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SUB-COMMISSION ON FREEDOM OF INFORMATION AND OF THE PRESS

Fourth Session

SUMMARY RECORD OF THE EIGHTY-FIRST MEETING

Held at Hotel Parque, Montevideo,  
on Wednesday, 24 May 1950 at 10.30 a.m.

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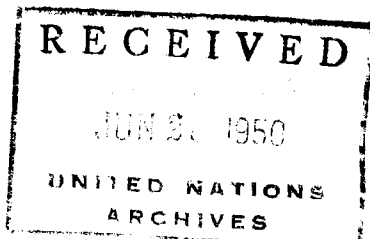
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/Chairman:

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. 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 Associations (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) (continued)

UNESCO publications (UNESCO Publication No.700)

1. Mr. SILVA CARVALLO congratulated UNESCO on having produced so complete, instructive and well-presented a document as the one just distributed to the Sub-Commission ("World Communications: Press, Radio, Film", UNESCO publication No. 700).

2. Mr. DEDIJER associated himself with those remarks but he pointed out that the document in question might later be completed and brought up to date. He hoped the Sub-Commission would adopt a resolution thanking UNESCO for its contribution to the Sub-Commission's work and making suggestions with a view to improving the document.

3. Mr. AZMI shared the opinion of the preceding speakers. He recalled that he had been invited by UNESCO in 1949 to take part in the work of the two technical committees, and had thus been able to note the high quality of UNESCO's work.

Draft report of the Sub-Commission

4. Mr. AZMI remarked that the last two sections of the code of ethics had been very thoroughly discussed. He felt that the point of view of the

/minority

minority should be recorded in the report, and therefore hoped the Chairman would request the Rapporteur to include in the report the text of the last two sections as well as Mr. Dedijs's proposal.

5. Mr. BINDER expressed the hope that the reasons why the majority had voted for the deletion of those two sections would also be given in the report.

6. Mr. AZKOUL supported Mr. Azmi's proposal. The proposal he himself had submitted during the second reading should also appear in the report, if only because the members who had been in the minority during the main debate on his proposal had not unanimously opposed the deletion of the last two sections of the draft code.

7. The CHAIRMAN and the RAPPORTEUR feared that the report might become too long.

8. Mr. AZMI observed that what should be recorded was the ideas. The actual texts discussed might be given in an annex to the report.

9. Mr. DEDIJER felt what chiefly needed recording was the minority position and relied on the Rapporteur to present it adequately.

10. The CHAIRMAN stated that that would be done, and reminded members that they would have the opportunity to present amendments to the draft report when it was considered.

/Draft

Draft resolution on the calling of an international professional conference (E/CN.4/Sub.1/120)

11. Mr. GERAUD was somewhat surprised that the Sub-Commission should consider calling at such a distant date a conference to examine a document which was still in the drafting stage. In his view, the Sub-Commission should leave open the possibility of re-examining the draft code at its following session. He proposed that the code of ethics as approved by the Sub-Commission should be considered only a preliminary draft.

12. Mr. AQUINO thought Mr. Géraud's fears unfounded. The communications sent to Governments would make it clear that the text adopted by the Sub-Commission could be improved upon. Furthermore, the Secretariat regarded the time limit set for the calling of the conference as normal.

13. Mr. GANDHI shared Mr. Géraud's opinion. He had never expected the Sub-Commission, in the brief time at its disposal, to prepare a final draft, since the very nature of the document in question called for a thorough and prolonged consideration.

14. In those circumstances, he proposed that members should also endeavour in their personal capacity to gather the opinions of their colleagues in their respective parts of the world and should put them before the Sub-Commission at its following session.

/15. That proposal

15. That proposal was not incompatible with Mr. Aquino's which he was prepared to accept.

16. Mr. JORDAN agreed with Mr. Geraud and Mr. Gandhi. Before proposing the calling of a conference which would involve considerable expenditure both for the United Nations and for the participants, the views and suggestions of professionals in the field of information should first be elicited. The Sub-Commission would then have the necessary information for deciding at its fifth session, whether, and when, a conference should be called.

17. He did not think, however, that members of the Sub-Commission could accept the responsibility which Mr. Gandhi would lay upon them. In his view, it was for Governments alone to assume. He therefore proposed that the Sub-Commission might confine itself to deleting paragraph 3 of Mr. Aquino's draft resolution.

18. Mr. CHANG was in full accord with Mr. Jordan.

19.. Mr. AZMI shared Mr. Jordan's opinion, but was not absolutely certain that all Governments would strongly support the request addressed through

/them to

them to professionals in the field of information. He therefore supported Mr. Gandhi's proposal as well.

20. Mr. ALKOUH agreed that it would be better to wait until comments and suggestions had been received from journalists before deciding whether a conference should be convened. He was in favour of Mr. Gandhi's proposal in principle, but thought that members should be free to use such opportunities as they had without being bound by a formal resolution which might, moreover, infringe the provisions of the Economic and Social Council resolution on the Sub-Commission's channels of communication with information enterprises or associations (resolution 240 B (IX)).

21. Mr. AQUINO said that the calling of a conference required considerable time and provision for it should therefore be made at once. Moreover, under paragraph 3 the Secretary-General would be called on merely to consider the possibility of calling such a conference in the light of comments sent in by professional groups. Paragraph 3 might be re-drafted to make that idea clearer. He feared that if the Sub-Commission did not at once request the Secretary-General to consider the possible convening of such a conference, the Secretariat might lack the time to organize it when the Sub-Commission decided to convene it.

/Finally

Finally, it was quite possible that the Sub-Commission, the Economic and Social Council or the Secretary-General might consider it unnecessary to call the conference, in which case the Sub-Commission's recommendation would fall.

22. He approved of Mr. Gandhi's suggestion, as he too thought that members of the Sub-Commission should co-operate with the Secretariat services in gathering comments and suggestions of information professionals.

23. Mr. GANDHI said he had not intended to make it obligatory on members of the Sub-Commission to engage in such co-operation. He thought, however, that the status of members entailed certain responsibilities and that members could not completely dissociate themselves between sessions from the Sub-Commission's work.

24. Mr. AZMI recalled that, at its third session, the Sub-Commission had requested the Secretary-General to instruct United Nations Information Centres to furnish full assistance to members of the Sub-Commission who might wish to conduct studies in the areas covered by those Centres. He himself had had recourse to an Information Centre and had received valuable assistance.

/Mr. HUMPHREY



25. Mr. HUMPHREY (Representative of the Secretary-General) saw at first glance no contradiction between Mr. Gandhi's proposal and the Council resolution on the Sub-Commission's channels of communication. That resolution prescribed a certain procedure for the Secretary-General and not for the members of the Sub-Commission.

26. Mr. AZKOUL remarked that the Sub-Commission had never contemplated communicating with professional groups except through the Secretary-General. If it decided otherwise, it would be the first organ of the United Nations to adopt that procedure.

27. Mr. DEDIJER agreed with Mr. Jordan. He saw no practical advantage in individual action on the part of members, especially since they could approach only a limited number of professional groups in a few countries.

28. Mr. BINDER also agreed with Mr. Jordan. While he was fully prepared to put his professional experience at the Sub-Commission's disposal and to communicate to the journalists of his country the Sub-Commission's decisions, he had never expected to have to proselytize. Furthermore, it would be physically impossible for him to carry out a survey among American journalists single-handed.

/29. The CHAIRMAN

29. The CHAIRMAN explained that there was no question of proselytizing. Mr. Gandhi's proposal was simply that members should take personal and individual action with a view of collecting as many opinions on the Sub-Commission's draft code as possible, whether or not they were favourable. Mr. Azkoul had been quite right in pointing out that the Secretary-General alone was empowered to enter into official communication with Governments.

30. Mr. GANDHI said that the main proposal on which there was general agreement was that opinions on the draft code should be elicited and the Sub-Commission should work on it again at its fifth session in the light of comments and criticisms received. He did not wish to press the particular point that members of the Sub-Commission take steps themselves to elicit opinions.

31. Mr. AZKOUL proposed that the words "for analysis and circulation" in paragraph 2 should be deleted, and that paragraph 3 should be replaced by the following text: "To analyze the comments received and to submit them to them to the fifth session of the Sub-Commission in order that it might re-examine the draft in the light of these comments and re-draft a text to be presented to an international professional conference which could be convoked at a later date."

32. He also proposed the deletion of the two recitals which preceded the Sub-Commission recommendation, as the draft resolution would then deal only with the revision of the draft code.

/Mr. GANDHI

33. Mr. GANDHI suggested that the following words might be added at the end of the paragraph proposed by Mr. Azkoul: "pursuant to resolution No.36 of the United Nations Conference on Freedom of Information."

34. Mr. AQUINO accepted Mr. Azkoul's and Mr. Gandhi's amendments.

35. Mr. GERAUD maintained his proposal, since in his opinion the text of the code of ethics had not been sufficiently studied to be submitted to Governments.

36. Mr. GANDHI observed that, under the Sub-Commission's recommendation, the sole function of the Governments would be to transmit the draft code to information enterprises and professional associations in their respective territories.

37. Mr. GERAUD recognized that Mr. Gandhi's statement was correct, and withdrew his proposal.

38. Mr. AZKOUL inquired whether the "other relevant information" which the Secretary-General was requested to transmit to all Governments would include the summary-records of the meetings at which the Sub-Commission had considered the draft code.

39. Mr. HUMPHREY (Representative of the Secretary-General) said that

if the Economic and Social Council accepted the Sub-Commission's recommendation and adopted a resolution also containing the words "other relevant information", the Secretary-General would consider that the summary records mentioned by Mr. Azkoul should be included in the documentation transmitted to Governments.

Mr. Aquino's proposal, as amended, was adopted unanimously.

Draft resolution concerning restrictions on the gathering, transmission and dissemination of information by means of newsreels (Ref. Item B(1) of the agenda) Proposed by Mr. Aquino (E/CN.4/Sub.1/126)

40. Mr. AQUINO stressed the fact that during the last fifteen years newsreels had become one of the principal existing media of information. Nevertheless progress in that field had been considerably hampered by the restrictions imposed by certain countries on the activities of newsreel personnel and the distribution of their films.

41. He cited various concrete examples of interference of that kind. A European country ruled by a fascist regime imposed preliminary censorship on newsreels. Such restrictions on a sector of information affected all those professionally engaged in the gathering and dissemination of

news throughout the world. There was no doubt that from the moral as well as the legal point of view, preliminary censorship was an unacceptable procedure.

42. In other countries, newsreel equipment had been seized without valid reason and even in violation of laws which were in force. He cited the case of a newsreel producer whose equipment and films had recently been confiscated just as he was about to leave a country to which he had been sent to cover certain events of general interest; his property had not been returned to him until much later, when his film had lost all news value.

43. Mr. Aquino noted that the examples he was giving related to countries which professed to respect freedom of speech and of the press. Yet the attitude adopted by their Governments had a direct bearing on the general problem of obstacles to the free flow of information among peoples, which was before the Sub-Commission.

44. His draft resolution (E/CN.4/Sub.1/126) was self-explanatory. He wished to present only one comment with regard to it. Paragraph 3 of the operative part restricted the ban on the confiscation or censorship of newsreels to "the extent permitted by national legislation". He wished

/to make

to make it clear that that should be understood to mean restrictions which were generally recognized as justified, such as restrictions imposed in the interest of national security or because of emergency conditions. Moreover, that limitation appeared in all of the conventions and draft conventions on freedom of information prepared under United Nations auspices.

45. Mr. AZKOUL expressed the view that the reservation regarding the provisions of national legislation should apply to the draft resolution as a whole; in his opinion, there was no reason for keeping in paragraph 2 of the operative part the very vague formula "without just cause" which opened the door to any number of interpretations. He therefore proposed that paragraphs 2 and 3 should be combined as follows:

"not to seize, impound or otherwise place restrictions or hindrances on newsreel equipment used by them nor to confiscate or censor newsreels or portions of newsreels, except to the extent permitted by national legislation."

46. Mr. AQUINO accepted that new drafting.

/47. The CHAIRMAN

47. The CHAIRMAN would prefer to have a clearer explanation of what restrictions were permissible; he himself considered that those restrictions should be limited to the requirements of national security and public morals.

48. Mr. BINDER stated that he was prepared to support Mr. Aquino's draft resolution because of the importance of newsreels in the field of information. Nevertheless, he also wished to have the last paragraph of the operative part made more specific in order to eliminate as far as possible the factors which might interfere with the free flow of information and to prevent censorship to the maximum possible degree. He proposed the following formula:

"unless absolutely required on grounds relating directly to obscenity or national military security".

49. He stressed the fact that he proposed the expression "national military security" in order to adhere to the letter and the spirit of the corresponding provision of the Convention on the International Transmission of News and the Right of Correction. He recalled that during the extended discussion of that Convention the defenders of freedom

/of information

of information had refused to accept the vague expression "national security" which would enable Governments to impose restrictions at will and had finally agreed to the expression "national military security" which was narrower in scope but included the necessary safeguards relating to the security of the State, military secrets, etc.

50. Mr. AQUINO and Mr. AZKOUL indicated their willingness to accept the formula suggested by Mr. Binder.

51. Mr. JORDAN suggested that the restriction should be extended to cover blasphemy, in accordance with the concept prevailing in the United Kingdom, where the dissemination of "obscene and blasphemous" publications was prohibited.

52. Mr. DEDIJER objected to Mr. Jordan's proposal because he feared that such a restriction might, if the occasion arose, serve to justify measures infringing freedom of conscience.

53. Mr. SILVA CARVALLO pointed out that public morals was a broad term which covered obscenity. In that connexion, he preferred the formula suggested earlier by the Chairman. He stressed the fact that that form of censorship was generally in effect in most

/countries



countries in the case not only of newsreels but also of all other films.

54. Mr. DEDIJER, commenting on the draft resolution as a whole, noted that, in their desire to be obliging, the members of the Sub-Commission were succumbing more and more frequently to the dangerous tendency of adopting resolutions which to some extent involved judgments of certain States. He wondered to what degree the Sub-Commission was competent to take such action. It had already adopted two resolutions of that kind: in both cases, he himself had abstained in the vote.

55. It appeared that the draft resolution under consideration was also based on a concrete complaint arising out of a specific incident although, in the current case, Mr. Aquino had presented no details. Without going into that aspect of the question, Mr. DediJer wished to comment on the substance of the question raised by Mr. Aquino.

56. First of all, he pointed out that, by their very nature, newsreels were comments much more than news as such. The technique used, the need to make a relatively much narrower selection both the subject matter and the pictures, the

/explanatory comment

explanatory comment accompanying the film were essentially subjective factors, which reflected the personality of the newsreel producer. Therefore, in the case of newsreels, more than for any other medium for the dissemination of news, it was essential to show the close relationship between the idea of responsibility and the idea of freedom.

57. Finally, after reviewing the UNESCO publication briefly, he noted that the Governments of many countries sought to encourage national production of newsreels. That was a good sign because, since newsreels were tantamount to expressions of opinion and therefore came within the province of propaganda, the greater their number and the sources of their production, the greater would be the safeguard to freedom of information and to a wide dissemination of news.

58. Adoption of Mr. Aquino's draft resolution might lead to interference in the development of national production because it contained no provision granting protection against film companies which had tremendous assets at their disposal

/while it

while it assured those companies the greatest possible measure of freedom of action. In those circumstances, Mr. Dedijer was unable to accept it.

59. The CHAIRMAN indicated to Mr. Dedijer that, according to its terms of reference, the Sub-Commission was authorized to "consider issues and problems involved in the dissemination of information by newspapers and news periodicals, radio broadcasts and newsreels" and that within the framework of those terms of reference it was specifically empowered to study the "political, economic and other barriers to the free flow of information". The resolutions which it had adopted were therefore entirely within its competence.

60. Mr. AQUINO stated that his draft resolution fell within the scope of item B (1) of the Sub-Commission's agenda and was therefore perfectly in order. He emphasized that, so far as he knew, that draft resolution represented the first attempt to deal with a problem which, from the examples which he had given, was obviously serious and urgent.

61. Mr. Dedijer had stated that newsreels were more largely

/propaganda

propaganda than pure news; that concept was a product of the philosophy which was held in esteem in social systems like the one to which Mr. Dedijer belonged and in which indoctrination of ideas and regimentation of thought were standard rules. Mr. Aquino wished to make it clear how **repugnant** such a concept was to him. In his opinion, newsreels reflected a high level of professional integrity and in that regard their producers could not be outdone by any other section of news personnel. By their very nature, newsreels gave the public the least distorted picture of human beings and events since they presented direct visual material.

62. Mr. Dedijer had stated that adoption of the draft resolution would hamper the development of national production. That remark raised the delicate question of government subsidies of organs of information. Mr. Aquino stated that, on that point as well, he could not agree with Mr. Dedijer's ideas because he himself firmly opposed any such subsidies. His social doctrine defended freedom of information based on free enterprise. He considered that any restriction whatsoever of the free circulation of newsreels was scandalous, immoral and inadmissible. It

/was the responsibility

was the responsibility of the public rather than of Governments to judge the value of films presented to them. If certain States wished to encourage the development of their national industries in that field, they should state their intention openly without resorting to measures to prevent the free circulation of foreign films on hypocritical pretexts. If the Sub-Commission accepted the principle that restrictions based on a desire to protect national production were justified, those restrictions would not fail to increase the already great number of obstacles to the free flow of information.

63. Mr. DEDIJER would not reply to the comments of Mr. Aquino which related to him personally. He felt that those comments as well as the remarks relating to his country revealed Mr. Aquino's lack of knowledge of matters relating to Yugoslavia and the true situation prevailing there. Mr. DediJer cited figures showing the great number of foreign correspondents which Yugoslavia admitted to its territory and from whom it required only an awareness of their professional responsibilities. He regretted

/that

that there had not been a Philippine correspondent among them because in that case Mr. Aquino would certainly not have made such categorical statements.

64. Mr. Aquino had unsuccessfully tried to refute the thesis that newsreels were closer to comments than to news as such; in attacking that thesis, he had used ideological considerations as his basis. He forgot, however, that that was the very thesis professed in a book entitled "Foreign Affairs and Public Opinion" written by the most eminent United States journalists, whom Mr. Aquino considered as his masters, his colleagues and the exponents of the proper ideology.

65. Mr. Dedijsjer wished to repeat the simple statement of fact that it was impossible to have strictly neutral news and even more impossible to have neutral comments. That fact had led him to urge that, in preparing the draft code, the Sub-Commission should orient its thoughts to the maintenance of peace and the attainment of the purposes of the Charter.

66. Mr. AQUINO wished to assure Mr. Dedijsjer that his statement had not been in any way directed against him personally or against his country. He had already had occasion to express his admiration of Mr. Dedijsjer's

/courage

courage and intellectual honesty and of the progress achieved in his country. There could be no possible error in that connexion. The statement which Mr. Aquino had made was merely an enunciation of general principles.

The meeting rose at 1.20 p.m.

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