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COMMISSION ON HUMAN RIGHTS  
SUB-COMMISSION ON FREEDOM OF INFORMATION AND OF THE PRESS

Fifth Session

SUMMARY RECORD OF THE HUNDRED AND SIXTH MEETING

Held at Headquarters, New York,  
on Tuesday, 18 March 1952, at 10.30 a.m.

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<u>Chairman:</u>	AZMI Bey	(Egypt)
<u>Rapporteur:</u>	Mr. AZKOUK	(Lebanon)
<u>Members:</u>	Mr. BLINDER	(United States of America)
	Mr. P. H. CHANG	(China)
	Mr. GERAUD	(France)
	Mr. LOPEZ	(Philippines)

Members (continued):

Mr. MOULIK	(India)
Mr. PLEIC	(Yugoslavia)
Mr. POLLERI CARRIO	(Uruguay)
Mr. SILVA CARVALLO	(Chile)
Mr. WAITMAN	(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)
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Representatives of non-governmental organizations:

<u>Category B:</u> Mr. BEER	International League for the Rights of Men
<u>On Register:</u> Mr. MOSSIN	International Federation of Free Journalists
<u>Secretariat:</u> Mr. BEEK	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.1/143, E/CN.4/Sub.1/143/Add.1, E/CN.4/Sub.1/143/Add.2, E/CN.4/Sub.1/143/Add.3, E/CN.4/Sub.1/157, E/CN.4/Sub.1/158, E/CN.4/Sub.1/164, E/CN.4/Sub.1/166, E/CN.4/Sub.1/167, E/CN.4/Sub.1/168, E/CN.4/Sub.1/169, E/CN.4/Sub.1/170, E/CN.4/Sub.1/171, E/CN.4/Sub.1/172, E/CN.4/Sub.1/173, E/CN.4/Sub.1/174, E/CN.4/Sub.1/L.12, E/CN.4/Sub.1/L.13, E/CN.4/Sub.1/L.14, E/CN.4/Sub.1/L.15, E/CN.4/Sub.1/L.16)  
(continued)

Mr. SILVA CARVALLO reviewed the typically totalitarian methods used by the Government of Argentina to close down La Prensa, one of the most highly respected newspapers in the world. He deplored the violence and the complete falsification of the true facts by a regime which consistently violated freedom of information and of the press throughout its territory in contravention of the principles of the Universal Declaration of Human Rights and of the United Nations Charter.

He hoped that the Sub-Commission would support his draft resolution (E/CN.4/Sub.1/170) condemning the closing down of La Prensa and calling upon  
/the United

the United Nations to consider measures to prevent further infringements of freedom of the press in the future.

Mr. PLEHC wished to introduce a series of amendments (E/CN.4/Sub.1/L.14) to Mr. Moulik's draft resolution concerning the future work of the United Nations in the field of freedom of information (E/CN.4/Sub.1/164). In his opinion, Mr. Moulik's proposals embodied in general outline most of the problems in the field of freedom of information on which the United Nations and specialized bodies should work. If a constructive contribution was to be made, Mr. Moulik's general proposals must be made more specific and concrete.

At the end of paragraph 1, he proposed the addition of a recommendation for the appointment by the Economic and Social Council of a committee of experts to prepare draft amendments to the existing convention on the principles of freedom of information for submission to the seventh session of the General Assembly which would accord the item priority.

Paragraph 2 relating to newsprint and paper should be made more specific by the addition of a recommendation for an international conference to draft multilateral agreements along the lines of the agreement on timber entered into by ten European countries. It was significant that numerous resolutions relating to newsprint and paper had produced no results because of the abstract nature of the texts. A practical solution should now be sought.

The suggestion for the transfer of paragraph 4 to the end of the resolution represented only a drafting change.

The purpose of the proposed amendment to paragraph 5 was to achieve early agreement on an effective system of correction by separating the convention on the right of correction from the controversial convention on the international transmission of news.

The amendment to paragraph 6 proposed to supplement the general reference to economic and financial obstacles by a concrete procedure for the establishment of a joint committee of experts.

The final paragraph dealt with the very urgent question of promoting the exchange of members of the press between various countries. Increasing restrictions on and persecution of newspapermen in various parts of the world gave cause for genuine alarm.

/Eg noted

He noted that most of the Yugoslav correspondents had been brutally ejected from the countries of Eastern Europe or severely restricted in their activities. In addition, no Yugoslav newspapermen had been admitted to Eastern Europe to replace those who had left. While the attitude toward Yugoslav correspondents was unique, restrictions existed in other countries as well. For example, in the United States of America the McCarran Act represented an obstacle to the exchange of correspondents.

He proposed the addition to paragraph 7 of a provision for a systematic survey of restrictions on the basis of semi-annual government reports which should be given the widest publicity with a view to the achievement of practical recommendations.

Unless the Sub-Commission submitted a series of specific recommendations to the Economic and Social Council, it would be failing to fulfil its duties as an expert body.

Mr. BINDER endorsed Mr. Silva Carvalho's draft resolution condemning the closing down of La Prensa by the Argentine Government as a violation of freedom of information and of the press. The suppression of the highly respected and renowned Argentine daily and many other independent newspapers in that country by a dictatorial regime represented a significant blow to the cause of freedom in Argentina and throughout the world. The general public as well as the journalists in the United States had reacted strongly against the expropriation of the newspaper and the exile of its eminent editor.

He recalled that at the preceding session of the Sub-Commission, he had joined the expert from Yugoslavia in condemning the restrictions placed on Yugoslav as well as all other journalists.

In reply to Mr. Pleic who had cited the McCarran Act restricting the access of certain people to the United States, he indicated that his newspaper and many other newspapers in the United States had editorially opposed the adoption of that Act and the method of its enforcement. He hoped that an aroused public opinion would obtain modification of the Act or of the way it was enforced.

He then drew attention to his proposal for items to be included in the agenda of the Economic and Social Council in connexion with future work in the field of freedom of information (E/CN.4/Sub.1/167). The annual survey  
/suggested in

suggested in the first item was one of the alternatives given on page 8 of E/CN.4/Sub.1/158. The essential points to be covered by such a survey would include the positive aspects of available news, information on censorship and other restrictions requiring continuation of Secretariat activities along the lines of E/CN.4/Sub.1/106 and E/CN.4/Sub.1/143, information on the space in the press devoted to the United Nations and its principal activities and succinct reports on action taken to implement relevant resolutions of the Economic and Social Council. Referring to E/CN.4/Sub.1/144, E/CN.4/Sub.1/147, and E/CN.4/Sub.1/153, he felt that follow-up reports should be made in briefer form with greater stress on action taken rather than on document numbers.

A second item would be a survey of news facilities showing the relationship between the physical facilities and the availability of information. The important question of newsprint raised in a resolution adopted at the fourth session of the Sub-Commission had been dealt with in resolution 374(XIII) of the Economic and Social Council and in a General Assembly resolution adopted on 26 January 1952. Implementation of these resolutions was now essential. The item would further include reports of news which could be transmitted and the extent of transmission, a subject dealt with in part in E/CN.4/Sub.1/141 and E/CN.4/Sub.1/143. A final aspect of the survey of news facilities would relate the facts on difficulties in the transmission of information, a subject partially covered in E/CN.4/Sub.1/110.

As a third item, he suggested the activities of the specialized agencies in the field of freedom of information. Reports on such activities might well be included in the regular annual reports to the Economic and Social Council. UNESCO should now place equal stress on the free dissemination of news and should continue to report on all its activities in the field of freedom of information along the line followed in documents E/CN.4/Sub.1/142 and E/CN.4/Sub.1/143.

His final suggestion related to the activities of non-governmental organizations, such as the International Press Institute, in the field of freedom of information.

In each case, the Economic and Social Council would be responsible for determining the action to be taken. Possible measures might include recommendations to governments to cease malpractices, projects for technical assistance, or requests for action or studies by the specialized agencies.

/Mr. PLEIC

Mr. PLEIG wholeheartedly supported Mr. Binder's opposition to all governmental restrictions on freedom of information, in whatever country they occurred.

The CHAIRMAN said that the draft resolutions before the Sub-Commission could, for practical purposes, be divided into four categories. The first dealt with the condemnation of abuses and comprised Mr. Silva Carvalho's draft resolution (E/CN.4/Sub.1/170) concerning the closing down of La Prensa of Buenos Aires and Mr. P. H. Chang's (E/CN.4/Sub.1/171) concerning malpractices, with the amendment (E/CN.4/Sub.1/L.16) he himself had submitted in his personal capacity. The second included those dealing with related subjects: Mr. Maulik's draft resolution (E/CN.4/Sub.1/166) on information concerning United Nations activities and Mr. Azkoul's amendment (E/CN.4/Sub.1/L.13) thereto and Mr. Azkoul's draft resolution (E/CN.4/Sub.1/169) concerning the encouragement and development of independent domestic information agencies. He would make a proposal later about the other two categories. He put Mr. Silva Carvalho's draft resolution to the vote.

Mr. Silva Carvalho's draft resolution (E/CN.4/Sub.1/170) was adopted by 10 votes to 1, with no abstentions.

The CHAIRMAN, speaking in his personal capacity, said that his amendment (E/CN.4/Sub.1/L.16) to Mr. P. H. Chang's draft resolution (E/CN.4/Sub.1/171) had been suggested by the way in which the Economic and Social Council had treated the Sub-Commission's draft resolution on the jamming of radio broadcasts adopted at its fourth session; the Council had substituted the words "Member States" for the original specific reference to the Union of Soviet Socialist Republics. Furthermore, Mr. P. H. Chang's list of offenders was very far from complete. The list should either be exhaustive or the tenor of the draft resolution should be made as broad as possible.

Mr. P. H. CHANG thought that Mr. Azmi's objection could be met by deleting the word "and" before "Baltic" and inserting the words "and a large number of other countries" after the word "States". Mr. Azmi's amendment (E/CN.4/Sub.1/L.16) would emasculate the original draft resolution. Surely it was true that not only freedom of press, thoughts and expressions but all  
/the fundamental

the fundamental human freedoms had been suppressed in the areas named. Mr. Zonov had averred that the draft resolution was based upon complete ignorance of the facts; he would leave it to other members to refute that statement. The Sub-Commission's purpose -- to remove obstacles to the free flow of information -- would, in his opinion, be best served by the naming of the most conspicuous offenders. It was for the Economic and Social Council to decide whether that procedure was wise.

Mr. ZONOV vehemently protested against Mr. P. H. Chang's allegations about the Union of Soviet Socialist Republics. The Sub-Commission was not the proper organ to receive complaints about Member States of the United Nations. He agreed with the Chairman that very many countries were guilty of what Mr. P. H. Chang called malpractices; even so partial a document as the Associated Press survey (E/CN.4/Sub.1/143/Add.3) listed a very large number. The Sub-Commission would be the laughing-stock of the Economic and Social Council if it adopted any such draft resolution.

Mr. LOPEZ thought that Mr. P. H. Chang's draft resolution ought in some way to be connected with the agenda item under consideration. The words "in considering the future work of the United Nations in the field of freedom of information" should be inserted in the second line after the word "session". Although Mr. Azmi's amendment (E/CN.4/Sub.1/L.16) would get rid of the difficulty that always arose in making specific lists, Mr. P. H. Chang was right in thinking that it would greatly weaken the draft resolution. The Council hardly needed the Sub-Commission to draw its attention to malpractices, of which it could not fail to be aware. The logical reason for naming some countries but not others could perhaps be found in the idea that communism as a political system necessarily involved practices inconsistent with the freedom of information as conceived in non-communist countries. He would abstain from voting for Mr. Azmi's amendment and vote for Mr. P. H. Chang's draft resolution, with the amendment he had suggested.

Mr. P. H. CHANG accepted Mr. Lopez's amendment.

/Mr. BINDER

Mr. BINDER was at a loss how to vote on Mr. P. H. Chang's amendment. He had always opposed the malpractices complained of and had introduced a draft resolution at the fourth session in which a specific malpractice had been condemned in the general interest. If he voted against Mr. P. H. Chang's draft resolution, he might seem to be condoning malpractices which he himself had denounced. Yet if he voted for it, he might appear to be assuring the Economic and Social Council that the Sub-Commission had examined the alleged malpractices in detail in the specified countries, or had even agreed on the definition of those malpractices. The Sub-Commission could not plausibly claim to have studied the countries specified. It had, in fact, not had time to go into the matter at all. The United Nations should not avoid its responsibilities, but it ought not to act without due deliberation. The case of La Prensa was somewhat different; that had been a specific instance which had been carefully studied and had aroused general alarm. He would have to abstain.

Mr. MOULIK thought that the whole basis of Mr. P. H. Chang's draft resolution was wrong. The Sub-Commission was not required to study malpractices country by country; indeed, it had before it draft resolutions recommending that the Economic and Social Council should make surveys of such malpractices. Nor could it condemn by name countries which could not reply to the allegations. It seemed somewhat incongruous for Mr. P. H. Chang to have included his own country; in United Nations parlance there was no such country as Communist China, but simply China. He would vote against Mr. P. H. Chang's draft resolution for those reasons and also because a general condemnation of malpractices would be of no value to the Council.

Mr. P. H. CHANG maintained that to denounce his own country showed his impartiality. Communist China was not, however, the real China, which had been taken over by usurpers by means of foreign aid. Mr. Moulik's objection could be met, however, by the substitution of the words "mainland China under communist domination" for "Communist China". He did not condemn any country by name; he merely wished to recommend condemning evil practices in specified countries, which was quite a different matter. The trend of history, mentioned by Mr. Zonov at a previous meeting, might well overthrow the existing regime on the mainland; the end was not yet, while the Chinese Nationalists continued the fight from Formosa. It was to be hoped that Mr. Moulik was not misconstruing the draft resolution for some ulterior motive. Even if all journalists

/strictly observed



strictly observed the international code of ethics and even if all material and mechanical obstacles to the free flow of information were removed, governments, unless checked, could still impose crippling restrictions on freedom of information. Hence, his draft resolution could be valuable, particularly as it named specific perpetrators of malpractices.

Mr. GERAUD said that he would abstain, because the debate had made it clear that an attempt was being made to enlist the Sub-Commission as a participant in the cold war, and because the insertion of the words "and a large number of other countries" would result in lumping together entirely disparate situations.

Mr. Azmi's amendment (E/CN.4/Sub.1/L.16) was rejected by 5 votes to 4, with 3 abstentions.

Mr. P. H. Chang's draft resolution (E/CN.4/Sub.1/171), as amended by himself and Mr. Lopez, was not adopted, 4 votes being cast in favour and 4 against, with 4 abstentions.

The CHAIRMAN directed the Sub-Commission's attention to the draft resolutions falling into the second category.

Mr. Azkoul's draft resolution (E/CN.4/Sub.1/169) was adopted by 10 votes to none, with 1 abstention.

Mr. GERAUD remarked that both Mr. Moulik's resolution on information concerning United Nations activities (E/CN.4/Sub.1/166) and Mr. Azkoul's amendment to it (E/CN.4/Sub.1/L.13) were superfluous, as such information was already available in excessive quantities.

Mr. AZKOUK explained that his amendment, which was an addition, was intended to make Mr. Moulik's resolution more specific and at the same time ensure that the general public in all countries was familiar with the decisions of the United Nations in the economic and social field and could exert pressure on their Governments to comply with those decisions.

Mr. MOULIK accepted Mr. Azkoul's amendment.

Mr. Moulik's draft resolution (E/CN.4/Sub.1/166) as amended (E/CN.4/Sub.1/L.13) was adopted by 8 votes to none, with 3 abstentions.

/The CHAIRMAN

The CHAIRMAN stated that the remaining draft resolution and amendments might be put in two categories: those dealing with the organization of future work and those dealing with subjects for future study. In its resolution 414 B-III (XIII), the Economic and Social Council had requested the Secretary-General to conduct an inquiry among Member States concerning the future work of the United Nations in the field of freedom of information and to report to it on the result of that inquiry, on his own suggestions, "and on any that may be formulated by the Sub-Commission on Freedom of Information and of the Press". That language did not make it mandatory for the Sub-Commission to present suggestions which it had formally adopted. In view of the fact that the draft resolutions still before the Sub-Commission reflected a wide range of ideas, he proposed that the Sub-Commission should not vote on them, but should ask the Rapporteur to incorporate them in a report, which the Sub-Commission would approve. The various suggestions in that report would then be not those of the Sub-Commission, but simply of the members who had submitted them, and would be treated as such by the Secretary-General when he reported to the Economic and Social Council. Such a procedure would have the advantage of saving time and of allowing all points of view to be represented.

Mr. LOPEZ remarked that the views of members who had failed to submit draft resolutions would not be recorded, and he therefore felt that they should be given an opportunity to vote on the draft resolutions submitted.

Mr. ZONOV felt that, if the Sub-Commission followed the procedure suggested by the Chairman, it would not be obeying the instructions of the Economic and Social Council. The only proper way for the Sub-Commission to formulate suggestions was to adopt texts which would then be sponsored by the Sub-Commission as a whole.

Mr. AZKOUL believed that the wording of the Economic and Social Council resolution left the Sub-Commission free to follow either method.

The CHAIRMAN said that the discussion would be continued at the following meeting.

The meeting rose at 1.30 p.m.

31/3 p.m.