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Fifth session

SUMMARY RECORD OF THE HUNDRED AND TWELFTH MEETING

Held at Headquarters, New York
on Friday, 21 March 1952 at 4 p.m.

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(E/CN.4/Sub.1/L.17)

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<u>Rapporteur:</u>	Mr. AZKOUL	(Lebanon)
<u>Members:</u>	Mr. BINDER	(United States of America)
	Mr. P.H. CHANG	(China)
	Mr. GERAUD	(France)
	Mr. LOPEZ	(Philippines)
	Mr. MOULIK	(India)
	Mr. PLEIC	(Yugoslavia)
	Mr. SILVA CARVALLO	(Chile)
	Mr. WAITHMAN	(United Kingdom of Great Britain and Northern Ireland)
	Mr. ZONOV	(Union of Soviet Socialist Republics)

Representative of a specialized agency:

Mr. CARNES

United Nations Educational, Scientific
and Cultural Organization (UNESCO)

Representatives of non-governmental organizations:

On Register:

Mr. MOSSIN)
Mr. NAGORSKI)

International Federation of
Free Journalists

Secretariat: Mr. HUMPHREY
Mr. EEK

Representative of the Secretary-General
Secretary of the Sub-Commission

APPROVAL OF THE REPORT OF THE FIFTH SESSION OF THE SUB-COMMISSION
(E/CN.4/Sub.1/L.17)

Mr. AZKOUL, Rapporteur, presented the report of the fifth session of the Sub-Commission. He wished to thank the Secretariat for its co-operation in the preparation of the report.

In accordance with the usual procedure, the annex to the report contained the Sub-Commission's resolutions in suitable form for adoption by the Economic and Social Council. No substantive changes had been made in the texts.

In annex B a slight change had been made in resolution II, which in his opinion reflected the desire of the Sub-Commission that only the section of its report dealing with the draft international code of ethics should be circulated to national and international professional associations.

The CHAIRMAN expressed appreciation of the Rapporteur's admirable work in preparing the Sub-Commission's report. He suggested that the report should be considered chapter by chapter.

It was so decided.

Chapter I

Chapter I was adopted without comment.

Chapter II

Chapter II was adopted without comment.

Chapter III

Chapter III was adopted without comment.

/Mr. MOULIK,

Mr. MOULIK, regretting that he had to leave, paid a tribute to the Chairman and stated that he would have voted for the adoption of the report as it stood.

Chapter IV

Mr. GERAUD reminded the Sub-Commission that he had written his own proposals for the new organ in a memorandum. His ideas about the requisite machinery for, and duration of, the proposed organ had been totally different from those adopted. He wished his protest against the Secretariat's refusal to circulate that memorandum as a document to be recorded in the report, in connexion with paragraph 64.

Mr. AZKOUL, Rapporteur, observed that an insertion of that nature would be something new and he could not take the responsibility for setting a precedent. The Sub-Commission must decide.

The CHAIRMAN suggested that if Mr. Géraud's protest was recorded in the report, the Secretariat's explanation ought to be recorded as well. It would be more usual, however, for it to appear in the summary record.

Mr. EEK (Secretary of the Sub-Commission) said that, when Mr. Géraud had asked that his memorandum should be circulated, he had been informed that it was no longer possible for budgetary reasons, to circulate statements as working papers, as had been done in the past. The substance of Mr. Géraud's memorandum had, however, been duly reproduced in the summary records.

The CHAIRMAN put to the vote Mr. Géraud's request that his protest should be recorded in the Sub-Commission's report.

Mr. Géraud's request was not granted, 3 votes being cast in favour and 3 against, with 5 abstentions.

/Mr. BINDER

Mr. BINDER said that he himself had prepared a memorandum to which he attached considerable importance, but had not insisted on its circulation precisely because Mr. Géraud's similar request had had to be refused.

Mr. AZKOUL, Rapporteur, was prepared to insert a paragraph stating that Mr. Céraud had maintained his opposition to the joint draft resolution because it had failed to take into account the substance of his memorandum and to give the reference to the summary record in which it had been reproduced.

Mr. GÉRAUD accepted the Rapporteur's proposal.

Chapter IV, thus amended, was adopted.

Chapter V

Mr. SILVA CARVALLO, referring to paragraph 85 of the report and to the note in the final paragraph of annex B, asked whether the Economic and Social Council would be informed of the Sub-Commission's resolution on La Prensa, and whether it would take any action on the subject in view of the absence of a resolution for adoption by the Council.

Mr. AZKOUL, Rapporteur, explained that it had been impossible to prepare a specific resolution for adoption by the Council because the measures which the Council would deem appropriate in the matter could not be anticipated. The resolution on La Prensa adopted by the Sub-Commission would, however, come before the Council which would have to reach a decision on it.

Mr. P. H. CHANG asked that paragraph 86 should be expanded by adding the words "in communist-controlled countries" at the end of the title; by including the full text of his draft resolution (E/CN.4/Sub.1/171), as Mr. Silva Carvalho's draft resolution had been reproduced in paragraph 84; and by inserting between the words "such as" and "confiscation" in the second sentence the words "the system of handouts, the restriction of correspondents' movements, the closing of channels of information", and the words "and killing" between

"imprisonment"

"imprisonment" and "of independent-minded journalists". It had been stated in the press that Mr. Binder had abstained from voting because he had asserted that he had not known to what malpractices the draft resolution referred.

Mr. BINDER observed that, although he was unwilling to countenance any malpractices, the subject had not been discussed at all. Had it been, his vote might well have been different. If the changes asked by Mr. Chang were made, it might look as if there had been a debate and his abstention might be misinterpreted.

Mr. ZONOV said that to include draft resolutions which had been rejected in the report was wholly contrary to United Nations practice. If Mr. Chang's rejected draft resolution was inserted, he would insist that there should be no discrimination, and that all of his own proposals which had been rejected should also be included.

Mr. AZKOUL, Rapporteur, said that it was United Nations practice to refrain from mentioning in the Rapporteur's report the names of countries which were condemned; they were covered by the phrase "in certain areas of the world which were enumerated in the proposal". The full text of Mr. Chang's draft resolution had not been reproduced, as that would have entailed reproducing the texts of all the other rejected draft resolutions, some of which had been very long. He could, however, substitute the words "recommending to the Economic and Social Council that it recommend to the General Assembly" for the word "concerning" in the second line. He had included two examples of malpractices cited by Mr. Chang in introducing his draft resolution, in order to show that that member had not left his accusations vague; but to add further examples would be not only cumbersome but unfair to the other members, who had made substantial statements on other matters. As Rapporteur, he could take no responsibility for making any such unprecedented changes; it was for the Sub-Commission to decide.

Mr. LOPEZ agreed that to reproduce the text of rejected draft
/resolutions in

resolutions in full was contrary to United Nations practice, but the expression "in certain areas of the world" might be made more specific.

Mr. WAITMAN thought that the countries should not be named and that a rejected draft resolution could not be reproduced in full, but suggested that the words "in communist-controlled countries" should be added to the title and that more examples of malpractices might be included.

Mr. P.H. CHANG accepted Mr. Waitman's views, and withdrew his request that the full text of the draft resolution should be reproduced.

The CHAIRMAN, speaking in his personal capacity, moved the closure of the debate on Mr. P.H. Chang's proposal about the addition to the title.

That motion was adopted by 6 votes to 3, with 1 abstention.

The CHAIRMAN put to the vote Mr. P.H. Chang's proposal that the words "in communist-controlled countries" should be added to the title.

That proposal was adopted by 4 votes to 2, with 4 abstentions.

Mr. PLEIC, Mr. ZONOV and Mr. BINDER maintained that the report should not include matters which had not been discussed. Mr. Chang had merely introduced his draft resolution. If his views on that occasion were to be reproduced in full, they must insist that their statements on other occasions should be similarly recorded in the report.

Mr. P.H. CHANG said that it was not his fault that no one had discussed his draft resolution. He must insist that his remarks should be recorded in full in the report. He had given no less than twelve examples of malpractices in the countries enumerated in his draft resolution.

Mr. AZKOUL, Rapporteur, refused to take any responsibility for the lack of balance in the report that the adoption of Mr. Chang's proposal would entail.

The CHAIRMAN called for the vote on Mr. Chang's proposal that the list of examples of malpractices should be expanded as he had indicated.

That proposal was rejected by 6 votes to 3, with 1 abstention.

/Mr. PLEIC

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Mr. PLEIC said that paragraph 89 of the report, devoted to his draft resolution concerning the future work of the United Nations in the field of freedom of information (E/CN.4/Sub.14/Rev.1), contained only one of his reasons for moving the proposal. He would appreciate it if the Rapporteur would record the other reason, which was that studies and research work had been carried out and that the necessary data and factual material had been assembled in the field of freedom of information.

Mr. AZKOUL, Rapporteur, said that that would be done.
Chapter V was adopted.

Chapter VI

Chapter VI was adopted without comment.

Annex A

Mr. AZKOUL, Rapporteur, said that Mr. Waithman had objected to the phrase in article I of the code of ethics, "the personnel of the press and information", on the grounds that "personnel of information" was meaningless. He therefore suggested replacing that phrase by "the personnel of the press and of all other media of information", a form of words which already occurred in the preamble and had consequently been adopted by the Sub-Commission.

That suggestion was adopted.

Annex A, as amended, was adopted.

Annex B

Annex B was adopted without comment.

The report as a whole, as amended, was adopted by 7 votes to 1, with 1 abstention.

Mr. ZONOV explained that he had voted against the substance of the report, rather than against its form, which was unexceptionable. At its final session, the Sub-Commission had become a platform for slanderous accusations against certain Member States; furthermore, a number of very important proposals which he had moved as amendments to the code of ethics had been rejected, while various other proposals of which he strongly disapproved had been accepted. He had had no option but to vote against the report.

/Mr. BINDER

Mr. BINDER remarked that he had voted in favour of the report because it represented a meticulously accurate account of the Sub-Commission's proceedings; his vote should not be construed as implying a general approval of those proceedings.

Mr. LOPEZ had also voted for the report. The Sub-Commission's final session had been the most fruitful of its career, and the vigour with which it had addressed itself to its formidable agenda only increased his regret that that career was about to be cut short. He hoped that the higher bodies would give favourable consideration to the Sub-Commission's recommendation that another special organ should be set up to deal with the question of freedom of information.

Mr. WAITMAN stated that, if he had been present during the vote on the whole of the report, he would have voted in favour of the report, as an exact summary of the Sub-Commission's work.

He had thought the Sub-Commission's work should be taken over by a temporary body because he regarded the present contraction of the area in which freedom of information prevailed as temporary.

Mr. GERAUD had found the report to be entirely accurate and fair; he had abstained simply because he had disagreed with most of the decisions reached by the Sub-Commission. It was a source of disappointment to him that a group of such capable men should have concerned themselves almost entirely with trivia and technicalities, and he could only hope that the Sub-Commission would rise like a phoenix from its ashes with all the energy, daring and ardour which its task required.

Mr. P. H. CHANG remarked that, while the Sub-Commission had perhaps not done all that might have been expected of it, the amazing thing was that so much agreement had been reached on a number of important subjects.

Mr. AZKOUL said that, if the Sub-Commission had done no more than allow a number of independent experts from all parts of the world to come together and freely to exchange their views, that alone would be a great service to the cause of freedom of information, a cause which was dear to the hearts of all those present. He expressed deep appreciation for the Chairman's unfaltering leadership and for the Secretariat's invaluable aid.

Mr. BINDER congratulated the Chairman on the wisdom, fairness and patience with which he had conducted the Sub-Commission's debates, and the Rapporteur on his industry and skill, and thanked the Secretariat for its zealous co-operation.

Mr. LOPEZ, Mr. WATTHMAN, Mr. SILVA CARVALLO, Mr. P. H. CHANG and Mr. PLEIC associated themselves with Mr. Binder's remarks.

The CHAIRMAN said that the situation with regard to freedom of information in the world seemed more hopeful than when the Sub-Commission had begun its work, for which the Sub-Commission was at least to some extent responsible.

The present session had been particularly successful. The Sub-Commission had adopted a code of ethics which, if freely accepted by news personnel and adapted by them to their needs, should serve as a valuable guide in their noble mission and as a weapon protecting them from undue interference from any source whatever. The Sub-Commission had also recommended to the Economic and Social Council the establishment of a special organ to continue the work of the United Nations in the field of freedom of information, indicating an excellent method for choosing the members of that organ, a method in which governments would have no part and which should therefore lead to the selection of fully independent experts. In addition, the Sub-Commission had adopted resolutions dealing with practical matters, such as the shortage of newsprint, and had urged the General Assembly to expedite the opening for signature of conventions in the field of freedom of information.

The Sub-Commission might not always have achieved concrete results; but its great merit was to have cleared the ground for the organ which, he hoped, would succeed it. That organ would no longer be concerned with theoretical discussions, but could proceed at once to deal with the practical problems which the Sub-Commission had recommended to the attention of the Economic and Social Council.

The Sub-Commission could therefore retire with the consciousness of having done its duty and of having in some measure helped the cause of freedom of information.

He wished to express his heartfelt gratitude to the Vice-Chairman, the Rapporteur, the members of the Sub-Commission and the Secretariat.

He declared the fifth session of the Sub-Commission closed.