Commission should go on record, by unanimous vote, as condemning the mistreatment exemplified by the case cited. While it was not a new phenomenon, restrictions on foreign correspondents in the USSR and the countries of Eastern Europe had become more severe. British journalists, for example, had been forced to leave the USSR because they could not work under the conditions imposed by the Soviet authorities. Those correspondents who remained in Eastern Europe, had to depend for information on nationals who lived in constant fear of discovery and punishment by State authorities. In the circumstances, Mr. Jordan strongly supported the draft resolution, although its author had unfortunately withdrawn it.

25. The CHAIRMAN, speaking in his personal capacity regretted that Mr. Dedijer had withdrawn his draft resolution, as a vote upon it would have given him a unique opportunity of expressing

/agreement with

agreement with that member's views. He had usually found Mr. Dedijer's concept of democracy somewhat further advanced than the idea to which he himself subscribed.

26. Speaking as the Chairman, he pointed out that when a member of a sub-commission brought forward a complaint in the form of a resolution, it could no longer receive the treatment accorded to petitions; the rule safeguarding the anonymity of the petitioner did not apply. He called upon the representative of the Secretary-General to explain the situation in connexion with Mr. Dedijer's draft resolution.

27. Mr. HUMPEREY (Representative of the Secretary-General) asked the Sub-Commission to bear in mind the fact that a request such as that made in the operative part of Mr. Dedijer's draft resolution might, if adopted, place the Secretary-General in a difficult position. The Secretary-General had no machinery at his disposal for obtaining factual information of the kind requested. More important, he ought not to be put in a position in which he had to pass judgment on the conduct of individual governments.

/He could

He could only discuss such cases as that under review in general terms, as he had done in his Survey of Obstacles to the Free Flow of Information (E/CN.4/Sub.1/106), which he had prepared simply for the use of the Sub-Commission. He wished to make that position quite clear. He went on to say that a similar difficulty was likely to arise in connexion with the draft resolution proposed jointly by Mr. Geraud, Mr. Azmi and Mr. Azkoul (E/CN.4/Sub.1/130).

28. Mr. AQUINO would have voted for Mr. Dedijer's draft resolution, had it not been withdrawn. He would have liked to see that document widely circulated as a formal protest by the Sub-Commission against further restriction of the freedom of information.

29. Mr. CHANG observed that the communist Chinese rebels had, in his opinion, been guilty of violations of freedom on information other than those already referred to. It was compelling newspaper editors to use its own press releases exclusively, with the possible exception of some despatches from the USSR Tass Agency. No news could be published until it had been approved by a political censorship.

/He would like

He would like Mr. Dedijer's draft resolution to be voted and adopted, in order to give it the formal standing of Mr. Binder's resolution condemning jamming of radio broadcasts (E/CN.4/Sub.1/115). He was prepared formally to move an amendment to the operative part of Mr. Dedijer's draft resolution requesting the Economic and Social Council to transmit it to the General Assembly with a recommendation to all Member Governments to refrain from such violations of freedom of information.

30. Mr. DEDIJER said that he was increasingly convinced that no vote should be taken on his draft resolution. It was true, that countries had in the past placed obstacles in the way of the free flow of information, regardless of their social system; the completely new feature in the case he had cited was, however, the actual mistreatment of a foreign correspondent, solely on the grounds of his nationality.

31. He most strongly deprecated, however, any attempt to broaden that specific issue into an attempt to decide the problem of the co-existence of two different social systems. To use the case as the pretext for a general attack upon one social system would be a distortion of his purpose.

32. That whole issue had been effectively discussed by the representative of Yugoslavia at the fourth session of the General Assembly (A/PV.228, pages 22 and 23). In the case under discussion, the Sub-Commission was in duty bound to rise above the issues of the "cold war" and prevent the worsening of conditions affecting the freedom of the press.

33. Mr. Dedijer therefore agreed with the interpretation given by Mr. Humphrey. He had not intended the Secretary-General to investigate a specific case, but merely to take it as an example of an entirely new obstacle to the free flow of information, without naming the country concerned. Only harm would result from a vote on his draft resolution.

34. Mr. CHANG replied that the question of the co-existence of different social systems was irrelevant; the Sub-Commission was dealing solely with freedom of information. The case cited by Mr. Dedijer exemplified a practice which should not be tolerated; it concerned wide geographical areas, and the Sub-Commission could not disregard it.

/The Sub-Commission

The Sub-Commission should be asked to give its opinion whether it desired a vote on Mr. Dedijer's draft resolution or not.

35. The CHAIRMAN pointed out that no vote could be taken on Mr. Dedijer's draft resolution, as he had withdrawn it.

36. Mr. CHANG said that the withdrawal should not preclude him from reintroducing the draft resolution at a later stage.

37. Mr. DEDIJER pointed out that the agreed time limit for the submission of new proposals had expired.

38. The CHAIRMAN observed that the time limit had been decided by a "gentlemen's agreement"; it had not been adopted by vote.

39. Mr. CHANG said that, in that case, he would be obliged to submit his amendment to Mr. Dedijer's draft resolution; he had that right.

40. Mr. DEDIJER replied that a resolution which had been withdrawn could not be amended; there was no document before the Sub-Commission.

41. Mr. JORDAN, supported by Mr. CHANG, expressed his surprise at a procedure by which a draft resolution was submitted on a subject and then withdrawn, thereby precluding the discussion of that subject and the submission of other resolutions on the same question.

/42. The CHAIRMAN



42. The CHAIRMAN observed that Mr. Chang could reintroduce Mr. Dedijs's draft resolution under rule 53 of the rules of procedure, provided that the "gentlemen's agreement" on the time limit for the submission of proposals was rescinded.

43. Mr. AZKOUL noted that Mr. Dedijs had had a perfect right to withdraw his resolution during the debate, but Mr. Chang might be accorded the right to reintroduce it. He therefore proposed that a vote should be taken on the question of principle whether the Sub-Commission wished to take action on the problem raised by Mr. Dedijs's draft resolution.

44. Mr. GERAUD supported Mr. Azkoul's proposal.

45. Mr. DEDIJS explained that he had decided to introduce his case in the present form because he had assumed that that would be the most effective method of obtaining the removal of new obstacles to the free flow of information. He regretted that that had caused procedural difficulties; but he regretted even more strongly the attempt which had been made to misuse his resolution. He regretted, moreover, that a new proposal had been made by a very recent proponent of the virtues of freedom of information, who came from an area in which, until very recently,

/practices had

practices had prevailed which would have required not one, but a dozen, resolutions to protect freedom of information.

46. He had submitted his draft resolution merely as an attempt to draw public attention to a new form of abuse. He had no intention whatever of permitting that resolution to be misused. He would make every effort to see that it was not used for purposes contrary to his original intention.

47. Mr. CHANG took exception to Mr. Dedijer's assumption that his draft resolution was being misused. The case cited by that member was only one among many similar instances. If Mr. Dedijer had not introduced his draft resolution, Mr. Chang would have submitted a similar proposal.

48. Mr. AZKOUK moved the closure of the debate and proposed that the vote should be taken on the question of principle whether the Sub-Commission wished to take action on the problem raised by Mr. Dedijer's draft resolution.

/The motion

The motion for closure of the debate was adopted by 10 votes to none.

The Sub-Commission decided that it wished to take action on Mr. Dedijs's draft resolution by 5 votes to 1, with 5 abstentions.

49. Mr. AQUINO explained that the vote on Mr. Azkoul's proposal had raised a delicate point of propriety. Mr. Dedijs had been within his rights in withdrawing his draft resolution. He wished to draw Mr. Chang's attention to the fact that, under rule 53 of the rules of procedure, it would have been simpler for him to reintroduce the document as a new resolution sponsored by him, with the understanding that Mr. Dedijs had dissociated himself from it entirely. Thus, there would have been no need for Mr. Chang to propose amendments to the original draft resolution.

50. The CHAIRMAN interpreted the vote to mean that Mr. Chang would sponsor the draft resolution originally submitted by Mr. Dedijs, amending the operative part.

51. Mr. DEDIJS protested against the reversal of the decision on the time limit.

52. Mr. AZKOUL said that he had abstained from voting because he had not had any decided view on the question of principle.

/Mr. Chang's proposal

Mr. Chang's proposal was not a new one in the United Nations; he could cite many similar resolutions, inter alia resolutions number 8 and 10 of the Conference on Freedom of Information. The only reasonable pretext for introducing one more similar resolution would have been the omission of any reference to such practices in the Secretary-General's Survey; Mr. Chang should introduce his draft resolution after the Secretary-General had completed that study.

53. The CHAIRMAN observed that Mr. Azkoul's argument reinforced the reasons against the presentation of such a resolution advanced both by Mr. Dedijer and by the representative of the Secretary-General.

54. Mr. CHANG could not agree with Mr. Azkoul. He would insist on submitting his draft resolution and would be prepared to introduce a completely new draft at the following meeting.

55. Mr. GANDHI hoped that any exception to the agreed time limit would be confined to Mr. Chang's proposal. The fact was that Mr. Dedijer was taking advantage of a technicality in order to prevent others using his proposal to further their own points of view with which Mr. Dedijer disagreed. But he did not think that the time limit could be invoked in that case. It is possible that other members had not submitted a resolution on the subject because Mr. Dedijer had done so; and if Mr. Dedijer now withdrew his motion it should be open to some other member to submit a new proposal on the same subject. It would be unfair, however, to rush Mr. Chang. He could submit a resolution the next day. He agreed with Mr. Azkoul that the subject had been dealt with exhaustively by the United Nations in the past;

/Mr. Chang

Mr. Chang should not press his proposal, unless he felt that it was vitally necessary.

56. Mr. DEDJER reiterated that the new point he had raised was a special case of discriminatory treatment. Mr. Chang's proposed draft resolution, however, was likely to deal with cases of discrimination against foreign correspondents which had already been amply covered by United Nations resolutions.

57. Furthermore, the personal privilege of exception from the agreement on the time-limit should not be extended only to one member, because other members would feel entitled to claim similar exemption. He would therefore vote against any such proposal.

58. Mr. JORDAN proposed that the Sub-Commission should authorize Mr. Chang to introduce at the following meeting a document on the subject under discussion.

59. Mr. CHANG protested that what was at stake was not the usefulness of the draft resolution, but the duty of the United Nations to draw public attention to malpractices. The argument that his proposal was nothing new was invalid; the draft code of ethics itself was not a new idea.

60. Mr. AQUINO moved the closure of the debate on Mr. Jordan's proposal.

The motion for closure of the debate was adopted by 9 votes to none, with 1 abstention.

Mr. Jordan's proposal was adopted by 6 votes to 1, with 4 abstentions.

The meeting rose at 6.25 p.m.

-----