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18 June 1947

ORIGINAL: ENGLISH

## COMMISSION ON HUMAN RIGHTS

## SUB-COMMISSION ON FREEDOM OF INFORMATION AND OF THE PRESS

## FIRST SESSION

## SUMMARY RECORD OF THE NINETEENTH MEETING

Held at Lake Success, New York, on 2 June 1947 at 2:30 p.m.

## Present:

Chairman:	Mr. G.J. van Heuven Goedhart	(Netherlands)
Vice-Chairman:	Mr. Lev Sychrava	(Czechoslovakia)
Rapporteur:	Mr. Geo. V. Ferguson	(Canada)
	Mr. G. Kao	(China)
	Mr. A. Geraud	(France)
	Mr. Chr. A.R. Christensen	(Norway)
	Mr. S. Lopez	(Philippine Republic)
	Mr. J.M. Lomakin	(Union of Soviet Socialist Republics)
	Mr. A.R.K. Mackenzie	(United Kingdom)
	Mr. Z. Chafee	(United States of America)
	Mr. R. Fontaina	(Uruguay)

## Representative of Specialized Agency:

Mr. W. Farr (UNESCO).

## Consultant of Non-Governmental Organization:

Mr. P. Garvin (American Federation  
of Labor)Secretariat: Prof. John P. Humphrey  
Mr. John Male(Acting Secretary of  
the Sub-Commission)1. Amendment to Rules of Procedure for Last Day of Session.

The CHAIRMAN asked for consideration of Mr. Chafee's proposal to make Rule 40 of the Rules of Procedure read, for the last day of the Session, as follows:

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"If no vote is equally divided on matters other than elections

the proposal shall be regarded as rejected."

/DECISION

DECISION: The amendment was unanimously adopted.

2. Consideration of Chapter I of the Draft Report (E/CN.4/Sub.1/29).

The CHAIRMAN suggested that the best procedure would be to vote item by item under each Chapter of the Report.

DECISIONS: Paragraphs 1, 2, 3, 4, 6, 7, and 8 of Chapter I were unanimously accepted without discussion, and paragraph 5 was also unanimously adopted with a minor textual alteration.

Mr. LOMAKIN (Union of Soviet Socialist Republics), in commenting on paragraph 9, said that it was unnecessary to hold two sessions of the Sub-Commission in one year.

The CHAIRMAN explained that it had been decided to recommend that a second session be held late in 1947 to fix the final agenda.

Mr. MACKENZIE (United Kingdom) remarked that the Sub-Commission had not completed the task which the Commission on Human Rights had entrusted to it.

Mr. CHAFFEE (United States of America) suggested that it would be necessary to take a vote first on the question of re-opening the debate on a principle which had been adopted.

DECISION: Only two members were in favour of re-opening the debate, and the proposal was rejected. Paragraph 9 was then approved as it stood, by 9 votes to 1.

Mr. KAO (China) explained that he had abstained, and would continue to abstain, from voting since he was participating only temporarily on behalf of Mr. Chang.

The CHAIRMAN put paragraphs 10 and 11 to a vote. They were unanimously adopted.

3. Consideration of Chapter II of the Draft Report.

The Note prefacing Chapter II was unanimously accepted.

Mr. LOMAKIN (Union of Soviet Socialist Republics) asked whether it would not be advisable to hold the Conference later than March or April of 1948

/in order

in order to ensure that it was properly prepared.

The CHAIRMAN, speaking as a member, said he was not in favour of reconsidering the date of the Conference.

DECISION: Paragraphs 12 and 13 were accepted without further discussion.

Mr. LOMAKIN (Union of Soviet Socialist Republics), in commenting on paragraph 14, proposed to add the Outer Mongolian Peoples Republic to the list of Non-Member States to be invited to attend the Conference.

Mr. LOPEZ (Philippine Republic) asked whether or not the list of Non-Member States mentioned in paragraph 14 was meant to be exclusive. As the Conference would not be held for approximately a year, and since new political developments might necessitate the extension of invitations to such countries as Korea and the Republic of Indonesia, he was in favour, he said, of leaving the invitation list open.

Mr. CHAFEE (United States of America) said that this question was beyond the competence of the Sub-Commission, and should be left to the Economic and Social Council.

Mr. SYCHRAVA (Czechoslovakia) supported Mr. Lomakin's proposal.

Mr. MACKENZIE (United Kingdom) said that since the Sub-Commission had only limited competence as regards this type of political problem, it would be wise to follow the example of previous conferences.

Mr. FERGUSON (Canada) suggested inserting the words "not necessarily exclusive" before "for invitations".

DECISION: There were two votes for and six against Mr. Lomakin's proposal to include the Mongolian Peoples Republic on the list. Paragraph 14, as amended by Mr. Ferguson, was adopted by a majority vote of 7.

Mr. FERGUSON (Canada) suggested adding the International Trade Organization to the list of organizations mentioned in paragraph 18.

Mr. CHAFEE (United States of America) proposed the inclusion of the following phrase:

/ "Other Specialized

"Other Specialized Agencies which are expected to conclude agreements with the United Nations."

Mr. FARR (UNESCO) pointed out that inter-governmental organizations were given the title of Specialized Agencies only after they had concluded agreements with the United Nations. He suggested the following phrase:

"Other inter-governmental organizations which may become Specialized Agencies."

The CHAIRMAN declared that it was the consensus of opinion to add the I.T.O. to the list and to include the phrase "Other Inter-Governmental Organizations which may become Specialized Agencies."

Mr. LOMAKIN (Union of Soviet Socialist Republics) said he disagreed with this decision, and suggested that the World Federation of Trade Unions should head the list of non-governmental organizations.

The CHAIRMAN called for a formal vote on paragraph 15 (a) as amended.

DECISIONS: Paragraph 15 (a), as amended, was adopted by an affirmative vote of 6. Sub-paragraphs (b) and (c) were unanimously adopted as they stood.

The CHAIRMAN pointed out that "Rule 4" in the last paragraph of paragraph 16 should be changed to "Rule 2".

Prof. HUMPHREY (Secretariat) remarked that other changes would have to be made in the proposed Rules of Procedure of the Conference to bring them into line with the decisions of the Sub-Commission.

DECISION: It was unanimously agreed that the paragraph (16) should read:

"The Sub-Commission decided to recommend that the draft Rules of Procedure of the Conference be those set forth in document E/CN.4/Sub.1/8, with such amendments as may be made necessary by decisions taken by the Sub-Commission itself."

The substance of paragraph 17 having been transferred to Chapter III "Agenda of the Conference, the CHAIRMAN opened the discussion on paragraph 18. He reminded Members of the inclusion of the phrase "in conformity with the Resolution of the General Assembly" in paragraph 18 (c).

/Mr. LOMAKIN

Mr. LOMAKIN (Union of Soviet Socialist Republics) suggested reducing the number of delegates to four in conformity with the structure of the committees.

Mr. CHAFFE (United States of America) said that the number of delegates need not be conditioned by the structure of the committees.

Mr. LOPEZ (Philippine Republic) recalled that the General Assembly had six standing committees with five delegates as the maximum.

DECISION: Mr. Lomakins' proposal was defeated, with two votes in favour. Paragraph 18 (a) was adopted by a majority vote of six and (b) and (c) were adopted unanimously.

4. Consideration of Chapter III of the Draft Report.

Paragraph 1 was unanimously accepted without discussion.

Mr. LOMAKIN (Union of Soviet Socialist Republics) said that paragraphs 2, 3, and 4 should either be shortened or enlarged to include his five points regarding the objectives of the press.

Mr. CHRISTENSEN (Norway) suggested quoting the proposals of Mr. Lomakin and Mr. Lopez in paragraph 2 without comment.

Mr. MACKENZIE (United Kingdom) stated that if this suggestion would secure unanimity in the adoption of Point 2, he would support it.

DECISION: Mr. Christensen's proposal was unanimously adopted.

Mr. LOMAKIN (Union of Soviet Socialist Republics) said he objected to the words "the letter and the spirit" in paragraph 3. They were too broad to express his view and he proposed deleting the phrase following the words "at all" and inserting in its place the following:

"... be honest and objective with regard to the governments to which they are accredited; they must tell the truth without bias; otherwise accreditation should be withdrawn."

DECISION: Mr. Lomakin's proposal was adopted by a majority vote of 7, with one abstention.

Mr. LOMAKIN (Union of Soviet Socialist Republics) suggested that the

/Rapporteur

Rapporteur include the text of the General Assembly's Resolution in paragraph 4.

Mr. FERGUSON (Canada) agreed to include it as a footnote.

DECISION: Paragraphs 4 and 5 were unanimously adopted.

5. Consideration of Provisional Draft Agenda.

The CHAIRMAN suggested that the sections of the Provisional Draft Agenda should be divided into chapters; that "General Discussion on the Principles of Freedom of Information," the adopted proposal of Mr. Lopez, and a definition of freedom of information for the purposes of the Conference should be listed as Items 1, 2, and 3 under the first chapter; and that the following sections of the original text become Chapter II, and the numbering of items be changed accordingly. The Chairman's suggestion was accepted.

Mr. LOMAKIN (Union of Soviet Socialist Republics), in commenting on Item 3 "Measures to Facilitate the Gathering of Information", said that the objectives of the press should be clearly stated and asked to have his original proposal included here.

The CHAIRMAN said that it would not be desirable to reopen the question.

Mr. SYCHRAVA (Czechoslovakia) remarked that one principle upon which the Sub-Commission must agree was the common fight against Fascism.

Mr. GERAUD (France) suggested postponing discussion of the question of general principles until the following afternoon.

Mr. CHAFEE (United States of America) maintained that the discussion should be confined to the material which had been prepared by the Rapporteur, and that it would be better to proceed item by item.

Mr. SYCHRAVA (Czechoslovakia) said he agreed with Mr. Chafee but reserved the right to propose new changes after the disposal of discussions on the general principles of freedom of information.

The CHAIRMAN warned that such reservations would not facilitate the work. He suggested that there should be no further discussion of Mr. Lomakin's proposal.

/Mr. CHAFEE

Mr. CHAFEE (United States of America) suggested that the Chairman should rule accordingly and proceed to vote on Item 3.

DECISIONS: The Chairman's ruling was upheld by 6 votes to 1. Points (a), (b), and (c) under Item 3 were adopted with 8 affirmative votes and 1 negative vote; and (d) was adopted by an affirmative vote of 7. Finally, Item 3 was adopted with 8 affirmative votes, 1 negative, and 1 abstention.

Mr. LOMAKIN (Union of Soviet Socialist Republics) said he wished to be recorded as being in favour of (d) but against (a), (b), and (c).

The CHAIRMAN reminded Members of the verbal change in the heading of Item 4, which now read "Measures to Facilitate the International Transmission of Information."

Mr. LOMAKIN (Union of Soviet Socialist Republics) said he was opposed to Item 4 (a), which dealt with the elimination of censorship, on the legal grounds that censorship was a matter of domestic jurisdiction. He suggested the insertion of the following phrase:

"should be carried through with due consideration of national security."

Mr. SYCHRAVA (Czechoslovakia) said that a phrase regarding non-interference in domestic affairs should be included at the beginning of the agenda.

The CHAIRMAN, speaking as a member, said he doubted the advisability of including a general statement among items of the agenda.

Mr. CHAFEE (United States of America) said that Mr. Lomakin's point was already embodied in (a), and that the wording "with due regard to the requirements of national security and public order" had been inserted to meet his objection.

Mr. LOMAKIN (Union of Soviet Socialist Republics) proposed the deletion of the words "Facilitating the elimination of censorship; agreements on the progressive elimination of peacetime censorship."

/Mr. GERAUD

Mr. GERAUD (France) said that he wished to submit a proposal, which would be translated into English and distributed, and should be inserted into (a) after the words "the laws of libel."

Mr. FONTAINA (Uruguay) asked whether Mr. Lomakin would accept the wording "progressive elimination of peacetime censorship with due regard to the requirements of national security and public order."

Mr. LOMAKIN (Union of Soviet Socialist Republics) said he found Mr. Fontaina's suggestion unacceptable and insisted on deletion of the point dealing with censorship.

Mr. CHAFEE (United States of America) suggested amending Mr. Fontaina's suggestion to read "facilitating agreements on progressive elimination of peacetime censorship..." in order to meet Mr. Lomakin's objection.

Mr. LOMAKIN (Union of Soviet Socialist Republics) said he maintained his previous position.

DECISIONS: Mr. Lomakin's proposal to delete the point dealing with censorship was defeated by 7 votes to 1. The first half of Item 4 (a), as amended by Mr. Chafee, was adopted by a majority vote of 9.

Mr. CHAFEE (United States of America) said that Mr. Geraud's proposal dealing with this subject should be discussed together with the remainder of (a) and that he would prepare a combined draft on this for consideration at the following meeting.

The meeting adjourned at 6:05 p.m.

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