

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON FREEDOM OF INFORMATION AND OF THE PRESS

FIRST SESSION

SUMMARY RECORD OF FOURTEENTH MEETING

Held at Lake Success, on Tuesday, 27 May 1947 at 3:00 p.m.

Present:

- Chairman: Mr. G. J. van Heuven Goedhart (Netherlands)
- Vice-Chairman: Mr. Lev Sychrava (Czechoslovakia)
- Rapporteur: Mr. G. Ferguson (Canada)
- Mr. P. H. Chang (China)
- Mr. A. Geraud (France)
- Mr. Chr. Christensen (Norway)
- Mr. S. Lopez (Philippine Republic)
- Mr. J. M. Lomakin (Union of Soviet Socialist Republics)
- Mr. A. R. K. Mackenzie (United Kingdom)
- Mr. Z. Chafee (United States)
- Mr. R. Fontaina (Uruguay)

Representatives of Specialized Agencies:

- Mr. W. Farr (UNESCO)

Consultants of Non-Governmental Organizations:

- Miss Toni Sender (American Federation of Labor)

- Secretariat: Prof. J. P. Humphrey (Secretary of the Sub-Commission)
- Mr. C. A. Hogan

1. Consideration of Draft Agenda for the Conference on Freedom of Information
(Continued)

The CHAIRMAN invited members of the Sub-Commission to make statements on the proposal of Mr. LOMAKIN (Union of Soviet Socialist Republics) and the amendment of Mr. LOPEZ (Philippine Republic) which read respectively, as follows:

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Proposal of Mr. Lomakin

1. Objectives of the Press

- (a) Struggle for international peace and security
- (b) Development of friendly relations among the nations based on respect for the principles of independence, sovereign equality and self-determination of peoples.
- (c) Organization of the struggle for the principles of democracy, for unmasking the remnants of fascism and annihilation of fascist ideology in all forms.
- (d) Promoting the resolution of economic, humanitarian and social problems as well as promoting respect for the rights of men and for fundamental freedoms for all without discrimination as to race, sex, language or religion.
- (e) Along with development of the freedom of information, the organization of effective struggle against such press and information organs as engage in war-mongering, and promoting aggression; and resolute and daily unmasking of war-mongers.

Amendment to Mr. Lomakin's Proposal - Submitted by Mr. Lopez (Philippine Republic)

1. Consideration of the Objectives of the Press, Radio and Films as Media of Information, including the following:

- (a) To tell the truth without prejudice and to spread knowledge without malicious intent.
- (b) To facilitate the solution of the economic, social and humanitarian problems of the world as a whole through the free interchange of information bearing on such problems.
- (c) To help promote respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language, or religion.
- (d) To help maintain international peace and security through understanding and co-operation between peoples.

Mr. CHRISTENSEN (Norway) said he would hesitate to vote for Mr. Lomakin's proposal, the approach and concept of which were too narrow to form the

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objectives of the press. In his opinion, the press would thus become a weapon of the state, a situation contrary to the concept of freedom of the press. It was a great objective, of course, to struggle for international peace and security but it was a greater one to seek the truth. However, there might be instances of conflict between truth and international good-will. Fair and honest reporting would engender international understanding and co-operation. As there were many different opinions as to what constituted fascism, he considered this phraseology in a declaration of principle to be unsuitable. He was inclined to agree with the amendment of Mr. LOPEZ (Philippine Republic).

Mr. LOMAKIN (Union of Soviet Socialist Republics) maintained fascism was a very concrete term. He suggested that his proposal be put to the vote item by item.

Mr. CHAFEE (United States) supported the amendment of Mr. LOPEZ (Philippine Republic).

Miss SENDER (American Federation of Labor) said she believed the amendment was more concise than Mr. Lomakin's proposal. To create a freer and more complete press, she suggested the addition of the phrase "unhampered by government interference or by the dictates of interest groups".

Mr. MACKENZIE (United Kingdom) thought that Mr. Lomakin's proposal had led the Sub-Commission into a discussion of the fundamental concept of freedom of information. The task of the Sub-Commission was to see that more of the truth could reach more people, and emphasis on freedom should be foremost. He agreed with the principles laid down by Mr. Lomakin but was concerned as to whether they should be set down as objectives of the press. One of the factors which had nurtured fascism was the blackout of information and, in his opinion, the free flow of information would increase the basic understanding between peoples of the world. He suggested that a

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logical procedure would be to leave Item 1 on the agenda open and first engage in a discussion of the fundamental concepts of freedom of information.

The CHAIRMAN explained that the draft agenda for the conference was the primary task of the Sub-Commission and that the general debate for the most part would take place during the next session of the Sub-Commission. In view of the work to be done and the short time at their disposal, he favoured discussion of Mr. Lomakin's proposal and Mr. Lopez's amendment.

Mr. LOMAKIN (Union of Soviet Socialist Republics) said he saw no difficulty in discussing his proposal. To his mind, the objectives were concretely defined. There was still danger of fascist groups working in various parts of the world, and the annihilation of fascism was an objective which the press should keep in view.

Mr. GERAUD (France) considered the amendment of Mr. Lopez to be too general, and less satisfactory than the original proposal.

Mr. SYCHRAVA (Czechoslovakia) pointed out that basically the two suggestions were not dissimilar. The only question was the expression "the struggle against fascism". The Sub-Commission had previously adopted the phrasing "struggle against the remnants of fascism", and since the term "fascism" was a general one, he thought it would be most useful to define its meaning clearly. He recalled the objectives and tasks of the press which had been voted upon by the International Conference of Journalists which he had quoted at a previous meeting. Finally, he suggested that perhaps the two proposals could be combined and agreement reached on a new formula.

The CHAIRMAN said that the main difference between the two views was whether or not reference to the fight against fascism should be included in the first point of the agenda of the conference. Inasmuch as the Charter of the United Nations made no mention of fighting fascism, he thought it would be inappropriate for the Sub-Commission to go beyond the limits of the

Charter itself. He supported Mr. Mackenzie's opinion that the goal of the United Nations was a positive one. He was in favour of points (a), (b) and (d) of Mr. Lomakin's proposal, but could not agree with points (c) and (e).

Mr. LOPEZ (Philippine Republic) stated that the clause "to help promote respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion" implied fighting against fascism.

Mr. LOMAKIN (Union of Soviet Socialist Republics) reiterated his wish to have his proposal voted on item by item.

The CHAIRMAN ruled that Mr. Lopez's amendment be voted on first.

Mr. CHANG (China) observed that the terms of reference entrusted the Sub-Commission with the task of defining the meaning of the term freedom of information whereas both the proposal and the amendment thereto were confined to objectives of the press.

The CHAIRMAN pointed out that Mr. LOPEZ had included radio and films as media of information and suggested that the Sub-Commission first decide whether an item on the fight against fascism was to be included.

Mr. CHAFEE (United States) moved that "any statement of broad objectives which goes beyond the precise work of the press and other media of information shall substantially conform to Article 1 of the Charter of the United Nations."

Mr. SYCHRAVA (Czechoslovakia) warned against creating in world opinion any impression that the Charter of the United Nations was in opposition to the struggle against fascism. It was a question of arriving at a common formula.

Mr. MACKENZIE (United Kingdom) made it clear that along with all other members of the Sub-Commission, he was against fascism but that he was also opposed to outworn and discredited phraseology. The existence of the United Nations, which was built on the victory over fascism, made the phrase outworn. The word fascism had no distinct connotations inasmuch as

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it was used loosely by many people and had become a discredited term. It was important to find a satisfactory common language rather than to go back to outworn phraseology.

Mr. SYCHRAVA (Czechoslovakia) said that liberty and freedom were vague concepts which had to be defined.

Mr. CHAFEE (United States) said he wished to add to his original motion "and the resolution of the General Assembly calling for the Conference on Freedom of Information," in view of the fact that he considered the resolution of the General Assembly calling for the conference a basic document.

DECISION: By a vote of 7 to 2, with 3 abstentions, the motion of Mr. CHAFEE (United States) was accepted.

Before proceeding to the vote on Mr. Lopez's amendment, Mr. MACKENZIE (United Kingdom) suggested the following amendments:

"Consideration of the following fundamental principles to which the press, radio and films as media of information should have regard in performing their basic functions of gathering, transmitting, and disseminating news and information without fetters", which was accepted by Mr. LOPEZ (Philippine Republic).

DECISION: The amendment of Mr. LOPEZ with the added suggestion of Mr. MACKENZIE, was adopted as an agenda item by 7 to 1, with 2 abstentions.

The proposal of Mr. LOMAKIN as amended by the amendment of Mr. LOPEZ was accepted by 7 votes in favour with 4 abstentions.

Mr. LOMAKIN (Union of Soviet Socialist Republics) said it was not clear which of his proposed items had been adopted. He considered the amendment of Mr. LOPEZ an independent proposal and maintained it should have been voted on separately.

Mr. CHANG (China) agreed with Mr. Lomakin.

The CHAIRMAN explained that the rule of procedure adopted by the Sub-Commission provided that "when an amendment revises, adds to, or deletes from a proposal, the amendment shall be voted on first, and if it is adopted, the amended proposal shall then be voted on". That was precisely what had
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been done.

DECISION: By a majority vote, the ruling of the Chairman was upheld.

Mr. LOMAKIN (Union of Soviet Socialist Republics) pointed out that Items (b) and (c) of his proposal had not been included. He reserved the right to return eventually to his proposal, as he considered the procedure and decision incorrect.

The CHAIRMAN then proceeded to consideration of the joint amendment of Mr. Ferguson and Mr. Sychrava which attempted to bring together Section II, sub-heading 1 of Mr. Cruikshank's paper (document E/CN.4/Sub.1/12) and Item 3 (a) of the draft of Mr. CHAFEE (United States) (document E/CN.4/Sub.1/9).

With Mr. LOMAKIN (Union of Soviet Socialist Republics) asking that his abstention be noted, the amendment was accepted as Item 4 of the draft agenda as follows:

"With due regard for traditions and existing laws of the Member States of the United Nations, consideration of the restrictions imposed by Governments on persons or groups wishing to receive and disseminate information, ideas and opinion with particular reference to:

- (i) discrimination by Governments for political or other reasons in the provision of materials and facilities;
- (ii) censorship;
- (iii) the requirements of national security and public order;
- (iv) the demands of public decency;
- (v) laws of libel;
- (vi) special facilities reserved for news personnel including privileges of travel, transport and social security;
- (vii) ownership, control, administration and availability of enterprises in the field of information"

The meeting adjourned at 6:05 p.m.
