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PROVISIONAL SUMMARY RECORD OF THE EIGHTY-THIRD MEETING

Held at Hotel Parque, Montevideo,  
on Thursday, 25 May 1950 at 11.30 a.m.

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Chairman: Mr. FONTAINA (Uruguay)

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

Members: Mr. AQUINO (Philippines)

Mr. AZKOUL (Lebanon)

Mr. AZMI (Egypt)

Mr. BINDER (United States of America)

Mr. P. H. CHANG (China)

Mr. DEBIJER (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 in

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

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)

Proposal concerning the code of ethics drafted by Walter Williams, Founder of the Missouri School of Journalism, presented by Mr. Gandhi (E/CN.4/Sub.1/128/Rev.1)

1. Mr. GANDHI, in presenting his proposal, stated that after studying several similar statements of principle, he had been impressed by the creed formulated by Walter Williams, founder of the Missouri School of Journalism. That creed which set forth very lofty ideas, deserved to be brought to the attention of the journalists of the world.

2. The intent was not to have the creed adopted as a code of ethics because it did not include certain essential ideas and was addressed only to journalists, a single category of the personnel of the press and other media of information. Nevertheless, Mr. Gandhi considered that the Sub-Commission should take note of the creed; such action would entail no commitment of any kind and might be of service to the press as a whole.

/ Mr. AZMI

3. Mr. AZMI approved Mr. Gandhi's idea in principle. Nevertheless he pointed out that many equally valuable statements had been published by individuals and professional associations, and he did not think that the Sub-Commission should show preference for any one of those texts. Accordingly, he proposed that in the first paragraph, after "detailed wording", the following should be added "and without prejudice to the other precepts and opinions formulated by other journalists and professional associations".

4. Mr. GANDHI accepted Mr. Azmi's proposal.

5. Mr. LINDER thanked Mr. Gandhi for the tribute he wished to pay to one of his eminent compatriots. He indicated that Walter Williams was a representative of American journalism; he had spent most of his life in the Middle West, had never worked for a large metropolitan newspaper and had been a pioneer in professional training: his school had been the first of its kind in the United States

6. The CHAIRMAN stated that in adopting Mr. Gandhi's proposal, the Sub-Commission would to some extent indicate approval of the principles formulated by Walter Williams.

/ He personally

He personally could not subscribe to those principles without reservation. Point 2 stated that "the public journal was a public trust" while point 8 said that "the journalism which succeeds best ..... fears God". The Chairman could not adopt as his own those two statements which were contrary to his ideas as an individual and as a journalist.

7. Mr. JORDAN expressed the view that the creed of Walter Williams, which he considered as a smug and self-satisfied statement, should not be the subject of a special resolution but could be included in the documentation to be transmitted to Governments and to information agencies on behalf of the Sub-Commission.

8. Mr. DEDIJER supported Mr. Jordan's suggestion.

9. Mr. GANDHI stated that he had been given assurance that in any case the creed of Walter Williams would appear in the documentation to be distributed by the Secretary-General. That was understood. Nevertheless, he urged the Sub-Commission to pay tribute to a late master of journalism whose clear and direct statement of principles eloquently expressed the feelings which inspired all journalists worthy of the name.

/The CHAIRMAN put

10. The CHAIRMAN put to the vote Mr. Gandhi's proposal with the amendment suggested by Mr. Azmi.

That proposal was adopted by 5 votes to one, with 5 abstentions.

Draft resolution on access of families of accredited news personnel to countries where meetings of the United Nations and its specialized agencies are held (E/CN.4/Sub.1/129).

11. Mr. AZKOUL recalled that, when the United Nations had been set up, agreements had been concluded between the Organization on the one hand and the Governments of the United States of America and Switzerland on the other hand, with a view to ensuring to persons connected with the Organizations the privilege and immunities required in the performance of their functions.

12. Persons whose activities were directly connected with the work of the United Nations could be divided into three categories: First, members of delegations; second, Secretariat personnel; third, journalists, persons not directly under the jurisdiction of the Organization but whose activities were essential to the implementation of its principles.

13. The agreement between the United Nations and the Government of the United States provided for certain rights and privileges for persons in the first two categories, notably the right to be accompanied by their families.

/On the other hand

On the other hand, journalists who were accredited to the United Nations did not enjoy that right and were therefore at the mercy of Governments on whose territories the United Nations engaged in activities or held conferences.

14. He was not unmindful of the fact that the vast majority of the journalists accredited to United Nations headquarters had been able to bring their families to New York. The fact that that had not been true in all cases proved that what was involved was a courtesy rather than a right granted by the United States Government.

15. He would not request a detailed study of a specific case which had been brought to his attention and about which the Association of Foreign Correspondents Accredited to the United Nations had launched a protest, but he would like the Sub-Commission to express its concern at the situation. The Secretary-General was currently engaged in negotiations with the United States Government with a view to settling the specific case to which Mr. Azkoul had referred; adoption of his draft resolution (E/CN.4/Sub.1/129) might perhaps be helpful in bringing those negotiations to a successful conclusion.

/He feared that,

16. He feared that, if the problem was not settled, some journalists might be faced with the dilemma of having to undergo long periods of separation from their families or of being forced to give up their professional activities.

17. Mr. BINDER reviewed the terms of the agreement between the United Nations and the United States Government regarding journalists and indicated that the absence of any provision regarding the families of journalists merely meant that the United States considered journalists as professionals rather than as diplomats. That position was perfectly logical: Mr. Binder noted, in that connexion, that American journalists sent abroad had never received any special treatment whatsoever from the United States Government or its consular authorities.

18. In the circumstances, he was surprised that reference was being made to the rights of journalists in the matter. The United States Government considered that foreign journalists were exactly like members of other professions on temporary visits.

19. He knew of only one case in which an entry visa to the United States had been denied to the family of a journalist

/who was accredited



who was accredited to the United Nations but he did not think that that very doubtful case could justify Mr. Azkoul's draft resolution.

20. Although he was not opposed to that resolution, Mr. Binder regarded it as superfluous and suggested that the Sub-Commission should merely take note of it.

21. At the request of the CHAIRMAN, Mr. HUMPHREY (Representative of the Secretary-General) read the provisions of the agreement between the United Nations and the United States Government regarding the procedure followed in accrediting journalists.

22. Mr. AZKOUL had referred to the right of a journalist to be accompanied by his family: that was a right accorded to him as a human being by the Universal Declaration of Human Rights. If the United States Government was afraid that, under cover of his profession a journalist might engage in activities which it did not wish to tolerate, it would be more humane automatically to refuse to accredit him rather than to accredit him and later refuse to allow his family to join him.

23. He had no objection if the Sub-Commission wished merely to take note of his draft resolution: he only sought to draw

/the attention

the attention of the Economic and Social Council to the position in which certain journalists might be. He did not know whether other cases had taken place; he was not concerned with individual cases but with the question of principle involving the double obstacle which the United States Government might place in the way of foreign correspondents by refusing to accredit them and also by refusing to permit their families to enter United States territory.

24. Mr. BINDER was afraid that adoption of Mr. AËKOUL's resolution might serve to increase rather than to relax the restrictions on the admission of journalists to the United States; instead of prohibiting at first sight the entry of a journalist about whose professional status it had any doubts, the United States Government preferred to give him an opportunity to prove that he was worthy of his profession.

25. Moreover, editors-in-chief almost always had several journalists on their staff and could designate a second person in case their <sup>first</sup> choice was looked upon as persona non grata by the Government of the country to which he was to be sent.

/Mr. JORDAN

26. Mr. JORDAN stated that in principle he was willing to support Mr. Azkoul's draft resolution but would have to abstain in the vote because he did not know the details of the case which had led to its submission.

27. The United Nations was a kind of super-state: he did not know whether it enjoyed extraterritoriality in the United States but, whether or not it did, that factor complicated the situation. Journalists accredited to the United Nations could not be compared to journalists who went to any other foreign country. In the final analysis, it was the United States Government which decided whether or not a given journalist would be accredited to the United Nations.

28. Moreover, since any person admitted to the United States had the right to move freely anywhere in that country, it was quite natural that the United States Government should seek to provide safeguards in connexion with journalists who in principle were accredited only to the United Nations.

29. A very delicate question was involved and Mr. Binder had not been completely correct in establishing an absolute parallel between the position of journalists who were accredited to the United Nations and foreign correspondents in general.

30. The CHAIRMAN pointed out that, according to Mr. Binder and Mr. Jordan, foreign correspondents were accredited to the United States Government; that was an error because in reality they were accredited to the United Nations. The United States Government intervened necessarily since journalists could not reach United Nations headquarters without crossing a strip of United States territory.

31. Mr. GANDHI commented that Mr. Azkoul's draft resolution was very cautiously drafted. It made no specific recommendation and merely asked the Economic and Social Council to study the question. Mr. Azkoul merely pointed out that a man was entitled to live with his family; his draft resolution was perfectly clear and deserved to be adopted.

32. Mr. BEDIJER approved Mr. Azkoul's draft resolution in principle because he felt that, regardless of the procedure adopted by the United States Government in the matter, there should be no doubt regarding the principle that journalists who were accredited to the United Nations should have the right to bring their families with them.

/Nevertheless,

32. Nevertheless, he would have to abstain in the vote on Mr. Azkoul's draft resolution first, because as a general rule he preferred to have the Sub-Commission avoid action on a complaint based on a single case and, secondly, because of the doubtful nature of the case which had led Mr. Azkoul to make his proposal.

34. Mr. GANDHI commented that Mr. Azkoul's draft resolution made no reference to a concrete case and merely pointed out a purely legal hiatus.

35. Mr. GERAUD noted that the United States Government could object to having a journalist accredited to the United Nations if it did not wish that journalist's family to enter the United States.

36. The CHAIRMAN indicated that Mr. Azkoul's draft resolution merely raised a question of principle. Apparently there was a hiatus in the agreement between the United States Government and United Nations.

37. Mr. BINDER expressed the view that there was no hiatus: the opinion of the United States Government journalists were not in a privileged category.

/Mr. AZKOUL

38. Mr. AZKOUL did not wish to prejudge the decision which the Economic and Social Council might take: he merely wished to call its attention to a legal question which was of concern to journalists.

39. Mr. AQUINO moved closure of the debate.

Mr. Aquino's motion was adopted by 10 votes to none with one abstention.

Mr. Azkoul's proposal was adopted by 7 votes to one with 3 abstentions.

Draft resolution proposed jointly by Mr. Géraud, with Mr. Azmi and Mr. Azkoul (E/CN.4/Sub.1/130/Rev.1)

40. Mr. GERAUD emphasized that in his memorandum to the Sub-Commission (E/CN.4/Sub.1/106), the Secretary-General, after listing some twenty obstacles to the free flow of information, invited the Sub-Commission to study those which there was some hope of eliminating. It was permitted to wonder, however, in the current circumstances, how such a task was to be accomplished. Governments were becoming increasingly jealous of their sovereignty. Furthermore, neither of the two draft conventions prepared by the United Nations Conference in Geneva in 1948 was in force; the only one which had been adopted had not yet been opened for signature and its

/fate

fate was linked with that of the covenant on human rights, which was still in the preliminary discussion stage. The Sub-Commission had been instructed first and foremost to watch over the operation of conventions on freedom of information and to resolve any problems occasioned by their entry into force. Under present conditions, that path seemed to be barred for an indefinite time.

41. Since any action in the international field appeared useless, he wondered whether it might not be better to direct the Sub-Commission's efforts to the professional field. It had already undertaken to prepare a code of ethics and had considered setting up a journalists' court of honour. Those attempts had been worth making; but the Sub-Commission should accomplish still more if it wished to leave Montevideo with the consciousness of having done useful work. In fact, the unfortunate world situation which did not permit the conclusion of great international conventions imposed upon the Sub-Commission a role which might yet prove beneficial. So long as there remained the shadow of danger which darkened the world today and which threatened freedom of information as well, the important thing was to prevent that freedom from losing further ground, as it had been doing for the past ten years.

42. The Sub-Commission was not competent to act as an arbiter or a redresser of wrongs vis-a-vis any Government: but it would still wield a certain amount of power if henceforth it were to act as a board of registry of all governmental and other measures infringing freedom of information directly or indirectly, with or without cause.

43. He realized that the publicity given to the Sub-Commission's findings would have no effect on totalitarian régimes; it would certainly, on the other hand, have a moderating influence on those Governments which believed that respect of human rights was an asset to the people and which, knowing that restrictive measures would not pass unnoticed, would hesitate to take them.

44. While the Secretary-General's memorandum described the obstacles to freedom of information, it failed to indicate the vast causes under-lying those facts, causes which were perhaps more important than the facts themselves.

For the accomplishment of such a task, the Sub-Commission needed not a new organ modeled on the International Labour Organisation's fact-finding and conciliation commission on freedom of association, but a small permanent group which could gauge, month in and month out, the ebb and

/flow



flow of freedom of information and submit periodic reports on the current situation of which the Sub-Commission or the Economic and Social Council would make such use as they saw fit. A similar provision was to be found in article 8 of the draft convention on freedom of information.

45. He stressed that the proposal he had submitted jointly with Mr. Azmi and Mr. Azkoul (E/CN.4/Sub.1/130/Rev.1/) was only a rough draft to which each member of the Sub-Commission should put his hand. If, as he hoped, the idea stood the test of scrutiny, the Sub-Commission might be able to make a precise recommendation to the Economic and Social Council which the latter might find useful.

46. In conclusion, he wished to re-draft sub-paragraph (d) of the operative part of the draft resolution as follows: "To submit them to the Sub-Commission at each of its sessions, so that the Sub-Commission may draw up a balance sheet of freedom of information and of the Press throughout the world on the basis of data received since the preceding session of the Sub-Commission".

47. Mr. BINDER had listened with interest to Mr. Géraud's eloquent statement and recognized the full importance of the problem before the Sub-Commission. Nevertheless, at first glance, the draft resolution in

/question did not

question did not seem to be either useful or practical. The Sub-Commission already received data from Governments in response to a request of the Secretary-General, that is to say, such data as the Governments had wished to communicate. At its last session, the Sub-Commission had requested the Secretary-General to keep that information up to date, and it therefore seemed unnecessary to set up another office to expand those activities. Such a proposal would certainly meet with the opposition of the Fifth Committee of the General Assembly, which had already devoted long discussions to the growing number of United Nations activities. Furthermore, UNESCO was also engaged in collecting data on freedom of information, and it was necessary to avoid overlapping.

48. Besides, he was inclined to doubt that more detailed information could be obtained from Governments, and thought that other sources might with profit be consulted. Certain news agencies and, to his knowledge, the Associated Press in particular, published periodic reports on measures taken in various countries to restrict or promote freedom of information. The Secretary-General could certainly have recourse to such private enterprises to complete his data, with the advantage that no additional costs would be involved.

/He suggested

49. He suggested that the Sub-Commission should defer for the moment any decision in the matter and should proceed to a full discussion of the problem as a whole at its following session, when it had examined replies from Governments and all the information that the Secretary-General would have obtained in the meantime in accordance with its instructions. The question was in any case too important to be decided upon without further reflection.

50. Mr. AZMI understood Mr. Binder's preference for obtaining data on ~~the~~ state of freedom of information from professional associations and technical publications issued from time to time rather than from Governmental sources. He wished to point out, however, that the draft resolution took that possibility into account, since it was provided in sub-paragraph (c) that the office to be set up would analyze the legislative and administrative measures taken by Governments "by means of appropriate research and studies".

51. He emphasized that the principal motivation of the sponsors of the joint proposal had been their alarm and anxiety with regard to freedom of information in the world. Restrictive measures increased from day to day, and not only in the countries which had a controlled Press.

/There was a second

52. There was a second consideration in favour of adopting the draft resolution: in his view, the Sub-Commission could not be satisfied with the results of the Secretariat's work between sessions. The only communication received by him, for example, was a letter dated 16 January 1950 announcing that studies - in particular a report by Mr. Fernand Terrou - had been undertaken and would be transmitted later. He emphasized that such an attitude on the part of the Secretariat was hardly encouraging for members of the Sub-Commission. That was why he considered it essential to set up an office for the sole purpose of collecting the documentation needed by the Sub-Commission for its work.

53. Mr. HUMPHREY (Representative of the Secretary-General) drew Mr. Azmi's attention to document E/CN.4/Sub.1/113 which answered the two points raised by Mr. Azmi.

54. He recalled that the Sub-Commission, as noted in paragraph 28 of the report of its third session to the Economic and Social Council (E/1369), "requested the Secretariat to keep members periodically informed between sessions of the progress of documentation and of any significant developments in connexion with the Programme of Work". In accordance with that request, the Secretary-General had issued two reports on the progress of documentation;

/the reports had

the reports had not been issued more frequently for lack of material. It should be realized that a work of compilation such as that carried on by the Secretariat required minute preparation, the results of which became evident only in the long run.

55. He also recalled that the Sub-Commission had decided at its last session to request the Secretary-General "to consult with the Director-General of UNESCO with a view to apportioning the work of documenting.... in such a way as to utilize the resources of both Secretariats to the best possible advantage" (E/1369, page 15). As a result of that decision, part of the work had been assigned to UNESCO.

56. In those circumstances, he did not think that the Secretary-General could be reproached for failing to take the action called for by the Sub-Commission's resolutions.

57. Mr. FARR (United Nations Educational, Scientific and Cultural Organization) recalled that UNESCO had recently attempted a study analogous to that proposed in the draft resolution before the Sub-Commission. The Director-General of UNESCO had thought that on the first anniversary of the adoption of the Universal Declaration of Human Rights by the General

/Assembly he

Assembly he might publish a review of measures for implementation of human rights taken throughout the world during the preceding year. The UNESCO Secretariat had accordingly been instructed to conduct an enquiry into progress in the field of freedom of information.

58. The results of that enquiry had not been published for various reasons, but the story they told was grim and depressing.

As of 10 December 1949, censorship had existed in 44 countries or territories, comprising half the world's population. Since 10 December 1948, 13 countries had adopted measures restricting the free flow of information; in 10 countries, certain newspapers, magazines and films had been prohibited; 7 countries had forbidden imports of certain books, newspapers and films; 12 countries had curtailed the freedom of foreign correspondents or new agencies; and 9 of them had either expelled correspondents or refused them entry visas. All the regions of the world were represented on that list.

59. There were other obstacles as well: over 50 countries imposed customs duties, postal taxes and other restrictions on imports of foreign books; most of those restrictions had been introduced in the past few years.

60. UNESCO's information was derived from several sources, among them official government publications, reports of UNESCO's National Committees, and sources such as mentioned by Mr. Binder.

61. UNESCO could hardly publish a document accusing only certain countries of creating obstacles to freedom of information so long as it had no certain knowledge of conditions in all the countries in the world. It would have been unjust to pronounce judgment - and sometimes unfavourable judgment - only on those countries which had been kind enough to furnish the data requested by UNESCO.

62. He feared that sub-paragraph (e) of the draft resolution proposed by Mr. Géraud, Mr. Azmi and Mr. Azkoul might raise the same problem.

63. With respect to sub-paragraph (a), he wondered how Governments would interpret the phrase "new legislative and administrative measures", and whether they would, for example, list such financial measures as restrictions on imports of newsprint, records, books and films, restrictions on the free movement of newspapermen, measures taken by certain commercial firms, etc.

64. He had merely outlined some of the problems with which the Sub-Commission would be faced: if the data it obtained were incomplete either because they did not cover all the possible kinds of restrictions or because they had been submitted by very few countries, its conclusions could hardly be regarded as an accurate balance sheet of freedom of information and of the Press throughout the world.

/65. With regard

65. With regard to Mr. Terrou's report, he explained that Mr. Terrou had been invited by UNESCO to prepare a report which would be issued under his name. The Sub-Commission had not yet received the report because it represented a considerable task, which had been further delayed by the author's illness. Mr. Farr had, however, received a summary of the report. Part of it was devoted to a study of the laws governing, in particular, conditions for setting up and administering Press and information enterprises, types of firms that could be authorized, their financing and status and the responsibilities of their directors and editors. In another section of the report, Mr. Terrou examined laws adopted to meet current economic or financial difficulties or to protect and assist domestic enterprises by such methods as granting them reduced postal and telecommunication rates.

66. Mr. GERAUD thought that with respect to documentation to be furnished to the Sub-Commission, UNESCO's competence was limited to technical aspects of various problems; he was therefore surprised that it should have been asked to prepare a report which appeared to deal largely with political and administrative matters.

/Mr. HUMPHREY



67. Mr. HUMPHREY (Representative of the Secretary-General) replied that at its last session the Sub-Commission had adopted the principle of distributing the work between the Secretariats of the United Nations and UNESCO, and not of dividing their competence. UNESCO had been made responsible for the Terrou report solely because Mr. Fernand Terrou, who appeared to be the person best qualified to draw it up, lived in Paris.

68. Mr. GANDHI noted that the draft resolution merely raised again a problem which the Sub-Commission had discussed at length at its preceding session. In his view, the basic aim of the draft resolution was to convince the Secretariat that it must redouble its efforts to obtain the documentation required by the Sub-Commission. He felt that that aim had been achieved by the debate which had taken place and that there was no need to take a vote.

69. For his part, his complaint was not that documentation did not reach him, but that it reached him too late. He suggested that henceforth all mail should be sent out in two copies, one to the Governments and the other to members of the Sub-Commission. Lastly, he hoped that the Secretariat would be able to send out a quarterly circular letter in order to keep members informed of the changing situation in the field of information.

/Mr. HUMPHREY

70. Mr. HUMPHREY (Representative of the Secretary-General) replied that delays must be attributed to the fact that, as he had pointed out, the Secretariat's compilation work was still in its initial stage. Since, however, the Council's new rules of procedure provided that basic documents must be distributed at least six weeks before the opening of a session, the Secretariat would do its utmost to obey that provision in the future.

71. Mr. BINDER asked what action was necessary for the periodic reports of the Associated Press, which he had mentioned before, to be included in the Sub-Commission's official documentation.

72. Mr. HUMPHREY (Representative of the Secretary-General) indicated that the Secretary-General was unable, without prejudicing his position, to circulate on his own initiative documents prepared by private organizations and attacking Governments. The Secretariat would, however, include in the documentation it circulated any document selected by Mr. Binder, for the circulation of which Mr. Binder would himself take the responsibility.

/Mr. AQUINO

73. Mr. AQUINO, recalling the statement of several members that freedom of information was being increasingly limited in most countries, wished to make it clear that his own country gave no cause for alarm in that respect, since it had, in the words of former Governor McNutt, "the freest Press of our times", a Press unaffected by any of the restrictions which members of the Sub-Commission unanimously condemned.

The meeting rose at 1.05 p.m.