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COMMISSION ON HUMAN RIGHTS

SECOND SESSION

MEMORANDUM REGARDING DECISIONS TAKEN AT FIFTH SESSION
OF ECONOMIC AND SOCIAL COUNCIL ON REPORT OF FIRST
SESSION OF SUB-COMMISSION ON FREEDOM OF INFORMATION AND
OF THE PRESS AND REGARDING DISCUSSION ON FREEDOM OF
INFORMATION IN THE SECOND SESSION OF THE GENERAL ASSEMBLY
/Document E/441/

Part I

1. Owing to the fact that the Commission on Human Rights did not meet before the Fifth Session of the Economic and Social Council, the Sub-Commission on Freedom of Information and of the Press reported, as authorized, directly to the Fifth Session of the Council concerning its recommendations on the United Nations Conference on Freedom of Information.
2. When the report of the Sub-Commission came before the Council, proposals were submitted by the Representatives of the United Kingdom (Documents E/508 and E/AC.7/33), France (Document E/510), India (Document E/AC.7/35), The Netherlands (Document E/495/Rev.1), Union of Soviet Socialist Republics (Documents E/AC.7/30 and E/AC.7/38), France, Norway and Chile (jointly) (Document E/AC.7/39), United States (Document E/511), Turkey (Document E/551) and New Zealand (Document E/557).
3. The following decisions made by the Council (see Document E/CONF.6/1) amend or amplify the recommendations made in each case by the Sub-Commission:

Chapter I of the Sub-Commission's Report

The Council decided, in respect of further sessions of the Sub-Commission, /c.f. Document E/441, Chapter I, par. 9/

- (a) That the Second Session of the Sub-Commission shall be held late in 1947 or early in 1948;
- (b) That, subject to appropriate action by the Commission on Human Rights its Third Session shall be held after the Conference on Freedom of Information;* and
- (c) That, if necessary, the Sub-Commission may report directly to the Economic and Social Council.

* (NOTE: The attention of the Commission on Human Rights is drawn to the decision made by the Commission at its first Session (Document E/259, Chapter III, Paragraph 16 A (c)) "that the term of office of members (of the Sub-Commission on Freedom of Information and of the Press) be in the first instance one year, subject to re-consideration by the Commission before the end of that period". It is apparent, therefore, that in order to prolong the life of the Sub-Commission, appropriate action must be taken by the Commission.)

Chapter II (Organization of the Conference)

The Council decided:

(a) That the United Nations Conference on Freedom of Information be held in Geneva commencing 23 March 1948
[c.f. Document E/441, Chapter II, Paras. 1 & 2];

(b) That voting rights at the Conference shall be exercised only by members of the United Nations
[c.f. E/441, Chapter II, Para.3(b)];

(c) That, in addition to States Members of the United Nations, the following non-Member States be invited to participate in the Conference: Albania, Austria, Bulgaria, Eire, Finland, Hungary, Italy, Pakistan, Portugal, Rumania, Switzerland, Transjordan, Yemen
[c.f. E/441, Chapter II, Para.3(a)];

(d) That the Secretary-General be requested to prepare draft rules of procedure for the Conference
[c.f. E/441, Chapter II, Para.5];

(e) To request the Secretary-General to send a request for information based upon the provisional agenda of the Conference to all States Members of the United Nations, and to all States not members of the United Nations, which will be invited to the Conference on Freedom of Information; and

To request the Secretary-General to prepare a memorandum based upon the replies received as documentation for the Conference; and

To request UNESCO to submit the findings based upon its questionnaire concerning technical information needs in war devastated areas, together with other relevant material, to the Conference. [c.f. E/441, Chapter II, Para.9]

[NOTE: The Council did not decide that the request for information be submitted to the Commission on Human Rights for approval and possible correction, as suggested by the Sub-Commission];

(f) To request the Secretary-General to prepare the necessary documentation under each item of the proposed agenda of the Conference, and should he deem it necessary, to seek the cooperation of UNESCO and other international organizations working in this field
[c.f. E/441, Chapter II, Para.10(a)];

(g) To take note of the resolution submitted to the Council by the International Organization of Journalists [Document E/448] and to call the resolution to the attention of the Conference in connection with the corresponding items of the provisional agenda.

[NOTE: Chapter II, Paragraph 8 of Document E/441 was amended to conform with terminological changes made in Item headings of the Provisional Agenda.]

Chapter III (Provisional Agenda of the Conference)

(a) The Council accepted, with amendments, the Provisional Agenda submitted by the Sub-Commission, referred this Agenda to the Conference for its adoption, and decided that any additional items recommended by the Council's Sixth Session be submitted to the Conference as an additional list;

(b) The Council made the following amendments to the Provisional Agenda /Document E/4417 submitted by the Sub-Commission: (See E/CONF.6/1)

1. Item 1 - The word "working" is deleted from the phrase "organizations working in this field";
2. Item 2 - The words "the press, radio and films as" are deleted from the first paragraph;
3. Item 2(c) - The words "and to combat any ideologies whose nature could endanger those rights and freedoms" are added after "religion";
4. Item 2(d) - The words "and to combat forces which incite war, by removing bellicose influences from the media of information" are added after "peoples";
5. Item 3 - A new sub-paragraph (b) is added, "Providing, if appropriate, for international professional cards for news personnel", and the following sub-paragraphs are relettered accordingly;
6. Item 4(a) - The words "agreements on" are deleted; the words "with due regard... laws of libel" are replaced by "as it affects the international transmission of information"; the words "owing to the requirements of national security" are added after "all peacetime censorship";
7. Item 4(e) - A new sub-paragraph (e) is added, "Recommending measures to prevent such cartelization of news agencies as may endanger the freedom of the press";
8. Item 5 - This item has been given a new heading, "Measures concerning the free publication and reception of information";
9. Item 5(a) - The words "with due regard for the existing laws of the various countries" are deleted from the first paragraph; a new point (iii), "The limitation or regulation by governments of the right of all persons under their authority to possess and operate radio receiving sets covering all bands used for domestic and international broadcasts" is added after 5(a) (ii), and the following points are renumbered accordingly;
10. Item 5(b) - A new point (iv) "Considering the present unequal development of news agencies in certain countries and recognizing the problem of the development of national news agencies through provisional measures until such time as these news agencies are capable of meeting international competition" is added;

11. Item 5(c) - Point (ii) is deleted; the word "persistent" is deleted from (iii) (1); a new (2) "The study of measures, especially legislative measures which are designed to establish the responsibility of the owners of newspapers which spread false and tendentious reports of a nature which worsen relations between peoples, provoke conflicts and incite to war" is added to (iii) /new 5(c) (ii)/;
12. New Item 6 - The following item is added after Item 5, "Consideration of the Drafting of a Charter of Rights and Obligations of the Media of Information including:
(a) Statement of the Rights of the Media of Information and the means of safeguarding these rights through international conventions or multi-lateral or bi-lateral agreements within the framework of the United Nations; (b) Statement of the Obligations of the Media of Information and the measures necessary to ensure the fulfilment of these obligations.";
13. Item 6 /new Item 7/ - A new sub-paragraph (e) is added, "Regulating the issue of international professional cards for news personnel; a new sub-division "B" has also been added, "Examination of the advisability or necessity for the establishing or maintaining of machinery subject to the United Nations to carry out any of these functions", and the Council noted that the Conference, by its terms of reference, was precluded from taking steps toward the establishment of any machinery but considered that the Conference might report to the Council on the subject;
14. Item 7 /new Item 8/ - This item is now entitled "Consideration of the Problems Involved in the Establishment of Governmental and Semi-Governmental Information Services in Order to Make Information Available in Countries other than their Own", and after the words "bi-lateral agreements" is added "and if so to indicate in general terms the nature of the facilities and safeguards for which such agreements should provide.";
15. Item 8 /new Item 9/ - The item now reads "Consideration of the possible modes of action by means of which the recommendations of the Conference can best be put into effect, whether by Resolutions of the General Assembly, International Conventions, Bi-lateral Agreements, or by the Adoption on the part of the Individual States of Appropriate Laws, or Other Means."

Chapter V (Other Items)

The Council took note of Paragraph 2 of Chapter V of the Sub-Commission's Report (Recommendation Regarding Newsprint Shortage) and of the Interim Report, transmitted by UNESCO /Document E/507/ containing the results of an inquiry in certain war devastated countries concerning newsprint, and decided:

- (a) To request UNESCO to present any further reports on the subject which it may prepare to the Economic and Social Council; and

(b) To request the Secretary-General to communicate with Member Governments not to be covered by any survey of UNESCO, in order to complete the survey made and to be made by UNESCO, and to present the results of this inquiry to the Economic and Social Council.

4. The Council,

(a) Referred Document E/AC.7/30, Statement made by the Delegation of the Union of Soviet Socialist Republics, to the Sub-Commission on Freedom of Information and of the Press for its information;

(b) Took Note of Chapter IV of the Report of the Sub-Commission, "Examination of the Concept of Freedom of Information"; and

(c) Took Note of Chapter V of the Report of the Sub-Commission, Item 1, "Relations with the International Telecommunications Union."

Part II

Discussions on Freedom of Information at the Second
Session of the General Assembly.

1. The General Assembly, on 23 September 1947, referred to the First Committee for consideration and report a resolution on "Measures to be Taken Against Propaganda and the Inciters of a New War", submitted by the delegation of the Union of Soviet Socialist Republics (Document A/BUR/86). Amendments to this were submitted by the representatives of Australia (Document A/C.1/219), Canada (Document A/C.1/220), and France (Document A/C.1/221), and subsequently these representatives submitted a joint resolution (Document A/C.1/224) to replace their three separate proposals. The representative of the Union of Soviet Socialist Republics accepted a Polish amendment (Document A/C.1/225) to paragraph 1 of his proposal. This amended proposal was voted on paragraph by paragraph and rejected. The joint Australian, Canadian and French proposal, with amendments submitted by the representative of the United States (Document A/C.1/228) was then unanimously adopted, and the First Committee accordingly recommended to the General Assembly the adoption of the following resolution:

MEASURES TO BE TAKEN AGAINST PROPAGANDA
AND THE INCITERS OF A NEW WAR

WHEREAS in the Charter of the United Nations the peoples express their determination to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to practice tolerance and live together in peace with one another as good neighbours; and

WHEREAS the Charter also calls for the promotion of universal respect for, and observance of, fundamental freedoms which include freedom of expression, all Members having pledged themselves in Article 56 to take joint and separate action for such observance of fundamental freedoms.

THE GENERAL ASSEMBLY,

1. CONDEMNS all forms of propaganda, in whatsoever country conducted, which is either designed or likely to provoke or encourage any threat to the peace, breach of the peace, or act of aggression.
2. REQUESTS the Government of each Member to take appropriate steps within its constitutional limits:
 - a) to promote, by all means of publicity and propaganda available to them, friendly relations among nations based upon the Purposes and Principles of the Charter;
 - b) to encourage the dissemination of all information designed to give expression to the undoubted desire of all peoples for peace.
3. DIRECTS that this resolution be communicated to the forthcoming Conference on Freedom of Information.

2. When the report of the Economic and Social Council to the Second Session of the General Assembly (Document A/382) came up for consideration by the Third Committee of the Assembly, the delegation of the Union of Soviet Socialist Republics introduced a resolution (Document A/C.3/157) which would have (a) broadened the

scope of the Provisional Agenda of the United Nations Conference on Freedom of Information, (b) given voting rights to non-member States attending the Conference and (c) extended an invitation to attend the Conference to the Mongolian Peoples Republic. This resolution was rejected after discussion, and the Third Committee decided to recommend to the Assembly the adoption of the following resolution submitted by the delegation of India (Document A/C.3/164):

THE GENERAL ASSEMBLY,

Having considered that part of Chapter III of the Report of the Economic and Social Council which deals with the convening of a Conference on Freedom of Information,

TAKES NOTE of the provisional agenda of the Conference and invites the attention of the Economic and Social Council to the discussion in this respect in the Third Committee of the Assembly.

3. On 23 September 1947, the General Assembly referred to the Third Committee, for consideration and report, a draft resolution (Document A/C.3/162) submitted by the delegation of Yugoslavia "For the Prevention of the Dissemination, to the Detriment of Foreign States, of Slandorous Statements which are Harmful to Good Relations between States and in Conflict with the Purposes and Principles of the United Nations." The representative of France introduced a resolution (Document A/C.3/180) on the same subject, entitled "Slandorous Information". Amendments to this were proposed by the representatives of Belgium (Document A/C.3/189), Luxembourg (Document A/C.3/185) and Mexico (Document A/C.3/188). All three amendments were accepted by the representative of France and incorporated in his text. The representative of Yugoslavia stated that he considered the French resolution covered to a large extent the intention of the Yugoslav resolution and therefore, withdrew his draft resolution and supported the one introduced by France. The French resolution, incorporating the amendments proposed by the representatives of Belgium, Luxembourg and Mexico, was then adopted by 49 votes to one, and the Third Committee accordingly recommended to the General Assembly the adoption of the following resolution:

SLANDEROUS INFORMATION

THE GENERAL ASSEMBLY,

CONSIDERING that, under Article 1 of the Charter, Members are bound to develop friendly relations amongst themselves and to achieve international co-operation in promoting and encouraging respect for human rights and fundamental liberties,

CONSIDERING that to attain this end it is essential to facilitate and increase the diffusion in all countries of information calculated to strengthen mutual understanding and ensure friendly relations between the peoples,

CONSIDERING that substantial progress in this sphere can be achieved only if measures are taken to combat, within the limits of constitutional procedures, the publication of false or distorted reports likely to injure friendly relations between States:

INVITES the Governments of States Members

(1) To study such measures as might with advantage be taken on the national plane to combat, within the limits of constitutional procedures, the diffusion of false or distorted reports likely to injure friendly relations between States;

(2) To submit reports on this subject to the Conference on Freedom of Information so as to provide the Conference with the data it requires to enable it to start its work immediately on a concrete basis.

RECOMMENDS to the Conference on Freedom of Information that it study, with a view to their co-ordination, the measures taken or advocated in this connection by the various States, as being relevant to the discussion of items 2(d) and 5(c) of Section II of its provisional agenda.