

**United Nations**

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UNRESTRICTED

**ECONOMIC  
AND  
SOCIAL COUNCIL**

**CONSEIL  
ECONOMIQUE  
ET SOCIAL**

E/CN.4/Sub.1/38  
12 January 1948

ORIGINAL: ENGLISH

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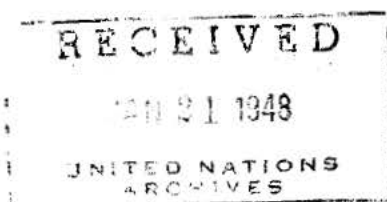
COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON FREEDOM OF INFORMATION AND OF THE PRESS

SECOND SESSION

DISCUSSION OF THE CONCEPT OF FREEDOM OF  
INFORMATION IN ORGANS OF THE UNITED NATIONS

This document presents, in chronological sequence, a résumé of discussions of the concept of freedom of information in organs of the United Nations. Selections are given from verbatim and summary records of meetings, together with relevant decisions. Reference has been made only to discussions concerning definition of the concept of freedom of information, in the hope that the extracts made will indicate significant lines of development.



/I. THE CHARTER

I. THE CHARTER OF THE UNITED NATIONS AND THE  
PREPARATORY COMMISSION

1. The Charter of the United Nations makes reference in Articles 1, 13, 55, 62, 68 and 76 to the realization and safeguarding of human rights and fundamental freedoms. The first specific reference to freedom of information was made at the Preparatory Commission, which at its Second Session (24 November to 23 December 1945) decided that the work of the Commission on Human Rights should be directed to, among other objects, "(b) formulation of recommendations for an international declaration or convention on such matters as civil liberties, status of women, freedom of information." (Document PC/20).

II. GENERAL ASSEMBLY (FIRST PART OF FIRST SESSION

10 JANUARY - 14 FEBRUARY 1946)

2. During the First Part of the First Session of the General Assembly, the delegation of the Philippine Commonwealth submitted to the General Committee a "Draft Resolution Concerning the Calling of an International Press Conference" (document A/BUR/24):

"WHEREAS

World peace and freedom can be maintained only by a determined, well-informed and enlightened world public opinion;

WHEREAS

A free world press - deeply conscious of its responsibilities and obligations as well as of its rights and privileges, and properly provided with the necessary facilities and freedom to accomplish its mission - wields tremendous influence in moulding and giving expression to that opinion;

WHEREAS

It is highly desirable that the peoples of the world be fully and speedily informed through press, film and radio of world events as they occur day to day, and in order to encourage the free flow of such information among all nations, it is essential that the following principles shall govern the international gathering and distribution of news:

- (a) All sources of news, particularly official sources, shall be open to all without discrimination,
- (b) All transmission facilities shall be equally available to all,
- (c) There shall be a minimum of official regulation of the flow of news itself;

/WHEREAS

## WHEREAS

It is the urgent responsibility of the United Nations Organization, as the guardian and promoter of international peace and security, to ensure the establishment, operation and movement of free press throughout the world; and

## WHEREAS

For the attainment and implementation of the foregoing objectives, it is hereby

## RESOLVED

1. That the General Assembly take necessary steps to call an International Press Conference;
  2. That the Conference shall be participated in by Members States of the United Nations Organization;
  3. That in every delegation to the Conference adequate representation should be given to representative organizations of the press, both managerial and professional, of the country of origin; and
  4. That the Conference shall take place at the permanent site of the United Nations Organization during the second session of the General Assembly."
3. On the recommendation of the General Committee, the Assembly decided to instruct the Secretary-General to place the question of the organization of an international press conference upon the agenda of the Second Part of the First Session of the General Assembly (document A/64).

## III. NUCLEAR COMMISSION ON HUMAN RIGHTS (29 APRIL - 20 MAY 1946)

4. The Nuclear Commission on Human Rights, which met at Hunter College, New York, from 29 April to 20 May 1946, discussed the constitution and terms of reference of the proposed Sub-Commission on Freedom of Information and of the Press.
5. Among the documents referred to the Nuclear Commission was the letter of 16 February 1946 of Edward R. Stettinius Jr., head of the delegation of the United States to the General Assembly, transmitting communications concerning freedom of information and of the press addressed to him by the United Press Association, and the Standing Committee of the American Society of Newspaper Editors for World Freedom of Information and the Associated Press. (Document E/HR/2). A communication to the Chairman on freedom of information from the Motion Picture Association (document E/HR/17) was also received by the Nuclear Commission.
6. A statement issued by the Chinese National Press Association was presented to the Nuclear Commission (document E/HR/14) by the Chinese delegation as

/representing

representing the viewpoint of the Chinese Government as well as that of the Chinese press. It includes the following paragraph:

"This Association firmly believes that only with complete freedom of access to news sources can accuracy of news be ensured, only with complete freedom of news transmission can the distribution of news be accelerated, and only with the complete freedom of supply, obtaining and publication of news can international understanding be promoted, and the biased, deceitful and false propaganda of those with selfish and ambitious designs be prevented. All these are essential to the elimination of war and the maintenance of permanent world peace. However, in order to attain general freedom for the world press it is imperative to secure the soundness of the journalistic profession in all nations, true understanding, co-operation and mutual assistance among newspapermen of all nations and the opportunity of consultation, mutual encouragement and mutual supervision.

7. The representative of Yugoslavia, in the Nuclear Commission in referring to the proposed terms of reference of the Sub-Commission on Freedom of Information and of the Press, said:

(Verbatim of Meeting of 10 May 1946) "I think we should add here another term of reference... which would say that the sub-commission should examine the measures to be taken against those who abuse the freedom of information or influence the public opinion in a way that could put in danger the friendly relations between nations by publishing false information. I would remind you that during the war there was a lot of false information put forward, especially by the Fascist countries, which did a great deal to poison relations between the various countries. To do what I suggest, to add in the terms of reference, would not be to fight against the freedom of the press, but simply to fight against the enemies of freedom and enemies of the people in general."

8. At the fifteenth meeting of the Nuclear Commission (Verbatim record of meeting on 15 May 1946), the Chairman, in discussing the question of implementing the Bill of Rights, stated:

"One reason that many things have happened in the world in the past is because they could happen without the world knowing anything about them."

9. The representative of France emphasized in the Nuclear Commission that freedom of the press was often used by the enemies of freedom against freedom itself, organizing the press, for example, to prepare a nation to accept Nazism. Therefore, some responsibility must accompany liberty of the press. Governments and private individuals were responsible for what they did;



those who used the press for any purposes must also be responsible. It was the concern of the press itself to see that on an international plane something was done to maintain decent standards. Some type of international organization of the press was needed which would counteract false information. He suggested that mention be made in the terms of reference of the sub-commission of the responsibility of those who used the press against the aims of the United Nations. (From Verbatim Report of meeting of 10 May 1946).

10. The Nuclear Commission decided to recommend to the Economic and Social Council that the Commission on Human Rights be authorized to establish a Sub-Commission on Freedom of Information and of the Press. The Nuclear Commission further recommended that "the function of the Sub-Commission in the first instance, be to examine what rights, obligations and practices should be included in the concept of freedom of information, and to report to the Commission on Human Rights on any issue that may arise from such examination." (Document E/38).

#### IV. ECONOMIC AND SOCIAL COUNCIL (SECOND SESSION, 25 MAY - 21 JUNE 1946)

11. The Chairman of the Commission on Human Rights, in presenting the report of the Nuclear Commission on Human Rights to the Second Session of the Economic and Social Council said:

(Document E/P.V.4) "We felt that freedom of information ... was the one absolute necessity to really drafting a Bill of Human Rights, because it is only the free information of what happens to people throughout the world which can form a basis for public opinion. And it is public opinion which will really make it possible to enforce any Bill of Human Rights, and no Bill of Human Rights will be worth anything unless it is enforced."

12. The representative of the United Kingdom stated (document E/P.V.5) that he agreed that "if we are to have the fullest guarantees for the freedom of the press, we must also, in co-operation with the press, and let me add, with the authorities who control the radio systems of the world, we must in co-operation with them, find some way in which we can restrain irresponsible perversion or suppressions of the truth. Everybody knows that in the period before the war large parts of the press in various important countries, and in smaller countries too, belonged to vested interests, and I know, having served with Mr. Henderson at the Disarmament Conference, how powerful that influence was - the vested interests influence in destroying the work of the Disarmament Conference, the failure of which led by an inevitable process to the outbreak of the war. Therefore, Sir, we agree strongly ... that this matter, freedom of information, and responsibility in the use of information, insuring that

/the peoples

the peoples really get the truth, is a matter of fundamental importance, and of course, it goes with the whole method by which the United Nations institutions have decided to do their work, that of debating all their important business in public and with the Press there."

13. The representative of the United States stated (document E/P.V.5):

"My Government considers that material progress toward the ultimate attainment of universal freedom of information is of the utmost importance if the United Nations is to achieve the purpose for which it has been established."

14. The representative of Belgium suggested that an international convention be prepared governing the insertion in the press of all contracting states of information supplied by the United Nations, with the object of ensuring that information be given to the public objectively and fully, "and not as in the past, deformed by the press organs". (Document E/P.V.5).

15. The Economic and Social Council, having considered the report of the Nuclear Commission on Human Rights, resolved on 21 June 1946 to authorize the establishing of the sub-commission with the terms of reference recommended by the Nuclear Commission.

#### 7. GENERAL ASSEMBLY (SECOND PART OF FIRST SESSION 23 OCTOBER

- 16 DECEMBER 1946)

16. A new draft resolution concerning the calling of an international conference on freedom of information was submitted by the delegation of the Philippine Republic to the Second Part of the First Session of the General Assembly. This resolution [59 (I)] which was eventually adopted unanimously by the Assembly (document A/229) reads:

THE GENERAL ASSEMBLY,

WHEREAS

Freedom of information is a fundamental human right and is the touchstone of all the freedoms to which the United Nations is consecrated

Freedom of information implies the right to gather, transmit and publish news anywhere and everywhere without fetters. As such it is an essential factor in any serious effort to promote the peace and progress of the world;

Freedom of information requires as an indispensable element the willingness and capacity to employ its privileges without abuse. It requires as a basic discipline the moral obligation to seek the facts without prejudice and to spread knowledge without malicious intent;

Understanding and co-operation among nations is impossible without an alert and sound world opinion which, in turn, is wholly dependent

/upon

upon freedom of information.

RESOLVES THEREFORE, in the spirit of paragraphs 3 and 4 of Article 1 of the Charter, to authorize the holding of a conference of all Members of the United Nations on freedom of information;

INSTRUCTS the Economic and Social Council to undertake, pursuant to Article 60 and Article 62, paragraph 4, of the Charter, the convocation of such a conference in accordance with the following guiding principles:

- (a) The purpose of the Conference shall be to formulate its views concerning the rights, obligations and practices which should be included in the concept of the freedom of information;
- (b) Delegations to the Conference shall include in each instance persons actually engaged or experienced in press, radio, motion pictures and other media for the dissemination of information;
- (c) The Conference shall be held before the end of 1947, at such place as may be determined by the Economic and Social Council, in order to enable the Council to submit a report on the deliberations and recommendations of the Conference to the following regular session of the General Assembly."

17. During discussion on the Philippine resolution in the Third Committee, the representative of the United Kingdom submitted the following points for consideration as practical objectives in connection with the agenda of the conference (document A/C.3/90):

- "1. To promote the widest and freest possible exchange of incoming and outgoing news, without government censorship in times of peace.
- "2. To extend to bona fide press, film and radio correspondents, without discrimination, all reasonable facilities to travel and reside in the respective territories of the signatory Governments, with complete freedom to carry on their activities and with equal access to all sources of news.
- "3. To extend, within their respective territories and without discrimination, the freest and widest possible opportunities for the distribution of news by bona fide news services.
- "4. To extend access to available communication facilities to bona fide correspondents and news agencies without discrimination as to nationality

18. The representative of Chile wished to add a fifth point to the four suggestions submitted by the United Kingdom representative, to the effect that an objective of the Conference should be to prevent discrimination in the press against any countries or regions of the world.

19. The representative of New Zealand stated in the Third Committee (A/C.3/90

/that the

that the freedom of the press and of other media of obtaining news was linked with the proper and honest presentation of the news once obtained.

Unfortunately media of publicity were often used not to disseminate news, but to disseminate propaganda, which meant that the information, even if obtained in a proper manner, was often distorted. It was, therefore, important that a solution of the problem of presenting true news, as well as obtaining true news, should be found.

20. The representative of Uruguay stated that freedom of information was intimately linked with other principles, such as the question of human rights, and the obligations and rights of States (A/C.3/90).

21. In presenting to the Assembly the report of the Third Committee concerning the calling of the conference, the Rapporteur of the Committee said (A/P.V.65):

"The first freedom of all, by a definition familiar to everyone is freedom of speech and expression everywhere in the world. Today the people of the world have arrived at a stage of aversion against totalitarian restrictions on the free circulation of news and information which, in years not long passed, poisoned the minds of millions, and the lifting of war-time restrictions and censorship has also served to open up new horizons... We are far more likely to live at peace with each other if there is an untrammelled flow of honest and unbiased information between the peoples of the world."

22. The representative of the Philippine Republic stated in the General Assembly (A/P.V.65):

"I only wish to revert to the one cardinal objective of this proposal, namely, to ensure the freest possible flow of information throughout the world and by this means to clear away distrust and suspicion between nations and promote the growth of international understanding... That the General Assembly should decide during its historic first session to act upon this problem is an eloquent recognition of the fact that freedom of information is an integral part of the process of building the peace."

#### VI. COMMISSION ON HUMAN RIGHTS (FIRST SESSION)

27 JANUARY - 10 FEBRUARY 1947)

23. The representative of the United States submitted to the Commission on Human Rights at its First Session, proposals concerning the terms of reference of the Sub-Commission on Freedom of Information (E/CN.4/7). These proposals suggested that as well as examining what rights, obligations and practices should be included in the concept of freedom of information, the

/Sub-Commission



Sub-Commission should initiate studies of political, economic, technical and other obstacles to the free flow of information, make recommendations to the Commission on Human Rights regarding measures, including the preparation of international conventions, designed to eliminate obstacles to and promote freedom of information, and submit from time to time reports to the Commission on Human Rights, which in turn might recommend to the Economic and Social Council the publication of such reports.

24. In the course of discussion on the terms of reference and composition of the Sub-Commission, the representative of China said (Verbatim Record of Fifth Meeting of the Commission), "While the word freedom is all-precious, I think we should recognize another word, and that should be recognized especially by the press, namely the word responsibility, and not only responsibility but also a challenge and an opportunity to serve."

25. During the same discussion the representative of India said:

"The ideal of freedom of access of the individual to information and opinions by all methods of communication is (therefore) one which we desire to see established in the international sphere even as we have struggled to safeguard it within our borders. There are some reservations, however, both in the internal and the international fields which in the light of past experience, India has found it necessary to insist upon. It is important in the external field, for example, that the freedom which a country extends to the press should not become the monopoly of one or more groups and that such monopoly should not operate restrictively on the free expression of opinion by the individual and its wide dissemination. In other words, a powerful press group should not monopolize the freedom it enjoys vis-a-vis the government and deny it to the individual or to weaker competitors. The press must also recognize the obligation of preserving the integrity of the state and public order and morality." (Verbatim record of Fifth Meeting of the Commission)

26. The representative of Lebanon stated during the same discussion:

"We believe there can be no real peace anywhere in the world so long as the truth in any of its forms is withheld or artificially controlled. There may indeed be peace, but only for a time. Sooner or later, when the truth is known of any situation, that artificially and precariously created peace will itself be upset."

27. At the twenty-first meeting of the Commission, the representative of the United States said (verbatim record of twenty-first meeting):

"The argument of the United States was that freedom of information had a direct bearing on human rights, from the point of view that you would



know what was happening if you had freedom of information. If you did not have freedom of information, human rights might be violated anywhere in the world and you would be none the wiser."

28. The Commission on Human Rights decided to recommend to the Economic and Social Council (E/259) that the functions of the Sub-Commission be:

(a) In the first instance to examine what rights, obligations and practices should be included in the concept of freedom of information and to report to the Commission on Human Rights on any issue that may arise from such examination;

(b) To perform any other functions which may be entrusted to it by the Economic and Social Council or by the Commission on Human Rights.

#### VII. ECONOMIC AND SOCIAL COUNCIL (FOURTH SESSION)

28 FEBRUARY - 29 MARCH 1947)

29. The terms of reference for the Sub-Commission on Freedom of Information and of the Press as recommended by the Commission on Human Rights were approved by the Economic and Social Council at its Fourth Session [E/437, Resolution 46 (IV)]. The Council further requested the Sub-Commission to prepare, guided by Resolution No. 59 (1) of 14 December 1946 of the General Assembly, a draft documented agenda for the Conference and to submit this along with proposals concerning preparations for the Conference to the Commission on Human Rights and to the Council. (E/325).

30. The French delegation submitted to the Council a proposal for a draft agenda for the United Nations Conference on Freedom of Information (E/355 and Corr.1), embodying "measures, the adoption of which would allow people in all countries to enjoy genuine freedom of information"; "measures, the adoption of which would protect people in all countries against abuses of the freedom of information"; and the "establishment of an international press body with the responsibility of ensuring the application and enforcement of the above measures". The Council referred the proposal to the Sub-Commission on Freedom of Information and of the Press.

#### VIII. SUB-COMMISSION ON FREEDOM OF INFORMATION AND OF THE PRESS

(FIRST SESSION 19 MAY - 4 JUNE 1947)

31. The First Session of the Sub-Commission on Freedom of Information and of the Press was devoted chiefly to preparations for the United Nations Conference on Freedom of Information. Accordingly the Sub-Commission decided (E/441) to postpone examination of what rights, obligations and practices should be included in the concept of freedom of information until its second session. General statements, however, were made by Mr. Chafee (United States of America), Mr. Christensen (Norway), Mr. Geraud (France),

Mr. van Heuven Goedhart (Netherlands), Mr. Mackenzie (United Kingdom) and Mr. Sychrava (Czechoslovakia). These statements were published in E/CN.4/Sub.1/32.

32. The Sub-Commission took note of Part I of the paper submitted by Mr. Cruikshank (United Kingdom) (E/CN.4/Sub.1/12), the paper submitted by Mr. Sychrava (Czechoslovakia) (E/CN.4/Sub.1/31), and the paper submitted by the Secretariat (E/CN.4/Sub.1/10, "Constitutional provisions, International Declarations and other Statements Concerning Freedom of Information"). The Sub-Commission also received a statement on freedom of information from the American Federation of Labor (E/CN.4/Sub.1/23).

#### IX. DRAFTING COMMITTEE OF THE COMMISSION ON HUMAN RIGHTS (9 - 25 JUNE 1947)

33. The Drafting Committee examined three basic documents in its consideration of a preliminary draft of an International Bill of Human Rights. They were:

- (a) A draft outline of an International Bill of Human Rights prepared by the Secretariat (E/CN.4/AC.1/3 and E/CN.4/AC.1/3/Add.1);
- (b) A draft International Bill of Human Rights and a draft resolution with comments presented by the United Kingdom representative on the Commission on Human Rights (E/CN.4/AC.1/4); and
- (c) United States proposals for the rewording of some items in the Secretariat draft outline (E/CN.4/AC.1/8, E/CN.4/AC.1/8/Rev.1, E/CN.4/AC.1/8/Rev.2).

34. The relevant articles of these documents concerning freedom of information were as follows:

##### Secretariat Outline

##### Article 15

Everyone has the right to form, to hold, to receive and to impart opinions.

##### Article 16

There shall be free and equal access to all sources of information both within and beyond the borders of the State.

##### Article 17

Subject only to the laws governing slander and libel, there shall be freedom of speech and of expression by any means whatsoever, and there shall be reasonable access to all channels of communication. Censorship shall not be permitted.

##### Article 18

There exists a duty towards society to present information and news in a fair and impartial manner.

/Proposals

Proposals by the United Kingdom Representative

Article 14

1. Every person shall be free to express and publish his ideas orally, in writing, in the form of art or otherwise.
2. Every person shall be free to receive and disseminate information of all kinds, including both facts, critical comment and ideas by books, newspapers, or oral instruction, and by the medium of all lawfully operated devices.
3. The freedoms of speech and information referred to in the preceding paragraphs of this Article may be subject only to necessary restrictions, penalties or liabilities with regard to: matters which must remain secret in the interests of national safety; publications intended or likely to incite persons to alter by violence the system of Government, or to promote disorder or crime; obscene publications; publications aimed at the suppression of human rights and fundamental freedoms; publications injurious to the independence of the judiciary or the fair conduct of legal proceedings; and expressions or publications which libel or slander the reputations of other persons.

Comment to Article 14

The fundamental provisions of the Bill of Rights relating to freedom of speech and information will be completed by other agreements, resulting from the work of the sub-committee on freedom of information and the international conference on the subject.

Comments to Article 14 (3)

(a) The provision in paragraph 3 above, recognizing the right of Governments to impose the necessary restrictions, penalties or liabilities on publications likely or intended to incite persons to alter by violence the system of Government, is to be interpreted as strictly confined to such publications as advocate the use of violence, and does not apply to publications advocating a change of government or of the system of government by constitutional means.

(b) Some doubt is felt as to the suitability of the words "publications aimed at the suppression of human rights and fundamental freedoms" from the point of view of drafting. It may be that these words afford a wider power for the limitation of freedom of publication than is necessary or desirable. On the other hand it may be said that it would be inconsistent for a Bill of Rights whose whole object is to establish human rights and fundamental freedoms to prevent any Government, if it wished to do so, from taking steps against publication whose whole object was to destroy the rights and freedoms which it is the purpose of the Bill to establish. In

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the last analysis, perhaps, the best definition of a Nazi or Fascist regime is that it is a regime which does not recognize the dignity and worth of the human person and permit individuals to enjoy human rights and fundamental freedoms.

(c) In any case it will be observed that no Government is obliged by the Bill to make use of the powers of limitation which are provided in paragraph 3.

Proposals by the United States Representative

Article 21

Every one has the right to form and hold opinions and to receive them from, and impart them, within or beyond the borders of the State.

Article 22

Freedom of everyone to receive, read and listen to all matters of information shall not be impaired, and there shall be free and equal access to all sources of information both within and beyond the border of a State.

There shall be freedom of speech, of the press and of expression by any means whatsoever, and there shall be reasonable access to all channels of communication.

35. The representative of France submitted to the Drafting Committee certain suggestions for articles of the International Bill of Rights. The relevant articles were as follows:

Article 21

The personal freedom of conscience, belief and opinion is an absolute and sacred right.

The practice of a private or public creed and the expression of conflicting convictions may not be subjected to any restraints except those necessary to protect public order, morality and the rights and freedoms of others.

Article 22

No person may be molested for his opinions, even if they derive from other than national sources.

Every person is equally free to change, affirm, or impart his opinion, or to hear and discuss the opinions of others.

Article 23

There shall be freedom of expression by word of mouth, in writing, in the press, in books or by visual, audible or other means; provided, however, that the author, and the publishers, printers and others concerned shall be answerable for any abuse of this right by defamation of character or failure to present information and news in a true and impartial manner.

/36. During



36. During discussions on the suggestions of the representative of France, the representative of the United States, in connection with Article 22, expressed the view of her Government "that it would be difficult to hold publishers and editors responsible in just the manner suggested in the Article, and that perhaps some of the limitations could be omitted or stated in more general terms. She recalled the wording proposed by the Sub-Commission on the Freedom of Information and of the Press: 'The objectives of those who disseminate information should be accuracy, objectivity, comprehensiveness and representative character'."

The representative of France "felt that it was impossible not to indicate that the freedom of writing implies a certain responsibility. He suggested ending the Article with the words, '.....provided that there should be an organization of responsibility for the abuse of such rights'. Clarification of this provision could be made in a Convention."

(E/CN.4/AC.1/SR.8, pages 13-14).

37. The Drafting Committee decided to forward to the Commission on Human Rights suggestions for both an International Declaration on Human Rights and for draft articles on Human Rights and Fundamental Freedoms to be considered for inclusion in a convention. The relevant articles were as follows:

The Declaration:

Article 21

Everyone is free to hold or impart his opinion, or to receive and seek information and the opinion of others from sources wherever situated.

Alternative Text (France)

The representative of France suggested that this Article read in French as follows:

"Personne ne peut être inquiété en raison de ses opinions.

"Chacun est libre de soutenir ou d'exprimer son opinion, de connaître celle des autres, de recevoir ou de rechercher des informations à toutes les sources possibles."

Article 22

There shall be freedom of expression either by word, in writing, in the press, in books or by visual, auditive or other means. There shall be equal access to all channels of communication.

(This would need to be considered by the Sub-Commission on Freedom of Information and of the Press for possible inclusion in the Convention or the Declaration and would have to be elaborated further.)

The Convention:

(The Drafting Committee decided to recommend the adoption of Article 14 of the proposals submitted by the representative of the United Kingdom as Article 9 of the proposed Convention. This text is given above in paragraph 34).

/X. ECONOMIC



X. ECONOMIC AND SOCIAL COUNCIL (FIFTH SESSION)

19 JULY - 16 AUGUST 1947)

38. The Report of the Sub-Commission was presented to the Fifth Session of the Council at its ninety-fourth Meeting by Dr. P. H. Chang (China) in the absence of the Rapporteur. (E/P.V.94).

39. The representative of Canada stated:

"The people and the Government of my country believe that freedom of information and freedom of the press are not only basic freedoms in themselves but are essential to the fruitful exercise of other basic freedoms. In particular, not only freedom of expression but free access to information is, in our opinion, essential to the functioning of democracy. Democracy implies that the ultimate responsibility for government policies is determined by the people of each democratic nation. Unless the people have free and unfettered access through their independent news media and otherwise to significant facts and opinions, wherever these may originate throughout the world, the people would be limited and impeded in their efforts to judge wisely the issues which they are called upon to face. This could be a very serious limitation on the efficiency of what we call democracy.

"Indeed, without adequate access to comprehensive and objective information on world affairs, not merely the efficient functioning but the very existence of democracy could be endangered. It is, therefore, with the deepest conviction and sincerity on behalf of my delegation that I emphasize the importance which my Government attaches to the freedom of information. We have profound confidence in the common sense and in the good will of the mass of mankind. We believe that, if the peoples of the world are given the facts and are given free access to opinions, including varying and indeed often conflicting opinions on these facts, they will choose wisely between them and will come to correct decisions.

"We believe, therefore, that facilities for comprehensive and objective reporting and the right of access of all men to such information will contribute to international understanding and friendship. We believe also that the principles of freedom of information and freedom of the press are essential to the other purposes of the United Nations, to the maintenance of international peace and to the solution of problems of an economic, social, cultural, and humanitarian character. We believe that it is essential to the promotion of social progress and better standards of living and larger freedoms.

"Mankind has not yet forgotten the dangers inherent in those totalitarian techniques developed and used by Nazi Germany. Mankind has  
/learned,

learned, and at a terrible cost, the danger and the potential efficiency of what Hitler himself, in a penetrating Chapter of 'Mein Kampf', described as the technique of the 'Big Lie'.

"Article 1 of the Charter of the United Nations expresses, among other joint purposes, the following: '.....to take effective collective measures for the prevention and removal of threats to the peace.....' Obviously, for democracies, comprehensive and objective reporting of the facts on any situation anywhere, pleasant or unpleasant, is essential to timely recognition of dangers to the international community." (E/P.V.94, pages 36-41).

".....We are inevitably concerned with any barriers which may remove any peoples or groups of peoples in any part of the world from the process of give and take, economic, cultural or political, which full participation in a world community implies.

"We are concerned lest any such existing barriers be extended. We are deeply desirous that any existing barriers be removed. I need hardly stress the relevance of this principle to freedom of information. Censorship of outgoing news is one such barrier; internal censorship is another; the wholesale prohibition of books and periodicals is a third; denial of visas for foreign correspondents is also a barrier, and a dangerous one." (E/P.V.94, page 43)

40. The representative of France stated: This question which we are discussing is intimately linked with the question of safeguarding peace. We all remember how the international conflicts which ended either in peace or war in the past were determined very much by public opinion which, in turn, is based on information. If the United Nations can assist in furthering the progress toward attainment of freedom of information and of the press, it will thereby accomplish the mission which is assigned to it by the Charter." (E/P.V.94, pages 46-55).

41. The representative of Czechoslovakia stated:

".....I wish to say that the Czechoslovak delegation feels strongly that the United Nations is not here to fight for and guarantee freedom to destructive elements which are battling against the principles of the Charter of the United Nations and against international understanding; in effect, battling against peace.

"According to the laws of all civilized States, a malicious person has not the right to spread his mischief freely, and the Czechoslovak delegation is of the opinion that there is no reason to guarantee such a person freedom to carry out his good-for-nothing aims merely because he is in some way connected with the press.

/"Malicious

"Malicious and deliberately untrue 'information', in our modest opinion, is not information at all in the technical sense of the word, and no guarantee of freedom can be applied in that case. Responsibility of the press for peace and for the propagation of the aims of the Charter of the United Nations is an inseparable part of its freedom." (E/P.V.94, pages 61-62).

42. The representative of Norway stated:

"In the opinion of the Norwegian delegation, the Sub-Commission should stress, a little more than it has done, the responsibility of the press. We all know that in modern society and in international relations there is no freedom without responsibility. The greater the freedom, the greater the responsibility.

"This brings us to the question of how we can further the feeling of responsibility of the press or how we can prevent irresponsibility on the part of the press. It is the firm conviction of the Norwegian delegation that this can best be done through the professional organizations and associations of journalists and newspapermen themselves." (E/P.V.94, pages 72-75).

43. The representative of India, after referring to freedom of information, referred to "the corresponding responsibilities, duties and obligations which devolve on the press and other media of information, and which in the opinion of our delegation, are inherent in and inseparable from the very wide measure of freedom which it is proposed to give them". (E/P.V.95, page 7).

Further, he asked the Council to remember "that it is not only the fetters put on the freedom of information which can be a potential threat to world peace, but that the abuse of the freedom of information, if allowed to continue unchecked, can in an equal, if not a greater, measure jeopardize this peace." (E/P.V.95, pages 8-10).

44. The representative of Lebanon referred to the statement of Mr. Radinsky quoted above and stated:

"The only aim of freedom in matters of the press and information is the propagation of the truth - not the propagation of propaganda, but the propagation of truth. The two points are quite different.

".....it is often mentioned that freedom must be coupled with responsibility or else it will lend itself to a good deal of abuse. I grant that. Freedom must be sobered by responsibility. But just as freedom may be abused, so may responsibility. If, in the name of freedom, conditions such as confusion, irresponsibility, commercialism and catering to the lower instincts of mankind have flourished, so also in the name of responsibility have

/considerations

considerations such as propaganda, willful bias, and rigid imposition from above equally vitiated the free spread of truth. Everything is capable of abuse, including truth itself, but we should not be afraid of the abuse of freedom. We should rather be afraid today of the abuse of responsibility." (E/P.V.95, pages 26-30).

45. The representative of the United Kingdom stated: ".....it is exceedingly doubtful if we can sustain any hopes of international collaboration or of peace unless this free movement of news is permitted. News is a most perishable commodity. It is not enough to demonstrate that there is a legal toleration of the collection and transmission of news; if there is a political or administrative hindrance to that collection and transmission then the news itself perishes." (E/P.V.95, page 37).

46. The representative of New Zealand stated:

"The press must, and preferably by its own accord, be a responsible organ in the community.....it is proper that people should have varied, and inevitably in many cases, conflicting opinions and views placed before them, and thereby be obliged to seek and determine for themselves what is the objective truth. Mental experience such as this is basic to the advance of human knowledge, and it will encourage responsibility on the part of the general public.

"On the other hand, the press must be reminded of its responsibility to mankind.....Much can be done thereby to reinforce human rights, and I am sure we all hope that guarantees of objectivity will be secured through self-government of the press rather than by control of it." (E/P.V.95, pages 48-60).

47. The representative of Venezuela stated: ".....one of the fundamental principles of the freedom of the press is that, in the first place, there should not be any imposition from above, and there should not be any intervention from the other end which prevents the ideals of international co-operation from penetrating deeply into the minds of the peoples of the world and thus developing international peace and co-operation." (E/P.V.95, page 62).

48. The Council also received the text of a resolution comprising eight proposals concerning freedom of information passed by the International Organization of Journalists at its Second World Congress at Prague in June 1947 (E/448). The Council decided (E/547) to call the resolution to the attention of the United Nations Conference on Freedom of Information in connection with the corresponding items on the provisional agenda.

49. The Social Committee of the Fifth Session of the Council to which the Report of the Sub-Commission was referred, considered it from its sixteenth to /its twenty-first



its twenty-first meetings (E/AC.7/SR.16\*21). Its discussions concerning the concept of freedom of information centred around the statement and proposals concerning the agenda of the Conference on Freedom of Information made by the representative of the Soviet Union: These were reproduced as document E/AC.7/30. The Council at its 118th Meeting (E/P.V.118) referred this statement to the Sub-Commission for its information.

50. In these discussions of the Social Committee of the Council, the representative of the Union of Soviet Socialist Republics stated that a definition of the tasks of the free press "was urgent because the forces of Fascism and reaction still existed, powerful and influential in the field of press and information, and were still endeavouring to reawaken the old antagonisms for the purpose of fomenting a new war. This situation was characteristic of capitalist countries where the press was still controlled by great monopolies, and was at the service of powerful private interests.

"The press could only fulfil its mission by fighting for democracy against Fascism and for understanding between peoples....."

"The ratification of the principles of freedom of the press by the United Nations was not equivalent in practice to making this liberty accessible to the peoples. Today in order to enjoy effective freedom of the press the highly complex technical means of modern information must be controlled. In capitalist countries this control never belonged to the people. Only when the resources necessary for the control of the press were public property did the people enjoy effective freedom of the press. This was the case in the Soviet Union.

"Not only must the right of journalists be defined but also their responsibilities. This was done in the Soviet Union, while in capitalist countries the journalist's responsibility was left to the discretion of the great monopolies which controlled the press for their personal interests." (E/AC.7/SR.16, pages 1-2).

51. The representative of the Byelorussian Soviet Socialist Republic regretted that:

"the press was not always conscious of its responsibility towards the cause of peace and the democratic ideal. The task which lay before all the organs of the United Nations was to wipe out the remnants of fascism which still threatened the peace of the world.

"The denazification of Western Germany had not yet been completed and in the press could be found pro-fascist articles and occasionally even a defence of Franco Spain. The fascists were crying out against the communists, in a manner reminiscent of Hitlerite Germany, and their cries were receiving support in various countries.

/"Not only



"Not only the press but the radio was being used libellously to break down mutual respect between nations. In the name of freedom of the press, propaganda was being carried on for a new war.

"The peoples of the world looked to the United Nations to guarantee a firm peace. The press must serve actively the cause of peace or it would be working against the United Nations." (E/AC.7/SR.17, page 5).

52. The representative of the United States of America  
"was troubled by the fact that the text (E/AC.7/30) put forward by the representative of the Union of Soviet Socialist Republics approached the question of freedom of information from the negative rather than the positive side. The American people were wholeheartedly against war-mongers and fascists but there was also a need to have some concrete ideal to work towards. The United Nations was for the freedom of the individual and the promotion of peace and the draft agenda had not been made restrictive for that very reason.

"The Union of Soviet Socialist Republics proposal was based on the assumption that freedom of the press did not depend on the fullest diffusion of information rather, that a State or one-party monopoly of information would make for freedom of the press. With such an approach the United States Government was unable to agree." (E/AC.7/SR.17, page 5).

53. The representative of France stated that:

"While the press must defend the truth, human frailty, and hence the possibility of error, would have to be taken into consideration. Further, he did not consider that the press should serve any particular cause alone, however noble.

".....French people had always considered that the fight against fascism was important. Collaborationist editors had been silenced even in cases where they had been acquitted in the courts.

"He agreed that cartels, monopolies and economic pressure could stifle competition and under the guise of freedom could ensure the success of selfish interests.

"The duties and responsibilities of journalists would have to be developed and even sanctions and controls imposed when news had been falsified deliberately." (E/AC.7/SR.17, page 6).

54. The Council considered the report of its Social Committee on the Report of the Sub-Commission from its one hundred and fifteenth to its one hundred and eighteenth meetings (E/P.V.115-118).

55. The representative of the Union of Soviet Socialist Republics stated: "if the press is to perform its highest task, it can only do so if it fights for the  
/principle

principle of democracy, for the eradication of fascist ideology in any form, if it preserves the establishment of a general peace and security, if it helps the development of friendly relations between nations based on mutual respect and independence, and it fights for equality and for the principle of self-determination of peoples." (E/P.V.115, page 61).

56. The representative of France in presenting an amendment to the proposed agenda for the Conference referred to the proposal made by the delegation of the Soviet Union (E/AC.7/30) and stated:

"The Soviet text did not limit itself to a general recommendation to combat Fascist ideology and warmongers. It assigned to the press and the radio very precise tasks in this regard. It spoke of campaigns to be undertaken and persons to be unmasked. But here lies the difference. These tasks imposed, these campaigns ordered, are not compatible with our conception of the freedom of the press. According to our conception, while it is possible to define general aims inspired by the Charter on which the United Nations are in agreement, it is impossible to order the press, to orchestrate it, with a view to synchronized campaigns, even if we earnestly believe in the aims in view. No one hates Fascism and warmonger more than we do, but it is not by giving directives to journalists, by assigning to them tasks to be fulfilled, in the name of an authority which could be none other than a government, that we can achieve desired results.

"Our opinion would rebel against such obstruction, such synchronization, and we should finally defeat our own aim.

"On the other hand there is something which we can do, in keeping with our conception of the press, of the freedom of the press and information, a conception which is not authoritarian but which is also not that of liberty verging on irresponsibility, of a liberty which under a regime of commercial competition, would become dominated by money as the sole and supreme arbiter.

"In press matters we are opposed to private as well as to public monopolies. What we can do in the matter, while respecting this conception, and in agreement with it, is to eliminate from the media of information, the press, the radio, etc., elements which have been tainted, contaminated by Fascist ideology or compromised by collaboration.

"After the tempest which has swept over us, it is just, reasonable and prudent not to leave the responsibility of informing opinion - with all the powers and the influence which this represents - in the hands of those who have recently showed themselves or still show themselves, as adversaries of the very principles of the Charter, and not to entrust this

/responsibility

responsibility to those who may revive Fascist ideology or give themselves up to bellicose instincts and influences.

"Such, in our view, is the manner in which the press, the radio and the other media of information can and should combat Fascism and warmongering. If these elements were eliminated, there would be no further risk of the media of information abusing their liberty which, in our opinion cannot be ordered or limited by directives or instructions from higher up.

"If the freedom of information and of the press were entrusted to the care of those who are really worthy to receive it, it would serve to enlighten the intelligence and edify the judgment of men, and would thus assist the victory of the cause of human rights and peace upheld by the United Nations." (E/P.V.116/Corr.1, pages 3-4).

57. The representative of Canada Stated: "The basic function of the press, in the opinion of my delegation and in the opinion of the Canadian people, is to tell the truth. We believe that this fundamental principle is admirably formulated in paragraph (a) of the agenda recommended by the Committee of the Whole, 'to tell the truth without prejudice, and to spread knowledge without malicious intent.' We do believe, as a matter of faith and as a matter of knowledge based on experience in the further dictum that 'the truth shall make you free.' We believe that very genuinely, but we do believe that it is dangerous in philosophy to jump a stage as it were. We do believe that to say that the object of the press is not to tell the truth but to promote democracy or to promote any other set of values however good, is mistaken in philosophy and profoundly dangerous in practice." (E/P.V.116, pages 86-87).

58. The representative of Chile stated:

".....we cannot limit the press to some definite ideology or compel it to express just one definite ideology. Nevertheless, I think that the main principle of the United Nations is to defend peace and democracy and that the press has to stand by this principle. If we declare that the aim and duty of the press is to fight anti-democratic, fascist and bellicose influences, I think we are plainly performing our duty.

".....we know that sometimes, not only by ill will, but by being irresponsible, the Press really foment war.

"There are sufficient reasons to fear new conflicts. There are sufficient possibilities that might provoke them. The situation is real enough not to add new perils through this irresponsibility."

(E/P.V.116, pages 91-96).

59. The representative of the United Kingdom stated:

"The first action of the fascists themselves on reaching power was to  
/muzzle

muzzle their opponents. Let us not follow that same technique. Let us not here adopt a clause which might equally well be adopted by a fascist conference, except for the fact that we would delete the word 'democratic'. They would want to remove the democratic elements.

"The democratic idea, in the view of my delegation, is based on a different concept and upon different practices. May I illustrate the point: During the war the Germans forbade any of their population from listening to English broadcasts from overseas.

"In our country, even in 1940 when we were standing alone and were on the brink of being overwhelmed, there was no such restriction; and the favorite pastime of British men and women to relieve the monotony of their grim struggle was to listen to the German radio which was pouring out anti-British propaganda. I do not think anyone could say that this weakened the resolve of the British people; indeed, it strengthened it. I give that illustration as an indication of the spirit of freedom of information with which my delegation approaches this subject.

"I could tell you what 'fascism' means in this context to British people. It means a system which subordinates to the State human rights, including the right of every person to speak his mind. It means muzzling. In the view of my delegation, the field in which democracy grows deepest is the field where there is no restriction on information from any source." (E/P.V.117, pages 43-46).

60. The representative of Norway stated:

"It is logically impossible to say that it is one of the fundamental principles of a medium of information to organize a campaign."

"If the Conference is to be a success, it must try to strike a balance between the freedom and the responsibility of the press. As a matter of fact, I think this Council should be fully aware of the fact that very often it is the irresponsible press which is one of the greatest dangers to freedom of the press. As soon as the irresponsible press is made responsible - it can be put as a paradox - there will be much greater freedom of information than there is in the world today.

".....the press and other media of information should consider themselves as constituting one of the most important and responsible forces for peace and democracy in the world." (E/P.V.117, pages 56-60).

61. The representative of New Zealand stated:

"We do not feel.....that it is appropriate in a statement of general principles.....to endeavour to tell the press to take a positive attitude or stand in relation to some particular points.

/".....We therefore



".....We therefore feel that it is not appropriate to use the words 'to combat'.

"At the same time, if we are to include any mention of the question of incitement of war and questions of anti-democratic ideologies, it is necessary to use some word of sufficient strength. We do suggest that the word 'forswear' is such a word.....and that it is a word of considerable strength." (E/P.V.117, pages 62-70).

62. The representative of the Byelorussian Soviet Socialist Republic said:

".....there were many representatives of the press and there were many media of the press which welcomed the victory of Hitler at that time. Therefore, the press did much to aid in the progress of German Fascism and in the progress of the adventures of the fascist Government. It is common knowledge that there are journalists today who show a Munich tendency; and if it is true that in the course of the struggle for the United Kingdom they stayed with their people, it is also true that if they had not stayed with them, they would have shared the fate of one United States correspondent who was condemned to life imprisonment.

"We should not be so naive as to not realize that some organs of the press and some journalists show a very definite 'Munich tendency' and that they advocate a 'Munich policy' with great cunning and in a very disguised form." (E/P.V.117, pages 71-76).

63. The representative of the United States stated: "We are also concerned over the abuses of censorship and of police as much or even more than we are over the dangers of the abuses of freedom. We would also agree very heartily with the remarks of the representative of France as to the dangers and undesirability of the monopolization of news, whether that monopolization be by private or by public means." (E/P.V.118, page 6).

64. The representative of the Union of Soviet Socialist Republics stated:

".....there can be nothing in common between freedom of information, as it ought to be understood, and propaganda for a new war and the use of means of information against the very aims and principles of the United Nations.

"Is it possible to assume that any speaker could be in earnest when he pretends that freedom means that fascists may use the means of information to foster a new war? In the opinion of the Soviet Union delegation, such a conception would amount to using the term 'freedom' as a cover for encouraging propaganda by the remnants of fascism against the very interests and objectives of the United Nations. To forbid such activity would be to defend the main interests of the United Nations.

"If we must forbid the use of opium and sign a convention against the harm that the use of opium and other narcotic drugs can bring to mankind,  
/if we have



if we have a convention against obscene publications, then it is also our sacred duty to forbid any fostering of war or any activities which are contrary to the main principles of the United Nations, against peace and security in the world. Is it more important to fight the harm done by opium and obscene publications than to fight propaganda against peace, against friendly relations among nations, against the main objectives of the United Nations?

"The struggle for democracy and against fascism, against the press and other means of information used to foster new wars, and the attempt to develop friendly relations among independent people - all these are the main tasks of information....." (E/P.V.118, pages 42-45).

65. The representative of France said:

"One can perfectly well tell the truth, but not always all the truth. Sometimes it is absolutely impossible to do so. The space in the newspapers is restricted - I may say that in my own country newspapers are now published with only two pages - and time on the radio is restricted, and therefore, while it is easy to say 'speak the truth', it is not so easy to speak all the truth.

"One is led to make a choice, and put on the front pages of the newspapers little or sometimes big scandals, while hiding away on the back page, in small type, things which are perhaps more important, dealing perhaps with the case against the fascist and similar regimes. There is a way of cutting the articles, of having banner lines across the front pages of the newspapers which, without really distorting the truth, without saying anything which could be called a lie, still amounts to failure to tell the whole truth." (E/P.V.118, pages 56-60).

"It has been said that the press should be like a mirror which would reflect the truth. But may I say that a mirror can be reflected and that it can bring very different aspects of the same object. Therefore, in order to accomplish the purpose which we all have in mind, I do not think that it would be wrong to state that the press should reflect the truths which must be reflected according to the importance they have."

(E/P.V.118, page 61).

".....one of the main tasks to be assigned to the press and to the means of expressing public opinion is the struggle with all their might against the fascists and collaborationists." (E/P.V.118, pages 63-65).

66. The representative of Chile said: "If such freedom of expression and of opinion can and must be restricted for security reasons in any given country, how much more should such freedom be restricted because of considerations of security involving all humanity, which is certainly endangered by fascist ideologies?" (E/P.V.118, pages 67-70).

XI. THE SECOND SESSION OF THE GENERAL ASSEMBLY

(16 SEPTEMBER - 29 NOVEMBER 1947)

1. First Committee

67. The delegation of the Union of Soviet Socialist Republics proposed a draft resolution "Measures to be Taken Against Propaganda and the Inciters of a New War." (A/BUR/86) which reads:

1. The United Nations condemn the criminal propaganda for a new war, carried on by reactionary circles in a number of countries and, in particular, in the United States of America, Turkey and Greece, by the dissemination of all types of fabrications through the press, radio, cinema, and public speeches, containing open appeals for aggression against the peace-loving democratic countries.

2. The United Nations regard the toleration of, and - even more so - support for this type of propaganda for a new war, which will inevitably become the third world war, as a violation of the obligation assumed by the Members of the United Nations whose Charter calls upon them "to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace" and not to "endanger international peace and security, and justice"

(Article 1, paragraph 2, Article 2, paragraph 3).

3. The United Nations deem it essential that the Governments of all countries be called upon to prohibit, on pain of criminal penalties, the carrying on of war propaganda in any form, and to take measures with a view to the prevention and suppression of war propaganda as anti-social activity endangering the vital interests and well-being of the peace-loving nations.

4. The United Nations affirm the necessity for the speediest implementation of the decision taken by the General Assembly on 14 December 1946 on the reduction of armaments, and the decision of the General Assembly of 24 January 1946 concerning the exclusion from national armaments of the atomic weapon and all other main types of armaments designed for mass destruction, and considers that the implementation of these decisions is in the interests of all peace-loving nations and would be a most powerful blow at propaganda and the inciters of a new war.

68. The delegation of Poland presented an amendment (A/C.1/225) to this draft resolution which reads:

/"I. CONDEMNS

"I. 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."

69. The delegation of Australia presented an amendment A/C.1/219 to the above draft resolution which resolution as amended would then read:

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 unite our strength to maintain international peace and security; and

WHEREAS it is the intention of the Charter that armed force shall not be used, save in the common interest for the suppression of acts of aggression through the machinery of the Security Council, or in exercise of the inherent right of individual or collective self-defence against an armed attack until the Security Council has taken the measures necessary to maintain international peace and security; and

WHEREAS the Charter also calls not only for the promotion of universal respect for, but also observance of, fundamental freedoms including 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, designed to encourage any act of aggression or the use of any measures for the purpose of aggression.

2. CONDEMNS all forms of propaganda, in whatsoever country conducted, which falsely imputes to officials or other responsible persons of any nation the desire of encouraging any act of aggression or the use of any measures for the purpose of aggression.

3. REQUESTS the Government of each Member to take appropriate steps to counter all such propaganda, not by resorting to any form of censorship of organs of expression, but

(a) by taking positive measures to encourage the fair and accurate reporting of official and other statements affecting international relations made by officials or other responsible persons whether of the Member or of any other nation;

(b) by encouraging the dissemination of all information designed to give expression to the undoubted desire of all peoples to avoid a third world war.

4. DIRECTS that this resolution be communicated to the forthcoming  
/Conference

Conference on Freedom of Information, with a recommendation that the Conference seek to devise practical methods for carrying out the purposes of this resolution.

70. The delegation of Canada presented a draft resolution (A/C.1/220) which reads:

The United Nations condemn all propaganda inciting to aggressive war or civil strife which might lead to war, and urge members to promote, by all means of publicity and propaganda available to them, friendly relations among nations on the basis of the Purposes and Principles of the Charter.

71. The delegation of France presented a draft resolution (A/C.1/221) which reads:

#### THE GENERAL ASSEMBLY

CONSIDERING that the preamble to the Charter expressed the determination of the peoples of the United Nations to save succeeding generations from the scourge of war, and for this end, to practice tolerance and live together in peace with one another as good neighbours;

CONSIDERING that Article I, paragraphs 2 and 3 of the Charter provides that the particular purposes of the United Nations are to take all appropriate measures to strengthen universal peace and to achieve international co-operation in encouraging respect for human rights and for fundamental freedoms for all;

I - CONDEMNNS all manifestations and all propaganda, in all countries and in any form, likely to provoke or encourage threats to the peace;

II - EXPRESSES the hope that the Conference on Freedom of Information to be held in 1948 will study the present resolution and make recommendations thereon,

72. The delegations of Australia, Canada and France presented a new joint draft resolution (A/C.1/224) in place of the three above draft resolutions which reads:

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 including 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. CONDEMNNS all forms of propaganda, in whatsoever country conducted,  
/which is



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:
  - (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; and
  - (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, with a recommendation that the Conference consider methods for carrying out the purposes of this resolution.

73. The delegation of the Union of Soviet Socialist Republics presented an amendment (A/C.1/226) to the above joint draft resolution which reads:

"WHEREAS the Charter requires the development of friendly relations among nations as well as the promotion and encouragement of respect for fundamental freedoms, including freedom of speech, which should not be used for the purposes of war propaganda but, on the contrary, should be used for the purposes of fighting against such propaganda and for strengthening peace among and security of peoples."

74. The delegation of the United States presented amendments (A/C.1/228) to the above joint draft resolution which read:

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, particularly propaganda controlled by governments or their political agencies, which is designed to encourage acts of aggression.
2. REQUESTS the Government of each Member to take appropriate steps within its constitutional limits;
  - (a) to promote friendly relations among nations based upon the Purposes and Principles of the Charter;

/(b) to encourage

(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, as being relevant to the discussion of Item 2 (d) of its Provisional Agenda.

75. The above draft resolutions were considered by the First Committee of the General Assembly from its Seventy-ninth to its Eighty-sixth meetings. At its Eighty-sixth meeting the Committee voted unanimously to recommend the following draft resolution (A/428) to the General Assembly which was adopted at its one hundred and eighth meeting (A/P.V.108):

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.

NOTE: The following are extracts from Summary Records  
of the meetings of the First Committee.

76. The representative of the Union of Soviet Socialist Republics stated that:

"The legal suppression of war propaganda had nothing to do with freedom of the press and opinion or democratic rights. The right to use fire did not mean toleration of arson. A free press in civilized and democratic States did not preclude limitations imposed in the interest of society, public morals and public discipline.

"In such countries as the United States, the United Kingdom, France and others who opposed the Soviet Union proposal, the press was restricted. It was a criminal offence to circulate in those countries indecent printed matters or even to use indecent language in radio broadcasts. In the United Kingdom there was also a stage censorship. Such legislation imposing severe punishments was not considered to violate the freedom of the press because in all those cases the State was intervening to protect public morals. Objections to making war propaganda a criminal offence were inadmissible since that propaganda was a grave public crime.

"If American penal law regarded the use of the press for fraudulent and deceptive purposes as a misdemeanour, why was it not possible to restrict the freedom of the press banning the publication of what served to instigate war, to excite hatred and enmity against other nations? Every legislative code proved that what the Soviet Union proposed was possible."

(A/C.1/SR.79, page 5)

"Hence the assertion that the legal suppression of war propaganda violated democratic principles was inadmissible and was a mere pretext to justify unwillingness to put an end to that propaganda." (A/C.1/SR.79, page 6)

77. The representative of Australia stated that:

"He agreed with Mr. Vyshinsky that the first and greatest task of the Organization of the United Nations was to prevent another war and to maintain international peace and security. That was laid down in the very first words of the Charter and was one of the principles inspiring the whole Charter. Everyone therefore could unite in condemning propaganda or any other actions designed to bring about a third world war. He referred to Article 51 and other parts of the Charter, which showed that the Charter was directed against aggression, and that, subject to other principles, practical measures should be taken to combat propaganda which was designed to encourage aggression. It was also necessary to take into account Articles 55 and 56 calling for the promotion of universal respect for and observance of fundamental freedoms for all, principles which all members

/had pledged

had pledged themselves to respect. The freedom of the press and freedom of expression in general were among these fundamental freedoms. Consequently, any form of censorship of organs of expression should be avoided. The problem of war propaganda must be considered in the light of these two principles of the Charter: condemnation of aggression and freedom of expression." (A/C.1/SR.79, page 7)

"To 'prohibit, on pain of criminal penalties' the carrying on of war propaganda was not a remedy for the problem of war propaganda. Such action might endanger the fundamental but qualified right of individuals to express opinions even if wrong. The ideal solution was to have many newspapers, so that every responsible view could have some assurance of a fair representation. The whole problem was one of competing rights and duties, and the difficult search for a dividing line between what could be said and what could not be said." (A/C.1/SR.79, page 9)

"He believed that the most effective way to handle warmongers was not to suppress them but to expose them. Truth was most likely to emerge from freely conducted open debate without censorship....Opinion should clash in public debates and human freedom must be preserved. Everybody must be free to express his thoughts, whether he was right or wrong, so long as he was honest. In the words of John Milton, the principle was: 'Let truth and falsehood grapple. Whoever knew truth put to the worse in a free and open encounter?'" (A/C.1/SR.79, page 10)

78. The representative of the United States stated that:

"Freedom of speech was one of the most fundamental....The freedom of speech involved much more than the right of self-expression. It also meant the freedom to listen and to read, and above all, to think for oneself. Freedom of Speech permitted the individual to grow in wisdom and to formulate his own conception of truth. Freedom of Speech was regarded as the pillar of human culture in the United States. Even without explicitly mentioning the United States, the proposal of the Soviet Union constituted a direct attack upon the very foundation of all that kept the United States Government free and assured the people of the United States true liberty. It was the individual, participating in free institutions and expressing his opinion freely, who gave life and strength to a Government, and it was imperative that a Government should be able to hear the different opinions of the people if it was to be a true representative of its people.

"Wherever censorship had been proposed, it had always been aimed at the suppression of bad propaganda. The world, however, had had enough sad experience of the way in which the power to suppress bad propaganda had been

/used to



used to suppress good propaganda. Wherever censorship was established, some kind of Government agency would be empowered to determine whether a publication was for the benefit of the people or not. It should be left to the individual himself to form his own opinion of the truth on the basis of a free flow of information. What would become of freedom if it was left to censors all over the world to determine what was warmongering and who were warmongers?

".....the Government of the United States considered that the abuse of free speech should be avoided by self-discipline and restraint rather than by governmental decree.

"The limitation of freedom of speech must be based on standards of conduct accepted by the majority as a necessary guide for their behaviour. Compulsion, force and penalties must not stand in the way of free expressions of views." (A/C.1/SR.80; pages 4-6)

79. The representative of Poland stated that:

"The object of propaganda of this kind was to encourage aggressive ventures, to undermine political stability and to handicap economic recovery. Such acts ran counter to the provisions of the Charter, which laid on Member States the obligation of settling their disputes by peaceful means. They were also a breach of the Convention, signed in London on 8 August 1945 by a number of countries, to prosecute and punish war criminals belonging to the Axis Powers. This Convention laid down that war propaganda was a criminal act, and Poland had inserted a clause to this effect in its penal code.

"An attempt had been made to reject the Soviet proposal on the grounds that it could not be put into effect because the Press and opinion must be free. Surely, though, there was criminal legislation punishing incitement to commit common law crimes. There were laws prohibiting pornographic publications. In these circumstances the Polish delegation supported the Soviet proposal and asked that an international convention be concluded making war propaganda punishable under criminal law." (A/C.1/SR.81, pages 3-4)

80. The representative of France stated that:

".....it was impossible to accept Mr. Vyshinsky's proposal that expressions of opinion should be subject to censorship. Freedom of speech and freedom of the Press were, doubtless, limited by the interests of public order and of national or international peace. Nevertheless, observance of those limitations could not possibly be assured by giving governmental authorities the right to exercise preliminary censorship as this would inevitably lead to arbitrary action and subservience,

/"The laws

"The laws of democratic countries provided for penalties only in specific and concrete cases where freedom of speech and freedom of the written word had been abused." (A/C.1/SR.83, page 7)

The Second Session of the General Assembly

2. Third Committee

A. Discussion of the Draft Resolution Proposed by the Delegation of Yugoslavia

81. The delegation of Yugoslavia submitted a draft resolution "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", (A/C.3/162) which reads as follows:

THE GENERAL ASSEMBLY

CONSIDERING:

That organs and media of information (newspapers, news periodicals, news agencies, radio broadcasts and newsreels) cannot usefully fulfil their mission in the international field unless they respect the truth without prejudice and spread knowledge without malicious intent, devote themselves to the service of international peace and security, and promote the development of friendly relations between peoples, based on respect for their independence, the equality of their rights, and their right to self-determination;

That the publication and dissemination of false and tendentious reports and defamatory matter designed to aggravate relations between nations and incite them to war disturbs the atmosphere of friendship and mutual understanding between peoples and represents a real danger to the maintenance of international peace and security;

That the question of freedom of information and of the press cannot be solved until an adequate solution has been found to the problem of the effective responsibility of the press and other media of information;

THE GENERAL ASSEMBLY:

1. INVITES States to take urgent legislative and other measures to establish the responsibility of the owners of media of information, and of their directors or contributors, who publish or spread false and tendentious reports calculated to aggravate relations between nations, provoke conflicts and incite to war, or who take part in defamatory campaigns based on false news and directed against another State or another nation;

2. INVITES States to take measures to prevent the publication and dissemination through the channel of governmental or semi-governmental bodies,

bodies, of reports or news which have not been carefully and conscientiously verified.

82. The Committee discussed this draft resolution from its Sixty-eighth to its Seventy-second meetings when the delegation of Yugoslavia withdrew the draft resolution. The delegation of France presented a draft resolution (A/C.3/180/Rev.1) entitled "Slandorous Information", which the Committee recommended to the General Assembly. At its One hundred and fifteenth Meeting (A/P.V.115, page 66) the General Assembly after changing the title to read "False or Distorted Reports" unanimously adopted the resolution which reads:

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;

That to attain this and 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;

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;

I. 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;

II. 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) Section II of its provisional agenda.

NOTE: The Following are Extracts from Summary Records of Meetings of the General Assembly:

83. The representative of Yugoslavia:

".....it was essential to put an end to defamatory campaigns and establish /some kind

some kind of responsibility for the publication and dissemination of false and libelous reports. Nevertheless the principles of freedom of information must be protected as being part of the fundamental human freedoms. There was no question of recommending States to adopt preventive measures against press organs, or of establishing a censorship of news reports and newspaper articles; the aim was to establish responsibility for all statements, radio broadcasts, etc. based on false and tendentious reports which might be harmful to good relations between the nations and constitute incitement to war."

(A/C.3/SR.68, page 2)

Later he stated that:

"He was not asking for a censorship but for the establishment of effective responsibility of media of information because nations had to be protected against slander.

"He agreed with Mrs. Roosevelt on the journalist's right to criticize so long as he based his criticism on actual facts, but suppression of the abuses practiced by organs of information was imperative." (A/C.3/SR.69, page 2)

Later he repeated that:

"his resolution recommended no control but simply the fixing of responsibility on those spreading false reports and slander..... Libellous campaigns in the press were particularly dangerous, for the only means of knowing what was happening abroad were the newspapers." (A/C.3/SR.72, page 4)

84. The representative of Chile:

"The press which had developed into a major industry, needed large capital investments, but it would not be logical to attack it on the pretext of its being a product of capitalism. The railways, the merchant navy and machinery were also products of capitalism, but it would be foolish to attack them on that ground alone.

"A democratic press without freedom would be inconceivable, for without it newspapers would become mere propaganda agencies of their Governments, and all free criticism of the acts of public figures would disappear. An impartial examination would show how important was the part played by the independent press in human civilization and in securing human rights."

"He recalled the misdeeds of the pre-war Fascist press. To set up rules for the expression of ideas, whatever the pretext, would be to deal a mortal blow at the most precious of democratic conquests and at human freedom." (A/C.3/SR.68, pages 2-3)



85. The representative of the United States of America:

"Admittedly things were sometimes said by certain persons in the United States which would have been better left unsaid. There were, however, one hundred and forty million people in that country and all enjoyed free speech under the Constitution. It was hardly surprising that some extremists should be found among the innumerable organs of the American press. There were two ways of dealing with these extremists, one being to imprison them and the other to discuss matters with them freely and bring them to a more sensible way of thinking. The United States preferred the second method. Nations used to a system of total control of the organs of public opinion might find it difficult to understand this.

"What was of concern to the United States, ... was that in the selection of information regarding it there should be neither omission nor misrepresentation. Peoples reading only a controlled press were kept in systematic ignorance of the truth. It was in such ignorance that the threat to international peace and security really resided." (A/C.3/SR.68, pages 3-4)

"Absolute freedom did not exist, but it should be curtailed as little as possible. If it were curtailed in one respect, it would soon be curtailed in all if one was not careful." (A/C.3/SR.71, page 9.

86. The representative of Panama:

"A regimented press subjected to too strict rules or to direct control by the Governments was not a free press. Absolute freedom of the press and of information were, however, necessary to democratic systems.

"Whilst a free press might give rise to certain disputes between Governments, it was possible to settle such differences by international conferences, a channel which was always open.

"....the press and media of information should and could not be regimented, and that they should not be obstructed in any way. The remedies for the imperfections of a free press were to be found in that very freedom." (A/C.3/SR.68, pages 4-5)

87. The representative of France:

"The modern press had become, properly speaking, an industry and as a result freedom of expression was constantly threatened by financial interests. He acknowledged that the principle of responsibility was an essential corollary to that of liberty. He considered it impossible, however, to reach general agreement regarding any definition of what constituted 'false' news. Repressive measures could

only be very restricted, and preventive measures would essentially injure the freedom of the press."

"It would be necessary to achieve some kind of international 'right of reply', but the mere denial of a news report by a nation which might consider itself slandered could not automatically involve a legal judgment against the organ responsible for that report. That would be tantamount to abolishing freedom of the press. The public must have access to all views and arguments. Legislation or conventions would have to be drawn up, providing that a press organ which might have published a news report considered by the Government concerned to be false, should be compelled to print the reply or refutation of that Government in its columns as soon afterwards as possible."

(A/C.3/SR.68, pages 5-6)

88. The representative of the Byelorussian Soviet Socialist Republic:

"The responsibility of the press must be guaranteed by legislative measures if it was to be effective." (A/C.3/SR.68, page 7)

89. The representative of Lebanon:

"Both the Government-controlled press and the so-called free press which depended on private enterprise might indulge in the same excesses of partiality, the one when interests of States were involved, and the other when private economic and financial interests were affected.

"...the free press offered the tremendous advantage of enabling those in search of truth to make themselves heard. The possibility of error, was inevitable in the quest for truth. Although he did not approve of error, he was none the less in favour of the system which, even if it allowed the risk of error, guaranteed freedom." (A/C.3/SR. pages 2-3)

90. The representative of Syria:

"Freedom of the press often operated only in favour of the publisher who, in his turn, was merely an instrument in the hands of the capitalists. It thus happened that the rights of minorities, for instance, were not respected.

"The press or radio often boycotted those who were not on the side of the strongest. It was therefore a question of combating the malevolent silence that was gagging the truth, for those who had not the necessary capital could not make their voices heard."

(A/C.3/SR.72, page 4)

91. The representative of the Dominican Republic:

"It was for the press itself to mend its ways and for the people to reject a vicious press which disseminated false reports,

/rather

rather than for Governments to control it." (A/C.3/SR.69, page 1)

92. The representative of Egypt:

"The press was really free only when fully aware of its responsibilities. It ought voluntarily to renounce certain freedoms, in the international interest. The United Nations ought to adopt certain international principles with regard to the suppression of abuses by the press which could be included in penal codes."

(A/C.3/SR.69, page 2)

93. The representative of India:

"Thought that the United Nations could not adopt measures likely to strangle public opinion. The safeguard of a free people was a free press. Any proposal that might interfere with this freedom should be rejected.

"But there was a difference between freedom to comment on news and licence to carry on propaganda directed against Governments, nations or racial groups. The Committee's concern should be to prescribe limits for propaganda. On the other hand it was not accurate to say that only those newspapers survived which honestly carried out their task of giving information; newspapers survived because they had financial backing. It must be realized that the press had become a great industry; or rather, that in these days it constituted a semi-independent power tending to control everyone's daily life.

"There were some less obvious restrictions on freedom of information. The shortage of newsprint, for example, constituted another grave menace to the freedom of the press." (A/C.3/SR.69, page 3)

94. The representative of the Union of Soviet Socialist Republics:

"It was impossible to combat the repercussions of ... false reports, which were displayed on the front pages of the great organs of information, while the replies, the official corrections sometimes published by a few papers, were relegated to their last pages. These tendentious commentaries, these false reports were not just the work of a few journalists acting on the orders of their own employers, they originated in the great news agencies. They always seemed to come from the same sources, they had a well-defined political purpose and were not the result of accident.

"Not all national Constitutions provided measures for the prevention of slanderous information and for establishing the responsibility of news agencies and newspapers. The Third Committee, which had almost unanimously adopted a resolution on the prohibition

of obscene publications, should similarly take measures to prevent the political corruption of mankind.

"The measures proposed could not be prejudicial to a free press; on the contrary they could only enhance its educative role in the spheres of politics and morals, and could not affect honest organs of information. They were aimed solely against those which hampered international understanding and co-operation.

"Mrs. Roosevelt had acknowledged that certain irresponsible persons in the United States sometimes made statements which would have been better left unsaid. They must make up their minds whether they wanted this state of affairs to continue, to get worse, or to disappear. It was quite possible to stamp out defamation and frustrate intrigues. It would perhaps suffice if each State were to decide on the measures it should take. It would perhaps suffice for States to declare themselves openly against such propaganda.

"Did not the Belgian Penal Code cover defamation? And was the American Penal Code also silent on this point? Transfer these texts to the international plane, and they had the answer to the question before them." (A/C.3/SR.69, pages 4-5-6)

95. The representative of the United Kingdom:

"Those who attacked the western democracies' conception of a free press did not realize that it embodied its own means of redress against false news and tendentious points of view. The Governments of the western democracies were in no way responsible for the writings of irresponsible journalists. On the other hand, press controlled by a Government was, without any possible doubt, used for the propagation of that Government's views.

"There were two ways of treating the problem under discussion: the first was to try to establish legislation, the second to establish an international professional code." (A/C.3/SR.70, pages 2-3)

96. The representative of Argentina:

"There was no question here of restraining the freedom of the press as had been alleged, but rather of changing the working methods of journalism. That was feasible, and necessary because it corresponded to the expectations of the peoples of the world. There was only one right, and that was the right to tell the truth and not the right to spread lies." (A/C.3/SR.70, page 4)

97. The representative of the Netherlands:

"The most effective way of combating slanderous reports was to inaugurate an open-door policy, under which all nations would open wide their frontiers to everyone. Such a policy would result in

/reducing



reducing such reports to a minimum, and measures should be taken to attain that minimum." (A/C.3/SR.71, page 1)

98. The representative of the Union of South Africa:

"....he believed the best function of the State was to hold the ring while opposing issues were fought out"....."It was easy to dismiss criticism as slander, but he believed that if slander were forcibly destroyed a great deal of truth would be buried in the debris." (A/C.3/SR.71, page 3)

99. The representative of Guba:

"He doubted if it would be possible to avoid the dissemination of slander through legislative measures. Any lawyer would agree with him as to the difficulty of obtaining convictions in cases of libel or slander and, in international law, it would surely have to be proved that there had existed malicious intent.....He doubted very much if any lawyer present could define what constituted false news which would lead to war between countries. News could be false, for example, without having the effect of provoking war. An international tribunal would have to be created to take decisions on such a matter." (A/C.3/SR.71, page 4)

100. The representative of the Ukrainian Soviet Socialist Republic:

"The people of all countries would reject the idea of freedom to spread malicious slander, but such was not the case with certain monied groups in capitalistic countries. The adoption of the right decision regarding slanderous statements would not limit the right to freedom of speech or of the Press any more than had other measures against crime limited other freedoms.

".....(an) argument against the Yugoslav proposal had been that the introduction of legislative measures against slander would limit the right of individuals to criticize their governments. The proposal had clearly specified 'foreign countries' and nothing had been said regarding internal criticism. No concrete censorship measures had been suggested, and each Member State could decide on its own methods of abolishing malicious slander. Perhaps it would be possible to say that a resolution of the General Assembly would be sufficient. In other cases an appeal to the national Press might suffice.

"The rights of freedom of speech and of the press were an important part of the democratic structure, but those freedoms were difficult to define and in certain countries they had no reality. In the Soviet Union special laws existed which put an obligation on the Press to defend democratic rights. Nothing could be published which

savoured of racial prejudice or which encouraged national hate, nor anything of an anti-democratic character which admitted the idea of the mastery of one country over another. The contrary to those principles was being proclaimed in other parts of the world. No malicious information was published which would impair friendly relations between nations, but such was not the condition in other countries.

"Democratic life was based principally on peace between peoples and the prevention of slander was a defence, not an attack on democracy.

"Certain representatives had claimed that there existed no censorship of the Press in their countries. In that connection, Mr. Demtschenko quoted the remarks of a journalist concerning the Press of the United States of America, the United Kingdom and Australia. That journalist had said that the censorship of the publisher usually led to the deletion of everything which might offend an important customer who advertised in the paper in question, or a large company in which the owner might be interested. A similar policy of discrimination existed with regard to politics. The owner or publisher laid down a policy which would bring to the fore one political figure while the remarks of another politician would be relegated to the bottom of the last page." (A/C.3/SR.71, pages 5-6)

101. The representative of Brazil:

"The Brazilian constitution provided in many ways for the prevention of the abuse of freedom of expression. Nevertheless, Brazil's fundamental principle in the matter was the right to freedom of expression. That was the basic condition of a democratic State. Slander could be challenged and refuted. A controlled Press, on the other hand, could also publish slander and had legal protection in doing so." (A/C.3/SR.71, page 8)

102. The representative of Canada:

"Canada had a free Press and therefore opposed any resolution which asked a Government to punish its citizens for expressing their opinions. The people of Canada were expected and were able to judge themselves whether statements were slanderous or not.

"The quotations cited by the representative of the Ukrainian Soviet Socialist Republic, in which British and American Nationals themselves denied that the Press in their countries was free, were proofs that the Press was free. Had that not been the case, they could not have been able to publish those statements. One could easily find

quotations which refuted those statements in the Press of the same countries." (A/C.3/SR.71, page 8)

B. Discussion of the Proposal of the Delegation of the Union of Soviet Socialist Republics Concerning the Provisional Agenda of the United Nations Conference on Freedom of Information (A/382).

103. During its discussion of Chapter III of the Report of the Economic and Social Council, the Third Committee considered a draft resolution (A/C.3/157) submitted by the delegation of the Union of Soviet Socialist Republics at its fifty-seventh through its sixtieth meetings. This draft resolution reads:

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, and in view of the outstanding importance of the part played by the Press and information in the struggle for the eradication of the remnants of Fascism, for a stable peace and the security of nations,

RESOLVES:

I. To recommend to the Economic and Social Council to reconsider the suggested provisional agenda of the Conference on Freedom of Information and of the Press and to accept the following postulates as a basis for defining the principles of freedom of the Press and information and their objectives:

- (1) Organization of the struggle for the principles of democracy, for the exposure of Fascism and the eradication of Fascist ideology in all its forms;
- (2) Exposure of warmongers and organization of an effective fight against organs of the Press and other media of information which incite to war and aggression;
- (3) Development of friendly relations between nations on the basis of respect for the principles of the independence, equality and self-determination of nations;
- (4) Assistance in solving problems of an economic, social, humanitarian character, and in encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion;
- (5) Recognition of the fact that freedom of the Press is the right of all citizens with the exception of persons indulging in any form of Fascist propaganda or in propaganda in favour of war or aggression;

/ (6) Recognition

(6) Recognition of the fact that full freedom of information can be ensured only if the broad masses of the people and their organizations have at their disposal the material resources necessary for founding organs of the Press and for operating other media of information;

(7) In countries where organs of the Press are directly dependent on private proprietors and their commercial interests, to regard it as necessary to take effective steps for abolishing and preventing the practice of direct or indirect bribery of organs of the Press and information for the purpose of distorting the truth;

(8) In accordance with the postulate that freedom implies responsibility, to recommend the enactment of effective legislative measures against owners of such organs of the Press and information which disseminate untrue and libellous statements concerning other peoples and States. A particularly serious view must be taken of untruthful statements that mislead public opinion with a view to impairing the relations between countries, provoking conflicts and inciting to war.

(9) The necessity of elaborating measures for ensuring a wider dissemination of genuinely honest and objective information.

II. That Countries non-Members of the United Nations which are invited to attend the Conference on Freedom of Information and of the Press, be given the right to vote.

III. That the Mongolian Peoples Republic be included also among those invited to attend the Conference.

IV. That the proposal of the Economic and Social Council that the Conference be held at Geneva beginning on 23 March 1948 be accepted.

104. At its sixtieth meeting the Committee rejected this draft resolution by thirty-three votes to seven, with eleven abstentions. At this meeting the Committee recommended to the General Assembly a draft resolution submitted by the delegation of India (A/C.3/164). The General Assembly adopted this resolution at its one hundred and seventeenth Plenary Meeting. It reads:

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



discussion on this matter in the Third Committee of the General Assembly.

105. In presenting the draft resolution, the representative of the Union of Soviet Socialist Republics stated that the General Assembly should consider amendments to the Provisional Agenda of the Conference. Discussion followed as to whether the General Assembly, the Economic and Social Council or the Conference should make changes in the Provisional Agenda of the Conference.

NOTE: The following are excerpts from the  
Summary Records of meetings.

106. The representative of the United States of America:

"In countries where the flow of information was under Government control, it might be possible to direct the media of information. In the United States there existed a free press which interpreted situations differently, and to that disagreement the American people warmly adhered." (A/C.3/SR.57, page 11)

"Explaining that she would like to straighten out some misconceptions, she admitted that the American press had certain faults, but these were not the result of government action. On the whole the press was free, and she preferred the advantages of a free press to the disadvantages of a controlled press. Some of the misunderstandings between her delegation and that of the Soviet Union related to what the press was trying to accomplish. Her Government agreed that totalitarian ideas and war-mongering should be reduced to a minimum; but the Soviet Union proposal would make such elimination a direct assignment of the press, to which she could not agree." (A/C.3/SR.59, page 4)

107. The representative of France:

"With regard to paragraph 5 which aimed at excluding the agents of Nazi or Fascist propaganda from information agencies, the French Government had established by its decree of 30 September 1944 a professional identity card for journalists, which was only granted after consulting the National Purge Commission. The French delegation thought that this legislation could be extended to other countries which had been the victims of enemy occupation." (A/C.3/SR.58, page 3)

"He agreed with the Soviet Union representative as regards the undesirability of private ownership of the press and the dissemination of false information, but emphasized that such suggestions should form a subject of discussion at the Conference." (A/C.3/SR.59, page 3)

108. The representative of the United Kingdom:

/"With regard to

"With regard to point 5 of the proposal, he agreed that all citizens should enjoy freedom of the press, but he did not think it necessary to define those who should be deprived of this freedom. This was the fundamental difference between the point of view of the Soviet delegation and that of his Government. Care should be taken not to prevent the minority from expressing its opinion. It was only when peace was endangered that Great Britain took restrictive measures.

"With regard to the principle of responsibility, he thought that this too was a matter of appreciation. The Government of the Soviet Union utilized the press to shape opinion. The United Kingdom was opposed to this practice. In the United Kingdom journalists had accepted a code of behaviour and regarded freedom of information as an essential element in guaranteeing and safeguarding human rights. The Conference could therefore draft a declaration establishing a code of behaviour for the world press, but it was undesirable to give it a political form. The proposal of the Soviet Union, however, had a political aspect." (A/C.3/SR.58, page 4)

109. The representative of Chile:

"The vital principles in this question were those of absolute respect for freedom of expression and freedom of information. The Chilean press was neither the tool of the state nor the handmaiden of big financial combines; it was the expression of the various trends of Chilean public opinion.....The agenda amply met the wishes of those who sincerely desired the press to be not only the free source of candid information but a decisive factor in peaceful and friendly international relations in defence of true democracy and the maintenance of world peace." (A/C.3/SR.58, page 5)

110. The representative of Belgium:

"The freedom of the press to mobilize the public opinion against an aggressor was beyond doubt. Belgium deplored press campaigns which spread panic and openly agitated for a preventive war, and she also conceded that Governments had the right to repress all provocative practices; but the measures to be taken to that end were the prerogative of national legislation.

"It was likewise necessary, in order to avoid any confusion, to say concretely what was meant by democracy in connection with the freedom of information and of the press. Democracy, in the delegation's opinion, was a regime of free discussion and verbal persuasion, as the United States representative so felicitously put it. The essential

guarantee of the democracy was the full liberty of expressing one's thoughts, implying also the right to hold opposite views.

"Any monopoly of the press must be rejected as being capable of falsifying public opinion. But the Belgian delegation put its trust in the power of correction which democracy could apply to opinions which diverged from the fundamental principles of the state. Opposing a monopoly or private semi-monopoly of the press, the Belgian delegation was even more strongly opposed to the monopoly of a State or of a regime in which public opinion was not only guided but controlled by the Government. It was possible to work out effective steps for abolishing or preventing all practices of direct or indirect bribery for the purpose of distorting the truth. A law guaranteeing control of press organizations and finances by public opinion could prevent the enslavement of public opinion by private interests. Belgium advocated above all the maintenance of a repressive and not preventive code for the press.

"The resolution seemed to be lacking on an essential point: if the aim was to organize the struggle to defend democratic principles and unmask fascism and prevent the propagation of false or doctored information, the need for an international organ for controlling the press and information must be recognized. The press was primarily a controlling force exercising power over Governments in the free countries. A Government must not be allowed, on the pretext of guaranteeing allegedly free information, to circumvent this control which was indispensable to the working of democracy." (A/C.3/SR.58, pages 5-6)

III. The representative of the Union of Soviet Socialist Republics:

"... drew attention to the remarks of the representatives of the United States and the United Kingdom that the Soviet Union's proposal was not based on a conception of true democracy; and expressed his surprise at the fact that in spite of this it was possible during the war for an effective understanding as to the correct interpretation of the word 'democracy' to exist between his country and theirs. He asked why there seemed to be some reluctance to proceed with the imperative task of fighting Fascism, and wondered if the United States delegation now rejected the declaration of the late President Roosevelt at Yalta that it was a prime task of the United Nations to eradicate every remnant of Fascism. In his opinion it was impossible to fight for peace and democracy without consciously accepting the task of fighting Fascism. Contrary to what the United States representative had said, the text of

the agenda hardly emphasized the necessity for this.

"(He) emphasized the need for State control, in certain countries such as the United Kingdom, of the organs of information, which were nothing but business concerns. In these countries there was need for legislation capable of controlling the businessmen who headed the Press.

"He contested the claim of the United States representative that in her country there was complete freedom of the Press....(and) pointed out that independent newspapers were more and more disappearing in the United States. Unfortunately it was not the people who controlled the Press, but the monopolies." (A/C.3/SR.58, pages 9-10)

112. The representative of the Ukrainian Soviet Socialist Republic:

"...the horrors and menace of Fascism were still vividly present in the memory of the peoples who had been its victims. Yet the reactionary press of certain countries indulged in violent propaganda in support of a new war. It was disquieting to see a certain very powerful country show signs of its desire to realize one of the aims of Fascism: world domination; and he emphasized that remnants of Fascism were still apparent in several countries, particularly Spain. The task of fighting Fascism was therefore paramount, and it was the duty of the press to play its part." (A/C.3/SR.58, page 7)

113. The representative of the Netherlands:

"A government-controlled press could not be regarded as a free one, nor could a press which was controlled by a financial group. The profit motive should be eliminated entirely from the press and other media of information." (A/C.3/SR.59, page 2)

114. The representative of Brazil:

~~"...agreed with many of the principles contained in the proposal, but, while the responsibilities of the press had to be stressed, freedom of information had to be guaranteed without government control. He supported the statement of the United States representative that press criticism of governmental activities was of fundamental importance."~~  
~~(A/C.3/SR.59, page 3)~~

XII. COMMISSION ON HUMAN RIGHTS (SECOND SESSION)

2-17 DECEMBER 1947)

115. The Commission on Human Rights at its Second Session referred the proposed articles on freedom of information in the draft International Declaration and Covenant on Human Rights to the Sub-Commission on Freedom of Information and of the Press. The decision of the Commission in this respect, together with texts of the proposed articles, are given in document E/CN.4/Sub.1/36).

/116. The representative



116. The representative of Uruguay submitted the following article for consideration in the Draft Covenant:

"There shall be entire freedom to communicate thoughts expressed by means of the press, postal services, wireless, telegraphy, telephone, motion pictures and any other instruments of propaganda. Censorship is forbidden. For the suppression of abuses all preventive means, direct or indirect, are excluded. The action of the State shall be confined to the imposition of penalties. There shall be full freedom of access to means of information and dissemination of opinions, subject to the right of States and private individuals to rectification and reply. The right of free expression of thought may be limited at times of civil or international war but only in respect of information on military operations." (Document E/600)

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