

**ECONOMIC
AND
SOCIAL COUNCIL**

**CONSEIL
ECONOMIQUE
ET SOCIAL**

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27 May 1947

ORIGINAL: ENGLISH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON FREEDOM OF INFORMATION AND OF THE PRESS

FIRST SESSION

SUMMARY RECORD OF THE NINTH MEETING

Held at Lake Success, New York, on Friday, 23 May 1947, at 11:00 a.m.

Present:

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

Specialized Agencies:

Mr. William Farr (UNESCO)

Non-Governmental Organizations:

Miss Tony Sender (American Federation of Labor)

Secretariat:

Prof. J. P. Humphrey

Mr. Charles Hogan (Secretary of Sub-Commission)

1. Consideration of Point 1(b) of Mr. Chafee's Paper

The CHAIRMAN opened the meeting by remarking that the members should keep in mind that the agenda for the Conference was a provisional one, which would be submitted to the Governments for consideration. Thus all interested

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/Mr. CHAFEE

Mr. CHAFEE (United States) proposed an amendment to point 1(b) of his paper, to make it read "protection against arbitrary expulsion". He realized that it was a serious proposal, but he considered news personnel as being "ambassadors of thought" and therefore entitled to protection similar to that of diplomats. It was his view that only through some privileges being granted to reporters would it be possible for the peoples of the world effectively to talk to each other. He hoped that the experts of the Conference would work towards this aim, and propose that states take steps to protect news personnel. The Conference might also formulate a draft convention to this effect, to be ratified by the Governments.

Mr. MACKENZIE (United Kingdom) supported Mr. Chafee.

No member objecting the CHAIRMAN said the point was accepted.

Mr. LOMAKIN (Union of Soviet Socialist Republics) pointed out that he thought obligations should be mutual. If states made concessions, news personnel should also do so, and he thought it wise to have the bona fide status of correspondents defined clearly. The speaker also referred to his amendment to point 1(a), on which he would like a vote, and reserved the right to return to the item at a later stage. The CHAIRMAN said he was afraid there was some misunderstanding between him and Mr. Lomakin. Mr. Lomakin's amendment had been ruled out the day before, and he could only ask him to make an item of his own for the agenda of the Conference. He would then bring it under discussion. He also considered that the item had to be discussed later under points 3 and 4 of Mr. Chafee's paper.

Mr. LOMAKIN (Union of Soviet Socialist Republics) stated that the effect of his amendment was that everything had to be in accordance with the laws of each country, and thus referred to all items, not only to point 1(a).

Mr. SYCHRAVA (Czechoslovakia) was of the opinion that members were in agreement upon the principle. News personnel should be people of good faith and should not abuse their privileges. He reserved the right to come back later to the discussion of privileges and obligations of news personnel contra the sovereignty of states.

The CHAIRMAN agreed to this and said he would like to go through Mr. Chafee's paper point by point.

Mr. de MONTOUSSE (France) felt that this working programme was a logical one. At present, they should discuss rights and advantages, and speak later of duties and obligations.

The CHAIRMAN put the item to the vote, and it was accepted: nine votes to one.

2. Point 1(c) of Mr. Chafee's Paper

Mr. CHAFEE (United States) wanted to substitute "permitting" for "guaranteeing", with the result that the item would read: "Permitting equality of access to news sources, private and official as between nationals and accredited foreigners." He pointed out that this was a favourite proposal among newspaper men in the United States.

It meant that foreign correspondents would have equal access, without discrimination, to press conferences held by high government officials, provided it was on matters not involving the security of the state. Another problem was whether they should have the right to utilize private citizens as news sources; he thought this deserved discussion at the Conference.

Mr. MACKENZIE (United Kingdom) referred to Mr. Cruikshank's paper and expressed the wish to have the proposal changed to read: "Permitting the widest possible access to news sources, private and official, without discrimination between nationals and accredited foreign news personnel", the words "news personnel" to be used as a standard phrase, including press, news, periodical, radio correspondents, and newsreel operators.

The CHAIRMAN said he was in favour of this phraseology, which was then agreed to by the members. Mr. Lomakin (Union of Soviet Socialist Republics) dissenting.

Mr. SYCHRAVA (Czechoslovakia) felt that the Sub-Commission should decide unanimously. He thought that unanimous decisions could be reached, if certain points concerning responsibilities of correspondents were dealt with right away. He wanted the Members to submit proposals to this effect,

/and said

and said he had formulated one himself, which read:

"Liberty can serve the ideal of peace and the welfare of mankind only if it implies a discipline voluntarily accepted by the respect of the rights of others and by concern for truth and for justice. The privileges which are to facilitate the exchange of information can, therefore be granted, without any restriction, only to men of good faith who do not abuse the rights which they enjoy."

The CHAIRMAN was in agreement with the principle, but he did not know where to insert such a sentence, as it applied to several points.

Mr. SYCHRAVA (Czechoslovakia) wanted it placed before all the other provisions, as he felt that the Conference would have to discuss it at the very beginning. He pointed out that the greatest crimes of Nazism were committed in the name of equality of rights and liberty. This should not happen again.

Mr. MACKENZIE (United Kingdom) felt that it was the task of the Sub-Commission to draft the agenda for the Conference, not to discuss the substance of the various problems. Mr. Sychrava's proposal was not a suitable item for the agenda.

Mr. CHAFEE (United States) was in agreement with this point of view, although he hoped that the Conference would formulate a provision regarding responsible use of privileges.

The CHAIRMAN repeated that he was in favour of the principle, but did not see where to include it at this stage. He assured Mr. Lomakin that he would come back to the matter later.

Mr. CHANG (China) referred to Mr. Cruikshank's paper, and said that he thought the point might be included in point B, 2(iii) of that paper. He proposed to go through Mr. Chafee's paper point by point, as already decided. He was of the opinion that the primary aim of the Conference was to loosen restrictions which some countries imposed on news, and he could not see why laws relating to censorship etc. should not be altered.

/Therefore

Therefore it was incorrect to state that the Sub-Commission had no right to propose items which touched prevailing laws and statutes.

Mr. CHAFFEE (United States) pointed out that the order of agenda items was not necessarily the final one. He would at the right moment support statements of a principle on the obligations of news personnel.

Mr. LOMAKIN (Union of Soviet Socialist Republics) could not agree to the point of view that the Sub-Commission should not look into the substance of the various questions. The mere drafting of the agenda would take a very short time, and he did not see why they could not include an item like the one he suggested. He repeated that every government had the right to conduct its affairs in accordance with existing laws. He referred to the detailed paper of Mr. Cruikshank, and asked why they should not discuss the substance as this paper already contained many ideas and suggestions to this effect.

Mr. MACKENZIE (United Kingdom) pointed out that Mr. Cruikshank had not suggested discussion of the problems in the Sub-Commission. That should be done at the Conference.

The CHAIRMAN stressed the fact that the task of the Sub-Commission was to find suitable questions to be discussed at the World Conference, and not to find an answer to them.

Mr. LOMAKIN (Union of Soviet Socialist Republics) referred again to Mr. Cruikshank's paper, and said that he did not understand the meaning of the first part of it. It dealt in considerable details with important theoretical questions. He mentioned specific points, and said that since they were discussed in this paper, they should also be discussed by the Sub-Commission.

The CHAIRMAN deferred this point to a later occasion, and asked for a vote on point 1(d), which was then accepted by members, Mr. Lomakin dissenting.

3. Point 2(a) of Mr. Chafee's Paper

Mr. CHAFEE (United States) wanted the word "facilitating" to be included before the word "elimination" in order to make it correspond to the previous item.

Mr. LOMAKIN (Union of Soviet Socialist Republics) explained that he had voted against item 1(d) because it had not been discussed. He would like to know whether any discriminatory taxes existed.

The CHAIRMAN pointed out that he had asked members whether they had any comments to make. Mr. Lomakin had not asked for the floor and he was not in a position to return to the point.

Mr. LOMAKIN (Union of Soviet Socialist Republics) went on to discuss point 2(a). He stated that censorship usually was the result of the unreliability of correspondents and proposed to delete the item.

Mr. CHAFEE (United States) emphasized that the World Conference had been called by the General Assembly, and the Sub-Commission was supposed to propose items for its agenda. He thought censorship was a topic which ought to be discussed at the Conference.

Mr. Lomakin's proposal was defeated.

Mr. CHAFEE (United States) explained that he did not propose to abolish censorship. He gave a survey of censorship in the United States, and went on to say that his country thought that by allowing all persons to say what they believed, the public would in the end be able to choose for itself. There were two systems of censorship, one under which newspapermen knew beforehand which topics they could not mention, and one, under which they never knew whether a message would be censored or not. He also felt that a correspondent should be informed if his dispatch had been censored, and certain paragraphs eliminated. That would prevent him from making the same mistake again.

Mr. FARR (UNESCO) proposed that paragraph 1, Section II of Mr. Cruikshank's paper had a wording which covered the subject, and contained some ideas expressed by Mr. Chafee.

The meeting adjourned at 1:05 p.m.