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Fourth Session

SUMMARY RECORD OF THE EIGHTY-FOURTH MEETING

Held at Hotel Parque, Montevideo,  
on Thursday, 25 May 1950, at 3.30 p.m.

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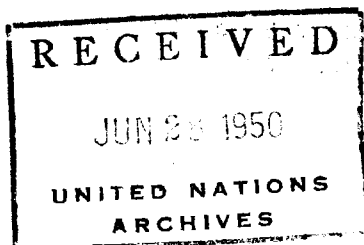
Draft resolution concerning the implementation of the principles  
contained in resolutions No. 2 and No. 3 of the United Nations  
Conference on Freedom of Information (E/CN.4/Sub.1/131)

Chairman: Mr. FONTAINA

(Uruguay)

Rapporteur: Mr. JORDAN

(United Kingdom of Great Britain  
and Northern Ireland)



/Members:

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)
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Representatives of non-governmental organizations:

<u>Category A:</u>	Mrs. SALMON	World Federation of United Nations Association (WFUNA)
<u>Category B:</u>	Mr. GALLARDO	Commission of the Churches on International Affairs
<u>Secretariat:</u>	Mr. HUMPHREY	Representative of the Secretary-General
	Mr. HOGAN	Secretary of the Sub- Commission

DRAFT RESOLUTION PROPOSED JOINTLY BY Mr. GERAUD, Mr. AZMI,  
AND Mr. AZKOUL (E/CN.4/Sub.1/130/Rev.1, E/CN.4/Sub.1/130/Rev.1/  
Corr.1) (continued)

1. Mr. GERAUD wished to reply to criticisms of his project for a central office to analyse measures taken with regard to freedom of information and of the Press. Mr. Binder and Mr. Gandhi had asserted that the Sub-Commission already had at its disposal the equivalent of such an office; that was not so, at any rate so far as the keeping of a record of new legislative and administrative measures was concerned. He himself had submitted a similar resolution at the third session of the Sub-Commission, but it had been weakened. The resulting resolution had not been adequately implemented. That resolution (E/1369, paragraph 34) had requested the Secretary-General to concentrate his efforts upon collecting information concerning governmental measures concerning freedom of information which had been effected since 1 January 1948. The Secretary-General's Survey of Obstacles to the Free Flow of Information (E/CN.4/Sub.1/106) was couched in the most general terms, without any reference to chronology

/and specific dates;

and specific dates; the date 1 January 1948, which Mr. Géraud had purposely introduced into the original resolution, had been disregarded. The United Nations Educational, Cultural and Scientific Organization had fixed the date 10 December 1948 as that from which the study should begin; that linked it with current events and the immediate future. A comparison of the Secretary-General's survey and the UNESCO document between them: the former tended to be vague, whereas the latter was very precise and gave an impressive picture of what was actually occurring. The Survey failed to show existing trends. When the results of Mr. Terrou's work became available, the Sub-Commission would perceive that it was working with very superficial material and with defective documentation.

2. Mr. Binder had asserted that the investigation requested in the resolution had been concluded. What had been intended had, however, been the compilation of a kind of fever-chart, to be kept up to date. Mr. Binder had extolled the merits of the surveys conducted by

the Associated Press). That provided an even more cogent reason for the Sub-Commission to improve its own work rather than leave such compilation to private agencies. Mr. Binder had expressed his scepticism about the ability or willingness of governments to co-operate in that work. Experience had shown that once the machinery for collecting information was set in motion, the gaps were slowly but surely filled. Concentration upon the end desired would in itself contribute to its attainment.

3. The work done by the United Nations in connexion with other human rights could be extended to the field of freedom of information. The Yearbook on Human Rights might well be completed by an annex dealing with the status of freedom of information.

4. Mr. GERAUD still failed to understand the exact relationship between the Sub-Commission and UNESCO. He saw no reason why the concern of the Sub-Commission should be confined to the obstacles to the free flow of information. UNESCO possessed the documentation which the Sub-Commission needed and should make it available. Mr. Farr had been able to give only an outline of that material; the Sub-Commission should request that documentation in

/full.

full. While he appreciated the work done by UNESCO, he regretted that the initiative had not come from the Sub-Commission.

5. His main purpose was that the Sub-Commission should have before it at each session a complete picture of the status of freedom of information throughout the world. It would then be in a position to decide what action ought or ought not to be taken.

6. That was the more necessary because freedom of information was likely to be further restricted. In some cases such restrictions might be justified, as, for example, when the Western European countries imposed forms of censorship in the interests of national defence. The Sub-Commission could, however, exert a salutary moderating influence.

7. Such action might be regarded as a modest but concrete substitute for the proposed convention on freedom of information, which was not at all likely to be completed, or, if completed, to be implemented. It was essential that the Sub-Commission should be in a position to take practical measures.

8. Mr. FARR (United Nations Educational, Scientific and Cultural Organization) wished to protest against any idea that the competence of UNESCO was limited to only certain aspects of freedom of information. Under its Constitution, UNESCO suffered under no such restrictions whatever; it would be absurd for it to refrain from entering the political field, should that be necessary in the course of its work.

9. It was for the General Conference of UNESCO to decide the scope of that agency's activities in the field. Hitherto, it had been decided to concentrate mainly upon the technical and economic aspects of information. An agreement to that effect had been reached with the United Nations Secretariat at the time of the establishment of the Sub-Commission. That decision had, however, been merely a working arrangement; he was certain that the Director-General of UNESCO would not wish the impression to be given that UNESCO was not competent to deal with any field of information that might be of concern to that agency.

10. Mr. DEDIJER complained that the draft resolution as it stood failed to provide for a really adequate survey of the status of freedom of information throughout

/the world.

the world. The infringement of freedom of information transcended the limits of different social systems; Mr. Farr had stated that violations had been observed in 44 countries, and undoubtedly many more cases could be recorded.

11. The draft resolution before the Sub-Commission dealt only with infringements committed by governments, disregarding the serious abuses committed by small but powerful groups of financiers and the practice by which powerful foreign information agencies could prevent the development of alternative sources of information by monopolising the flow of information to the national press. Furthermore, there was increasing evidence that the means of information were becoming indissolubly linked with the means of disseminating propaganda; information agencies were being deliberately used to undermine national independence and to disseminate war propaganda. In order to check such practices, the idea of the freedom of information must be bound up with the idea of responsibility; but the resolution before the Sub-Commission completely failed to make that clear.



12. Freedom of information in the broader sense was inseparable from a sense of responsibility. The Survey should include a study of the actual use of the means of information and the question whether responsible or irresponsible use was being made of those means of information. Failing that, the survey was likely to be used for purposes contrary to those of the United Nations.

13. The survey would necessarily be political in character. Mr. Dedijer doubted whether the Secretary-General had powers to set up an office to deal with delicate political situations. The proposed office, moreover, would be equivalent to a permanent sub-committee of the Sub-Commission on Freedom of Information. The Secretary-General was empowered only to appoint technical personnel. The sub-committee, however, in the nature of the case, could not refrain from dealing with all aspects of the question, including the political aspects. He would therefore vote against the draft resolution.

14. Mr. JORDAN hoped that the sponsors of the draft resolution would not press for the vote on it. He did not think that governments, even if they were willing to

co-operate with the Sub-Commission, could or would provide material for an adequate picture of measures repressive of freedom of information. Certain governments would be likely to deny the existence of censorship in their territory, because they found it natural that journalists should express exclusively opinions which coincided with their own. Other governments would deny that discrimination in the allocation of newsprint or arbitrary interpretation of the sanitary or building regulations to close down newspapers was censorship.

15. He could not see the value of a special office to analyze reports which would inevitably and admittedly be incomplete. The establishment of such an office would, moreover, have very serious financial implications. Available reports contained as much material as could be hoped. Far from complaining about the inadequacy of the Secretary-General's Survey, the Sub-Commission ought rather to thank him for the amount of material he had succeeded in compiling. To adopt Mr. Géraud's proposals at that stage would be premature. The whole

question required fuller consideration.

16. In that connexion, he wished to explain his views with regard to the report by Lord Kemsley cited at the previous meeting. He deeply deplored the necessity of imposing certain restrictions on freedom of the Press in the non-self-governing areas dependent upon the United Kingdom. It must be remembered that the granting of full freedom could only keep pace with the growth of a sense of responsibility. No government in his country's history had, however, done more to further that process than that with which he himself was associated. It must be recalled, furthermore, that the achievement of full freedom of information even in the metropolitan country had been a gradual process. Restrictions upon full freedom in the non-self-governing territories could confidently be expected to wither away just as they had in the metropolitan country.

16. Mr. AZKOUK explained that the sponsors of the draft resolution had not thought that an adequate picture of the status of freedom of information could be obtained only from the new legislative and administrative measure that governments would consent to communicate.

They had believed, however, that the collection of at least some material for composing such a picture would be useful. No intelligent reader of such reports would conclude that no other sources for such information existed besides governments. Governmental restrictions, however, were among the major impediments to the free flow of information and a record of such measures could provide a useful guide for the compilation of a balance-sheet of freedom of information.

18. Mr. AQUINO doubted the practical value of requesting the Secretary-General to approach governments in the manner suggested in the draft resolution. It was doubtful whether the Secretary-General had available resources to do more than he had done already. Moreover, the suggestion that only official information on legislative and administrative measures was reliable was not consistent with fact. The most comprehensive surveys yet carried out had been done by private organizations. The Secretary-General's survey in conjunction with those private surveys provided a comprehensive picture of the prospects of freedom of information throughout the world, which the Secretary-General could not better, at any rate by

the means proposed in sub-paragraph (a) of the operative part.

19. Furthermore, the financial implication of establishing the proposed office would be considerable, if it was to be efficient. In the absence of any reliable budgetary estimates, consideration of that proposal should be postponed.

20. He agreed with Mr. Jordan that the Sub-Commission should exercise the greatest caution with regard to the machinery suggested in the draft resolution, although the preamble and the principles involved were not objectionable.

21. The CHAIRMAN, speaking in his personal capacity, said that the spirit and the letter of the draft resolution appeared to be inconsistent, and that he would therefore have to abstain from voting, unless the requisite changes were made.

22. The sponsors had omitted to take into consideration the fact that when a proposal for a permanent small sub-committee had been made at the third session, it had been clearly stated that a special section of the Secretariat dealing with the subject was already in existence.

That some members appeared to think that that section was not working as efficiently as it might be quite another matter. The work of analysis was, however, particularly within the purview of the Sub-Commission; no other body could perform that task.

23. He drew attention to the fact that the United Nations had correspondents in most countries to send in reports of all new legislative and administrative measures relating to human rights for inclusion in the Yearbook. A request should be made on the draft resolution that those correspondents should communicate a description of the status of freedom of information to the Secretary-General. That information could, however, be better obtained from the department concerned or from the Yearbook itself. The Secretary-General might therefore be requested to publish in a special section of the Yearbook excerpts and summaries of new legislative and administrative measures to be furnished to him by governments.

24. In reply to Mr. BINDER, Mr. HUMPEREY (representative of the Secretary-General) explained that the Yearbook on Human Rights, included summaries of national legislation relating to human rights. The Secretariat had

originally collected the requisite information, but the Economic and Social Council had subsequently decided that the Governments should appoint persons to furnish the Secretariat with such information. Some Governments had instructed governmental departments to do that work.

25. In principle, these summaries would include material relating to freedom of information, although there was no section of the Yearbook specifically devoted to that subject.

26. Mr. GERAUD acknowledged the force of the Chairman's argument and proposed that in sub-paragraph (c) of the operative part the words "instruct the competent officials" should be substituted for the words "to set up an office".

The Sub-Commission could build up its work around the existing section of the Secretariat which was in possession of the relevant information. Furthermore, UNESCO could serve as an auxiliary to the Sub-Commission, working especially for it in this field, since it could obtain more comprehensive material than the Secretariat.

27. Mr. AZMI suggested that the words "to continue to" should be inserted before the words "to approach" in the sub-paragraph (a) and that the words "to set up an office" should be deleted from sub-paragraph (c) in order to meet Mr. Géraud's wishes.

28. Mr. GÉRAUD accepted these amendments.

29. Mr. BUNGER wished to amend the draft resolution so that the Sub-Commission could take advantage of such surveys as that conducted by the Associated Press and other legally constituted non-governmental organizations active in that field.

30. After a discussion on the definition of such organizations, the CHAIRMAN proposed that Mr. Binder, Mr. Géraud and Mr. Azkoul should prepare a new draft of the resolution for submission to the following meeting.

It so was decided.



DRAFT RESOLUTION CONCERNING THE IMPLEMENTATION OF THE PRINCIPLES CONTAINED IN RESOLUTIONS No. 2 AND No. 3 OF THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION (E/CN.4/Sub.1/131)

31. Mr. AZKOUL introduced his draft resolution (E/CN.4/Sub.1/131) and expressed the hope that the Sub-Commission would not hesitate to adopt it unanimously. Both the Council and the Conference had specifically urged the Sub-Commission to implement the two resolutions unanimously adopted at Geneva appealing to information personnel not to spread false and distorted reports or to engage in war propaganda. Mr. Azkoul considered that one of the effective ways of carrying out that mandate was to give the widest possible publicity to the two resolutions, so that they became as well-known to press and information personnel and to the public at large as the Universal Declaration of Human Rights.

32. The United Nations was primarily concerned with the maintenance of peace. It had recognized and repeatedly brought to the attention of Member States that one of the principal obstacles to peace was the propaganda of hatred and prejudice deliberately spread by false and distorted reports. No country was guiltless; the press served as

a channel for the dissemination of reports inciting to war and undermining friendly relations between nations. It should be exhorted to remember its responsibility and to refrain voluntarily from contributing to the worsening of the world situation. At the same time, the public should be made aware of the danger and thus exert moral pressure upon journalists. That was especially important because the press was in fact the most potent single force of influencing people's thinking. If it were permitted to continue to poison their minds with war propaganda, the disastrous situation might arise where public opinion itself forced governments to make war.

33. Mr. BINDER appreciated the intentions of Mr. Azkoul's proposal but could not vote in favour of it. The appeal it contained had been made repeatedly to Governments in past resolutions of the General Assembly, and to the press and public in the resolutions adopted at the Conference. The Conference texts had been widely circulated, particularly by the United States Government which had issued a pamphlet to all radio, press and information organs containing the report of the United States delegation to the Conference, together with the full text of all decisions adopted, and calling attention specifically to resolutions No. 2 and No. 3. Consequently, it was neither necessary nor compatible with the dignity of the United Nations to reiterate again and

again the same principles and to launch the same appeal.

34. From the point of view of its substance, Mr. Azkoul's draft resolution was not in the best interest of freedom of information. In fact, by enjoining information personnel not to publish certain types of reports, it came into conflict with the very principles proclaimed in the code of ethics adopted by the Sub-Commission. Moreover, it played into the hands of certain States which were planning aggression while loudly protesting their devotion to peace.

35. In Mr. Binder's view, the only way to combat the dissemination of false and distorted reports was to ensure the availability of free sources of information. The real danger lay in the distribution of news by parties in power and not in its misinterpretation by the public. The public could be relied upon to distinguish between good and bad reports, provided it had free access to information from diverse sources.

36. For all those reasons, no action should be taken on Mr. Azkoul's draft resolution. If, however, the Sub-Commission decided otherwise, Mr. Binder suggested that it should retain only the first two paragraphs of the preamble and substitute for the remainder of the text a new operative paragraph which Mr. Binder submitted for its consideration.

37. Mr. JORDAN would vote against Mr. Azkoul's proposal because he considered it to be based on the false assumption that war propaganda was raging in countries with conflicting ideologies. In the absence of concrete examples of deliberate warmongering from reliable, widely-read and influential newspapers, he was not prepared to accept premise. It would be absurd to construe criticism of other social systems, which was the proper function of press and information personnel, as deliberate and malicious incitement to war.

38. Mr. AZMI emphasized that the Sub-Commission was bound both by its terms of reference under Council resolution 241 B (IX) and by its agenda (E/CN.4/Sub.1/103) (C,1) to deal with the question discussed in Mr. Azkoul's proposal. The Council had reaffirmed the decisions adopted in resolutions 2 and 3 of the Conference and had specifically referred them to the Sub-Commission for implementation at its fourth session.

39. Mr. GANDHI thought that it was often wise to reiterate sound principles when they merited repeating. The case for their restatement was further strengthened by the considerations embodied in the first two paragraphs of the preamble to Mr. Azkoul's draft resolution. There could be no argument that warmongering was being practised in many parts of the world.

/While some

While some held that one side was deliberately planning aggression while the other preparing to prevent war and defend itself against such aggression, the fact remained that at least a minority among press and information personnel in both camps were spreading damaging propaganda. An appeal to both sides to end warmongering should not be blocked by the fear of implicitly accusing one of them; those with a clear conscience would not misconstrue such an appeal.

Mr. Gandhi therefore supported Mr. Azkoul's proposal in principle but suggested an alternative draft for the operative part requesting Governments, if they should deem it necessary or profitable, to circulate the Conference resolution among information personnel.

40. Mr. GERAUD might be prepared to support Mr. Azkoul's proposal only to the extent that it repudiated futile "cold war" articles which failed to impress the real aggressors and might further endanger the maintenance of peace. He insisted, however, that propaganda for war should be clearly distinguished from reports designed to prepare democratic peoples to defend themselves against possible aggression. It was the duty of the press to prepare the public for the effort required of it in the interest of national defence;

/Mr. Azkoul's proposal

Mr. Azkoul's proposal might be misused to prevent such preparation. Unless the text were made absolutely unequivocal in that respect, Mr. Géraud could not accept it.

41. Mr. AZKOUL, replying to the objections raised by Mr. Binder and Mr. Jordan, pointed out that repetition of sound principles was an excellent psychological method of impressing upon the public and the press the imperative need to observe them. The appeal to refrain from war-mongering surely could not be repeated too often. Unfortunately, he did not share Mr. Jordan's confidence that no journalist was deliberately spreading war propaganda. Influential groups were working for war in all countries, and while it might not be possible to cite specific articles in the press which served their selfish interests, it was an indisputable fact that in slanting the presentation of facts and by the spirit in which they wrote, many journalists succeeded in influencing the reading public and in stirring up the hatred and prejudice which must inevitably lead to war. In view of the magnitude of the cause, Mr. Gandhi's amendments asked too little.

42. The draft resolution (E/CN.4/Sub.1/131) contained a moral exhortation to information personnel to discharge their responsibilities as conscientious members of the profession and to write and speak in good faith and in all honesty. That appeal did not prevent journalists from advocating measures which they sincerely believed to be in the legitimate interests of national defence. Moreover, it made no demands upon Governments either to impose restrictive measures or to decide arbitrarily what constituted war propaganda and what was required for national defence. It appealed only to the conscience of the public and of information personnel. The texts of the Conference resolutions, should be reprinted in large format and hung on the walls of newspaper offices, libraries and other public places as a constant reminder that the suppression of war propaganda was an essential element of peace.

43. Mr. DEDIJER strongly supported the draft resolution, especially since it reiterated the appeal made in the General Assembly resolution originally sponsored by Yugoslavia against the dissemination of false or distorted reports and malicious rumours intended to incite to war. Yugoslavia had never swerved from that position; now that it was being subjected to a barrage of slanderous propaganda, it was especially anxious that the warning against warmongering should be repeated and given the widest publicity. Every  
/country

country should have followed the example of the United States Government in circulating the texts of the Conference. Yugoslavia would be proud to be the first to implement Mr. Azkoul's proposal.

44. As members of an organ of the United Nations, members of the Sub-Commission should be aware of the wider significance of the draft resolution. It was intended to counteract the increasing tendency of certain nations to constitute blocs and conclude pacts which would curtail the freedom and independence of small, peace-loving States. It would act as a moral deterrent to press and information personnel from contributing to international tension. Those who were blameless had nothing to fear from it. It was not being imposed upon governments; it was left to their discretion to use it in the effort to preserve peace. It should not be weakened by amendments; Mr. Dedijer was prepared to vote for the original draft.

45. The CHAIRMAN pointed out that there were two amendments before the Sub-Commission, submitted by Mr. Binder and Mr. Gandhi respectively, which did not appear to be mutually exclusive.

46. In view of the fact that Mr. Binder's text appeared to cover the points he had wished to make, Mr. GANDHI withdrew his amendment.



47. The CHAIRMAN called for a vote on Mr. Binder's amendment which would replace the last two paragraphs of Mr. Azkoul's proposal by the following text:

"REQUESTS the Secretary-General to submit to the fifth session a full report on the measures or actions taken by governments pursuant to the above-mentioned resolutions on the basis of the information which governments have supplied him on this matter as well as publicity already given these resolutions by the United Nations."

The amendment was adopted by 7 votes to 2, with 2 abstentions.

The draft resolution (E/CN.4/Sub.1/131), as amended, was adopted by 6 votes to none, with 5 abstentions.

48. Mr. AZKOUL had abstained in the vote and reserved the right to reintroduce a similar proposal at the fifth session if he should consider it necessary on the basis of the Secretary-General's report.

49. Mr. AZMI had abstained because he did not feel qualified to vote in the absence of a written text of Mr. Binder's amendment.

The meeting rose at 6.10 p.m.

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