

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON FREEDOM OF INFORMATION AND OF THE PRESS

FIRST SESSION

SUMMARY RECORD OF THE EIGHTH MEETING

Held at Lake Success, New York, on Thursday, 22 May 1947, at 2:00 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. J. de Montoussé (France)

Mr. C. Christensen (Norway)

Mr. Salvador Lopez (Philippine Republic)

Mr. A. MacKenzie (United Kingdom)

Mr. Z. Chafee (United States)

Mr. R. Fontaina (Uruguay)

Mr. J. Lomakin (Union of Soviet Socialist Republics)

Representatives of Specialized Agencies:

Mr. W. Farr (UNESCO)

Representatives of Non-Governmental Organizations:

Miss T. Sender (American Federation of Labor)

Secretariat: Mr. J. P. Humphrey
Mr. C. Hogan

1. The Three Drafts

The CHAIRMAN opened the meeting with a statement that the Sub-Commission would have to prepare a draft agenda for the Conference within a very short time and that the document (E/CN.4/Sub.1/22) prepared by the Secretariat would enable it to compare at a glance the three different proposals submitted by

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the members from France, the United Kingdom and the United States. He thought

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that the Sub-Commission should discuss first the question of the gathering of news.

Mr. MACKENZIE (United Kingdom) pointed out that Section I of Mr. Cruikshank's draft dealing with general principles of freedom of information was not included in the Chart. He emphasized that a general statement on the concept of freedom of information should be entered as the first item on the agenda for the Conference.

The CHAIRMAN agreed with Mr. MacKenzie.

Mr. LOMAKIN (Union of Soviet Socialist Republics) asked why the Chair had decided to include this item, which was omitted in the Chart.

Mr. HOGAN (Secretariat) explained that the Chart was complete except for this item and that the omission was unintentional.

Mr. de MONTOUSSE (France) pointed out that the French draft differed little from Messrs. Chafee and Cruikshank's Drafts, with the exception that in Mr. Chafee's Draft mention was made of the measures to be taken to protect accredited foreign correspondents.

Mr. CHAFEE (United States) stated that his draft differed from the French draft in not making the provisions absolute. His draft suggested means to obtain such an ideal as full freedom of movement and residence as set forth in the French Draft. It might not be possible to attain that ideal for some years as the issue of visas was a matter of sovereignty.

Bona Fide and Accredited Correspondents

Mr. SYCHRAVA (Czechoslovakia) pointed out that the difference between the French and Mr. Chafee's Drafts lay in the fact that while the French Draft spoke of accredited correspondents Mr. Cruikshank's Draft used the words "bona fide correspondents" and indicated standards to be set up to judge qualifications of bona fide correspondents.

Miss SENDER (American Federation of Labor) thought it was important to provide measures to prevent withholding or withdrawing of visas from correspondents on account of their reporting.

Mr. de MONTOUSSE (France) asked what was the definition of bona fide correspondents or agents and who would decide their qualifications.

The CHAIRMAN requested the Sub-Commission to confine its discussion to two points: the free entry of correspondents and the question of bona fide correspondents.

Mr. MACKENZIE (United Kingdom) replied that by bona fide Mr. Cruikshank probably meant "accredited" as the French Draft put it. He believed that it was Mr. Cruikshank's view that the definition of this phrase should be considered by the Conference.

Mr. CHRISTENSEN (Norway) stated that the difference between the French and Mr. Chafee's Drafts raised an important question, namely whether the Sub-Commission should recommend an ideal solution or merely practical suggestions. He was in favour of the ideal solutions.

Mr. FERGUSON (Canada) shared the view expressed by Mr. Christensen, and suggested the insertion of "full freedom of entry, re-entry" in the French Draft to make the statement complete.

The CHAIRMAN thought it was possible to do both things at the same time: to express ideals and to suggest measures for their realization.

Mr. SYCHRAVA (Czechoslovakia) maintained that an accredited correspondent could not be regarded as the equivalent of a bona fide correspondent. He thought a qualified correspondent should be equipped not only with a knowledge of the economic, political and social conditions but also with the language of the country which he entered. It would be useful to recommend that the Conference consider the question of bona fide correspondents.

Mr. CHAFEE (United States) defined the phrase bona fide to mean:

(a) "accredited" i.e. concerning the entry of the correspondent into a country;

(b) referring to his honesty or competency during his sojourn.

He wondered whether freedom of entry should be granted to the correspondents or representatives of large and small publications alike.

/Mr. FONTAINA (Uruguay)

Mr. FONTAINA (Uruguay) believed that the accredited and the bona fide correspondent were different and that both of them should be included.

Mr. FERGUSON (Canada) asked Mr. MacKenzie whether the phrase "bona fide" applied to someone in the country of which he was a national or to someone in the country to which he was accredited.

Mr. MACKENZIE (United Kingdom) answered that the question could not be settled then and that the main concern now was to draw up an agenda. He agreed with Mr. Sychrava to have this question on the agenda of the Conference and proposed the draft item to read "consideration of whether it is possible or desirable to establish standards by which bona fide and accredited correspondent can be recognized as such".

Mr. SYCHRAVA (Czechoslovakia) wondered whether it would be possible to recommend the creation of an international organ to accredit correspondents. He thought the creation of such an international organ would greatly facilitate the solution of this problem.

Mr. FONTAINA (Uruguay) commented favourably on Mr. Sychrava's idea and suggested that perhaps national organizations of newspapers and journalists could co-operate with international organizations in judging who would be accredited. He did not think it possible to come to an agreement on the definition of accredited and bona fide correspondents and suggested the consideration of Mr. MacKenzie's proposal.

The CHAIRMAN said the discussion on this point was profitable. He asked whether it was the opinion of the Sub-Commission to put on the draft agenda of the Conference the question of accredited and bona fide correspondents, as Mr. MacKenzie put it.

Mr. LOMAKIN (Union of Soviet Socialist Republics) did not see any reason for the creation of a new organ to regulate the accrediting of correspondents and thought the Commission on Human Rights was competent to consider this question. He stated that the suggestion of creating such an organ had overlooked the legal aspects of the question since only sovereign states could

/issue visas.

issue visas. Attention here should not be directed to accrediting correspondents but to facilitating the entry of correspondents. He emphasized that accrediting correspondents depended to a considerable degree on their bona fide status, their reliability and their honesty. Mr. Lomakin requested the inclusion of this question on the draft agenda as one of the most important questions. Commenting on the remark on the question of expulsion made by the representative of the American Federation of Labor, Mr. Lomakin said, the question of entry and expulsion was very closely connected with the conduct and reliability of the correspondents. He opposed any suggestion to grant a correspondent unrestricted rights.

Mr. SYCHRAVA (Czechoslovakia) explained it was not his intention to suggest the creation of an international body with the legal power to accredit correspondents. He still believed it would be helpful to recommend that the Conference study the question of creating an international body which would make recommendations regarding correspondents.

Mr. FONTAINA (Uruguay), to meet the objection of the Soviet member, suggested the idea of an international registry of correspondents, instead of a special new organ.

Mr. de MONTOUSSE (France) thought perhaps the Commission on Human Rights would be the appropriate body to decide this question.

Mr. LOPEZ (Philippines) suggested the question of international action with regard to freedom of information should be postponed until item 5 in the Chart. He preferred the French Draft to Mr. Chafee's Draft and was of the opinion that the words "bona fide" and "accredited" should both be used.

Mr. LOMAKIN (Union of Soviet Socialist Republics) said that to recommend the creation of such an organ at present was premature and beyond the competence of the Sub-Commission, and that it was up to the Commission on Human Rights and the Conference to decide what to do with this subject. However, he was in favour of discussing now the question of the bona fide status or the reliability of the correspondents.

/Mr. CHAFEE (United States

Mr. CHAFEE (United States) thought the suggestion about an international register and the honesty and truthfulness of the correspondents might be kept for future discussion.

The CHAIRMAN asked whether it would be possible to consider Mr. Cruikshank's suggestion to establish standards for judging bona fide agents as a separate item on the Conference agenda.

Mr. MACKENZIE (United Kingdom) replied that it could be done by the following draft:

"Consideration of whether it is possible or desirable to establish standards by which the bona fide and accredited correspondents can be recognized as such."

Mr. FONTAINA (Uruguay) suggested the phrase "accredited bona fide correspondents" omitting the "and" because the construction of "accredited and bona fide" in Spanish is different.

Mr. de MONTOUSSE (France) said that in French bona fide meant "of good faith".

The CHAIRMAN remarked that "bona fide" and "accredited" correspondents meant two different things. The one was not necessarily the other. A bona fide man might not be an accredited one. So it would be alright to keep the text as Mr. MacKenzie proposed it.

Mr. MACKENZIE (United Kingdom) interpreted the word "accredited" to mean a correspondent's technical qualifications and "bona fide" to mean his behavior and the standards of his work.

Mr. CHAFEE (United States) was not in favour of linking these two expressions, because "accredited" could be judged by clear evidence while "bona fide" required a moral judgement.

Mr. MACKENZIE (United Kingdom) said that putting his proposal on the Conference agenda did not commit the Sub-Commission to any specific definition

Mr. SYCHRAVA (Czechoslovakia) suggested omitting "accredited" from Mr. MacKenzie's proposal.

The CHAIRMAN, speaking as a member, opposed this suggestion.

Mr. LOMAKIN (Union of Soviet Socialist Republics) said these two questions should be separate. There were three types of correspondents, said he: accredited correspondents who are sent by a newspaper to another country and accepted by that country; correspondents accredited to cover only a certain international conference; correspondents visiting another country for one or two month's study of that country. The last type could not be regarded as accredited. He considered the question of reliability with regard to the bona fide status a more important question. If a formula could be found it would facilitate entry and activity for all correspondents involved.

Mr. CHAFFEE (United States) maintained that the question of bona fide was a technical one and that it should be omitted from Mr. Mackenzie's proposal.

The CHAIRMAN asked whether that was also Mr. Lomakin's suggestion.

Mr. LOMAKIN (Union of Soviet Socialist Republics) replied the words "bona fide" did not raise any doubts on his part. Perhaps such words as honesty, reliability and respectability would be a better substitute, said he. He repeated that a correspondent permanently accredited to a country must be of good moral character and reliable.

Mr. MACKENZIE (United Kingdom) suggested solving this problem by rephrasing his proposal in the following way:

"Consideration of whether it is possible or desirable to establish standards by which (a) accredited correspondents, and (b) bona fide correspondents can be recognized as such."

Mr. SYCHRAVA (Czechoslovakia) supported this suggestion.

Mr. LOPEZ (Philippines) believed the division of correspondents into "accredited" and "bona fide" would have no meaning in practice.

Mr. CHAFFEE (United States) suggested accepting provisionally these topics as two separate items to be placed provisionally in the Conference agenda.

Mr. LOMAKIN (Union of Soviet Socialist Republics) opposed postponing the decision on this subject.

Mr. MACKENZIE (United Kingdom) urged a vote on his last proposal and asked the Soviet member to state his motion if he still disagreed with Mr. MacKenzie's text.

Mr. LOMAKIN (Union of Soviet Socialist Republics) said his proposal was:

"An accredited correspondent to a foreign country must be honest and reliable with regard to the news of the country which has extended its hospitality to him."

Mr. CHRISTENSEN (Norway) recommended setting up a drafting committee to resolve the difficulties.

Mr. LOMAKIN (Union of Soviet Socialist Republics) requested to have his proposal voted on first.

The CHAIRMAN remarked that Mr. Lomakin's proposal amounted to a definition of "bona fide".

Mr. MACKENZIE (United Kingdom) thought that was not an appropriate item for the Conference agenda.

The CHAIRMAN agreed with the previous speaker.

Mr. FERGUSON (Canada) suggested adding Mr. Lomakin's definition of an accredited correspondent to any of the three drafts or a combination of them which the Sub-Committee might choose.

Mr. FONTAINA (Uruguay) opposed this suggestion on the ground that Mr. Lomakin's definition was more a question of ethics than an item.

Mr. de MOUNTOUSSE (France) asked again for a vote on the French Draft and agreed to delete the word "full" at the beginning of (a) in the draft. He thought the question of definition of bona fide and accredited correspondents might be left to a superior organ to decide.

Mr. LOMAKIN (Union of Soviet Socialist Republics) reiterated his standards for an accredited or bona fide correspondent.

The CHAIRMAN asked whether it would be possible to add "an accredited correspondent being a correspondent, honest and reliable, with regard to the news" to Mr. Cruikshank's Draft.

Mr. SYCHRAVA (Czechoslovakia) suggested accepting Mr. Lomakin's statement as a preamble to the following:

"We recommend as an item for the agenda that consideration be given to the standards according to which correspondents might be recognized as such."

Mr. MACKENZIE (United Kingdom) had no objection to such phraseology as:

"Considering that accredited correspondents to foreign countries ought to be honest and reliable with regard to the news of the country which has extended its hospitality, the Sub-Commission recommends that the World Conference should consider whether it is possible or desirable to establish standards by which bona fide correspondents could be recognized as such."

The CHAIRMAN suggested putting this text to a vote.

Mr. CHANG (China) disagreed with the procedure and maintained that Mr. MacKenzie's final text would not provide an agenda item in the proper form. With regard to the qualifications of correspondents as defined by Mr. Lomakin, Mr. Chang added the following: objectivity, right attitude, a well-balanced, fair individual with a sense of fair play, and a man of responsibility. Mr. Chang proposed that in order to have a basis for discussion one of the three drafts should be voted on first.

Mr. de MONTOUSSE (France) supported Mr. Chang's proposal and asked for a vote on the French Draft first.

2. Voting on One of the Drafts

The CHAIRMAN first called for a vote on the proposal to take one draft as the basis of discussion. By an affirmative vote of 8 the motion was carried.

Mr. LOMAKIN (Union of Soviet Socialist Republics) supported the proposal of Mr. de Montoussé to take the French Draft as a basis.

Mr. CHAFEE (United States) thought it might be easier to proceed from his Draft because of its fullness.

Mr. MACKENZIE (United Kingdom) agreed to let Mr. Cruikshank's Draft go in

deference to Mr. Chafee's Draft.

Mr. de MONTOUSSE (France) raised no objection to taking Mr. Chafee's Draft as a basis if the majority so desired.

The CHAIRMAN first put the French Draft as a basis for discussion to a vote. As a result there were 4 for and 7 against the proposal. It was lost.

The CHAIRMAN called for a vote on Mr. Chafee's Draft as a basis for discussion.

DECISION: By an affirmative vote of 8 the motion was carried.

3. Principles of Freedom of Information to be Included

Mr. MACKENZIE (United Kingdom), before proceeding to the discussion of the first item on Mr. Chafee's Draft, referred to the importance of starting the agenda with a reference to the general discussion on the principles of freedom of information.

The CHAIRMAN stated that point was accepted.

4. Consideration of Mr. Chafee's (United States) Draft (E/CN.4/Sub.1/9)

Mr. CHRISTENSEN (Norway) suggested amending the first line of the Draft to read: "Freedom of entry, re-entry, residence, movement and travel".

Mr. FONTAINA (Uruguay) said freedom of entry meant once, twice or three times.

Mr. CHAFEE (United States) thought the word "freedom" used here was too ideal and absolute.

Mr. LOMAKIN (Union of Soviet Socialist Republics) stated that freedom of entry and re-entry had existed and would exist for bona fide correspondents.

Mr. CHAFEE (United States) thought it would do no harm to mention desirable privileges even if they now existed. He added that his proposal would not impose any new obligation on any government.

The CHAIRMAN, speaking as a member, supported Mr. Chafee's view and related his experience in getting permission to enter and re-enter a foreign country. He said the main question here was freedom.

Mr. CHANG (China) was in favour of retaining the original text of the

Mr. FONTAINA (Uruguay) proposed changing the original phrase "facilitating the entry" to "facilities for entry" or "guarantee of entry" and to leave out the word "re-entry".

The CHAIRMAN put Mr. Christensen's amendment to a vote.

Mr. LOMAKIN (Union of Soviet Socialist Republics) stated that facilitating entry and protecting them against expulsion were two different points. He suggested further discussion of these questions and opposed voting then.

Mr. SYCHRAVA (Czechoslovakia) suggested deleting the words "and protect them against expulsion" in point (a), and to add a point (d) dealing with the verification of correspondents' qualifications.

Mr. CHAFFEE (United States) said that the separation of "protecting them against expulsion" from (a) might be desirable but not its deletion.

The CHAIRMAN again put the amendments of Mr. Christensen and Mr. Fontaina to a vote.

Mr. LOMAKIN (Union of Soviet Socialist Republics) said that it was not possible to vote before the concept of "entry, residence, movement and travel" was clearly defined.

Mr. MACKENZIE (United Kingdom) remarked that they were recommending items to be included in the Conference agenda, and that further detailed discussion was unnecessary.

Mr. SYCHRAVA (Czechoslovakia) said that if a vote were taken then he could only do so with reservation.

The CHAIRMAN called for a vote on the amendments to the first part of (a) leaving "protecting them against expulsion" for further consideration.

Mr. LOMAKIN (Union of Soviet Socialist Republics) moved to adjourn.

Mr. SYCHRAVA (Czechoslovakia) suggested that in order to avoid formal voting it might be well to accept the text provisionally.

The CHAIRMAN disagreed and put Mr. Christensen's amendment reading "Freedom of entry, re-entry, residence" to a vote. There were 3 for and 7 against.

Mr. LOMAKIN (Union of Soviet Socialist Republics) stated that he was not

/ready to

ready to accept or adopt this item at present. He moved again to adjourn.

Mr. CHANG (China) suggested to vote on Mr. Fontaina's amendment.

Mr. LOMAKIN (Union of Soviet Socialist Republics) proposed an adjournment.

The CHAIRMAN called for a vote on adjournment. There were 2 for and 8 against.

Mr. FONTAINA (Uruguay) withdrew his amendment.

The CHAIRMAN stated that the only vote was on point I (a) "Facilitating the entry, residence, movement and travel of accredited news personnel, including press, news periodical and radio correspondents and newsreel operators and protecting them against expulsion".

Mr. LOMAKIN (Union of Soviet Socialist Republics) proposed to add the following clause to (a):

"In accordance with the technical possibilities available in each country and in accordance with the legal codes existing in each country."

He asked to put his proposal to a vote.

The CHAIRMAN said he was only in a position to put point I (a) to a vote, as the majority had decided to do so.

DECISION: By a majority of 10, point I (a) was adopted as stood.

The meeting adjourned at 6:15 p.m.
