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SUB-COMMISSION ON FREEDOM OF INFORMATION AND OF THE PRESS

Fifth Session

SUMMARY RECORD OF THE HUNDRED AND EIGHTH MEETING

Held at Headquarters, New York,
on Wednesday, 19 March 1952, at 10.30 a.m.

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| <u>Chairman:</u> | AZMI Bey | (Egypt) |
| <u>Reporteur:</u> | Mr. AZKOUL | (Lebanon) |
| <u>Members:</u> | Mr. BINDER | (United States of America) |
| | Mr. P. H. CHANG | (China) |
| | Mr. GERAUD | (France) |
| | Mr. LOPEZ | (Philippines) |

Members (continued):

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| Mr. MOULIK | (India) |
| Mr. PLEIC | (Yugoslavia) |
| Mr. POLLERI CARRIO | (Uruguay) |
| Mr. SILVA CARVALLO | (Chile) |
| Mr. WALTHMAN | (United Kingdom of Great Britain and Northern Ireland) |
| Mr. ZONOV | (Union of Soviet Socialist Republics) |

Representative of a specialized agency:

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| Mr. CARNES | United Nations Educational, Scientific and Cultural Organization (UNESCO) |
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Representatives of non-governmental organizations:

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| <u>Category B:</u> | Mr. BEER | International League for the Rights of Man |
| | Mr. JACOBY | World Jewish Congress |
| <u>On Register:</u> | Mr. NAGORSKI | International Federation of Free Journalists |
| <u>Secretariat:</u> | Mr. EEK | Secretary of the Sub-Commission |

SUGGESTIONS CONCERNING THE FUTURE WORK OF THE UNITED NATIONS IN THE FIELD OF FREEDOM OF INFORMATION (E/CN.4/Sub.1/157, E/CN.4/Sub.1/158, E/CN.4/Sub.1/164, E/CN.4/Sub.1/167, E/CN.4/Sub.1/168, E/CN.4/Sub.1/168/Corr.1, E/CN.4/Sub.1/172, E/CN.4/Sub.1/173, E/CN.4/Sub.1/174, E/CN.4/Sub.1/175, E/CN.4/Sub.1/L.12, E/CN.4/Sub.1/L.14, E/CN.4/Sub.1/L.15) (continued)

At the CHAIRMAN's invitation, Mr. AZKOUL, Rapporteur, presented an ad hoc report relating to the way of disposing of the various proposals and amendments under item 5 of the agenda (E/CN.4/Sub.1/175) and explained in detail the method which he thought should be followed with regard to proposals relating to machinery (section A of the report).

/Mr. LOPEZ,

Mr. LOPEZ, speaking on a point of order, said that, admirable as the Rapporteur's analysis was, the situation was so complex that it would be easier for the Sub-Commission if the Rapporteur explained one step of the proposed procedure at a time and waited until the Sub-Commission had taken the requisite action before proceeding with the explanation of the next step.

The CHAIRMAN observed that the Rapporteur's analysis had greatly clarified the situation. The Sub-Commission could now vote on the following questions of principle:

1. Did the Sub-Commission wish to recommend the establishment of a special organ of the United Nations to deal with questions concerning freedom of information?
2. Should that organ be temporary or permanent?
3. Should that organ be a continuation of the Sub-Commission or a new organ?
4. Should the Sub-Commission make recommendations on that organ's composition or should the decision be left to another organ? Should that organ be an ad hoc committee or the Economic and Social Council?
5. Should that organ be concerned with study or with inquiry, including investigations of specific problems?
6. Should the technical aspects of the question of freedom of information be dealt with by that organ or by UNESCO?

The answers to those questions would eliminate some of the proposals before the Sub-Commission or parts of the proposals. Votes could then be taken on the relevant texts, in the order suggested by the Rapporteur.

Mr. AZKOUL, Rapporteur, pointed out that the procedure outlined by the Chairman differed materially from that suggested by himself and in effect constituted a separate proposal.

Mr. GERAUD said that neither procedure was acceptable; the Sub-Commission would find itself voting piece-meal on fragmentary texts without knowing in what context they would finally appear.

Mr. PLEIC said that he was unable to form an opinion as to what kind of machinery was needed to deal with questions relating to freedom of information until the Sub-Commission had determined what the questions were. The programme of future work should be mapped first, and recommendations with regard to the organ to carry it out should be made later.

/Mr. LOPEZ

Mr. LOPEZ supported that view.

Mr. ZONOV remarked that the Sub-Commission should first decide whether there was any need for a special organ; the Economic and Social Council had not asked for any such recommendation. The future work of the United Nations in the field of freedom of information might conceivably be carried out by the Secretariat. He himself did not think such an organ necessary, but the question whether it was should certainly be settled in principle before proceeding any further.

Mr. P. H. CHANG, Mr. SILVA CARVALLO and Mr. BINDER supported the Chairman's proposal.

That proposal was adopted.

The CHAIRMAN observed that general debate on the entire item was closed and that members would be given an opportunity to explain their vote as each question of principle was put to the vote.

He called upon the Sub-Commission to decide in principle whether it should recommend the establishment of a United Nations organ to deal with freedom of information.

Mr. BINDER, in explanation of his vote, stated that at the present stage of international opinion and in view of the atmosphere prevailing in the United Nations itself, he and many other United States journalists were not convinced of the desirability of extending the Sub-Commission's life or of creating bodies other than those already existing to deal with questions of information.

Experience had shown that the Sub-Commission and special committees on information questions set up by the General Assembly had served only as forums for the expression of profound differences. As there was no immediate prospect of constructive examination of the question of lowering the barriers to the flow of information between the peoples, he was unable to support any proposal to oppose the carefully considered decision of the Economic and Social Council which had been confirmed by the General Assembly. Even without a special organ,

/the United

the United Nations would continue to deal with questions of freedom of information in the Commission on Human Rights, the Economic and Social Council and the General Assembly.

He noted that his views were opposed by three groups. One group sought every possible opportunity to discredit these practices and create distrust in order to enhance the principles of governmental control, indoctrination, restrictions and censorship. A second and more numerous group felt no obligation to discuss practices, but sought to protect governments against abuses of the press in some parts of the world. The third group, often from countries with limited or undeveloped media of information, did not accept the totalitarian concept, but regarded freedom of information as a dangerous weapon, to be kept from the people. While the views of all those groups were tenable, discussion produced no constructive results. Moreover, existing organs were adequate.

Pending some promise of a meeting of minds on fundamental concepts, he could not support the recommendation for a new organ.

Mr. LOPEZ stated that he would vote for a United Nations organ in the field of freedom of information for the reasons he had given in introducing the joint draft resolution on extending the life of the Sub-Commission.

He was surprised at Mr. Binder's statement that the atmosphere in the United Nations was disheartening. It was saddening to see an American to admit distrust of the United Nations in the fields of freedom of information and human rights and to favour withdrawal from vital discussions in which the United States had the right and the obligation to assume leadership. The United Nations had been conceived as a forum for the expression of differences, in the hope that discussion and understanding might reduce them.

Mr. Binder's criticism of the record of the United Nations in the field of information, a position in which he was joined by the majority of American journalists, was based on a mistaken concept regarding the two conventions on freedom of information drafted with the participation of United States representatives. The Sub-Commission had adopted resolutions condemning jamming of broadcasts and the closing of La Prensa in Argentina; had considered a resolution

/by Mr. Chang

by Mr. Chang condemning malpractices in communist countries, which Mr. Binder had failed to support; and had consistently rejected the principle of indoctrination or propaganda by the journalist. That record hardly justified Mr. Binder's negative attitude. His position was a kind of intellectual isolationism, which was allied to political or economic isolationism and was equally unjustified in the contemporary world.

Mr. BINDER wished to clarify his position, which Mr. Lopez had misunderstood.

He had often been called an idealistic internationalist, but had never before been referred to as an isolationist. While some Americans felt that the United States should withdraw from the consideration of questions of freedom of information, he had never held or expressed that view. It was his feeling that so long as the United Nations was considering freedom of information, the United States must participate. If a new body was set up in the field, he hoped that the United States would be represented.

Although he had no objection to forums for the expression of divergent views, another organ seemed unnecessary in view of the existence of United Nations organs which would continue the discussions.

He had abstained in the vote on Mr. Chang's resolution only because that resolution was improperly worded and because amendment would have delayed the Sub-Commission's work.

He would therefore vote against the proposal to go back on the Economic and Social Council's decision.

Mr. P. E. CHANG was surprised that Mr. Binder could not support the continuation of the Sub-Commission in some form. It was true that it had not been as successful as had been anticipated, but that was a reason to reform rather than to abolish it. Mr. Binder's abstention on the draft resolution on malpractices (E/CN.4/Sub.1/171), had been somewhat inconsistent, as it had been submitted precisely because he had insisted that the Sub-Commission should take some definite action about obstacles to the free flow of information. He would vote for the joint draft resolution (E/CN.4/Sub.1/173) and against all the others, not because they were bad, but because the former was greatly to be preferred.

/Mr. ZONOV

Mr. ZONCOV explained that he was against the establishment of a United Nations organ to deal specifically with freedom of information, not because he was opposed to that freedom -- indeed, he was wholeheartedly in favour of genuine freedom of information -- but because the Commission on Human Rights and the Economic and Social Council could deal with it adequately; its exercise did not depend upon the existence of a minor United Nations organ. It was regrettable that the Sub-Commission had been allowed to become a body for listening to slanders against both Member and non-member States, some of which had been condemned unheard. The Sub-Commission had failed to discuss what kind of news was required by the peoples of the world and had repeatedly rejected proposals that the press should be made to assume some sense of responsibility and refrain from fomenting war and discrimination. He would find it awkward to have to tell journalists in his country how the Sub-Commission had utterly failed to tackle the problems which they had most at heart.

Mr. P. H. CHANG observed that the Sub-Commission had been asked to condemn malpractices, not countries.

Mr. WATHEMAN explained that he would vote against the continuation of the Sub-Commission, but would vote for the principle that some United Nations body should deal specifically with freedom of information. The Sub-Commission, if it were continued, would have no specific work to do that could not be done better by some other United Nations organ, whereas the commission of investigation he had proposed (E/CN.4/Sub.1/168) would have specific work assigned to it and would be able to see clearly what was needed.

Mr. SILVA CARVALLO explained that he would support the principle of the establishment of an organ to deal specifically with freedom of information because, if the United Nations believed that that freedom was a fundamental human right and the touchstone of all the freedoms consecrated in the Charter, it should logically have such a body. The Economic and Social Council could not, in its broad work, give specific attention to freedom of information. Thus, a sub-commission on the lines proposed in the joint draft resolution (E/CN.4/Sub.1/173) would be needed. The new body would have ample work in

connexion with the moral condemnation of the constant violation of freedom of information. He could not agree with Mr. Waithman that it would not be able to find specific work to do.

Mr. PLEIC explained that he would vote for the principle that a special United Nations organ should be established, as it was most important that the United Nations should study and discuss freedom of information. He must abstain from voting in connexion with the organ's composition because he still thought that the Sub-Commission should have decided what its work was to be before it decided what kind of an organ it would recommend. His own proposals (E/CN.4/Sub.1/L.14) for the activities of such an organ implied the existence of the requisite machinery.

The CHAIRMAN asked the Sub-Commission to decide in principle whether it wished to recommend the establishment of a special organ of the United Nations to deal with the question of freedom of information.

The Sub-Commission decided, by 9 votes to 2, with no abstentions, to recommend in principle that such an organ should be established.

The CHAIRMAN asked the Sub-Commission to decide in principle whether that organ should be permanent. Proposals recommending a commission without setting a time-limit for its existence could be regarded as implying a permanent organ, whereas proposals such as that of Mr. Waithman, specifying one year's existence, were tantamount to proposals for a temporary organ.

The Sub-Commission decided, by 7 votes to 3, with one abstention, that the organ should in principle be permanent.

The CHAIRMAN said that the Sub-Commission must decide in principle whether it would itself make recommendations on the organ's composition or leave that to the Economic and Social Council or to some ad hoc committee.

Mr. SILVA CARVALLO observed that the Sub-Commission need not recommend the organ's composition but might suggest criteria to guide the Economic and Social Council.

/Mr. BINDER

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Mr. BINDER said that the Sub-Commission ought undoubtedly to make suggestions about the nature of the organ and should thoroughly discuss all the proposals relating to it. He would therefore vote for the principle, although he still felt that no such organ should be established.

Mr. ZONOV agreed that it would be improper to recommend the establishment of a permanent body without making any suggestions about its composition.

The CHAIRMAN observed that he had proposed in his personal capacity (E/CN.4/Sub.1/174) that a preparatory committee should deal with the matter; it would fall if the Sub-Commission agreed in principle to decide for itself.

The Sub-Commission decided, by 9 votes to none, with 2 abstentions, in principle to formulate suggestions concerning the composition of that organ.

The meeting rose at 1.30 p.m.