



## FREEDOM OF INFORMATION

**A report on contemporary problems and developments, with recommendations for practical action, submitted by Salvador P. López to the Economic and Social Council, 6 May 1953**

### INTRODUCTION

At its fourteenth session, the Economic and Social Council adopted resolution 442 C (XIV) as follows:

*"The Economic and Social Council,*

*"Recalling that the General Assembly has proclaimed that freedom of information is a fundamental human right and is the touchstone of all the freedoms to which the United Nations is consecrated,*

*"Bearing in mind that this freedom has frequently proved to be the most vulnerable of the fundamental freedoms embodied in the Charter and in the Universal Declaration of Human Rights,*

*"Considering that the media of information constitute powerful instruments for the moulding of public opinion and can thereby exercise a great influence on relations between peoples and on the future of mankind,*

*Noting the continuing need for study, inquiry and investigation in the general field of this problem, together with the number of practical tasks, including those relating to obstacles to the free flow of information, which remain to be undertaken,*

*"1. Decides to appoint, for an experimental period of one year, and in a personal capacity, a rapporteur on matters relating to freedom of information;*

*"2. Requests the rapporteur designated by the Council, in co-operation with the Secretary-General, the specialized agencies, particularly the United Nations Educational, Scientific and Cultural Organization, and the professional organizations concerned, both national and international, to prepare, for submission to the Council in 1953, a substantive report covering major contemporary problems and developments in the field of freedom of information, together with recommendations regarding practical action which might be taken by the Council in order to surmount those obstacles to the fuller enjoyment of freedom of information which can be surmounted at the present time;*

*"3. Decides to include in its agenda for 1953 an item on freedom of information, for the purpose of reviewing problems of freedom of information in the light of the report provided for above and of taking appropriate action thereon."*

In accordance with the above resolution, I have the honour to submit to the Council the report contained herein.

In its preparation I have had the co-operation of the Secretary-General, the specialized agencies, particularly the United Nations Educational, Scientific and Cultural Organization and of information enterprises and professional associations. At my request, the Secretary-General wrote to governments seeking any comments and suggestions which might be helpful to me. The replies received are reproduced separately. I also sought the views of some 500 information enterprises and national and international professional associations. A summary of replies received is reproduced separately.

During discussions on freedom of information in the Third Committee, at the seventh regular session of the General Assembly, I was requested to make a statement concerning the scope of the work of the Rapporteur. A number of delegations offered suggestions and observations regarding the report.

I would respectfully draw the attention of members of the Council to the following points:

1. It may appear that greater attention has been paid in this report to the Press and its problems than to other media. The importance of the other media cannot be underestimated, and there are, moreover, problems peculiar to radio and to newsreels. By and large however the Press is a convenient starting point for any exposition of problems in the field of freedom of information and a majority of these exist, *mutatis mutandis*, in all media.

2. Much useful material was contributed by governments, information enterprises and professional organizations. Due account was taken of all this material, but it will readily be understood that it was necessary to be selective in view of the bulk of the material, the diversity of the suggestions made and the physical limitations of a report such as this. Undoubtedly the material thus contributed will be of use to whatever machinery is set up by the Council to continue the work of the United Nations in freedom of information.

3. Certain sections of chapter V, e.g., those on the development of Press, film, radio and television, on

professional training, Press rates and priorities, postal services and copyright are based on material contributed by UNESCO. However, I take full responsibility for the method of presentation and for the conclusions reached.

4. As members of the Council will recall, I presented an interim report to the Council's fifteenth session, in which I outlined the progress made in the preparation of this report and asked for certain facilities in respect to communications received by the United Nations. My request was granted and, in accordance with the Council's resolution of 6 April 1953, summaries of a number

of communications coming within the scope of this resolution were made available to me.

5. It will be seen that a great part of the report is devoted to a survey of the present situation and practical problems in freedom of information. While this survey is necessary and valuable in itself, it should be emphasized that the primary function of the report is to point the way to future action, and to indicate the direction this action can most profitably take. There may be differences of opinion in evaluating data and information; nevertheless, it is my earnest hope that the Council will concentrate on the recommendations for future action.

## SECTION I

### CHAPTER I

#### NOTES ON THE CONCEPT OF FREEDOM OF INFORMATION

The term "freedom of information" is a relatively new one. The concept, however, is old, being little more than the aggregate of the more familiar antecedent principles of freedom of thought, freedom of expression and freedom of the Press. Where freedom of information involves freedom of thought, it has deep roots in man's inborn thirst for knowledge, in his first struggles against ignorance and superstition, and in his earliest strivings after truth; where, on the other hand, it involves freedom of expression, its mainspring lies in the emergent political consciousness of man, his growing realization that this freedom is an indispensable weapon in the struggle against arbitrary and oppressive authority. Freedom of information is freedom of the Press by extension; it takes into account the other powerful media of mass communications which modern technology has placed in the service of ideas, as well as the rights and interests of the consumer of news.

Reverence for truth is age-old. An ancient Hebrew prophet proclaimed that "truth abideth and is strong for ever: she liveth and conquereth for everyone." In the Upanishads of India the supremacy of truth is declared: "Truth wins ever, not falsehood. With truth is paved the road to the divine."

In Athens, freedom of speech was recognized as a right of citizens. However, the trial and death of Socrates shows that this right did not necessarily include the absolute freedom to question all popular beliefs. Socrates preferred death to surrender of his convictions: "If you propose to acquit me", he said, "on condition that I abandon my search for truth, I will say: I thank you, O Athenians, but I will obey God, who, as I believe, set me this task, rather than you, and so long as I have breath and strength I will never cease from my occupation with philosophy". Of free discussion he spoke in words which are still timely: "In me you have a stimulating critic, persistently urging you with persuasion and reproaches, persistently testing your opinions and trying to show you that you are really ignorant of what you suppose you know. Daily discussion of the matters about which you hear me conversing is the highest good for man. Life that is not tested by such discussion is not worth living".

Similarly, in the later Roman Republic and the early Empire, no restrictions were imposed on opinion. There was general tolerance throughout the Empire of all religions and all opinions. The principle was expressed in the maxim of Emperor Tiberius: "If the gods are insulted, let them see to it themselves". An exception to the rule of tolerance was made in the case of the Christian sect which the state sought to extirpate by means of periodic bloody persecutions.

In the Middle Ages, the Church kept a firm hand on the expression of opinion, spoken or written, and when printing was discovered it co-operated with the secular authority in maintaining an even more stringent control of the printed word. Although freedom of belief and freedom of expression were reasserted by the religious leaders of the Reformation and the secular leaders of the Renaissance, censorship as an institution was firmly established under a bull issued by Pope Alexander VI in 1501 against unlicensed printing. In 1535 Francis I issued an edict prescribing the death penalty for the unauthorized printing of books, and soon afterwards the Sorbonne became the licensing authority and remained so until the French Revolution.

In England under Henry VIII the power of censorship passed from the ecclesiastical authorities to the Crown, which began to grant by letters patent the privilege of printing or selling books as a monopoly. Under subsequent rulers, limitations were placed on the number of printers and presses. Under an ordinance adopted by the Long Parliament, the licensing authority devolved primarily on the Archbishop of Canterbury and the chancellors or vice-chancellors of the universities.

It was this ordinance which called forth, in 1644, what is now recognised as the most famous defence of freedom of publication, John Milton's "Areopagitica, a Speech for the Liberty of Unlicensed Printing". Though it apparently received little notice when it was written, it has become, together with John Stuart Mill's essay "On Liberty", the classic argument in the English language for free speech:

"And though all the winds of doctrine were let loose to play upon the earth, so truth be in the field,

we do injuriously by licensing and prohibiting to misdoubt her strength. Let her and falsehood grapple; who ever knew truth put to the worse, in a free and open encounter . . . For who knows not that truth is strong next to the Almighty; she needs no policies, nor stratagems, nor licensings to make her victorious, those are the shifts and defenses that error uses against her power."

In his essay "On Liberty" published two centuries later (1859), John Stuart Mill went beyond a merely utilitarian defence of liberty. When he said that all mankind has no right to silence one dissenter, he was proclaiming freedom of thought and expression as an ultimate value and as a moral attribute inseparable from the dignity of man.

In England, following the lapse of the Licensing Act in 1695, various court decisions clearly established the principle of the liberty of the Press. A succinct statement of this principle was made by Lord Mansfield in 1784:

"The liberty of the Press consists in printing without any previous license, subject to the consequences of the law."

The First Amendment of the United States Constitution adopted in 1791, provides:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the Press; or the right of the people to assemble, and to petition the Government for a redress of grievances."

In varying phraseology, the constitutions of the different states declare that every citizen may freely speak, write and publish his sentiments, on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain, or abridge, the liberty of speech, or of the Press.

While the First Amendment merely imposes a limitation upon action by Congress, the constitutions of virtually all the states contain, in addition, the concept of individual responsibility for abuse. Thus, the First Amendment as such did nothing to protect freedom of speech and of the Press against state action, and even when, after the Civil War, the Fourteenth Amendment appeared to extend the protection of the First Amendment to all "privileges or immunities of citizens of the United States" against abridgment through the states, the Supreme Court blocked, for a long time, the achievement of this broad purpose. It was not until 1925 that the Supreme Court, reversing earlier doctrines, began to make parts of the federal Bill of Rights applicable to the states.

In France, ecclesiastical control and licensing of publication remained effective until the French Revolution. During the first half of the eighteenth century, however, oppressive censorship both of religious and political opinion had already made freedom of publication a vital issue, and in this cause no one laboured so tirelessly as Voltaire. Of all the arguments for freedom of expression, none is more eloquent than the simple declaration attributed to him: "I wholly disapprove of what you say but will defend to the death your right to say it".

The principle of freedom of information in France is still that which was stated in article 11 of the Declaration of the Rights of Man and of the Citizen of 1789:

"The unrestrained communication of thoughts or opinions being one of the most precious rights of man, every citizen may speak, write and publish freely, provided he be responsible for the abuse of this liberty in the cases determined by law."

Like other provisions of the Declaration, this was "reaffirmed" by the preamble of the Constitution of 27 October 1946. The Press Law of 29 July 1881, which embodies this principle, prohibits administrative intervention preceding publication, and precisely defines those cases where penalties may subsequently be imposed in accordance with law.

A similar provision is to be found in the constitutions of many modern States.

Soviet theorists consider freedom of speech and of the Press to be "among the most important political freedoms". However, their approach to securing freedom of information is conditioned by the basic Marxist opposition to private ownership of the means of production, distribution and exchange. Thus, according to Lenin, "the freedom of the Press is a delusion so long as capitalists commandeer the better printing establishments and the largest stores of paper, and capital retains its power over the Press". The technical and material facilities for publication are regarded as elements of socialist property which must be handed over to the working class and poorer peasantry for the purpose "of assuring in behalf of the toilers actual freedom to express their opinions".

In accordance with this doctrine, article 125 of the 1936 Constitution of the Union of Soviet Socialist Republics provides:

"In conformity with the interests of the working people, and in order to strengthen the socialist system, the citizens of the USSR are guaranteed by law:

- "(a) Freedom of speech;
- "(b) Freedom of the Press;
- "(c) Freedom of assembly, including the holding of mass meetings;
- "(d) Freedom of street processions and demonstrations.

"These civil rights are ensured by placing at the disposal of the working people and their organizations printing presses, stocks of paper, public buildings, the streets, communications facilities and other material requisites for the exercise of these rights."

Interpreting this principle, Mr. Andrei Vyshinsky has stated that "freedom of speech, of the Press . . . are the property of all the citizens in the USSR, fully guaranteed by the State upon the sole condition that they be utilized in accord with the interests of the toilers and to the end of strengthening the socialist social order". Freedom of speech and of the Press are denied to the foes of socialism, and "every sort of attempt on their part to utilize to the detriment of the State—that is to say, to the detriment of all the toilers—these freedoms granted to the toilers must be classified as a counter-revolutionary crime to which article 58,

paragraph 10, or one of the corresponding articles of the Criminal Code is applicable . . ."

It may be argued, however, that the Soviet theory and practice is not necessarily inherent in socialist philosophy, since there are socialist governments which do not draw from the Marxist doctrine the same conclusion that the Press and other media of information are elements of socialist property. Moreover, though the same words are used, it is obvious that the Soviet interpretation of freedom of information has little in common with that which has evolved under the liberal individualist philosophy of the West.

Although the Soviet theory and practice in this field does represent a significant exception, freedom of information in the traditional Western concept has received widespread recognition as a fundamental human right. Both in theory and in law the essence of the principle is the recognition of complete freedom of expression, by writing or by other means, without prior restraint, but subject to the consequences of the law. The limitations relate to a number of strictly defined matters, principally libel, slander, obscenity, sedition and national security.

By analogy with the older concepts of freedom of thought and freedom of expression, freedom of information should be regarded as a fundamental right which must be defended at all times against infringement or denial by governmental authority. But, in accordance with the principle that every human right is necessarily limited by respect for the equal rights of others, freedom of information has unavoidable social implications. A man's right to impart information has no meaning of itself except in relation to the right of others to receive information.

To the extent that every new invention in mass communications has augmented the reach and impact of ideas, it has served to enhance also the social or collective aspect of freedom of information. Indeed, since ideas can now girdle the earth instantaneously through the ether, freedom of information has given rise to problems of a definitely international character. Conse-

quently, the protection of the right to impart and to receive information has become a legitimate concern of governments acting individually in the interest of their respective peoples or jointly in the interest of all.

Moreover, the Press, film, radio and television have become highly organized institutions requiring considerable financial and technical resources for their operation. The right of a man to harangue a small group of persons at a street corner is one thing, but the right of a man or group to establish a newspaper, a radio or television station is another matter altogether. Gigantic systems of information present organized society with problems of a different order, quantitatively as well as qualitatively speaking. There is need for effective guarantees to ensure their successful operation, as well as for measures to minimize the possibilities of abuse and to prevent tendencies which would sacrifice the general welfare in the interests of private economic power.

The degree of freedom of information varies from country to country and technological advances are rapidly changing the nature of the problem everywhere. The important thing is to determine, in the light of existing conditions, how the principle—the right to impart information as well as the right to receive information—can be most effectively guaranteed.

It is the purpose of this report to examine major contemporary problems and developments in the field of freedom of information and to throw some light on the basic conditions—legal, economic, technical, material and educational—which are essential to the enjoyment of this fundamental freedom. Underlying the report as a whole is the conviction that the conditions necessary for its exercise must be sought within the framework of the historic concept embodied in article 19 of the Universal Declaration of Human Rights:

"Everyone has the right to freedom of opinion and expression: this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers".

## CHAPTER II

### FREEDOM OF INFORMATION PRIOR TO THE UNITED NATIONS

#### A. Early work of non-governmental organizations

Active consideration of freedom of information problems on the international level is of comparatively recent date, and began with professional organizations. Delving into this relatively short history is a salutary experience; it shows that in 1953 we are not treading completely new ground.

One of the earliest attempts goes back to July 1894, when what is said to be the first international congress of the newspaper Press was held in Antwerp. This Congress set up the Institution de l'Union Internationale des Associations de Presse, whose aim was "the organization of agreements and common action between associations of journalists and associations of newspapers of all countries on professional questions of common interest, outside of all questions of religion, politics, race and nationality". The first congress dis-

cussed the duty of newspapers to prevent antagonism between peoples and the role of "peaceful international reporting" as a means of preventing "an excess of polemic, false news and exaggeration". A suggestion was made at a later congress that the League of Nations negotiate a convention establishing a uniform international right of reply as a corrective to false news.

The Fédération Internationale des Journalistes, the first international organization of working newspapermen, was formed in 1927 in Paris, and met regularly in European capitals until the outbreak of the Second World War. Although this Federation was primarily concerned with working conditions for journalists, it also took various steps towards self-discipline within the profession, including the setting up of an International Court of Honour at The Hague in 1931. In 1933 the Fédération Internationale des Directeurs et

Editeurs de Journaux was formed. This organization held several congresses at which the principle of immediate correction of false news was affirmed, and short conventions on this subject opened for signature by constituent organizations. The two above-named organizations worked closely together.

During the Second World War the work of the Fédération Internationale des Journalistes was carried on in London by the International Federation of Journalists of Allied or Free Countries. This was later replaced by the International Organization of Journalists.

The International Federation of Editors-in-Chief, founded shortly before the Second World War, was a non-political organization aimed at "upholding the interests of its members, both material and spiritual, in the national and international fields". Its membership included accredited foreign correspondents and Press attachés. It suspended activities during the war; however, in 1947, on the initiative of its French members, it set about rebuilding its organization.

The Press Congress of the World, representing mainly the interests of management, was organized in San Francisco in 1915. Its purpose was "to advance by conference, discussion and united effort the cause of journalism in every honourable way". This organization held several conferences and adopted resolutions urging, among other things, that telegraphic facilities for the Press be made cheaper, improved and extended; and that all governments give the Press freer access to sources of information. The Congress does not appear to have functioned actively after 1931.

The Empire Press Union (which became later the Commonwealth Press Union), though dealing primarily with the affairs of the Press in the British Commonwealth, had occasion to consider freedom of information from a broader point of view. Similarly, in Latin America the series of Press congresses leading to the formation of the Inter-American Press Association had a significance beyond the region directly concerned.

Then as now, international non-governmental organizations and conferences such as those mentioned above had their obvious limitations. They were probably most effective in promoting the interests of the Press, in improving professional standards and developing a public awareness of the vital importance of safeguarding the freedom of the Press. But in respect of problems whose solution depended on governmental action, the efforts of such organizations and conferences produced only indifferent results despite the earnest appeals they addressed to governments. If anything, the futility of their efforts to solve these problems only served to emphasize the need for governmental or inter-governmental action of some kind. This is shown, for instance, by the fact that the Empire (Commonwealth) Press Union achieved one of its outstanding gains in the matter of a cheaper Press rate only with the co-operation of the governments concerned.

## **B. Efforts of the League of Nations**

On the inter-governmental and diplomatic level, efforts were made at the time of the Paris Peace Conference (1919-1920) to regain some of the ground which had been lost during the First World War.

President Wilson's chief communications adviser submitted to him a memorandum suggesting that "barriers to the flow of news from nation to nation, due to lack of communication facilities, to prohibitive charges, to preferential or discriminating services or rates, to private or national efforts to 'guide' the character of news, should be removed in the general public interest", and proposing that concrete measures to ensure freedom of communications be included in the programme of the League of Nations.

The then Executive Director of the Associated Press of America suggested in 1919 that freedom of the Press should be guaranteed in the Peace Treaties. He proposed:

"1. A guarantee of Press freedom throughout the world.

"2. A guarantee that at least one news agency in each country be owned and controlled internally by the newspapers it serves.

"3. A guarantee that each agency may make such international news exchange arrangements as it chooses.

"4. A guarantee of equality to all in the matter of availability of all official news and transmission facilities.

"5. Prohibition of the intentional covert inclusion in any news service of biased international propaganda."

These proposals have a contemporary flavour. Although no action was taken on them, they show an early realisation of the need for inter-governmental action to solve problems which continue to bedevil the world today.

The League of Nations initiated a series of conferences, starting with a Conference of Press Experts at Geneva in 1927, and followed by two conferences of Governmental Press Bureaux and Representatives of the Press in Copenhagen in 1932 and in Madrid in 1933.

The Conference of Press Experts was sponsored by the Council of the League and was attended by sixty-three representatives of telegraphic agencies, newspapers, international organizations of journalists and official Press bureaux from thirty-eight countries. The purposes of the conference were:

"1. To inquire into the means of ensuring the more rapid and less costly transmission of Press news, with a view to reducing the risks of international misunderstanding; and

"2. To discuss all practical problems the solution of which in the opinion of experts would be conducive to the tranquillisation of public opinion in various countries."

Resolutions were passed on all these subjects, and legislation concerning the protection of Press information was formulated. These resolutions were referred to the Council and the Assembly. Certain resolutions dealing with technical matters were in turn referred to the League Committee on Communications and Transit, and other resolutions, such as those concerning censorship in peacetime and the protection of news sources, to governments.



In 1932, the Assembly passed a resolution calling for a study, with the help of the Press, "of the difficult problem of the spread of false information which may threaten to disturb the peace or the good understanding between nations".

Views and suggestions were received from national and international Press organizations in sixteen countries, including the International Association of Journalists Accredited to the League, which submitted a long reply suggesting preventive and remedial measures to solve the problem of false news. The essential factor in preventing the spread of false news, the Association suggested, is freedom—financial freedom and independence on the part of the Press, and free access to news in the making.

The Fédération Internationale des Journalistes submitted a seven-point programme which emphasized that "the responsibility of journalists cannot be regarded as complete as long as the freedom of the Press is, in actual fact, limited by considerations of every kind, particularly those of an economic nature to which the papers to which they contribute are subject", and that "journalists reject unanimously any idea of a super-censorship, whatever arguments there may be for an international censorship of news".

The Federation also referred to the value of the International Court of Honour which had just been set up by that organization in 1931 in an endeavour to "contribute to the establishment and maintenance of good will between peoples" and "to raise the dignity of the profession by insisting on certain duties". (The Court held an inaugural meeting at The Hague on 12

October 1931, but was never called into session to deal with a complaint.)

At the two Conferences of Government Press Bureaux and Representatives of the Press held in Copenhagen (1932) and in Madrid (1933), the problem of false news and ways and means of combating its spread was again one of the main topics of discussion. At Copenhagen the resolutions adopted emphasized two main themes—freedom of the Press, and the need for the prompt circulation of adequate and accurate information. Other resolutions recommended the creation of a committee of experts to consider technical and financial methods of combating the spread of false news, the feasibility of bilateral and multilateral agreements regarding false news, and the influence of newspaper reports on previous international crises. Nothing concrete resulted from these resolutions.

The League, recognizing the value of films as well as the potential importance of radio broadcasting, sponsored the Convention to Facilitate the International Circulation of Films of an Educational Character (1933) and the International Convention concerning the Use of Broadcasting in the Cause of Peace (Geneva, 1936). The latter Convention, which entered into force in 1938, expressed the desire of the Contracting Parties to prevent broadcasting from being used in a manner prejudicial to peace and understanding between nations. Further reference is made to this Convention below in chapter V in the section dealing with false and distorted information.

This appears to mark the limit of the League's efforts to promote freedom of information.

### CHAPTER III

## WORK OF THE UNITED NATIONS AND SPECIALIZED AGENCIES

### A. Efforts of the United Nations

It is doleful to remark that history repeats itself, but doubly so to realize that men do not seem to learn much after each repetition. At the end of the Second World War, the peoples and governments of the victorious Powers were gravely concerned—just as they had been at the end of the First World War—over the need to safeguard and promote freedom of information. They knew that nazism and fascism had been able to mislead and dominate millions of people as much by the power of the word as by the power of the sword. They had observed that wherever dictators seized authority in any country, they proceeded immediately to place the organs of public opinion completely under their control. Freedom of the Press and of information was usually the first victim in their mad quest for power.

This anxiety was clearly evident during the drafting of the United Nations Charter in San Francisco. Some delegations expressed the view that the Charter should include an elaborate declaration on human rights. However, it was finally decided to include a general obligation for Member States "to take joint and separate action in co-operation with the Organization" to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without

distinction as to race, sex, language, or religion." The repeated emphatic affirmations of the importance of human rights and fundamental freedoms in paragraph 2 of the Preamble, Article 1 (3), Article 13 b, Article 55 c, Article 62 (2) and Article 76 c of the Charter ensured prompt United Nations action in this field. Accordingly, the Economic and Social Council established forthwith a Commission on Human Rights. Keenly aware of two particular evils which nazism and fascism had inflicted on mankind—totalitarian propaganda and racism—the Commission in turn created a Sub-Commission on Freedom of Information and of the Press and a Sub-Commission on the Prevention of Discrimination and Protection of Minorities.

The world had reverted to the old Biblical injunction that truth alone shall make men free—free of the scourge of ignorance, superstition, hate and war. The Constitution of UNESCO marks the rediscovery of the ancient truth in words of bell-like clarity: "Since war began in the minds of men, it is in the minds of men that the defences of peace must be constructed".

To have a clear picture of the main directions which the work of the United Nations and the specialized agencies in freedom of information has followed during the past seven years, it is necessary to present some background history. The present section will

deal with the efforts of the General Assembly, the Economic and Social Council, the Commission on Human Rights, the Sub-Commission on Freedom of Information and of the Press and the United Nations Conference on Freedom of Information. The next section will deal with some aspects of the work of UNESCO, the International Labour Organization, the Food and Agriculture Organization, the International Telecommunication Union and the Universal Postal Union.

In 1946, during the first half of its first session held in London, the General Assembly of the United Nations received a Philippine proposal to hold a world-wide conference on freedom of information. Action on this was postponed to the second part of the same session held in New York, to which a revised Philippine proposal was submitted. The General Assembly approved it and called on the Economic and Social Council to convoke a conference for the purpose of formulating its views concerning "the rights, obligations and practices which should be included in the concept of freedom of information".

Meanwhile, the Nuclear Commission on Human Rights had recommended, in May 1946, that a Sub-Commission on Freedom of Information and of the Press be set up. At its second session (June 1946) the Economic and Social Council empowered the Commission on Human Rights to establish the Sub-Commission stating that its functions would be, 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. The necessary action was taken by the Commission on Human Rights at its first session (January-February 1947).

At its fourth session (March 1947) the Council elected as members of the Sub-Commission twelve experts who, with the consent of their governments, were to serve in their personal capacity. At this same session the Council entrusted the Sub-Commission with the task of preparing the conference on freedom of information called for by the General Assembly. The Sub-Commission devoted its entire first session (May-June 1947) to preparing an agenda for the conference and to making various other arrangements concerning it. At its second session (January-February 1948) the Sub-Commission sought to define the rights, obligations and practices involved in the concept of freedom of information and considered draft articles on freedom of information for inclusion in the draft Declaration on Human Rights and in the draft Covenant on Human Rights.

Meanwhile, at the second regular session (September-November 1947) of the General Assembly there had been discussion, both in the First and in the Third Committees, on important aspects of freedom of information. As a result of these discussions the General Assembly unanimously adopted resolutions on measures to be taken against propaganda and the inciters of a new war and on the subject of false or distorted reports likely to injure friendly relations between States.

The United Nations Conference on Freedom of Information met in Geneva in March-April 1948. Attended by more than 300 delegates and observers from fifty-seven countries, including Member and non-

member States, as well as by representatives of inter-governmental and international non-governmental organizations, the Conference represented a high point in the United Nations discussions of freedom of information. While many differences were apparent, the debates and the conclusions reached at the Conference encouraged the belief that there was at least an area of agreement which was capable of being enlarged. For example, after considering the resolutions of the General Assembly on war propaganda and false and distorted reports which had been referred to it, the Conference unanimously adopted resolutions strongly endorsing the position taken by the General Assembly. The main achievement of the Conference was the preparation of three draft conventions, one on the gathering and international transmission of news, a second on the institution of an international right of correction, and a third on the general principles of freedom of information. The Conference also adopted forty-three resolutions on many practical aspects of freedom of information. In addition, it did further work on the articles on freedom of information for inclusion in the draft Declaration on Human Rights and the draft Covenant on Human Rights.

The Final Act of the Conference was referred to the Economic and Social Council which at its seventh session (July-August 1948) redrafted the Convention on the Gathering and Transmission of News and forwarded the new text, along with the two other draft conventions as recommended by the Conference, to the General Assembly. The Council did not find it necessary to take action on many resolutions adopted by the Conference since these, by their nature, were complete in themselves, being for the most part exhortations to good behaviour on the part of the Press or expressions of pious hope. The Council later transmitted other resolutions to appropriate organs and specialized agencies of the United Nations for study and action as recommended by the Conference.

Among other things, the Conference had recommended that continuing international machinery be set up to carry on the work undertaken by it and in particular to study the problems involved in the application and implementation of the resolutions and draft conventions it had recommended. The Conference suggested that the Sub-Commission on Freedom of Information constitute that machinery, that its life be extended and that it be given expanded and more detailed terms of reference. The Council accepted these recommendations and at its eighth session (February-March 1949) took appropriate action. In April 1949, the Commission on Human Rights held a special session and elected members of the new Sub-Commission on Freedom of Information and of the Press.

The Sub-Commission spent the greater part of its third session (May-June 1949) in drawing up a work programme for its three-year term of life and in setting up priorities within that programme. It also considered, in a preliminary way, the first item of its programme, namely the adequacy of news available to the peoples of the world and the obstacles to the free flow of information to them. At its fourth session, held in Montevideo in May 1950, the Sub-Commission spent most of its time in formulating a draft international code of ethics for information personnel, although it also adopted a number of resolutions on such subjects as

the jamming of radio broadcasts, the free transmission of newsreels, the newsprint problem and discriminatory treatment of foreign information personnel. On the Sub-Commission's recommendation the Council, at its eleventh session (July-August 1950), asked the Secretary-General to forward the draft Code to information enterprises and national and international professional associations for their comments. At its fifth and last session (March 1952) the Sub-Commission redrafted the Code of Ethics in the light of comments received and made proposals regarding future work on it. It also submitted its views to the Council on the future work of the United Nations in freedom of information. The Sub-Commission suggested that a committee of experts serving in their individual capacity be set up to carry out this work including, when requested by the Council, an active inquiry and investigation into the degree of freedom of information in the world.

At its fourteenth session (May-August 1952), the Council received the draft International Code of Ethics and asked the Secretary-General to transmit it to information enterprises and professional organizations for such action as they might deem appropriate, adding a carefully worded indication that the United Nations might be prepared to co-operate in arrangements for an international professional conference to complete work on the Code. At the Sub-Commission's suggestion, the Council asked the Secretary-General and UNESCO to collaborate in preparing a report on ways and means of encouraging and developing independent domestic information enterprises. The Sub-Commission's proposal regarding an expert committee was not, however, accepted by the Council, which decided instead to appoint a Rapporteur on freedom of information for an experimental period of one year.

This brings up-to-date one of the main threads in the story of the United Nations efforts to promote freedom of information. It is now necessary to go back and trace the other main thread—the development of international conventions in this field.

It will be recalled that the Council transmitted the three conventions recommended by the United Nations Conference on Freedom of Information to the General Assembly. During the second part of its third session (April-May 1949) the General Assembly redrafted the first and second conventions and amalgamated them into a single Convention on the International Transmission of News and the Right of Correction. This amalgamated convention was approved but not opened for signature pending completion of work on the Convention on Freedom of Information. The General Assembly proceeded to redraft the third convention, but, after revising the first few articles, encountered serious difficulties and decided to postpone further work pending receipt of the Draft Covenant on Human Rights or a progress report on it. A proposal to open the amalgamated convention for signature separately was defeated in a close vote.

At its sixth session (March-May 1950) the Commission on Human Rights, having drafted an article on freedom of information for inclusion in the Draft Covenant on Human Rights, decided in addition to recommend to the Economic and Social Council that it request the General Assembly to elaborate a special convention on freedom of information.

At the eleventh session (July-August 1950) of the Council the Council's Social Committee approved the action suggested by the Commission on Human Rights. In plenary meeting however the Social Committee's recommendation was reversed and the draft convention received what appeared at the time to be a decisive setback.

The General Assembly, at its fifth regular session (September-December 1950), noting the events which had taken place since its previous session, decided to set up an *ad hoc* committee with instructions to prepare a draft convention on freedom of information, taking into account the work already done, and to report to the Economic and Social Council on the advisability of convening a plenipotentiary conference for the purpose of framing and opening for signature the final text of such a convention. The *Ad Hoc* Committee met early in 1951 and drafted a preamble and nineteen articles of a convention. The Committee recommended to the Council that if, as it hoped, the comments of governments allowed, a plenipotentiary conference should be convened.

At its thirteenth session (July-September 1951) the Council received the Committee's report together with the comments of nineteen governments on it. The Council did not examine the draft convention on freedom of information article by article but discussed at length the question of convening a conference of plenipotentiaries to revise the draft convention and open it for signature. It finally transmitted to the General Assembly its decision not to convene a conference. Once again the draft convention appeared to have suffered a serious setback.

At its sixth regular session (November 1951-February 1952) the General Assembly did not have time to discuss the draft convention and postponed further action to its seventh regular session. At the seventh regular session (October 1952-April 1953) the General Assembly's Third Committee discussed problems of freedom of information, in particular the draft convention, at considerable length. A motion to proceed to a detailed discussion of the draft convention was defeated by a tie vote of 23 to 23, with 8 delegations abstaining. The circumstances in which the vote was taken, including the desire of many delegations to defer further action on the draft convention pending the submission of the present report, would seem to indicate that there is a substantial body of opinion in the Assembly in favour of resuming consideration of the draft Convention on Freedom of Information.

During its seventh session, the General Assembly also decided by a vote of 25 in favour to 22 against, with 10 abstentions, to separate the articles relating to the right of correction from the amalgamated Convention on the International Transmission of News and the Right of Correction previously approved by the General Assembly, and to open for signature a Convention on the International Right of Correction. Since only six ratifications or accessions are needed, the convention will probably come into force before long. Although it relates to a limited aspect of freedom of information and is regarded as unacceptable by certain countries, it has at least the merit of breaking the several years of stalemate on the Geneva Conventions and may help keep the door open to the adoption of the other more important conventions.



The discussions on other aspects of freedom of information during the General Assembly's seventh session were significant in that they showed a general desire on the part of the Assembly to proceed further and faster in this field than the Economic and Social Council has seemed inclined to do. This was especially apparent in the debates on the draft International Code of Ethics and on the encouragement and development of independent domestic information enterprises. While respecting the special competence of the Economic and Social Council in these and other matters relating to freedom of information, the General Assembly is not likely to forego the initiative which it took in 1946 under its general power of discussion and recommendation as provided in the Charter. As the most representative organ of the United Nations, it is surely a good thing that it should not relinquish the interest which it has shown from the very beginning.

## B. Efforts of the specialized agencies

Of the specialized agencies UNESCO is the one which has worked most extensively in the general field of freedom of information. While the United Nations, as the preceding section shows, has been for the most part concerned with the human rights and political aspects of the subject, UNESCO (to quote from a report submitted jointly to the twelfth session of the Council by the Secretary-General and the Director-General of UNESCO) "is concerned with the quality and quantity of news reaching the public by means of Press, radio and film and with the reduction of obstacles to the international circulation of educational, scientific and cultural materials of all kinds". The techniques employed in these activities include the sponsorship of international agreements and recommendations, joint action with other agencies of the United Nations, the assessment and development of technical facilities in the various media, and the preparation of publications on matters relating to freedom of information.

In the sphere of international agreements on the free flow of information UNESCO has sponsored three conventions: the Agreement on the Importation of Educational, Scientific and Cultural Materials, the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character and the Universal Copyright Convention.

UNESCO has co-operated fruitfully with the International Telecommunication Union in enhancing the use of telecommunications for the free flow of information; with the Universal Postal Union in regard to the wider use of postal channels for the international circulation of printed matter; with the Food and Agriculture Organization with regard to newsprint; and with the Regional Economic Commissions in helping countries meet their needs for educational and scientific materials.

Some of UNESCO's most valuable work was done in connexion with the surveys made of facilities in all media existing in every country and territory of the world for conveying information and ideas. These surveys, and the reports resulting from them, were made under the auspices of UNESCO's Commission on Technical Needs. Linked with investigations into

needs have been positive measures through expert aid missions.

The above refers only to the general aspects of the work of UNESCO. In a later chapter the activities of UNESCO in certain specified fields will be dealt with in greater detail under separate headings.

The collaboration between the United Nations and UNESCO in this work has always been close, from the time of UNESCO's participation in the Geneva Conference on Freedom of Information to the preparation of the two reports—the present report and the study on domestic information enterprises—which are being submitted to the sixteenth session of the Economic and Social Council. Concern has sometimes been expressed in the Council over the possibility of over-lapping in the functions of the two organizations in freedom of information. However, the present working arrangements have proved to be wholly satisfactory and are in accord with the Council's expressed wish that there be no overlapping of functions or duplication of activities.

Annexed to the Constitution of the International Labour Organisation is a Declaration concerning the aims and purposes of the organization in which the principle is affirmed that "freedom of expression and of association are essential to sustain progress". This provides the key to the continuing interest of ILO in freedom of information although the principal question bearing on freedom of information which lies within the competence of the Organization concerns the remuneration and working conditions of journalists. ILO's concern in this subject goes back to 1925 when, at the request of the International Association of Journalists Accredited to the League of Nations, the Organization undertook an exhaustive enquiry into various aspects of the life of the journalist. Perhaps the most important conclusion reached by a majority of both employers and employees was that collective agreements are of great utility and are indeed necessary to ensure the satisfactory performance and development of the Press. The Second World War interrupted ILO's periodic studies on the working conditions of journalists, but the effort is currently being revived through the Advisory Committee on Salaried Employees and Professional Workers. Further reference is made to this below in a section in chapter V dealing with the independence of news personnel.

The work of the Food and Agriculture Organization touches freedom of information at a vital and sensitive point—the production and supply of newsprint. This problem will be dealt with separately and in some detail; it is sufficient to mention here that under resolutions of the Council and of the General Assembly, FAO has assumed the major responsibility for the planning of measures to increase pulp and paper production.

The importance, from the point of view of freedom of information, of the work of the International Telecommunication Union may be gauged from the following statement taken from the International Telecommunication Convention (Atlantic City, 1947), which sets forth the purposes of the Union as follows:

"(a) To maintain and extend international co-operation for the improvement and national use of telecommunication of all kinds;

“(b) To promote the development of technical facilities and their most efficient operation with a view to improving the efficiency of telecommunication services, increasing their usefulness, and making them, as far as possible, generally available to the public;

“(e) To harmonize the actions of nations in the attainment of those common ends.”

The work of the ITU in such matters as the regulation and control of radio frequencies is directly relevant to freedom of information and reference to this will be made when examining the problem of Press rates and priorities and of international broadcasting. It is necessary however to mention the difference of opinion which has arisen over articles 29 and 30 of the International Telecommunication Convention relating to the right of governments to stop the transmission of private telegrams, to cut off private telephone or telegraph communications and to suspend the international telecommunication service in certain eventualities. It has been said that article 29 and the articles in the freedom of information conventions which aim to ameliorate censorship procedures and to secure the freest possible international transmission of news are not in accord. Both the ITU and the United Nations organs concerned with the drafting of the freedom of information conventions have maintained their points of view on the respective articles. Broadly speaking, the position of the ITU is that the ITU agreements relate to the provision of efficient and adequate facilities for telecommunication, as distinct from the content of the messages carried. It had been hoped that article 29 of the International Telecommunication Convention might be modified at the ITU Plenipotentiary Conference held in Buenos Aires last year, and an attempt was actually made to do so. The attempt was unsuccessful, although the Conference took note of the Universal Declaration of Human Rights, the relevant articles of the International Telecommunication Convention and the “noble principle” that news should be freely transmitted, and recommended that members and associate members facilitate the unrestricted transmission of news by telecommunication services. In view of the possibility that work on the draft Convention on Freedom of Information may be resumed and the further possibility that the Convention on the International Transmission of News will eventually be opened for signature, and also taking into account the fact that the provisions relating to stoppage in the International Telecommunication Convention have recently been invoked by countries wishing to prevent the dispatch of certain news, the situation obviously needs to be watched.

The work of the Universal Postal Union is referred to in some detail in a section in chapter V of this report dealing with “Postal Services”. By and large UPU’s activities have effectively facilitated the flow of information and ideas between peoples, but certain ways in which the UPU might be able to help still further will be discussed.

### **C. Efforts of major professional organizations**

This brief survey would not be complete without a reference to the work currently being done by a number of international and regional professional

organizations, some of them having consultative status with the Economic and Social Council. Although, as already stated, there are limitations to the efficacy of professional action in solving problems which, by their very nature, require intervention by governments, there are nevertheless others which can best be solved by action within the profession. One such problem is that which concerns professional standards and ethics, a matter which the Sub-Commission on Freedom of Information and of the Press, the Economic and Social Council and the General Assembly have agreed would be better left to the profession.

An indication of the effect of the “cold war” on associations of working newspapermen is provided by the history of the International Organization of Journalists. Following the transfer of the seat of the IOJ to Prague, and the change of régime in Czechoslovakia early in 1948, a number of national organizations withdrew, and the character of the IOJ changed considerably. Today it includes only newspapermen from Communist countries. It has lost its consultative status both with the Council and with UNESCO.

The working newspapermen from the non-communist countries have now formed the International Federation of Journalists, to which the Council recently gave consultative status in category B. Though the reasons for this split are well known, it is nevertheless a matter of regret that the journalists of the world are unable now to meet around a table to discuss problems of common interest. However, as the Council has given consultative status to the new Federation it is to be hoped that the Federation will take full advantage of the opportunity which it now has to contribute to the United Nations work in freedom of information.

National organizations of newspaper publishers of fifteen countries are represented in the Fédération Internationale des Editeurs de Journaux which held its sixth annual congress in Paris in May 1953. The FIEJ, which also has consultative status with the Council, has already shown its willingness to assist to the full extent of its ability and resources in the study of international problems, and has kept a careful watch over such matters as newsprint supply, telecommunications and the draft International Code of Ethics.

Also representing proprietorial-editorial interests is the International Press Institute which, thanks partly to generous financial aid from two Foundations in the United States and a widely distributed membership, has an unparalleled opportunity of contributing to research on international Press problems. As an example of the contribution which an organization like the IPI can make to the study of such problems, the text of a memorandum by the Secretariat of the Institute is appended to this report.

Organizations which are international in scope, although their membership is necessarily on a regional or special basis, include the Commonwealth Press Union, whose successful effort to obtain reduced Press telegram rates has already been mentioned, and the Inter-American Press Association which keeps a watchful eye on Press freedom in the Americas and whose standing Freedom of the Press Committee has not hesitated to intervene directly in cases of repression or suppression of newspapers.

These are some of the most active organizations working in the international field. Much can be done to stimulate other organizations and to interest them in the work of the United Nations in freedom of

information. It would also be useful if the various international organizations, representing both employer and employee interests in all media, could be encouraged to co-ordinate their studies of mutual problems.

#### CHAPTER IV

### REASONS FOR SUCCESS AND FAILURE

The foregoing review of the efforts of the various organs and specialized agencies of the United Nations to promote freedom of information is intended to place in proper perspective the successes and failures of the United Nations in this field.

Undoubtedly one of the principal causes of the decline from the high point reached in Geneva in 1948 at the United Nations Conference on Freedom of Information has been the sharpening and exacerbation of the cold war. The high hopes generated during the Second World War by successful collaboration against a common enemy declined; areas of agreement diminished; and the effects were widespread.

Though the cold war has most violently manifested itself in the consideration of political and security problems, no aspect of United Nations activity has in fact been spared from its paralysing influence. Thus, the conflict has been waged not only in the Security Council and in the "political" committees of the General Assembly but in the Third Committee and in other organs dealing ostensibly with social matters. This is understandable; in a certain sense, moreover, no aspect of the work of the United Nations in the social field is more sensitive to the cold war than freedom of information. While the spoken and the printed word is the basic tool of information, it is also one of the most effective weapons of the cold war.

But one can accept the reality of the cold war without at the same time accepting the notion that the United Nations should therefore suspend its efforts to promote freedom of information. These efforts must continue for two reasons: first, because it is possible even now to secure closer co-operation in this field among countries that are generally of like mind, interest or background, and secondly, because the continued study of problems and preparation of plans for their solution would become useful if the cold war should run its course and we should find one day a climate more hospitable to international understanding and co-operation.

Directly related to the cold war is the long-standing difference of opinion between East and West on methods to combat propaganda for war and false and distorted reports and the duty of the Press to fight for the preservation of peace and the extirpation of fascism. This question will be dealt with later. It will suffice to note here that while the General Assembly in 1947 and the Geneva Conference in 1948 unanimously adopted resolutions condemning propaganda for war and false and distorted reports which disturb friendly relations between countries, no common ground has ever been reached on the question of whether the media of information have a primary responsibility to work positively for the cause of peace

and to combat "the remnants of fascism". This is an issue which has come up time and again in various United Nations organs, sometimes with interesting results. The Union of Soviet Socialist Republics, for example, in opposing the draft Convention on Freedom of Information and the draft International Code of Ethics because they did not positively set forth such obligations, found itself aligned with the United States of America and certain other Western powers who also opposed these instruments for the opposite reason that they did impose obligations and restrictions on media of information.

Fundamental to most of the debates on freedom of information and a main factor in retarding progress has been the marked difference of opinion regarding the rights and freedoms as against the duties and responsibilities involved in the concept of freedom of information. It would however be an over-simplification to reduce the difference to a conflict between the thesis that the interests of organized society are most effectively advanced by an unrestricted access to the marketplace of ideas, and the thesis that such interests are better safeguarded by state control and indoctrination. The actual situation in the world may be more accurately described as a "continuous ideological spectrum", with all the various countries ranged somewhere between the two extremes. This "spectrum" has been observed during practically all discussions on freedom of information since 1946.

One of its clearest manifestations was at the fifth session (1952) of the Sub-Commission on Freedom of Information and of the Press. During the debate concerning the content of the proposed International Code of Ethics, the member from the United States stated that he was opposed to any code which had as its aim the indoctrination of news personnel or which would compel them to conform to principles laid down by governmental or other authorities, and he felt that the Code should emphasise that the first duty of the Press was to publish accurate information, whatever the consequences. The member from the U.S.S.R. maintained on the other hand that the Code should impose, as the most important duties of the journalist, certain positive obligations, including the publication of true news aimed at implementing the General Assembly resolution on measures to be taken against propaganda and the inciters of a new war. The journalist, he said, should also co-operate positively in developing friendly relations among people and in combating nazism, fascism and all forms of discrimination. The member from Lebanon observed that the ideas advanced in these two statements were to some extent complementary. The basic mission of the Press was, in fact, to seek and proclaim the truth. However, the action of the Press has collective social implications and it

therefore assumed responsibilities of similar character. This did not justify the imposition of positive obligations, but rather the negative obligation to refrain from propaganda aimed at impairing friendly relations between peoples, favouring war and aggression or hindering the attainment of the Purposes and Principles of the Charter.

A sizeable band in the "spectrum" is occupied by the under-developed countries and the "new" States, including those areas of the world which, freshly emerged from colonial status, have a vivid sense of the meaning of exploitation and oppression and grasp at every opportunity to consolidate their hard-won gains. The resulting political alignment of the "new" and under-developed countries has in many instances cut directly across the interests of the great Powers and the more developed countries. This has resulted for example in their opposition to conventions on freedom of information which would give additional facilities and opportunities to correspondents of countries with highly developed information media without a corresponding emphasis on specific obligations and responsibilities to protect themselves from what they consider to be the frequently harmful activities of such correspondents. This difference of opinion has been one reason for the delay in completing work on conventions on freedom of information. A positive outcome of this alignment however has been the increasing pressure for the extension of technical assistance, under United Nations auspices, for the encouragement of information media in less-developed regions.

While there are reasons which justify the attitude of the "new" and less-developed countries, a word of caution is nevertheless necessary. They will be the first to recognize that no real progress in promoting freedom of information can be achieved so long as the proposals advanced are inspired solely or mainly by grievances, whether actual or imaginary, and by a negative desire to apply merely repressive or retaliatory remedies. They must realize that no convention on freedom of information can have much value lacking the signature of the countries which actually dispose of the largest and most powerful information media in the world. Moreover, their well-known insistence on the principle of freedom *with* responsibility can be pushed to a point where the emphasis on responsibility becomes, in effect, a negation of freedom itself. It should be the common concern of the developed and the under-developed countries alike to seek a cure for the disease without killing the patient. The doctrine of absolute freedom of information has its dangers, but they may be no more formidable than those which could arise from the irresponsible use of the concept of responsibility.

On the other hand, the more-developed countries have shown an attitude which reflects their concern both over the preservation of hard-won liberties and the possible abuse of the concept of responsibility. These countries see no useful purpose in ratifying international conventions on freedom of information laying down standards which they consider, in many instances, to be below levels they themselves have already attained. Some of them go so far as to express the fear that the levels they have reached would in fact be endangered by such ratification. The answer to

the more extreme point of view is that no international instrument regarding human rights ever aims at lowering standards already attained; some in fact actually contain provisions safeguarding existing standards, as do the two Covenants on Human Rights at present being developed by the Commission on Human Rights and the draft Convention on Freedom of Information.

There are at least two arguments in answer to the less extreme view that a State has nothing to gain from ratifying instruments which set up standards lower than those already obtaining within it. In the first place, it is always dangerous for a free people to take freedom for granted. Since nothing in the political life of nations is permanent, it may well be that a retrogressive movement in human rights within a more developed country could, in the future, be effectively combated by reference to an obligation arising out of an international convention. The Convention becomes, in effect, a second line of defence supporting and reinforcing the guarantees provided by national constitutions and domestic laws. Secondly, no country, and particularly the free countries which are rightly jealous of their freedom, can afford to be indifferent to the cause of freedom in other countries. It is trite but true to say that freedom is indivisible, and whenever human rights and fundamental freedoms are threatened or diminished anywhere, they stand to be threatened or diminished everywhere else. Freedom of information becomes more secure in the United States to the extent that it is respected and promoted in Mexico and India, for no country, to paraphrase John Donne, is an island entire of itself but is a part of the main. It follows that even on the plane of self-interest, the peoples of the more-developed countries have reason to support progress in the field of human rights in other countries.

One means of doing this is for them to encourage, by their own example, the ratification by the less-developed countries of agreements in the field of human rights.

We should not, of course, place our whole reliance on conventions and covenants to promote the observance of human rights and fundamental freedoms. In the long-run, this objective can only be reached through the gradual process of education and enlightenment within each country and throughout the world. Nor should we ignore the development of international custom resulting from general practice and eventually accepted and recognized as part of the law of nations by members of the international community. This is the method which United Nations bodies have followed by discussing and adopting such resolutions as those condemning the jamming of radio broadcasts, the suppression of newspapers, or propaganda for war—a method which has been exemplified most impressively by the adoption of the Universal Declaration of Human Rights. But the fact that freedom must grow through education and through the development of international custom does not negate the principle that the very act of defining and seeking to safeguard human rights and fundamental freedoms by means of binding international law is itself highly educative in its effects. From the example of the human rights provisions embodied in the constitutions of many countries, it is clear that a formal instrument like a Covenant on

Human Rights or a Convention on Freedom of Information can become a rallying point for lovers of freedom everywhere, a focusing lens by means of which the awareness of freedom can be burned into the minds of men.

Those who believe in freedom must believe that freedom is at least as contagious as its antithesis; otherwise, the cause of freedom is irretrievably lost. Where countries enjoying dissimilar traditions and unequal degrees of freedom come under the banner of a common convention, the trend will be for the less free States to rise to the level of the more free, and not the reverse. There is reason to believe that here the familiar law of economics that bad currency drives good currency out of circulation does not operate. In a federal system like the United States of America, it is possible to measure the slow but inevitable operation of this principle among the forty-eight States of the Union. Living under the civil rights guarantees of the same federal constitution, two states like New York and Mississippi are unequal as yet in the observance of these guarantees—for instance, the guarantee of racial equality. Similarly, sixty Member States, by accepting the Charter of the United Nations and the Universal Declaration of Human Rights have bound themselves to respect, among others, the principle of the equal rights of men and women even though this principle is far from being observed in all Member States. Nevertheless, these two principles of human rights are no less valid and desirable merely because the first is so far not universally observed by the forty-eight States of the Union nor the second by the sixty Member States of the United Nations.

Conventions on freedom of information are feasible and desirable on condition, of course, that their provisions do not annul the principle of freedom itself. Such conventions, whatever their nature or scope, must guarantee the exercise of freedom of information; they should not justify the application of unnecessary restrictions on such freedom. Accordingly, the saying "better no convention than a bad one," is perfectly understandable, though there is certainly no obligation to be satisfied with a bad convention.

What is objectionable is the imposition of arbitrary and unnecessary restrictions and not necessarily the restrictions in themselves. If it is true that human progress is impossible without freedom, then it is no less true that orderly human progress is impossible without a measure of regulation and discipline. Indeed, one might say that restrictions are essential to the preservation of freedom itself and that what makes freedom usable as a factor of progress is the existence of essential compensatory limitations. At this stage of human progress, freedom, like atomic energy, would be an anarchic and unmanageable force save it is placed under adequate controls.

In common with its efforts in other fields, the efforts of the United Nations to promote freedom of information have suffered from the sharpening conflict between the old, jealously guarded principle of national sovereignty and the newer, relatively less generally accepted principle of international co-operation for common ends which may sometimes require the relaxation of the concept of national sovereignty. Some progress in the latter direction is made on every occasion that representatives

of sovereign States sit down at a United Nations conference table and adopt resolutions or approve international agreements; there is retrogression whenever a State obstructs a proposal for international action or co-operation by recourse to the provisions of Article 2 (7) of the Charter or keeps out of such agreements on the ground that it can handle its own affairs in its own way without help from anyone or on the ground that its sovereignty may be infringed.

It is sometimes forgotten that there actually exist a number of international agreements involving human rights in general or referring specifically to various aspects of freedom of information.

The Statute of the Council of Europe provides for common action in the maintenance and realisation of human rights. Under the Charter of the Organization of American States, Member States undertake to facilitate free cultural interchange by every medium of expression; and the Treaty of Friendship, Commerce and Navigation between Italy and the U.S.A., to give a concrete example, contains this article:

"The High Contracting Parties declare their adherence to the principles of freedom of the Press and of free interchange of information. To this end, nationals, corporations and associations of either High Contracting Party shall have the right, within the territories of the other High Contracting Party, to engage in such activities as writing, reporting and gathering of information for dissemination to the public, and shall enjoy freedom of transmission of material to be used abroad for publication by the Press, radio, motion pictures, and other means. The nationals, corporations, and associations of either High Contracting Party shall enjoy freedom of publication in the territories of the other High Contracting Party, in accordance with the applicable laws and regulations, upon the same terms as nationals, corporations or associations of such other High Contracting Party. The term 'information', as used in this paragraph, shall include all forms of written communications, printed matter, motion pictures, recordings and photographs."

Similar provisions are included in treaties of friendship, commerce and navigation, concluded between the United States and Uruguay (1949), Ireland (1950) and Colombia, Denmark, Greece and Israel (1951).

Other agreements might be cited—the Cultural Treaty of the Arab League, the Treaty of Economic, Social and Cultural Collaboration and Collective Self-Defense (Brussels Pact), the Statute of the Netherlands-Indonesian Union, the Peace Treaties with Italy, Bulgaria, Hungary, Romania and Japan, the Constitution of UNESCO and the ILO, the Charter of the United Nations itself—in all of which the contracting or participating States have accepted international obligations in the field of human rights. In view of these clear precedents, there does not appear to be valid justification for the view that international covenants on human rights or conventions on freedom of information as such are impractical or unwise, certainly not on the mere ground that they are being drafted under the auspices of the United Nations.

The foregoing enumeration of the road blocks which have retarded progress in freedom of information does not, of course, exhaust the practical difficulties.



For, when the pervasive effects of the tension between East and West and of the mutual distrust between the developed and less-developed countries have been noted, there yet remains a broad field of action on largely technical problems wherein international co-operation is eminently feasible regardless of political or ideological differences, but where progress, nevertheless, has not been as rapid as it should be. This is the field in which UNESCO and the other specialized agencies can make a particularly useful contribution. It includes problems such as the development of information media in the less-developed countries, increased production and more equitable distribution of newsprint, the reduction of Press rates, the allocation of radio frequencies, the removal of trade and tariff barriers to the flow of information materials, the improvement of professional training and so on—all of which can be dealt with in comparative isolation from the arena of the cold war and the anti-colonial struggle of the less-developed countries. It is not unreasonable to assume that a larger measure of agreement could be reached among all countries regarding these technical problems, if they were viewed objectively outside the context of the political struggle.

UNESCO and the other specialized agencies have worked earnestly in accordance with this principle. While the results in some cases have been encouraging, more progress could be achieved if governments would co-operate fully with the programmes of the agencies.

For example, a basic prerequisite to the solution of many such problems is a global survey of technical needs, carried out in all States and territories, with extensive data on information material, equipment and facilities. UNESCO has periodically collected and published data with the co-operation of most governments. Unfortunately, the failure of certain governments to furnish data has left a serious gap in the over-all picture of world needs.

This refusal cannot be justified on political grounds. Without inquiring too deeply into the reasons why, in particular, the Eastern European countries have failed to co-operate in the work of the specialized agencies dealing with essentially technical, non-political problems, one is driven to the conclusion that since they would not be able to justify on political grounds their refusal to assist in the solution of such problems, they have simply avoided participation.

The indifference of some other governments is wholly inexplicable. This has been shown in ways other than through failure to furnish basic data and information. Many governments have failed to carry out in practice what they have agreed to at international conferences. As a result, the replies of governments to inquiries concerning action taken to carry out recommendations rarely refer to progress or even efforts made. In this connexion one might cite the recommendation adopted at the ITU Plenipotentiary Conference in 1952 (referred to above) that members and associate members facilitate the unrestricted transmission of news by telecommunication services. The extent to which this recommendation is implemented will provide a test of the point made here.

Moreover, at meetings of some of the specialized agencies, notably the International Telecommunication

Union and the Universal Postal Union, delegations have a tendency to be narrowly technical in their approach and attitude. When they meet to discuss and adopt regulations governing telegraph or postal communications, the allocation of wave-lengths, etc., they tend to be preoccupied with technical, economic or financial details, forgetting that such regulations have often the widest and most immediate implications for the free flow of information. Further, delegations exclusively composed of technical communications experts sometimes vote against or abstain on proposals with some of whose aspects they do not feel competent to deal. The thorough briefing of delegations on the nature of these implications would cure this defect.

Lack of adequate budget is another factor which has hindered the specialized agencies as well as the United Nations itself in this work. If it has seemed that the problem is only being nibbled at, the explanation is in part that budget provisions have been disproportionate to the magnitude of the task. Moreover, it has sometimes happened in the General Assembly that some delegations have not supported with the same enthusiasm in the Budgetary Committee proposals which they have espoused elsewhere. If governments were prepared to appropriate relatively small additional sums of money, the potentialities in these fields would be better exploited.

That the efforts of the specialized agencies have not yielded more fruitful results is also partly due to the indifferent or non-co-operative attitude shown by the profession itself, which tends to resent remedial efforts of every kind as constituting governmental interference. Since journalists, generally speaking, are nurtured on the principle that Press and government are mutually antagonistic, they tend to regard even governmental action in the interest of freedom of information as suspect, cloaking perhaps some sinister motives of interference or repression. They will fight their own battles, they say, and they need no assistance from the "enemy".

While there may be an historic basis for this attitude it is ingenuous, to say the least, to regard as suspect all inter-governmental action, and particularly action to promote the free flow of information across national frontiers. As already pointed out, the profession must realise that, while its own efforts and the development of a sympathetic public opinion may protect and advance freedom of the Press within each country, it has an obligation to co-operate with all sincere and reasonable efforts to protect and advance this freedom internationally. Such efforts are plainly beyond the competence of national or international non-governmental organizations, however well-meaning or ambitious their programmes. Only governments can commit States on certain matters relating to freedom of information, and to the extent that such commitments can be undertaken to enhance the adequacy and permit the freer flow of information throughout the world, the profession should consider governmental or inter-governmental action with sympathy rather than hostility. On the other hand, it is admitted that in problems on which the profession itself has special if not exclusive competence (the improvement of professional standards, for instance) governmental or



inter-governmental action should be limited to the rendering of assistance or the provision of facilities, without compulsion of any kind.

The point has been made that the real remedy lies in educational processes. But this argument should not be advanced to justify inaction at the present time. When a patient is gravely ill, it would be irrelevant for a physician to prescribe a regimen of calisthenics or early morning walks or regular medical examinations

and visits to the dentist. His job is first to tackle the malady and save the patient's life.

The present sickness of the world has been ascribed partly if not primarily to the lack of understanding between peoples. Let us then strike at the very roots of the world's sickness. Let us level the barriers that keep peoples apart so that truth, like a fresh wind, may circle the earth and dissipate from men's minds the ancient miasma of hate and fear.

## SECTION II

### CHAPTER V

#### PRESENT SITUATION AND PRACTICAL PROBLEMS

What is the over-all picture in 1953? In a world racked by ideological contention and insurgent nationalism, there has grown an ever-sharpening struggle for the minds of men. Highly developed techniques are being employed for the purpose of information, propaganda and indoctrination, with the result that each is often indistinguishable from the others.

Inevitably in this struggle, the basic human right to freedom of opinion and expression has become, in many parts of the world, a casualty. This is true in the authoritarian States, but even in other countries this right is constantly menaced by the tendency to sacrifice freedom in the ostensible interest of defending freedom. The result is a complex social and political problem, marked by continuous interplay between abuse and efforts to correct abuse, between attempts to restrict freedom and attempts to widen it.

The Council has asked that this report cover "major contemporary developments and problems". Accordingly, these developments and problems are being presented in as comprehensive a frame as possible, with emphasis on those which should engage the prior attention of the United Nations. Obviously, there are some subjects such as monopoly, censorship and suppression or coercion of information media on which one would be naive indeed to make facile recommendations. In some cases the most that can be done at the moment is to describe the problem as objectively as possible, to indicate where the solution must eventually lie, or to suggest further detailed study.

Wherever action seems feasible immediately or in the near future, appropriate recommendations will be offered. This applies particularly to the question of future work on the draft Convention on Freedom of Information, the possibility of drafting a Declaration, the designation of a Rapporteur for an additional year, and the study of future machinery.

#### A. Rights and responsibilities of the media of information

In its original terms of reference (1947) the Sub-Commission on Freedom of Information and of the Press was instructed to examine "the rights, obligations and practices which should be included in the concept of freedom of information". At its second session (1948) the Sub-Commission drew up a "broad statement of principles" which it described as being of a

"provisional character". This included a declaration which foreshadowed the long controversy that was to follow. The Sub-Commission stated:

"(e) The right to freedom of information and expression carries with it duties and responsibilities. These are so closely joined that their union justifies:

"(1) Certain legal restrictions, the definition of which, together with the definition of the right itself, should be incorporated in an international covenant or other multilateral or bilateral agreements within the framework of the United Nations; and

"(2) Certain moral obligations of equal importance.

"(f) The restrictions, penalties or liabilities referred to under sub-head (1) of the preceding paragraph should, however, be imposed only for causes clearly defined by law . . ."

The Conference on Freedom of Information which met in Geneva in 1948, two months after the Sub-Commission had examined this matter, addressed itself to the same task. The Final Act of the Conference, which included three draft conventions and more than forty resolutions on different aspects of freedom of information, represents the most impressive action programme yet formulated internationally to promote the free flow of information as well as to delineate the rights and responsibilities involved.

Of the three conventions proposed by the Geneva Conference, the draft Convention on Freedom of Information is unquestionably the most important. It defines the scope and limitations of freedom of information. It draws the line between rights and duties, freedom and responsibility, and if adopted would become the basic law on the subject. While, therefore, the three conventions constitute parts of an integral whole, it is obvious that the Convention on Freedom of Information is the keystone of the structure. Without it, the Convention on the International Transmission of News is doomed to remain inoperative and even the Convention on the International Right of Correction, which has been opened for signature, will seem to be out of context and trivial in itself. Only if the Convention on Freedom of Information is approved and opened for signature will life be breathed into the other two conventions, so that there will be three working international instruments on freedom of information as envisaged by the Geneva Conference.

The discussions in the Third Committee of the seventh session of the General Assembly revealed a restiveness and sense of frustration on the part of those countries who want to see a convention on freedom of information approved and opened for signature. The crucial vote in the Third Committee resulted in twenty-three countries voting in favour of proceeding immediately to a detailed discussion, twenty-three voting against and eight countries abstaining. The countries abstaining included some which have in the past expressed themselves as being in favour of a convention.

Subsequently the General Assembly decided to consider at its eighth regular session the draft Convention on Freedom of Information "on the basis of the Rapporteur's report to the Economic and Social Council". Accordingly, some observations on the draft convention are here presented in the hope that they may be of assistance in finding a way out of the present impasse.

These observations are based on the latest text of the draft convention drawn up by the *Ad Hoc* Committee on the Draft Convention on Freedom of Information which the General Assembly set up at its fifth regular session. The most important articles, for the purpose of this examination, are:

*Article 1* which states the obligations of Contracting States to establish standards of freedom of information, first positively by guaranteeing the freedom to seek, receive and impart information, and secondly in a negative fashion by imposing injunctions against any form of discrimination in the regulation or control of means of communication;

*Article 2* which lists the permissible restrictions to the freedoms referred to in article 1;

*Article 3* which provides that the provisions of the Convention cannot be interpreted as limiting or derogating from the rights and freedoms guaranteed under the laws of any Contracting State or of any conventions to which it is a party; and

*Article 5* which imposes an obligation on Contracting States to encourage the establishment and functioning of non-official organisations aimed at stimulating high standards of professional conduct.

The main difficulties have centered around article 2. While it is true that at the second part of the General Assembly's third session the Third Committee's work on the draft convention actually broke down when it reached article 5, the mood of frustration arose out of the debates on article 2. Moreover, out of a total of twenty-seven meetings of the *Ad Hoc* Committee on the draft Convention on Freedom of Information which met early in 1951, eight were devoted to this article and on various basic proposals concerning it the Committee was divided into factions of approximately equal strength.

The difficulties surrounding article 2 relate to the types of restriction which should be included and the manner in which the restrictions should be laid down.

As regards the first difficulty, there has been general agreement that it is necessary to cover in some manner such matters as national security, incitement to alter by violence the system of government, incitement to

commit criminal acts, obscenity and the rights and reputations of others. However, it has not been easy to agree on the precise formulation of these restrictions. For instance, proposals regarding "national security" have ranged from "national military security" to "the wide interest of the State".

In addition those who support an enumerative type of article 2 have sought to include permissible restrictions which they claim are made necessary by specific provisions in the legislation of their countries or by special national interests. Accordingly there have been proposals to include such matters as blasphemy, the disclosure of information received in confidence in an official capacity, reports likely to prejudice the outcome of a judicial trial, reports injurious to national prestige and honour, reports inciting to racial, national or religious discrimination and reports likely to undermine friendly relations between peoples.

This leads to the second question, namely, whether a broad or detailed formula should be employed for article 2. It might be useful to recapitulate the principal arguments which have been advanced in favour of each method.

In favour of a detailed enumeration it has been argued that if the convention is to be a satisfactory legal document, the permissible restrictions on freedom of information should be set forth in precise, unequivocal language, or otherwise any kind of interpretation might be given them; that a wider degree of freedom is ensured where the enforceable limitations are enumerated carefully and in detail; that a general clause would probably have no juridical value and might encourage capricious interpretation, resulting in the imposition of restrictions which go further than the convention intends; and that a detailed clause limits the scope within which governments may act to impose restrictions on information agencies and information personnel in time of emergency.

The arguments which have been advanced in favour of a general statement include the following: that a convention on freedom of information rests on the premise that many countries share a basic concept of freedom of information and that, therefore, in the interest of establishing common standards, the permissible restrictions must not be allowed to expand into an interminable list; that no enumeration of permissible restrictions can be satisfactory unless it is exhaustive, and it is in fact impossible to draft an exhaustive list, covering all possible situations, in view of the many divergent political and legal systems existing in the world; that not only is it impossible to take into account varying national legislations, but, while countries may draw up lists of restrictions based on their existing laws, the items on such lists would vary from country to country and, short of a general formula, it is an impossible task to find a workable common denominator; and that as soon as restrictions are enumerated in great detail, the Convention begins to take on the appearance of a convention guaranteeing restrictions rather than freedom of information.

Having weighed these arguments, I have come to the conclusion that while permissible restrictions should be stated in precise legal language, the best hope of arriving at a workable convention lies in employing a general formula.

The danger, of course, does exist that a general clause might lead to wilful misinterpretation and abuse by the governments of countries with less strong and less deeply-rooted traditions of human rights. However, it is more likely that such countries would in fact be influenced in their interpretation of such a general clause by the example of countries with longer and more firmly established traditions of human rights. If, for example, free country A and less-free country B should sign a convention providing for general limitations, the tendency will be for the interpretation of these limitations to conform more and more to the liberal practice of country A. The spirit rather than the letter of such a convention will set educational processes in motion in all the signatory States and ultimately help raise standards and establish a climate of opinion unfriendly to dictatorship.

Dictators and authoritarian governments do not, in any case, need the protection or cover of a convention if they are minded to violate fundamental freedoms and flout world opinion. But whenever they do, in the teeth of a convention which is plainly intended to safeguard freedom and not to abet tyranny, they are less likely to get away unscathed with their abuses than when there is no convention at all.

The position of countries with established traditions and high standards of human rights is moreover safeguarded by article 3 of the draft Convention. The most obvious loophole relates to restrictions on freedom of information which may be imposed in the interest of "national security". Reference to national security is to be found, in one form or another, in all drafts so far adopted of article 2, whether general or enumerative in character. But it is clear that the safeguard provided by article 3 would apply regardless of the form of article 2.

In the light of these considerations, the following text is suggested as a basis for discussion:

"Article 2. The exercise of the freedoms referred to in article 1 carries with it duties and responsibilities. It may therefore be subject to limitations, but only to such as are clearly defined by law, applied in accordance with law and necessary for respect of the rights and reputations of others, for the protection of national security and the prevention of disorder or crime, or for the protection of public health or morals."

This text is in general based on the text of the article on freedom of information drafted by the Commission on Human Rights for inclusion in the draft Covenants on Human Rights and approved at the Commission's eighth session by 12 votes to 3, with 3 abstentions. On the assumption that the article in the draft Covenant on Human Rights will remain substantially as it exists at present, it would be desirable that the corresponding article in the draft Convention on Freedom of Information does not depart too radically from it. Indeed, any marked incongruence between the two would be unwise and, from the legal point of view, untenable.

The suggested text incorporates some necessary improvements, notably in the replacement of the term "public order" by "prevention of disorder or crime". Moreover, it will be seen that the broad restrictions included in the proposed text cover in fact the

nine separate restrictions listed in the text of article 2 as proposed by the *ad hoc* committee.

In the prevailing political climate, a carefully worded general formula seems to offer the only possible solution. There is danger that the whole enterprise will founder on the impossibility of reconciling the many divergent views on the ingredients which should be included in a detailed list. To those who are, for the moment, wedded to the principle of a detailed list I would make this suggestion. Let us proceed to redraft the convention on the basis of a formula for article 2 such as that proposed, and include a provision in the convention that the contracting parties will meet together five years after its entry into force for the purpose of reviewing article 2 in the light of actual experience as to its wisdom and practicability. If a general formula should prove unworkable, it would probably not be too difficult to proceed to the elaboration of a detailed formula. The reverse procedure would be much more difficult.

A concrete proposal regarding the Convention on Freedom of Information is included among the recommendations in the final chapter of this report.

## **B. Propaganda for war and false and distorted information**

At its seventh regular session (1952), the General Assembly recommended "that United Nations bodies studying the problems of freedom of information should consider appropriate measures for avoiding the harm done to international understanding by the dissemination of false and distorted information". This is the latest of a series of resolutions adopted by various organs of the United Nations on this subject. Most of them contain a forthright condemnation of hostile propaganda and false or distorted reports, and some stress the urgent need of developing measures to counteract such reports. However, apart from the Convention on the International Right of Correction, no practical measures have so far been developed by the United Nations to deal directly with the problem.

It is significant that all the resolutions of the General Assembly and the Geneva Conference condemning propaganda for war and false and distorted reports were adopted without negative vote, showing that the existence of the evil and the need to combat it are generally recognized. However, there is considerable disagreement on the practical measures which should be taken to counteract such propaganda and reports, with the result that positive international action in this field has been slow.

The disagreement has occurred between two basically opposed schools of thought. There are those who hold that the best remedy lies in the fullest and freest possible supply of news, and that therefore United Nations action to facilitate the free flow of information is all that is required.

Others contend that the only remedy lies in the outright suppression of hostile propaganda and of false and distorted information. This position was taken by the USSR representative in 1947 in proposing that the governments of all countries be called upon to prohibit, on pain of criminal penalties, war propaganda in any form and to take measures for the prevention and suppression of such propaganda.

There are those who are unable to accept either of these antipodal positions, and who feel that a sound basis for international action lies between the two extremes.

It is not feasible, for the present at least, to seek the outright prohibition and suppression of hostile propaganda and of false or distorted information by means of international legislation. On the other hand, there are possibilities for United Nations action beyond measures to facilitate the free flow of information. For, while it is undoubtedly true that the free flow of information will ultimately drive out the false, history shows that this process of 'purgation' does not always come quickly enough to avert the catastrophe of war. Clearly the international community cannot remain indifferent.

In rendering an opinion in the United States Supreme Court in 1919, Justice Holmes stated that "the most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing panic". It might equally be asserted that the guarantee of freedom of information cannot imply protection of the dissemination of false or distorted information which is likely to cause serious harm to international understanding and to threaten peace and security among nations.

In considering what positive practical measures could be taken at the present time, it might be well to recall some of the important international measures previously adopted.

There is a long record of international discussion of the problem. It was studied by various organs of the League of Nations and by international conferences convened under its auspices. Various resolutions were adopted on the subject. A more tangible result was the adoption in 1936 of the International Convention concerning the Use of Broadcasting in the Cause of Peace which sought to prevent "by means of rules established by common agreement, broadcasting from being used in a manner prejudicial to good international understanding" and to use it instead "for promoting better mutual understanding between peoples".

The International Convention concerning the Use of Broadcasting in the Cause of Peace entered into force on 2 April 1938 and has been signed and ratified or acceded to by twenty-two States. Although the General Assembly has declared the willingness of the United Nations to accept certain functions under international agreements, formerly entrusted to the League of Nations, no such step has been taken in regard to this Convention. Moreover one of its implementing provisions (article 7) provides for appeals to the good offices of the International Committee on Intellectual Co-operation, which is now defunct.

It might be useful for the Secretary-General to make a legal study of the status of this Convention and to ascertain the attitudes of States parties thereto concerning the desirability of revitalizing and if necessary supplementing it. There is a precedent for this in the action taken by the Council at its fifteenth session in respect to the International Slavery Convention of 1926. In its resolution of 27 April 1953 the Council, among other things, recommended that the General Assembly invite States parties to this Convention to

agree to transfer to the United Nations the functions undertaken by the League of Nations under it and requested the Secretary-General to prepare a draft protocol to this end. The possibility should be investigated of taking similar action with respect to the Convention concerning the Use of Broadcasting in the Cause of Peace.

Since the Second World War, apart from the resolutions of the General Assembly and of the Geneva Conference already referred to, the basic principle underlying this Convention has been endorsed internationally. For example, the International High Frequency Broadcasting Conference (Mexico City, 1949) adopted a resolution recommending that frequencies assigned by the Conference "should not be used for purposes contrary to mutual understanding and tolerance" and that practical measures to this end be taken by governments. Following the pattern of the Convention concerning the Use of Broadcasting in the Cause of Peace, the South American Radio Communications Agreement, adopted on 17 January 1940 and in force at present among five States, includes provisions to counteract false or distorted reports which might disturb good relations between States as well as provisions for cultural exchange by means of broadcasting. The conclusion of this agreement suggests the feasibility of regional measures as an alternative to a general international agreement.

Regional or bilateral agreements could be effective in dealing with political tensions arising between neighbouring countries. An example of this form of direct attack on a particular situation is the agreement concluded between India and Pakistan in May 1948 and revised in February 1949 whereby both Governments recognize "that the wholehearted co-operation of the Press is essential for creating a better atmosphere" and agree to make every effort, in consultation with representatives of the Press, to ensure that the Press in each Dominion does not:

"(a) Indulge in propaganda against the other Dominion;

"(b) Publish exaggerated versions of news of a character likely to inflame, or cause fear or alarm to, the population of a section of the population in either Dominion;

"(c) Publish material likely to be construed as advocating a declaration of war by one Dominion against the other Dominion or suggesting the inevitability of war between two Dominions."

The agreement also provides for the establishment of an "Inter-Dominion Information Consultative Committee" whose task is to "keep under review" the activities of the Press, radio and films.

This agreement exemplifies a direct approach which could be applied wherever there is a danger that friendly relations between countries may be seriously disturbed by the systematic dissemination of hostile propaganda. Though it may seem naive to urge this direct approach in relation to the cold war, it is reasonably certain that any eventual general settlement between East and West would refer in some way to the problem of hostile propaganda and false or distorted information.

The formal opening for signature of the Convention on the International Right of Correction is another

positive, if modest, step. It is a significant achievement in so far as it establishes for the first time the right of correction on the international level, and in this sense the United Nations has made an important contribution to the development of international procedural obligations.

The difficulties inherent in attempts to establish *substantive* obligations are illustrated by the fact that it has not been possible to obtain agreement on a purely *permissive* restriction in the draft Convention on Freedom of Information. Thus the *Ad Hoc* Committee on the Draft Convention decided to delete from the Geneva text the permissive restriction concerning "the systematic diffusion of deliberately false or distorted reports which undermine friendly relations between peoples and States". This provision was opposed primarily on the ground that it would open the way to censorship and would permit Governments to determine arbitrarily what information should be regarded as false or distorted.

Since it has not been possible to obtain general agreement to include such a provision in the draft Convention on Freedom of Information, it would be unrealistic at the present time to attempt to draw up a convention which would bind individual States to introduce legislation aimed at the suppression of objectionable reports.

The United Nations might, therefore, more usefully direct its attention toward the encouragement of international action by information enterprises and personnel in co-operation with one another and with the United Nations to minimize the dissemination of false or distorted information and promote international understanding.

The proposed International Code of Ethics for information personnel is a practical contribution to this end. Article I states that information which the public receives should be "factually accurate" and that "no fact should be wilfully distorted." Article II states that "any published information which is found to be harmfully inaccurate should be spontaneously and immediately rectified" and that "rumor and unconfirmed news should be identified and treated as such". Article IV declares it to be the duty of those who describe and comment upon events relating to a foreign country "to acquire the necessary knowledge of such country which will enable them to report and comment accurately and fairly thereon".

If there were anything approaching general observance of these "moral obligations" the problem would be more than half-solved. The draft Code itself is based on the principle that "the responsibility for ensuring the faithful observance of professional ethics rests upon those who are engaged in the profession, and not upon any government", and it is clear that in considering practical measures the United Nations must recognize that primary responsibility rests with the profession.

International professional action has both a negative and a positive aspect. The negative aspect involves preventive action and, where necessary, disciplinary measures. The positive aspect includes action designed to serve the aims of friendship, understanding and peace among nations.

Accordingly, information enterprises and personnel should be urged to devise a programme and machinery aimed at minimizing or preventing the dissemination of false or distorted information. This is urgent and, perhaps, in importance second only to the need of safeguarding freedom of information itself. The impairment of friendly relations between peoples through the dissemination of false and distorted information is so serious a matter that, unless adequate measures are taken by the profession itself to minimize or prevent such dissemination, pressure is certain to increase in favour of governmental action, both national and international, to safeguard the conditions of peace.

It would be useful if with the co-operation of the profession, an annual survey were made of the general situation with regard to the dissemination of false or distorted information on international affairs. In cases where there is damage or harm to international understanding, an investigation might be made with a view to recommending corrective or disciplinary action. Cases requiring governmental action should, of course, be brought promptly to the attention of the Economic and Social Council. Where, moreover, the Council considers a report likely to provoke or encourage a breach of the peace or an act of aggression, it could "furnish information to the Security Council" under Article 65 of the Charter. This is a possibility which obviously needs further study; such study could be entrusted to a rapporteur on freedom of information for 1954.

With regard to the second more positive aspect of the principle already enunciated, much more could be done to enlist the active co-operation of information enterprises and personnel in promoting goodwill and understanding between peoples and nations. The League of Nations emphasized the vital importance of the co-operation of the Press in the organization of peace. Similarly, the General Assembly of the United Nations recommended to Member Governments that they take steps "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". There is, therefore, nothing new in the suggestion that the co-operation of the Press of the world be enlisted in the cause of promoting friendly relations among nations based upon the Purposes and Principles of the Charter.

There are various practical ways of doing this; for example, educational measures to promote a wider professional knowledge of foreign countries, of international affairs and of the work of the United Nations. These might include United Nations seminars for journalists; courses on international affairs and on the United Nations in schools of journalism; visits of journalists to foreign countries and to the United Nations; and the interchange of news personnel.

These and other similar measures would help improve the quality of reporting on the United Nations and on international affairs generally. Other measures would, of course, be required to increase the quantity of such information. In both cases, the co-operation of the profession is needed. Suggestions along this line are dealt with more extensively in sections below dealing with professional training and professional standards.



### C. Internal censorship and the suppression and coercion of media of information

Nazi Germany, fascist Italy and militarist Japan have not been the only parts of the world where, in the twentieth century, the Press and other media of information have been coerced or suppressed.

It is necessary to speak frankly of some significant recent examples of coercion and suppression as well as of the broader problem of internal censorship. There are, of course, countries and regions of the world where genuine freedom of speech and of the Press is denied on ideological grounds and where an opposition Press is not permitted to exist. But we are here concerned with those countries which, while professing belief in the liberal Western concept of freedom, have permitted authoritarian methods to be used in silencing criticism. Such methods may include not only arbitrary and dictatorial measures but action taken under legislation which, while ostensibly aimed at the correction of abuse or the preservation of "public order", can and does serve the purpose of stifling criticism and opposition.

The degree of internal censorship in different countries is difficult to estimate at any given time. In a large part of the world (the USSR, the mainland of China, Albania, Bulgaria, Czechoslovakia, Hungary, Poland and Romania) there is, as already stated, control in the interest of well-defined ideological ends. In Argentina, Portugal and Spain, varying types of controls exist. In many parts of Latin America there is what may be described as a condition of "fluctuating" controls. A government is overthrown or a crisis develops during an election and controls are imposed. As the situation stabilizes, they may be eased. In the Middle East, Iran recently introduced Press legislation which has been stringently enforced, while in Lebanon a three-month Press crisis during which licences of a number of newspapers were suspended, terminated in August 1952. On 11 April 1953, according to an Associated Press report, the Premier of Egypt told an Arab Press conference that current restrictions on the Egyptian Press would be lifted "as soon as possible". But even where conditions are more stable, the degree of control may vary from year to year.

A survey of the world censorship situation is made periodically by the Associated Press (USA), one of the several hundred information enterprises and professional organizations whose co-operation was sought in the preparation of this report. The latest such survey was completed by the Associated Press toward the end of 1952. Principally concerned with the censorship of outgoing news dispatches (it is quoted in the next section of this chapter, dealing with this subject) it also comments on internal censorship and other restrictions in a number of countries. It is based on the evaluation of Associated Press correspondents on the spot, and must therefore itself be evaluated in that light. Nevertheless, it offers a sampling of conditions in various parts of the world as seen through the eyes of working newspapermen.

The International Press Institute has also, from time to time, published reports of restrictions in various countries. Reproduced as an annex to this report is a memorandum by the I.P.I. dealing, among other

things, with recent examples of internal censorship and similar restrictive practices.

Another attempt, on a regional basis, to survey Press freedom in a number of countries is that made periodically by the Freedom of the Press Committee of the Inter-American Press Association. Reporting on conditions in the Western Hemisphere at the Eighth Annual Meeting of the Association, held in Chicago in October 1952, the Committee stated: "The state of freedom of expression . . . has suffered serious setbacks in certain countries, notable gains in others and ominous trends appear in still others".

The Committee went on to reaffirm a previous conclusion that "through decrees and laws which are designed to intimidate editors and publishers of newspapers, radio broadcasting station owners, and managers of communications companies, there has been created an atmosphere of fear which not only produces a menacing self-censorship but deprives the public of legitimate news. This situation obtains especially in countries where governments restrict the freedom of expression through those decrees and laws but exercise no prior censorship in editorial offices, radio news rooms or in the offices of communications companies in a hypocritical simulation that freedom prevails".

In addition to commenting in detail on the situation in Argentina and Colombia, the Committee referred to incidents during the period October 1951 to October 1952 in the following countries:

*Ecuador*: The governor of a province had threatened to close a radio station because of political broadcasts. A newspaper plant had been attacked and part of its equipment destroyed; the newspaper had identified the assailants as supporters of the provincial authorities who did nothing to prevent the attack. A town wall newspaper had been confiscated because of criticism of the mayor. The residence of a newspaper columnist had been bombed.

*El Salvador*: After the newspaper *Diario Latino* published a series of articles critical of the government, all government advertising had suddenly been withdrawn. The presidential Press office had denied that the withdrawal was inspired by critical editorials.

*Panama*: An editor had been imprisoned for "disrespect", the alleged offense being publication of a cabinet minister's photograph alongside that of a popular singer to illustrate a story about her. The minister had charged that publication "affected his honour as a citizen and as a cabinet minister". On a writ of *habeas corpus* the editor had been released after one night in jail.

*Paraguay*: Opposition newspapers were said to be unable to publish freely.

*Peru*: The news editor and general manager of a Lima newspaper had been arrested for "affecting friendly relations with the United States", following stories reporting certain action taken by the Foreign Minister of Peru. An official of the United States Embassy had notified the Press and the Peruvian Foreign Office that relations with the United States were in no way affected and after two days the men had been released.

Of all recent acts of outright suppression of media of information, none has received more attention than



that involving *La Prensa* of Buenos Aires. The facts of the case are well known and it is not necessary to recite the events which culminated in the Act of 13 April 1951 declaring all property of *La Prensa* Corporation to be a "public utility and subject to expropriation" and authorizing the Executive Power to dispose of this property "for the general interest and social improvement of the Argentine people". In 1952, at its fifth session the Sub-Commission on Freedom of Information and of the Press adopted a resolution condemning the closing down of *La Prensa* and recommending that the Council "in considering future work on freedom of information, should consider measures to prevent future infractions of this kind". The Council has so far taken no further action. Nor is *La Prensa* the only newspaper expropriated or forced to close by the Argentine Government. At the Eighth Annual Meeting of the Inter-American Press Association, its Freedom of the Press Committee referred to the closing down or expropriation of the newspapers *El Intransigente*, *La Nueva Provincia* and *La Vanguardia*.

As regards Colombia, on 3 July 1952 the Chairman of the Freedom of the Press Committee of the Inter-American Press Association, following an on-the-spot study, reported on "the state of the Press in Colombia", reaching the conclusion that there was an "arbitrary and politically capricious censorship". He also reported that "the Colombian Government tried to establish, then suspended, a central censorship office on 30 June 1952. It was suspended because the liberal newspapers *El Tiempo* and *El Espectador* announced they would have to suspend publication. The suspension of publication of these two newspapers would be a shock that would affect the stability of the Government." In October 1952 the Freedom of the Press Committee reported to the Inter-American Press Association's eighth annual meeting that the newspaper *El Diario* had been closed for five days, allegedly because it published the words "We want peace" in place of its usual editorial page. In September 1952 the offices and printing plants of *El Tiempo* and *El Espectador* had been attacked and burned by what were described as organized crowds. The Freedom of the Press Committee asserted that "the aggression against the newspapers *El Tiempo* and *El Espectador* was premeditated and unwarranted".

The Inter-American Press Association also issued a special report in May 1952 on the closing down of the newspaper *La Razon*, of La Paz, Bolivia. The Association joined with the Inter-American Association of Radio Broadcasters in announcing that the two organizations considered that "an act of aggression against the free and independent Press and radio of the Western Hemisphere has taken place in Bolivia, where the Government has denied the right to publish freely to the daily newspaper *La Razon* of La Paz".

There are other examples.

*The New York Times* reported, on 5 March 1953, that the Iranian Premier had closed four newspapers opposing him. *Editor and Publisher* (New York) reported on 4 April 1953 that within a month after the enactment of Iran's new Press laws, six editors had been jailed, one had taken sanctuary in the Parliament to avoid arrest, and seven newspapers had been suspended for "inciting public disorder."

*The World's Press News* (London) noted, on 16 January 1953, that the editor and founder of the *Pakistan Evening Times* (Karachi) and two members of his staff had been arrested on charges of sedition and "inciting hatred among various sections of the public". The Council of the Commonwealth Press Union adopted a resolution of concern and protest, stating that "there is no previous record within the forty-four years of this Union's life of arrest of any member newspaper's representative or of stoppage of any member newspaper's publication except in Pakistan."

In the Philippines, in 1949, the newspaper *Pioneer Press* of Cebu City published articles alleging that irregularities had been committed during the presidential election. The editor, his staff and other workers on the newspaper received threats of violence, the workers being intimidated to such an extent that the paper suspended publication and the editor fled from the province.

There are many variations of such practices. Where it is desired to avoid the crude act of suppression, measures may be taken to cut off newsprint supply, to embarrass the newspaper by various economic and financial pressures, such as threat of foreclosure, withdrawal of government advertising or denial of the mails.

Such practices could also take the form of excluding foreign newspapers and periodicals—the Freedom of the Press Committee of the Inter-American Press Association reported, in October 1942, that at that time sixteen publications printed in the United States were not permitted to enter Argentina; the seizure of copies of newspapers—in February 1953, the International Press Institute noted (*I.P.I. Report*, Vol. I, No. 10) that copies of *Algérie Libre*, edited in France, had been seized because of editorial articles "likely to provoke trouble in Algeria"; and discriminatory banning of reporters from press conferences—the International Press Institute reported in February 1953 (*I.P.I. Report*, Vol. I, No. 10) that the acting Prime Minister of Australia had banned reporters of a Sydney daily newspaper from his Press conference because of that newspaper's attacks on him and on his policies.

These examples, taken from reports issued by responsible and reputable organizations, demonstrate how widespread such repressions are. And the magnitude of the problem gives an indication of the difficulties involved in seeking remedies.

Given some supplementary measures of implementation, the Convention on Freedom of Information can make a substantial contribution. Remedial processes will inevitably be gradual. An immediate first step would be to systematise, co-ordinate and enlarge upon the reports already being compiled by such organisations as the Associated Press, the International Press Institute and the Inter-American Press Association. A world-wide survey of internal censorship practices and abuses, repressions and violations of freedom of information should be undertaken periodically by a rapporteur on freedom of information, using reliable data from non-governmental professional sources. While the survey would be submitted to the Economic and Social Council, information enterprises and professional associations everywhere would be encouraged to give it the widest possible publicity.

#### D. Censorship of outgoing news dispatches

Peacetime censorship of dispatches which a correspondent sends from one country to another has plagued agencies and correspondents ever since the development of radio and telegraphic communications has made it an easy matter for governments to inspect and control messages sent by this means. Like internal censorship and control of the domestic Press, this is a "fluctuating" problem, usually difficult to survey and assess at any given time. And it may be imposed in various ways, some overt, some covert. Overt censorship may be "blind", with the censor refusing to tell the correspondent what has been deleted. Occasionally the correspondent may be able to discuss deletions with the censor across the table. Needless to say, all sorts of complications arise when the correspondent is unaware of what has been done to his dispatch until informed by his home office.

Even more dangerous perhaps is the practice of government telegraph offices delaying "unfriendly" dispatches until they are no longer newsworthy. Government officials may also be informed *sub rosa* of the content of "unfriendly" dispatches, with the result that the correspondent may subsequently experience difficulties with his news sources and possibly in obtaining re-entry permits and visas. An even more insidious form of censorship consists simply of a discreet warning that while the correspondent is nominally free to write and send what he likes, "unfriendly" articles about the host country will lead to "difficulties". Sometimes drastic penalties may be visited upon correspondents as a result of what is usually described as "unfriendly activities". In Czechoslovakia the imprisonment of William Oatis, head of the Associated Press office in Prague, was the culmination of a series of repressive acts against foreign correspondents, including the expulsion of several of them.

These various types of censorship are employed today in different countries of the world. The survey compiled by the Associated Press of America, already referred to, presents the findings of one news-gathering organization concerning censorship. Quotations from this survey are given below to illustrate the situation as of the end of 1952 in some areas where the work of foreign correspondents were restricted. Once again it must be emphasized that the findings are those of the Associated Press; also that these refer to conditions at the time of the survey, and that these conditions may have changed in the meantime. Similar surveys were sought in the course of preparing this report from other international news-gathering agencies, but without success. However, the International Press Institute, in its memorandum to the Rapporteur, referred to above (see annex C) surveys restrictions on the international flow of news, substantially corroborating the picture presented by the Associated Press survey.

According to the Associated Press there was overt censorship at the time the report was compiled in a number of countries as follows:

*U.S.S.R.*: "Strict censorship" with "some indications of a change in censorship rules". (Note: On 8 April 1953 *The New York Times* reported an apparent "loosening of Moscow's censorship over the dispatches sent out by American correspondents there." On 15 April 1953 the General Manager of Reuters, according to

*Editor and Publisher* (New York), confirmed this relaxation.)

*Albania, Bulgaria, Czechoslovakia, Romania*: "Complete censorship". (Note: "In Hungary and Poland, nationals of these countries send news to the AP but it is mostly of an official nature".)

*Syria*: "Full and complete censorship".

*Mainland of China*: "The big Chinese mainland still sealed off from the West".

*Venezuela*: "Censorship of outgoing dispatches involving political developments is still in force".

The Associated Press also commented as follows on the situation in the following countries where various other forms of censorship were imposed:

*Afghanistan*: "Foreign correspondents who write unfavourably about the Afghan régime find they cannot get visas for a return visit".

*Argentina*: "No direct censorship" but "communication companies are held responsible for transmission of undesirable news and in cases of doubt may submit dispatches to the Ministry of Communications for clearance".

*Colombia*: "Foreign correspondents file news with the realization that their credentials may be withdrawn for what the Government considers inaccurate or biased reporting".

*Egypt*: "Officially censorship was lifted shortly after (General) Naguib came into power last July . . . it is generally understood, however, that certain types of copy which might be construed as 'security risks' will find their way to the military officers to be stopped without explanation". (Note: On 9 January 1953, the *World's Press News* (London) reported that the Egyptian Government had again imposed censorship on all Press messages, both incoming and outgoing. The Government's military spokesman had assured foreign correspondents that they would "continue to enjoy full liberty and be told of deletions, if any".)

*Ethiopia*: "Local newspapermen are under pressure to keep any unfavourable news from getting out of the country".

*Indo-China*: "Strict military censorship on outgoing news on security grounds. Sometimes censorship has been extended to political subjects".

*Iran*: "Dispatches may be refused transmission if they contain anything the authorities consider to be 'false news which might have an undesirable reaction inside or outside the country'. Those who telephone news abroad must present their reports in writing before calls are put through".

*Israel*: "Censorship is exercised on matters of military security. Dispatches for publication abroad must be submitted to the censor for scrutiny on this angle".

*Jordan*: "Technically no censorship, but it is applied whenever there is important news about the Government or Throne".

*Lebanon*: "No official censorship but sometimes pressure is asserted on correspondents who are critical".

*South Africa*: "Dispatches by foreign correspondents are scrutinized during transit through government controlled communications channels".

*Spain and Portugal:* "Foreign correspondents are not directly censored but are held responsible for what they write".

*Thailand:* "No systematic censorship of outgoing news, but dispatches are frequently held up in times of crisis".

*Tunisia:* "Outgoing copy of correspondents is not officially censored, but it often suffers unexplained delays in transmission".

*Yugoslavia:* "Does not censor outgoing dispatches but keeps a close watch on what is printed abroad" and "correspondents who criticize Government policy are attacked frequently in the domestic Press".

What are the correctives? Attempts to alleviate censorship are as old as the problem itself. The League of Nations Conference of Press Experts, held in Geneva in 1927, proclaimed that no form of censorship should be established or maintained except "for vital reasons", and if it existed it should be abolished. However, if it continued to exist, the Conference thought there should be certain minimum guarantees, e.g., telegrams should be examined by specialists and sent as quickly as possible; correspondents should be instructed by the specialists and should be informed of suppressed passages and of delays in transmission; there should be refunds when Press telegrams are paid in advance, corresponding to the number of words cut; and all correspondents should receive equal treatment.

The world was not in a sufficiently liberal mood however; shortly afterwards began the downhill descent into the Second World War with its closing of doors and windows and its widespread censorship.

After the Second World War, the first attempts to throw off the shackles of wartime censorship found expression in the Declaration of Chapultepec adopted by the American States early in 1945. Even before the war ended, however, editors in the United States of America had begun to interest themselves in the freer flow of information, and their efforts eventually inspired the drafting of the Convention on the Gathering and International Transmission of News adopted by the Geneva Conference on Freedom of Information. And censorship, as one of the obstacles preventing "peoples speaking to peoples" was studied by the American Commission on Freedom of the Press in a report issued in 1946.

The problem of censorship was extensively discussed at the Geneva Conference on Freedom of Information, the representative of France in the Second Committee of the Conference summing up a general feeling that there should be "total abolition of censorship, but if maintained in certain countries it should be so organized as to permit journalists to carry out their functions in a rational manner". The Conference then proceeded to include in the Convention on the Gathering and International Transmission of News an article containing a positive injunction against censorship of outgoing dispatches, with the proviso that Contracting States could make and enforce regulations "relating directly to the maintenance of national military security". The article added that if it were necessary to impose censorship in peacetime, it should be carried out under certain stipulated conditions aimed at facilitating the work of foreign correspondents. These conditions remained substantially the same in later redrafts

of the Convention and appear in the text eventually adopted by the General Assembly. The Economic and Social Council at its seventh session decided that the concept of "national military security" was too restrictive and employed the words "national security". However, the General Assembly considered that the Council's language was too broad and reverted to a narrower expression, "relating directly to national defence".

Relevant to this problem are the provisions in the International Telecommunication Convention. Under article 29, members and associate members of the ITU reserve the right "to stop the transmission of any private telegrams which may appear dangerous to the security of the State, or contrary to their laws, to public order or to decency, provided that they immediately notify the office of origin of the stoppage of any such telegram or any part thereof, except where such notification may appear dangerous to the security of the State", and "to cut off any private telephone or telegraph communication which may appear dangerous to the security of the State or contrary to their laws, to public order or to decency".

The Fédération Internationale des Editeurs de Journaux (FIEJ) reported to the ITU at the Buenos Aires Plenipotentiary Conference (1952) that the Federation had been informed that the telegraph and telephone administrations of Argentina and Iran, on the basis of article 29, "had censored Press telegrams or had failed to transmit them in time, or even to transmit them at all".

Article 30 of the same Convention refers to "the right of members to suspend the international telecommunications service for an indefinite time". Elsewhere in this report reference has been made to the possible conflict between these articles and certain articles in the United Nations conventions on freedom of information, and to a specific recommendation of the 1952 ITU Plenipotentiary Conference in Buenos Aires to members and associate members to facilitate the unrestricted transmission of news by telecommunications services.

What action is possible to alleviate, if not abolish peacetime censorship? First of all, an earnest effort must be made to rescue the convention articles relating to the international transmission of news, which have been approved by the General Assembly, from their state of suspended animation and to have them opened for signature. This should be possible when work on the draft Convention on Freedom of Information is completed.

Secondly, the possible conflict between the International Telecommunication Convention and the United Nations conventions should be studied further and resolved before the General Assembly takes final action on the latter; in addition, the Secretary-General, in conjunction with UNESCO and ITU, should be asked to report to the Council on action taken by governments in response to the recommendation adopted at the Buenos Aires Conference.

Thirdly, the Rapporteur should study the censorship situation throughout the world and report thereon to the Economic and Social Council, paying particular attention to abuses and hidden types of censorship. The Council might wish to have such a report presented to it annually.

## E. Status and movement of foreign correspondents

The restrictions which many countries place today on the entry and movement of foreign correspondents and the various impediments which are often put in their way may be said to constitute, in effect, a form of censorship. Certainly the end result is to decrease the available amount of authentic information and to encourage news stories based on rumour, hearsay and speculation.

The countries which impose restrictions of this kind include the USSR and the countries closely associated with it, together with the mainland of China; a number of Middle Eastern countries; and the United States of America.

It became increasingly difficult after 1946 for correspondents to enter the USSR and for them to work effectively once they were there. The International Press Institute has reported that by October 1952 only six non-Communist correspondents were left in Moscow. In a survey made in 1952 entitled "The News from Russia" the IPI noted the following sequence of restrictions:

"In March 1946 the censorship of foreign correspondents' messages was transferred from the Press Department of the Foreign Office to Glavlit, an organization of the Communist Party (Chief Administration for Literary Affairs and Publishing). Thereafter personal contact with the censors ceased. The switch to Glavlit was the beginning of many changes, whose cumulative effect has made the censorship much more strict and rigid. Other changes were:

"1. Uncensored telephone calls abroad stopped.

"2. Foreign broadcasts by Western correspondents stopped. (November 1946).

"3. The Soviet State Secrets Law (June 1947) classed as espionage the passing of information on a wide range of topics—economic, agricultural and scientific as well as purely military. The ban extended to anything which the Council of Ministers might declare to be 'secret'.

"4. Citizens of the USSR were forbidden (January 1948) to have dealings with foreigners unless officially authorized to do so. A correspondent would now require special permission, for example, to visit a public library.

"5. Russian women married to foreigners were prevented from leaving the country (March 1947)". (Note: The effect of this decree on foreign correspondents is discussed elsewhere in the IPI survey.)

"6. Decrees (30 September 1948, and 1 January 1952) greatly extended the prohibited areas. As a result correspondents are excluded from more than one third of Moscow and from many parts of Moscow province, may not travel more than 40 kilometres from the centre of the city and may use only four highways for such travel".

"7. New regulations were made (January 1949) governing re-entry permits. A correspondent going on leave can no longer get a re-entry permit in advance.

"8. Other measures, including the expulsion of one correspondent and the threatened expulsion of another, have made the lives of foreign correspondents more difficult, and their number has been gradually reduced.

"9. Accrediting of new correspondents has been discouraged by outright refusal or dilatory action on visa applications."

However, it should be noted that the USSR admitted nine American newspaper and radio executives in April, 1953, for a visit. They were permitted interviews with Soviet officials and citizens, and, according to *Editor and Publisher* (New York) of 18 April 1953, "were entirely free of Soviet censorship during their seven-day stay".

In the Middle East, the Associated Press noted in the censorship survey referred to above, the following situation:

*In Afghanistan:* "Foreign correspondents who write unfavourably about the Afghan régime find they cannot get visas for a return visit".

*In Iraq:* "Foreign newspapermen find it difficult to obtain permission to enter the country".

*In Saudi Arabia:* "No welcome for foreign correspondents". (Note: On 20 February 1953, the U. S. Department of State informed the Press that "the Saudi Arabian Government has established special procedures for the issuance of visas which involve individual consideration of applications from journalists. . . . Inasmuch as a number of American newsmen and magazine writers visited Saudi Arabia in 1952 it would seem clear that at present there is no ban on entry of American correspondents into Saudi Arabia for temporary visits".)

Since 24 December 1952 a situation has arisen under which obstacles could be placed in the way of foreign correspondents wishing to enter the United States of America. Under the Immigration and Nationality Act (commonly referred to as the McCarran Act) a correspondent is given a special classification as "an alien who is a bona fide representative of foreign Press, radio, film or other information media who seeks to enter the United States solely to engage in such vocation", and is admitted "upon a basis of reciprocity". Before being granted a non-immigrant visa under this special category the foreign correspondent must among other things supply "burden of proof and evidence of status as representative of foreign information media". He must also establish that he is not ineligible to receive a visa as a non-immigrant (to quote from an explanatory note issued by the United States Department of State to members of the foreign Press corps) because of "criminal record, conviction or charges involving moral turpitude, contagious disease, membership in certain groups subversive to American security, etc."

Correspondents who wish to enter the United States for the sole purpose of visiting or observing the work of the United Nations may apply for a special visa under which their travel may, but need not, be restricted. Such correspondents are ineligible under the law to receive a visa if, among other things (to quote again from the summary issued by the Department of State) they "are, or at any time have been (except in youth or under duress) members of anarchist, com-

munist, or other totalitarian groups which advocate or teach the overthrow by force, violence or other unconstitutional means of the Government of the United States or of all organized government." However, despite this he may be admitted temporarily at the discretion of the Attorney-General.

It seems therefore that under the McCarran Act correspondents who are or who have been members of the Communist Party (and this presumably would include many correspondents from Member States of the United Nations which have a Communist form of government) may not enter the United States to cover meetings at United Nations headquarters, except at the discretion of the Attorney-General. Quite apart from any relevant provisions of the Headquarters Agreement on this point, the General Assembly at its fourth session adopted a resolution urging Member States to facilitate "access for news personnel to meetings of the United Nations and the specialized agencies".

Since space does not allow an exhaustive examination of ways and means to improve the status and facilitate the movement of foreign correspondents, attention is drawn to a detailed study (document E/CN.4/Sub.1/140) which the Secretary-General made in 1951 for the Sub-Commission on Freedom of Information and of the Press of the "Law and Practice Governing the Status and Work of Foreign News Personnel and Measures to Facilitate the Work of such Personnel". The study, which unfortunately was never discussed by the Sub-Commission, deals with the administrative problems connected with the entry and movement of foreign correspondents in the countries where they are required to work; the fiscal problems of foreign correspondents, including the exchange problem arising from their remuneration; and the need for administrative and technical facilities to assist foreign correspondents in their work.

The study concludes that the status and professional work of foreign correspondents raises practical problems which can be solved only by international action taken jointly by the United Nations and certain specialized agencies, governments and professional organizations. It also suggests the adoption of uniform administrative practices under which foreign correspondents would be entitled to obtain certain facilities, privileges and immunities, and that the Economic and Social Council recommend to Member States of the United Nations that they adopt administrative and technical measures designed to facilitate the access of foreign correspondents to news and their movement within the country.

Attention is also drawn to a further study (E/CN.4/Sub.1/148) which the Secretary-General prepared for the information of the Sub-Commission, relating to the definition and identification of foreign correspondents. The study investigated the possibility of adopting a clear and practical definition of the term "foreign correspondent", the advisability of instituting an international professional identity card to certify his status, and the possibility of making a permanent body or professional organization responsible for applying practical measures to this end. The study suggested that the Economic and Social Council recommend to Member States the adoption of provisions clarifying the professional status of foreign correspondents, either by concluding a multilateral convention or bilateral agree-

ments or by including appropriate provisions in their internal legislation. Alternatively the Council might invite national non-governmental professional organizations to form an international association of journalists, managers, directors and proprietors of information agencies and to make that association responsible for applying the definition of a foreign correspondent and for issuing identity documents to the correspondent. It was suggested that should an international professional conference be convened for the purpose of concluding work on the draft International Code of Ethics, this conference might at the same time consider the possibility of establishing such an international professional association.

The studies by the Secretary-General already referred to, and the suggestions contained in them are the subject of specific recommendations in the final chapter of this report. Mention must be made here however of action which has already been taken by the United Nations, particularly the provisions contained in the convention articles on the International Transmission of News which the General Assembly has approved but not opened for signature. One article binds Contracting States to expedite the administrative procedures necessary for the entry into, residence in, and travel through their respective territories of correspondents of other Contracting States. Another article limits the possibility of correspondents being expelled on account of any lawful exercise of their functions. Other articles refer to the position of correspondents admitted to cover meetings of the United Nations; to non-discrimination between domestic and foreign correspondents as regards access to news; and to access of foreign correspondents to facilities for the international transmission of news material.

UNESCO is also working towards the removal of some of these obstacles. For example, it has sent to its member States, as well as to interested international non-governmental bodies, a questionnaire on the possibility of adopting an international instrument for the free movement of "persons travelling for educational, scientific or cultural purposes". UNESCO has in view an agreement which would grant to specific categories of travelers special facilities concerning passports and visas, travel costs, transfer of currency, social security protection and access to libraries and other institutions. The project is intended primarily to facilitate travel abroad for students, professors and other educationists.

Some governments feel that this agreement should include journalists among its beneficiaries and thus help to resolve if not the political at least some of the administrative and financial difficulties encountered by foreign correspondents. Whether this proves to be practical will depend on the response UNESCO receives to its questionnaire. At the end of 1953 or early 1954, UNESCO will convene a committee of government experts to draft a text of the international instrument which, if the organization's Executive Board considers it practicable, will be submitted for approval to the General Conference in 1954.

Last year UNESCO's General Conference, in adopting a series of recommendations to member States on measures they might take to promote the free flow of information, urged that "foreign persons engaged in the collection and communication of news in all forms



shall, subject to security regulations, enjoy the same privileges as are accorded to such persons in the host State, including the use of equipment necessary to the carrying out of their vocation".

#### F. Laws affecting the Press

Even in countries where the concept of freedom of information is accepted, restrictive measures have in many instances been imposed ostensibly for the protection of the common interest. This fact makes it all the more necessary to safeguard this freedom against encroachment and attempts to curtail, cripple or even destroy it by legislative or administrative measures.

On the other hand, the misuse or abuse of this freedom may constitute a serious threat both to the community as a whole and to individual citizens, and unless the law provides sufficient means of protective action and redress, the private citizen is left without defence against the powerful organs of information.

It follows that the problem here, as with human liberty in general, is to regulate this freedom without destroying it. Though a great variety of systems are conceivable for this purpose, two main trends can be distinguished. Countries committed to the principle of freedom of information are moving along similar lines and have adopted legislation which, while differing in details, has the same starting point and seeks the same results. On the other hand, the legislation of countries where information media are regarded as having a social function which should be directly supervised by the State, moves along different lines.

This section will attempt to describe the legal framework in which media of information function in each of these two groups of countries as well as in countries where legislation and practice may be said to include some features of both. The material has been derived mainly from the two-volume compilation *Freedom of Information* published in 1950 by the United Nations, and from the book *Legislation for Press, Film and Radio*, by Fernand Terrou and Lucien Solal, published by UNESCO in 1951.

#### SOME OF THE MAIN CONSTITUTIONAL TRENDS

The Constitution of the United States of America prohibits Congress from making any law "... abridging the freedom of speech or of the Press ...". This portion of the First Amendment merely limits congressional action to infringe this freedom: most of the State Constitutions, however, by implication authorize the imposition of certain restrictions on the freedom itself. Thus, for instance, Oregon, while granting to each citizen the right to speak and write freely and publish his opinion, holds him responsible for the abuse of this right. Almost identical provisions are to be found in the Constitutions of Illinois and New York. West Virginia's Constitution authorizes laws to be passed which would punish the publication or sale of obscene books, papers or pictures as well as libel and defamation of character. The Supreme Court of the United States has admitted the constitutionality of the following restrictions: protection of individuals against libel and slander; protection of the community against the dissemination of obscenity; protection of the State against internal disorder; protection of the State against

external aggression. Obviously, only the interpretation of these principles in specific cases can determine how far they are restrictive of freedom of information. In *Schenck v. United States*, 249 U.S. 47 (1919), the Supreme Court held that citizens are entitled to the widest possible liberty of expression subject to the well known "clear and present danger" clause. The Supreme Court stated: "The question in every case is whether the words are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent".

Though the United Kingdom has no written constitution, the principle of liberty of expression is of the essence of the British system. Nothing must hamper the right of every one to complete freedom of expression, but the misuse of this right, as we shall see when dealing with the law of libel, may entail severe penalties. The same principles are applied by the members of the British Commonwealth—Australia, Canada, India, New Zealand, Pakistan and South Africa. (Recent legislation in the last-named country, however, seems designed to limit liberty of expression as far as the *apartheid* policy and related matters are concerned.)

The Anglo-American concept is embodied in the constitutions of the Latin American republics and other countries. Thus article 14 of the Argentine Constitution states that all citizens enjoy the right "of publishing their ideas through the Press without previous censorship", and article 32 prohibits the federal Congress from enacting "laws that restrict the liberty of the Press or that establish federal jurisdiction over it".

Article 8 of the Constitution of the Philippines prohibits the adoption of any law "abridging the freedom of speech, or of the Press".

Article 7 of the Constitution of Mexico prohibits limitation of the freedom of the Press except in case of violation of private life, morals and public peace.

Continental European countries have in general inscribed freedom of information among the freedoms guaranteed by their respective constitutions. France reproduces, in the preamble of the Constitution adopted in 1946, article 11 of the Declaration of the Rights of Man and of the Citizen; Belgium declares in article 18 of its Constitution of 7 February 1831 that the Press is free and that no censorship shall be established. In Denmark, according to article 84 of the Constitution of 5 June 1915, everyone has the right to publish his opinions in the Press. The same principle is embodied in the Greek and Italian Constitutions.

Portugal and Spain may, on the other hand, be considered as examples of countries where the dissemination of information is a "public function". While sub-section 4 of article 8 of the Portuguese Constitution of 19 March 1933 establishes the principle of the right of every citizen to "free expression of thought in any form", it also declares that "special laws ... shall prevent, by preventive or restrictive measures, the perversion of public opinion in its function as a social force", and article 22 considers it the "duty of the State to protect it [public opinion] against all those agencies which distort it contrary to truth, justice, good administration and the common welfare".



Article 12 of the Spaniards' Charter provides that all Spaniards may freely express their ideas provided they do not advocate the overthrow of the fundamental principles of government. What is meant by this may perhaps be inferred from the *exposé des motifs* of the law of 22 April 1938 which states, *inter alia*, that since the Press performs the essential function of transmitting the voice of the nation to the State and instructions from the government to the nation, "the Press could not be allowed to exist in independence of the State". Article 1 of the law empowers the State to supervise the Press.

In article 125, the Constitution of the USSR (1936) guarantees freedom of speech and of the Press to Soviet citizens, but in fact places printing presses, stocks of paper, communication facilities, etc., in the hands of the State. The "Central Administration for Literary Affairs and Publishing" or "Glavlit" exercises political, ideological and military supervision of printed works, manuscripts, broadcasts, etc. In the other countries of Eastern Europe, although the underlying principles and purposes of Press legislation are similar to those obtaining in the USSR, the legislative and administrative solution of specific problems varies from country to country.

In most of the Arab States, constitutional provisions generally guarantee freedom of the Press, though the laws very often contain provisions considerably limiting this constitutional right. Thus the publication of newspapers in some of these countries is subject to authorisation by the administration; religious matters may not be discussed; and the publication of false and distorted news and of articles which may disturb public order may be punished.

#### LEGISLATION AIMING AT PREVENTING MISUSE OF FREEDOM OF INFORMATION

Obviously, a balance must be found between the freedom to seek and disseminate information and the necessity of protecting the individual and the community as a whole against misuse of this right. Therefore most countries have promulgated legislation enabling the authorities to intervene in case of necessity. In Australia, the Postmaster-General may withdraw the registration of a newspaper owned by an organization which seeks to overthrow the government by force, or which contains blasphemous, obscene or indecent material. In the United Kingdom the seizure of seditious, blasphemous or obscene documents is permitted. In Canada it is an indictable offense for a newspaper to publish obscene or immoral material, and in the United States publications offensive to public decency or clearly inimical to national security or public order may be suppressed. In India, the Press Act of 1951 extends the definition of "objectionable matter" beyond the categories generally prohibited in the laws of many countries to "any words, signs or visible representations which are likely to promote feelings of enmity or hatred between different sections of the people of India". It is clear that in such countries the actual degree of freedom depends largely on the way laws of this character are administered and interpreted.

In France, a newspaper or periodical may be suspended for a period not exceeding three months in case

of conviction for: incitement to crimes and offences, followed by action; incitement to certain specified crimes even if not followed by action; incitement of soldiers to disobedience; and false reports. In Belgium the importation of obscene publications printed abroad may be prohibited. Spain punishes "any form of propaganda which aims at destroying or weakening national sentiment" with solitary confinement and hard labour for a duration of between one and five years. In the USSR, as already stated, information is controlled by an administrative organization called "Glavlit". The Communist Party exercises a directing influence on the Press and all other services of information which, according to the Soviet author D. Kusneichev in "Problemi Gazevedeniya" (quoted by Terrou and Solal in "Legislation for Press, Film and Radio") aim "to educate the great mass of the workers and to organize them, under the sole guidance of the Party, to achieve clearly defined aims".

In general, the publication of certain types of news endangering national security is everywhere liable to punishment; while publications offensive to good morals expose their authors to penal sanctions. Press laws almost everywhere tend to protect family life, and information likely to impede the course of justice, contempt of court and similar offences exposes the author to more or less severe penalties. Some countries, like France, grant the right of reply to any person named or referred to in a newspaper or periodical, while others like Australia, the United States (where Nevada is the only State which has a statute expressly establishing the right of reply), and the United Kingdom have no laws specifically guaranteeing this right.

We must now consider how the law protects private citizens or groups of citizens against misuse by media of information of their enormous power.

In English law, words or actions constituting attacks on a person's reputation are dealt with by the law of defamation, which is divided into the law of libel and the law of slander, according to the form in which the defamatory statement is published. Libel is a defamatory statement communicated by written words or in some other relatively permanent form, while slander is a defamatory statement communicated by spoken words or in some other transitory form, whether audible or visible. In this connexion "for the purpose of the law of libel and slander, the broadcasting of words by means of wireless telegraphy shall be treated as publication in permanent form".

Libel may in certain cases result in criminal prosecution. Here, however, the rules differ from those applied to civil proceedings for libel since the offence rests not on the damage done to private reputation, but on presumed danger to the public peace. Where, therefore, a libel is punishable criminally, the truth of the statements constitutes no defence. Criminal proceedings for libel, however, are comparatively uncommon in the United Kingdom.

Civil proceedings for libel or slander have a more direct bearing on freedom of information, as have certain civil actions for words spoken relating to slander of title, slander of goods, and other false statements made maliciously and calculated to cause or actually causing pecuniary damage. The cause of action in this last group of actions differs from that in defa-

mation in that it depends not on damage to personal reputation, but on injuries caused maliciously to proprietary or pecuniary interests.

The permanence of the form which publication of a libel assumes as compared with the more transitory form of a slander has led to an important distinction in the proof required to establish liability. Libels are actionable without proof that any actual damage has been caused thereby to the plaintiff. Liability for an ordinary slander only arises where the plaintiff can produce proof that actual damage resulted from the slander.

A few cases of slander have been assimilated in this respect to libel, and the following classes of slander are now actionable *per se*: words imputing a crime for which the plaintiff may be made to suffer corporally; words imputing to the plaintiff certain contagious or infectious diseases; words spoken of a person in relation to his office, business, or calling and calculated to disparage the plaintiff in any office, profession, calling, trade or business held or carried on by him at the time of publication; or words imputing adultery or unchastity to a woman.

Until recently actions for malicious and injurious falsehood other than defamation were not actionable *per se*, but today if the words on which the action is founded are calculated to cause pecuniary damage to the plaintiff in respect of any office, profession, calling or business being carried on by him, or if they are calculated to cause such damage and are published in writing or other permanent form, it is not necessary to prove actual damage.

Even unintentional defamation may give rise to an action in court, although in this case, if the publication has been entirely innocent, an offer by the defendant, made at the earliest possible opportunity after receipt of notice that the words might be thought to refer to the plaintiff, to publish a statement correcting any such impression together with an apology for any possible injury which might have been sustained, now in most circumstances operates as a valid defence to the action.

Defendants may also escape liability in non-criminal proceedings if they prove that so substantial a portion of the defamatory allegations are true that any remaining allegations which have not been proved true do not add materially to the injury to the plaintiff's reputation. The defendant in an action for libel may also claim that the words complained of were "fair comment upon a matter of public interest". If the words complained of consist partly of allegations of fact and partly of expressions of opinion, the defence will not fail even if the truth of every allegation of fact is not proved, provided it is shown that the expression of opinion is fair comment upon such of the facts alleged as are proved.

Finally the circumstances under which the statements were made may eliminate liability through the defence of either absolute or qualified privilege. Thus fair and accurate reports published in a newspaper of proceedings before any court in the United Kingdom are privileged, and legislative protection also exists to cover publication of extracts or abstracts from Parliamentary papers.

Fair and accurate reports published in a newspaper of proceedings in public of a number of types of public meetings, as well as the proceedings of certain public bodies outside the United Kingdom, such as legislatures in the Dominions, international organizations and conferences, and international courts are privileged unless the publication is proved to have been made with malice.

There are also other circumstances which may make the publication privileged. Qualified privilege does not however extend to matters the publication of which is prohibited by law nor to matters not of public concern.

As regards reports of public meetings and decisions of certain associations and bodies, privilege is withdrawn if the plaintiff requests the defendant newspaper to publish an apology and the request is refused or not complied with in a reasonable manner.

Among measures which serve, in certain cases, to protect the individual against misuse of freedom of information are proceedings for contempt of court. In the United Kingdom the publication of any matter calculated to obstruct or impede the course of justice in judicial proceedings is an offence punishable by fine or imprisonment as contempt of court. A journalist may commit an offence by publication of official court documents before the hearing of a case; nor is he at liberty to publish the results of his private investigations concerning a case before the courts. In criminal cases before or during the hearing of the case, any matter which is likely to be prejudicial to the accused, such as revelation of his previous criminal record, must not be published. This rule is strictly adhered to; thus, even the publication in a newspaper of a photograph of the accused in a case where identity was in issue has been held to constitute contempt of court. In accordance with this rule the publication of any comments or opinions concerning matters which are *sub judice* are also punishable as contempt.

While the English rules concerning contempt of court may appear exceedingly harsh, it should not be forgotten that the life, liberty and honour of persons are at stake in criminal proceedings. The court therefore must not be influenced by publications in favour of or against the accused, and the guarantee of fair trial imperatively demands that he be judged only on the evidence submitted to his judges.

Damages awarded to plaintiffs for libel or slander are sometimes very considerable. Contempt of court is also severely punished.

The English law of libel has been analysed in some detail, though far from completely, because it is one which affords the most effective and thoroughgoing protection to the individual against unfair attacks upon his honour and reputation. It exemplifies the type of libel legislation which, having regard for the comparative helplessness of the individual citizen in the face of attacks by powerful media of information, attempts to establish some sort of balance between them.

All civilized countries have promulgated more or less elaborate legal provisions against libel and slander. The laws of libel in Australia and Canada, for example, are substantially identical with those of the United Kingdom.

Article 310 of the Chinese Penal Code of 1935 punishes a statement likely to injure another person's

reputation with imprisonment of not more than one year, with detention or with a fine of not more than five hundred dollars.

The Philippine Penal Code of 8 December 1930 as amended (article 353) defines libel as "a public and malicious imputation of crime, or of vice or defect, real or imaginary, or any act, commission, condition, status or circumstances tending to cause the dishonour, discredit or contempt of a natural or juridical person, or to blacken the memory of one who is dead". Oral defamation is called slander. Different degrees of penalty are provided for. Libels committed in writing and by other means of publicity as well as slander are punished by imprisonment and/or a fine. A threat to publish and an offer to withhold a libellous publication for a consideration are punished less severely. Proof of the truth is admitted as a valid defence but only under certain circumstances.

In French law four classes of libel are recognized. Libel of courts, tribunals, army or navy, corporate bodies and public authorities; libel of officials or citizens performing a public service; libel of a group of persons on racial or religious grounds (an offence non-existent in English law); and libel of individuals. In French law, the libeller may always prove his good faith; if public authorities or public office holders are libelled, the defendant may, by proving the truth of his statements, avoid any penalty. Reports of parliamentary proceedings and of judicial proceedings are privileged, with some qualifications as regards the latter. A particular feature of the French law on libel is that persons holding public office must, if libelled, bring the matter before the criminal courts.

Portuguese law distinguishes between "defamation" and "insult", the latter referring to attacks on a person's honour and reputation. Proof of the truth of the fact alleged or to which the insults may refer is not admissible.

In the USSR, article 161 of the penal code provides for the punishment of defamation of private persons, but the proof of the truth of the allegations made is a valid defence in criminal proceedings; libel and slander based on true facts are only civil offences.

In a growing number of countries, including those with severe and elaborate libel laws, there is a tendency to impose only nominal penalties or to award nominal damages. The reason for this seems to be the desire that the degree of satisfaction afforded an aggrieved individual should not be such as would gravely imperil freedom of speech and of the Press, the cornerstone of human liberty in general. Thus, even in the United Kingdom a more liberal tendency in regard to libel laws has manifested itself.

#### MEASURES TO PROTECT FREEDOM OF INFORMATION

In many countries the view prevails that freedom of information cannot exist unless outside interference with the management and policy of information enterprises, either through creation of monopolies or through economic and financial pressure, is effectively prevented. The influence of foreigners on national information enterprises is also generally frowned upon.

An example of this trend is the legislation promulgated in France before and after the Second World

War. Newspapers and periodicals must be declared to the Office of the Public Prosecutor before their first appearance. Every newspaper or periodical must have a responsible director in charge of the publication. This is either the owner of the enterprise, the principal shareholder or the chairman of the board of directors, one of the managing directors or the chairman of the "association". These provisions aim at laying the responsibility squarely on the shoulders of the real head of the publication. The law (Act of 29 July 1881 and Decree of 26 August 1944) furthermore provides for the positive identification of the persons who play an important part in the business of publication by requiring the names of principal managerial staff to be published, each name to be followed by the profession and nationality of the official concerned. Every three months, a list of shareholders must be published, and no anonymous shareholders are allowed. The law also requires, in the case of publications appearing at least once a month, a published statement of their capital. A working account and balance sheet must also be published annually. Editorial matter inserted for commercial purposes must be headed "Advertisement". Circulation figures must be given in every issue of the publication. Furthermore, French Press enterprises must be in the hands of French citizens and this principle applies not only to owners, but to partners, shareholders, hidden partners and so on. No funds from foreign governments may be accepted, except in payment for advertising. It is also forbidden to accept financial or any other recompense for passing financial advertising as information. Directors of dailies whose circulation exceeds 50,000 cannot accept any appointment in industry and commerce which would provide their chief source of income.

Most of these measures were taken after the Second World War. They represent a laudable attempt to benefit from previous experience, to assure, so far as that can be done by legislative means, the independence of the Press; and by informing the reader of the origin of the funds of the paper he reads, to enable him to judge its impartiality.

In the United Kingdom the Press is owned privately or by co-operatives. Private ownership is the general rule in Australia, Canada and the United States. In Middle Eastern countries the situation is basically similar to that obtaining in France.

In the countries of Eastern Europe private ownership of the media of information does not exist. Information media are collectively owned. In the USSR "Glavlit" authorizes and regulates the operations of publishing enterprises.

In Romania, the supervisory body seems to be the Directorate-General of Press and Publications and in Poland the Central Office for the Supervision of the Press, of Publications and Public Performances established by Decree of 5 July 1946. The main task of the Office, according to article 2 of the Decree, is to supervise the Press, other publications and public performances. The law of 21 November 1938, which contains detailed and strict regulations concerning the Press, is apparently still in force.

A word should also be said concerning a trend in some countries to organize the journalistic profession with a view to protecting the independence of the

newspaperman, to inspire confidence in him and to insure high professional standards.

In France according to the Decree of 17 January 1936, professional journalists must apply for a special identity card issued by a Commission of fourteen members, seven of whom belong to the profession. The applicant must submit certain personal information and give an assurance that journalism is his main occupation. The Commission may cancel any card it has issued on the strength of a special procedure laid down in the Decree. Appeal against such decision may be made to a "Higher Commission".

Argentina has established a detailed statute of professional journalists by Act No. 12908 of 1946, which gives a corporative character to the profession.

Anglo-Saxon countries prefer to rely on voluntary organization. The role of such organizations is referred to elsewhere in this report.

#### RADIO AND NEWSREELS

With regard to broadcasting and newsreels, legislative trends are less diversified than in the domain of the printed word.

Generally speaking, broadcasting is either reserved to a monopoly of the State, or is entrusted, as in the United Kingdom, to a corporation operating under a Royal Charter and under rules laid down by law, or to private companies under government supervision. Australia has established, under Act No. 33 of 1942, a "Broadcasting Control Board" with wide powers and also a "Broadcasting Commission". Licences for commercial broadcasting stations may be granted by the competent Minister under conditions laid down by the Act.

In Colombia all frequencies available for radio communications belong to the State. Licences for private commercial broadcasting may be granted.

In the United States broadcasting is almost entirely conducted by private enterprise. However, the Communications Act of 1934, as amended, lays down rules to regulate broadcasting.

With respect to newsreels, it may be sufficient to recall some of the more characteristic examples of legislation. In Canada, for instance, a National Film Board produces and distributes news films under provisions of the National Film Act of 1939. In France publication of newsreels is subject to prior authorization by the Minister in Charge of Information. Rental fees for newsreels are controlled, and newsreel enterprises are subject to general regulations drawn up by the National Centre of Cinematography operating under the supervision of the Minister in Charge of Information. In the United States the production and distribution of newsreels are left to private enterprise, although there is a voluntary production code and varying degrees and types of censorship prior to public screening.

#### CONCLUSIONS

The foregoing summary of significant legislative trends in the field of freedom of information lays no claim to completeness. To produce a detailed analysis of so vast a subject would have been impossible in the framework of this report.

Even this brief survey, however, cannot fail to show that freedom of information is constantly faced with the possibility of intervention by the State. By claiming that it is necessary to prevent the diffusion of false or distorted news, to prohibit propaganda subversive of public order or the existing system of government, to protect youthful readers, to maintain high standards of morals, to uphold religion and punish blasphemy and so on, the State can and often does intervene, and such intervention may easily become permanent, impeding the free publication of information and opinion.

It follows that no constitutional or legal provisions as such can guarantee freedom of information unless a people's fundamental conception of society recognizes that the best government is that which allows citizens to form and express their own opinion on all matters, including the government, and unless that conception pervades the entire fabric of national life.

That certain restrictions are necessary for the protection of the rights and reputations of individuals, the interests of the community and the security of the State cannot be denied. Such restrictions should, however, be kept to a minimum so as not to stifle the liberty of expression and the free exchange of ideas; the Press and other media of information must be protected against abusive or arbitrary intervention by public authorities.

To say that every man is entitled to freedom of expression subject to consequential penalties for abuse is not enough and, indeed, may be dangerous. It is like telling a man that he may say whatever he likes, reserving to yourself the right to bash his head in if you do not agree with what he says. Restraint in the application of consequential penalties must therefore be regarded as an essential ingredient of freedom of information.

Perhaps more than any other human right, freedom of information lends itself to extremes of abuse and repression. It is not easy to indicate precisely where freedom ends and license begins, or, even if this could be done, to indicate where license begins to be a "clear and present danger". The bewildering variety of libel laws and Press laws throughout the world shows how complicated the problem and the present situation are. Nevertheless, it is clear that such laws, together with the practices to which they have given rise, actually determine the degree of freedom of information which exists within each country, as well as the highest common denominator of freedom which is possible in the world. Therefore a detailed study of this difficult subject would be useful in showing the possibility of establishing common standards, within the framework of which a working compromise between freedom and responsibility can be achieved.

The Rapporteur on Freedom of Information for 1954 might be requested to suggest to the Council ways and means of having such a study prepared, possibly by a small *ad hoc* group of eminent journalists and experts in Press legislation, working in co-operation with the Secretary-General.

#### G. Monopolies

One of the basic elements of freedom of information is the existence of a variety of media and sources of information, ensuring competitive coverage and dis-



mination of news and opinion. For this reason monopoly has a direct bearing on freedom of information.

Information monopolies take different forms as a result of differing modes of historical development. Two extreme forms are exemplified by the trend towards "private" monopoly which has been observed in a number of the more highly developed countries and by "political" monopoly such as exists in the USSR. In under-developed countries, lack of adequate resources and facilities may create a situation favourable to monopoly, a problem which might be remedied in fact through the encouragement of independent information enterprises. This matter is dealt with in a separate report by the Secretary-General and UNESCO.

Though it is not possible to survey the situation as regards private monopoly in all countries and all media of information, it is possible to outline the nature of the problem as it affects the Press in two or three of the more highly-developed countries.

It has been said that "bigness is inherent in our technology" and it would be naïve to insist that the media of information can or should remain untouched by the tendency towards "bigness". Newspapers, magazines, communications systems, radio and television systems are, from an economic point of view, part of the modern financial-industrial system and consequently are as much subject to the tendency toward concentration and combination as other business organizations. An investigation would not be likely to uncover either unfettered competition or absolute monopoly. But we would expect to find a tendency towards concentration, the elimination of smaller competitors and the development of some of the monopolistic practices which have characterized other branches of the private enterprise economy. The large newspaper, the large Press agency, the large communications system, the large radio network, have become characteristic features of this economy.

In some countries there has been a steady decrease in the units of mass communication in the last fifty years, and concentration of ownership through consolidation and the setting up of chains, but nowhere except in countries where the Press is centralized under strict state control can an actual physical monopoly be said to exist. This is not to say that monopolistic tendencies do not exist. Since the war some other countries, on the other hand, have experienced a burgeoning of newspapers and magazines, with the result that temporarily, at least, there have been more units of communication in those areas than before the war.

Two major analyses of the structure, status and performance of the Press have been made in two countries in recent years. The first study, completed in 1948 by the Commission on Freedom of the Press in the United States of America, was unofficial in character.

The Commission reported, among other things, that the number of newspapers in the United States had fallen at a fairly constant rate. At the same time there had been a growth in literacy, in total population and total circulation of newspapers. The peak of 2,600 dailies reached in 1909 had been steadily reduced to 1,750. Approximately one out of twelve of the cities in which daily newspapers were published still had competing dailies. Altogether 40 per cent of the esti-

mated total daily newspaper circulation was non-competitive. A few big houses owned the magazines of largest circulation. Four great networks dominated radio. Furthermore, local and regional chains controlled more than half of the total newspaper circulation of the nation. Fourteen newspaper owners controlled 25 per cent of the daily circulation.

Furthermore, 95 per cent of the daily newspapers, serving all but one-fifth of 1 per cent of the total daily circulation, took the services of one or more of the three major wire agencies. This standardization was made more striking still by the fact that one association was owned by the interests identified with a big newspaper publisher, another was identified with the interests of another chain and the third by a limited, and until recently, self-limiting group of newspaper publishers.

The Commission found that "monopoly, in the strict sense of single control of all current information coming into an area, does not exist in the communications industry. The nearest thing to it—and it is too near for comfort—is unitary ownership in a single locality. This does exist. Ninety-two per cent of the communities in this country, all but the bigger cities, have only one local newspaper".

A similar investigation was conducted from 1947 to 1949 in the United Kingdom under official auspices.

After extensive hearings the British Royal Commission on the Press reported on the growth of chains thus: on 31st December 1921 there were twelve national morning papers of general interest, fourteen national Sunday papers and four metropolitan evening papers in the capital. In the provinces there were forty-one morning papers, eighty-nine evening and seven Sunday. There were three major concentrations of ownership. At the end of 1939 sixty-six general daily and Sunday papers out of a total of 149 were controlled by five major undertakings. In terms both of the number of papers controlled and of their relation to the total this was the highest point that concentration of ownership reached. During the thirties, three of the chains, although they did not cease to make new acquisitions, lost the impetus which had built them up so quickly in the previous decade and began, in terms of the number of papers published, to contract.

As in the United States enquiry, the Royal Commission also found that the highest degree of concentration existed locally; that in a particular town there is only one local daily, or if there are more, they are under one ownership.

The Commission concluded that there is nothing approaching monopoly in the Press of the United Kingdom today; that the present degree of concentration of ownership did not call for any action; but that it would consider any greater degree of concentration undesirable.

As far as international news agencies are concerned, the facts are as follows: The war ended with only six major agencies in this field. Of these, the Soviet news agency TASS is government-owned and operated, and, in line with the doctrine that the people's Press belongs to the people's government, functions as an arm of the government. Agence France Presse is partially subsidized by the government (its editor is appointed by the government), but its stated aim is



to free itself from any subsidy as soon as it is financially able to do so. The agency serves papers of all political persuasions without discrimination.

Two others of the big six, Reuters and Associated Press, are co-operatively owned by the newspapers they serve, Reuters having freed itself entirely of former government connexions. Both have extensive international affiliations and subsidiaries.

The remaining two, United Press and International News Service, are commercially operated, selling news as a commodity to their customers for a profit, and also having international affiliations.

No single one of them can be said to exercise today anything approaching a world monopoly.

What effect has this recent trend toward a higher degree of concentration in ownership had upon the performance of the Press? Opinions vary, although a thorough examination of the problem has yet to be undertaken. Both the national commissions referred to above found evidence of political and economic bias, and of triviality and sensationalism indulged in for economic advantage, but nowhere did they explicitly assert that concentration of ownership was entirely or even primarily responsible for these facts. In fact, it is demonstrable that competitive newspapers are more likely to identify themselves with the views and interests of the groups on which they depend for financial support, and to pander to sensationalism and triviality in order to increase circulation and newsstand sales.

It is nevertheless safe to assume that to the extent that the collector and distributor maintains a monopolistic position in his field he is able to give to or withhold from his readers or listeners any news or information which may affect his interest. He is, in fact, able to eliminate any opinion or interpretation that is inconvenient to his purposes, and thus make impossible the diversity of news and opinion which is essential to freedom of information.

It has been alleged that there is a tendency among large newspapers, news agencies and radio systems to assume an identical approach to current events and public questions. In a responsible journal this may not express itself in the actual distortion of news, although it is to be expected perhaps that the large advertiser and large publisher will incline to identical points of view on such topics as industrial relations or the economic and social policies of governments. And if the newspaper publisher or editor chooses to stray into dangerous paths of economic thought it would not be unnatural for the advertiser to remind him of an important source of his livelihood.

What conclusions may be drawn? First, although during the first half of this century, there has been an increasing degree of concentration in the private ownership of information media, actual physical monopoly is scarcely to be found in the whole field of information. Local monopoly is more common—at least in the obvious form of the one-newspaper town or city. But here it should be noted that the monopolistic control of news and opinion is more apparent than real since the town usually has access to an adjacent metropolitan area with its newspapers and to news and comment from the radio.

Second, it may be said that the existence of the large newspaper, of the large newspaper chain, of the large

news agency, is not bad in itself, provided that no single newspaper, chain or agency is permitted to hold a complete monopoly in the field. If monopolistic practices should develop to this extent, then controls are required, either self-imposed by the Press itself or imposed by government, to assure "the availability to the people of a diversity of sources of news and opinion," to quote a declaration made by the Geneva Conference on Freedom of Information.

Third, the mere existence of a competitive Press (financially speaking) is not a good thing in itself if it does not produce a free competition of ideas and a diversity of news and opinion. This is of course partly a problem of improving the *performance* of the Press, which is dealt with in a later section. But in a given situation, if the Press should be found to reflect the political or economic interests of only one element in society, the problem also becomes one of developing Press enterprises which will represent the views and interests of other social or economic groups. In practice, this may involve the development of a competing party Press or of a trade union Press or of a "minority" Press. The chief obstacle is the heavy capital outlay which is required to establish a news Press organization. Perhaps Press co-operatives are one means of overcoming this obstacle. Similarly the presence of a Press monopoly need not always have evil consequences. Where there is no scramble for circulation, more time can be spent in ensuring the accuracy and reliability of news, and there is less temptation to resort to sensationalism.

We have been dealing thus far with the problem of *private* monopolies whose growth has been fortuitous, arising as a by-product of the free enterprise system. On the other hand, the State monopoly of the Press, radio and film existing in the USSR, for example, is a form of monopoly deliberately developed in line with the doctrine that freedom of the Press is reserved exclusively for "the toilers and their organizations" and denied to the foes of socialism.

Under this policy, all forms of private ownership of information media have been eliminated, and in their place has been established the greatest of all information monopolies—a vast political monopoly which is "monolithic" both in structure and in function. Taking the Press as an example, its function in the USSR is defined by Lenin in the following words: "A newspaper is not only a collective propagandist and collective agitator; it is also a collective organizer". A decision of the Central Committee of the Communist Party in 1940, reaffirmed in 1946, declared that "the basic task of the district Press is the idea-political upbringing of the workers on the basis of daily propaganda about the current policy and decisions of the Party and government".

In order to implement this policy, the functions of supervision and control are concentrated in the hands of the Party. The administrative apparatus established for this purpose is the Department of Propaganda and Agitation of the Central Committee of the All-Union Communist Party of Bolsheviks. The Central Press Sector of this Department controls the all-union Press (or about twenty-five central newspapers); the Republican, Territorial, and Regional Press Sector controls newspapers on those administrative levels; and the Local Press Sector controls the district, city and lower Press, covering thousands of factory and farm news-

papers. Although complex in structure, it may be seen that this apparatus ensures a monolithic system of Party supervision and control.

The function of governmental censorship is carried out by "Glavlit", the Chief Administration for Literary Affairs and Publishing. Under a decree issued in 1931 by the Council of People's Commissars, "Glavlit" is responsible "for the carrying out of political and ideological, military, and economic control" of the materials and manuscripts intended for publication. This control takes the form both of preliminary and of post-publication censorship.

The Soviet Press is a "political" monopoly, a major social force employed in the interest of clearly defined social goals. Now no one would deny that the Press is a major social force which must therefore put the general above the private good. But the *only* way in which the Press can perform this important function, the only way in which it can be a positive force for democratic and social progress is by providing a forum for the public discussion of what those social goals should be. The only measure of substantive freedom which exists in the contemporary Soviet Press is the limited freedom (known as "self-criticism") to discuss the strictly technical means for achieving predetermined economic and social goals. No general public discussion, in the Press or elsewhere, of what those goals should be is permitted. In other words, the Soviet Press is a political monopoly designed and organized to perform a function which is strictly authoritarian in nature, rather than the dynamic social function of providing a forum for the free public discussion of ends and means.

When one considers monopoly as it affects radio, a number of special factors come into play. The limited number of available wave-lengths limits also the number of transmitters which may be set up in a given area. This is a limitation which does not apply to the Press, and is one reason why some form of governmental regulation of radio has been found necessary in every country.

In the United States of America, for example, radio enterprises must make application for a licence to the Federal Communications Commission which also prescribes certain conditions which must be met if licences are to be renewed. The Federal Communications Commission, by limiting the number of stations which an individual or organization may own or operate in any area, indirectly tends to arrest the development of any single private monopoly. In terms of actual ownership or control, government (with the exception of a few municipal stations) plays no part in United States radio. Over 97 per cent of radio stations are privately owned, being financed entirely from advertising revenue. Almost two-thirds of these stations are either owned by or affiliated with the four national networks: the National Broadcasting Company, the Columbia Broadcasting System, the American Broadcasting Company, and the Mutual Broadcasting System. The remaining one-third is largely made up of independent commercial stations.

An official FCC report, resulting from the investigation of monopoly in the radio broadcasting industry in 1937, declared that "in avoiding the concentration of power over radio broadcasting in the hands of government, we must not fall into an even more dangerous

pitfall: the concentration of that power in the hands of self-perpetuating management groups". The effect of this report was to limit the power of the then three big networks of the nation and to lead to the separation of two others.

In all other countries there is some form of governmental or semi-governmental control of broadcasting. Government or public monopolies exist in many Western European countries. One of the most interesting examples of a public monopoly is the British Broadcasting Corporation (BBC) which operates under a Royal Charter, subject to periodical review and renewal by Parliament. It is controlled by a virtually autonomous board of governors with various checks and safeguards to ensure that it functions as a public service with public (non-governmental) representation and control of programmes. The country is divided into regions, with advisory councils to help determine the content and variety of programmes in the North, Midland, West, Scottish, Welsh and Northern Ireland regions. Although the BBC exercises a complete monopoly in the field of broadcasting in the United Kingdom its programmes are noted for their wide diversity of news and opinion, including all shades of political belief.

A somewhat similar institution is to be found in Canada (the Canadian Broadcasting Corporation). Government-controlled broadcasting is found in Australia (the Australian Broadcasting Commission), and in New Zealand (the New Zealand Broadcasting Service). In Australia and Canada however the systems are mixed, and there are also commercial broadcasting stations and networks.

The BBC is a type of public monopoly for which there seems to be a public preference in the United Kingdom. It is an interesting example, in both organization and performance, of how a governmental broadcasting service can in fact ensure diversity in the field of information.

In most of the under-developed countries, governmental broadcasting monopolies also exist, but largely on account of economic and financial considerations, although in Central and South America, broadcasting is open to private enterprise. Further information on the structure of broadcasting systems in different countries, and the reasons for the differences found is contained in a section below which deals with the development of Press, radio, film and television enterprises.

The Soviet concept of the role of radio is akin to its concept of the role of the Press. Control is vested in the All-Union Radio Committee, which is charged with "the organization, planning and operational direction of all radio broadcasting in the USSR, including radio diffusion by lower radio-broadcasting exchanges in district centres, machine-tractor stations and so forth". The Radio Committee is under the direct supervision of the Council of Ministers, and, in line with the importance of radio as a means of indoctrination and education, there is also control by the Central Committee of the Communist Party. There is a high ratio of Communist Party membership among all workers in radio. The Radio Committee collects fees from listeners, a financially self-sufficient operation being the objective.

Television is as yet in its infancy except in a few countries. Nevertheless the forms of organization and

the variations in degree of government control which are seen in radio, manifest themselves, *mutatis mutandis*, in television. Thus, in the United States of America we see the development, under private enterprise, of "chains", as an offshoot of the big radio networks; and in the United Kingdom there is a public monopoly under the BBC.

It is not easy to draw conclusions. While the United States has set up checks against monopoly in radio, it remains that there is in fact a governmental monopoly in many parts of the world. It is also a fact that at least one public monopoly, the BBC, provides its listeners with a high degree of diversity of news and opinion, and public sentiment in the United Kingdom not only tolerates the BBC system but apparently desires to perpetuate it.

## H. Professional standards

The question of professional standards, self-discipline and ethics is one which governments would do well to leave to professional action. This is appreciated by most governments, and the point was well made in resolutions adopted by the Sub-Commission on Freedom of Information and of the Press, by the Economic and Social Council and by the General Assembly that future work on the Draft International Code of Ethics is a matter for the information professions, without governmental interference, on either the national or international level.

This is not to say, however, that the subject does not deserve treatment in this report. To paraphrase a conclusion reached by the American Commission on Freedom of the Press, the Press must face the fact that if the remedies for abuses and low standards of ethics are not self-applied, public opinion may eventually demand, where government control does not exist at present, enforcement of standards by governmental action.

Fortunately it is apparent from information received from professional organizations in the course of preparing this report, as well as from a mass of other evidence, that both nationally and internationally, newspapermen and their colleagues working in radio and newsreels are seriously concerned over the question of professional standards. The man in the street, the consumer of news, is also concerned, it may be added, particularly over sensationalism and the invasion of his privacy by the Press.

On the national level, standards can be safeguarded and improved in several ways:

Through libel laws, which serve as a corrective without constituting direct governmental interference;

Through disciplinary clauses written into the statutes of professional organizations. The by-laws of the Institute of Journalists (United Kingdom) for instance, provide for severe disciplinary action against any member held "to have been guilty of any act or default discreditable to him as a journalist or otherwise". Such acts or defaults include "the supply of false or exaggerated reports". In Switzerland, a journalist may be struck off the Professional Register if he is found to have committed certain offences, including the malicious dissemination of false reports;

Through the promulgation of codes of ethics. These may simply be proclaimed as standards of conduct to which newspapermen are exhorted to adhere, or, as in the case of the Australian Journalists Association, the code may be enforceable by a fine under the rules of the Association. Attempts to enforce codes of ethics have met with mixed success;

Through the activities of national courts-of-honour, so-called "professional committees" and similar bodies. Austrian journalists have a three-man Court-of-Honour; Norwegian journalists have a "professional committee" which deals with complaints of unprofessional conduct and can, on its own initiative, call a newspaper to account. The Press of the United Kingdom has just set up a voluntary Press Council representing employers and employees, one of whose main objectives is stated to be the maintenance of the highest possible professional and commercial standards.

On the international level the most important single effort is that currently being made to draft an international code of ethics for information personnel. This will probably remain the one positive contribution made in this field by the late Sub-Commission on Freedom of Information and of the Press. And regardless of what happens to the code in the future, the consultations held with professional organizations during its preliminary drafting and the educational processes thus set in motion have been valuable in themselves. At its seventh session, the General Assembly took a rather more positive attitude on the code than that taken a few months earlier by the Economic and Social Council at its fourteenth session. The Secretary-General has been requested "if a representative group of information enterprises and of national and international professional associations express a desire to do so" to co-operate with it in organizing an international professional conference for the purpose of completing a final text of the code and "taking such further steps concerning the implementation of the code as it may deem advisable".

At the moment it is not known whether such a "representative group" has expressed a desire to hold an international professional conference. It is to be hoped that the Secretary-General will take a liberal view of what constitutes a "representative group", and that the Council itself will do everything in its power to help such a group to organize a conference for the purpose of adopting an international code of ethics.

One of the recommendations of the Geneva Conference on Freedom of Information was that the Sub-Commission study the possibility of setting up an international Court of Honour.

The idea of such a court was endorsed in 1948 by the International Executive Board of the American Newspaper Guild in a resolution which stated:

"In particular, the American Newspaper Guild approves in principle the idea of an International Court of Honour for the Press and perhaps other media of information, as advanced tentatively by American Newspaper Guild President Harry Martin before the Sub-Commission. The International Executive Board of the Guild believes that such a court, established by the working Press of the world on a voluntary basis with the active co-operation of the

proper United Nations bodies and functioning through United Nations implementation on a semi-official basis, could become a factor of historic importance in preserving and further developing the responsibility of the free Press of the world along lines certain to be universally beneficial. The International Executive Board urges that the world Conference on Freedom of Information and the proper United Nations bodies such as the Commission on Human Rights take steps toward an international Press gathering for the establishment of such a court and, further, pledges its full support and co-operation in such a laudable enterprise."

Three members of the Sub-Commission actually submitted a proposal for a court to the Sub-Commission's fourth session (1951). Nothing further was done however and, in view of the impotence of the International Court of Honour set up by the former *Fédération internationale des Journalistes* at The Hague in 1931, the opposition of many members of the Sub-Commission to the suggestion of a Court of Honour, and the doubts expressed by various professional organizations, it would be inappropriate to make any specific recommendation to the Council. However, should an international professional conference be called to complete work on the code of ethics, the Council might, without in any way prejudicing the freedom of action of the conference, invite it to consider whether or not an International Court of Honour might be of assistance in the implementation of the code of ethics.

During discussions in the United Kingdom, over a period of several years, concerning the establishment of a Press Council, the question arose as to whether the "consumer" of news has a rôle to play in any attempt to raise standards. Originally the Royal Commission on the Press recommended that the Press Council, which it proposed should be set up forthwith, should have the power to censure "undesirable types of journalistic conduct and by all other possible means, to build up a code in accordance with the highest professional standards". The Royal Commission recommended that the Council consist of at least twenty-five members representing proprietors, editors and others journalists, with lay members accounting for about 20 per cent of the total number.

There was general opposition from the Press to the participation of laymen and the Council which the British Press has now set up, while still consisting of twenty-five persons, has ten managerial members and fifteen editorial members, eight of whom represent editors, four the National Union of Journalists and three the Institute of Journalists.

One of the criticisms so far directed against the new Council is that a group of persons all directly connected with the Press may be inclined to take a lenient view of complaints against the performance and standards of the profession to which they belong.

My own opinion is that the concept of freedom of information has developed during this century to the stage where the right of the consumer of news to be fully and adequately informed has become as important as the right of the media of information to seek and impart news and opinions. This right to be fully and adequately informed has, moreover, a qualitative element; and it is to the advantage of the purveyor of

news if the consumer is given an opportunity to express an opinion on the quality of the commodity offered to him. On the international level also the possibility might be studied of including lay representation on any body that may be invited to study professional standards and the performance of the Press.

In what way can the United Nations assist the information professions in improving standards of professional conduct and performance?

In the past seven years or so there has been a marked increase both on the national and international level in the "professionalization" of workers in the different media. This certainly reflects a growing concern among them not only as regards matters of legitimate self-interest, but also as regards such less tangible matters as professional ethics and responsibility to the public.

There are problems of common interest to all media and to employer and employee alike. It would be useful therefore to explore the possibility of co-ordinating this effort. A concrete proposal to this effect is included in chapter VI.

### **I. Independence of information personnel**

The independence of information personnel is a subject which lends itself to abstract treatment. Some codes of ethics for example refer to the right of a newspaperman to refuse to carry out an assignment which he considers to be unethical. The draft International Code of Ethics prepared by the Sub-Commission on Freedom of Information and of the Press lays down the rule that "only such tasks as are compatible with the integrity and dignity of the profession should be assigned or accepted . . ."

Such protection is desirable, but it is unlikely to be achieved unless the newspaperman's independence is concretely guaranteed, possibly through an assurance of freedom of conscience incorporated in a "conscience" clause in his agreement with his employer. Moreover a newspaperman's ability to withstand undue influence or pressure is directly related to his economic independence. This problem has exercised professional associations of working newspapermen in many parts of the world and is under review at the present time by the International Labour Organisation.

In 1925, at the request of the International Federation of Journalists Accredited to the League of Nations, the International Labour Office sent a questionnaire to some sixty organizations in thirty-three countries, seeking information on such matters as the labour market (finding employment, unemployment, employment of women, employment of foreigners, classes of employment), contracts of service (legal provisions, model contracts, collective agreements, settlement of disputes), conditions of employment, remuneration, provident institutions, organization of the profession and general position and demands. Summarizing the results of the enquiry the International Labour Office observed: "While in many countries endeavours are made in an increasing extent to safeguard the wage-earners in trade and industry against the risks to which they are exposed, the journalist, more often than not, is left to his own resources. He is generally excluded from the scope of the laws on compulsory

insurance either because he is a professional worker or because his salary exceeds a certain maximum figure fixed by law. Yet the fact that he is a professional worker does not save him from being defenceless against the risks which confront other workers, and his salary, little higher than the maximum named in the insurance laws, hardly suffices to keep him alive and to meet his professional expenses."

This report also referred to other related aspects of the general problem: the fact that the profession was in process of organization and advancing towards a clearly defined status; the paucity of legislation regulating journalists' conditions of work and economic status; and the concentration of journalists' organizations on three main problems—salaries, security of tenure, and working conditions.

Later a number of these specific subjects were studied by subsidiary organs of the ILO. The Second World War interrupted these activities, but in 1952 they were taken up again by the ILO's Advisory Committee on Salaried Employees and Professional Workers, which surveyed the problem afresh and recommended that the ILO collect current information and complete its documentation. This recommendation was affirmed early this year by the ILO's governing body.

The Geneva Conference on Freedom of Information adopted two resolutions, one on the need for a social security scheme as a means of guaranteeing the independence of news personnel, and the other on the desirability of negotiated agreements between employers and employees covering salaries, stability of tenure, superannuation, vacations, compensation for injuries and settlement of disputes. It is not possible however to trace any positive results from these resolutions.

The terms of reference of the re-constituted Sub-Commission on Freedom of Information and of the Press included matters relating directly and indirectly to the independence of news personnel. The Secretary-General submitted to the Sub-Commission's fifth session (1952), a short survey of the question in document E/CN.4/Sub.1/154. The Secretary-General recommended that governments should be encouraged to implement the resolutions of the Geneva Conference and that the Council and the ILO should study the problem further. The latter recommendation is being implemented through the ILO's current work in this field, already referred to.

The achievement of economic security and genuine professional status may help the journalist to withstand the cruder types of pressure. They do not, however, wholly protect him from the more subtle influences and less tangible pressures that are exerted upon him—the slow poison of conformity and the imperceptible corrosion of conscience, which the cynic would describe as knowing on which side one's bread is buttered, or the rule that who pays the piper calls the tune. Editorial writers may, if they wish, submit to these cynical slogans since newspaper editorials are understood to express the views of the management rather than those of the writer. But the deliberate suppression, distortion, slanting or playing up, playing down or "burying" of stories in the news columns arising from direct or indirect pressures are not only serious matters of conscience for newspapermen; they are of the gravest concern to the public. The independence of news personnel

is thus not merely a question of ensuring just treatment for a deserving group of professional workers but a larger one of safeguarding the people's right to full, accurate and unbiased information.

It would be useful therefore if the Secretary-General were requested to co-operate with the ILO with a view to widening the terms of reference of the ILO inquiry to include consideration of this factor. Another factor which should be taken into account is the desirability of encouraging legislation to safeguard the economic status of information personnel, especially in respect to termination of employment and payment of indemnity in case of dismissal. The views and suggestions of professional organizations, particularly those with trade union experience, should be sought, and a separate report made eventually to the Economic and Social Council.

## **J. Protection of sources of information**

The Sub-Commission on Freedom of Information and of the Press, during its five-year existence, had before it exhaustive documentation on various problems and suggestions for practical action, but often failed, for a number of reasons, to make any recommendation to the Economic and Social Council. This was true of the problem, among others, of the protection of sources of information, although here the Sub-Commission had a more limited possibility of action.

The Secretary-General presented to the Sub-Commission a useful study of the subject including the legislative situation in various countries. The study discussed a number of factors which would have to be taken into account in making any recommendations; references to the right in various codes of ethics were cited; and lines suggested along which action might be taken.

Lack of such protection has vexed newspapermen in many parts of the world, and legislation varies from country to country. Within the United States of America, indeed, the position varies from state to state, twelve states having statutes which protect news personnel, and one state affording limited protection. To quote from the Secretary-General's report:

"Working newspapermen have frequently claimed that just as the confidential nature of the relation between husband and wife, physician and patient, lawyer and client, priest and penitent, is universally respected and even guaranteed, so should courts of law, tribunals, investigatory commissions and similar bodies respect the relation which exists between the newspaperman and his informant. Frequently, where the privilege is not guaranteed by law, newspapermen have nevertheless invoked it and on occasion have suffered imprisonment rather than betray confidences. International and national professional associations generally claim the privilege in declarations of principle and codes of ethics, regardless of the legislative situation.

"The arguments against such a privilege include the following: even if not interfering with the course of justice it may work a hardship, and should therefore be restricted as far as possible; it is important, if crime has been committed, that there should be the maximum disclosure — otherwise crime may go



unpunished; unscrupulous newspapermen could circulate false information and slander or attack the reputations of other persons and invoke the privilege as a means of concealing their dishonesty; if it is to be extended to newspapermen, should it not also be extended to members of other professions, such as social workers and accountants?

"Those who maintain that the privilege should be universally granted recall that other types of confidence arising out of not dissimilar relationships are respected in the courts; that where legal protection exists there appears to be no evidence that it has interfered with law enforcement, has handicapped the administration of justice or has interfered with the conduct of public business; that the work of newspapermen in informing the public objectively and adequately would in fact be facilitated; that, moreover, in the absence of this protection their independence is seriously jeopardized; and that, in brief, public interest is finally best served if the sources of news are protected."

There is no doubt that, by and large, the profession favours some form of legal protection. The codes of ethics adopted by professional associations in many countries make reference to the privilege. The proposed international code of ethics, as redrafted by the Sub-Commission on Freedom of Information and of the Press at its fifth session in 1952, contains an article which, while recognizing the legal facts of life, maintains that "professional secrecy should be observed in matters revealed in confidence; and this privilege may always be invoked to the furthest limit of law".

It is also true that newspapermen will often risk a prison sentence rather than betray what they regard as a professional confidence. In the Philippines, in June 1949, the first Press freedom case to be decided by the Supreme Court after the country became independent, related to the refusal by a Manila newspaperman to reveal his sources of information. Under the relevant Philippine law "the publisher, editor or duly accredited reporter of any newspaper, magazine, or periodical of general circulation cannot be compelled to reveal the source of any news report or information appearing in said publication which was related in confidence to such publisher, editor or reporter unless the Court or a House or Committee of Congress finds that such revelation is demanded by the interest of the State". In this case the newspaperman declined to name informants who had given him data regarding alleged leakages in a bar examination. The Supreme Court maintained that the "interest of the State" was involved and held him in contempt. The newspaperman was sentenced to thirty days' imprisonment, the sentence being regarded by many thoughtful people in the Philippines as a blow at a basic principle of freedom of the Press.

In view of its technical and legal character this is obviously a matter on which no recommendations for drastic immediate action can be made. One must consider, among other things, these questions: To whom should the privilege of protection of sources of information be granted—to news personnel in the narrower sense of the word or to all employers and employees connected with information enterprises? To what extent does the public interest govern the granting of the privi-

lege? Before what types of proceeding should it be possible to invoke the privilege?

It is suggested that the Council request the Rapporteur on Freedom of Information for 1954 to prepare, with the assistance of the Secretary-General, a detailed study of the question. This study, which should include recommendations for concrete action, should take into account the report already prepared by the Secretary-General.

## **K. Development of Press, film, radio and television**

### **I. PRESENT SITUATION: THE ECONOMIC AND MATERIAL PROBLEMS**

#### **(1) *The general picture***

Very few countries or territories are entirely lacking in some form of Press, film or radio facilities, but the question is whether the average "man in the street" can count, as part of his day-to-day experience, upon access to news concerning more than purely village affairs. On this basis, a large portion of the world must still be classified as under-developed.

This section will attempt to present a sketch map of the world situation. This will necessarily be couched in general terms, first because it would not be easy to establish a hard and fast line between sufficient and insufficient news facilities; second, because certain countries may be relatively well equipped in, say, radio, but have a far from satisfactory Press; and third, because within generally under-developed areas one finds occasional "pockets" where the information media are highly developed.

With these reservations, it may be said that a privileged zone is made up of Canada and the United States; the whole of Europe, but more particularly western and northern Europe; Australia, New Zealand and Japan. By contrast, the under-developed zone, which is much vaster, includes practically the whole of Africa, the Middle East, Central and Southeast Asia, and, to a certain extent, Central and South America. Owing to lack of information, the USSR, certain countries of Eastern Europe, and the mainland of China are not included in the following examination. Any information currently available concerning these countries, though based on reliable sources, may be out of date and its present accuracy cannot be guaranteed.

The most convenient units of comparison are, for the Press, the average total daily circulation of newspapers per 1,000 inhabitants (or alternatively the annual consumption of newsprint per head of population); for the cinema, the capacity of theatres, expressed in number of seats per 1,000 inhabitants; and for radio, the number of receivers per 1,000 inhabitants.

In the field of Press, the United States is by far the best off, with an average annual consumption of newsprint exceeding 35 kilos per inhabitant. With smaller papers, though with an equal or even higher distribution per population, the highest figures in Europe and Oceania reach approximately 15 kilos per inhabitant. By comparison, the highest figures reached in the under-developed zones are: for South America, 8 kilos; for Africa, 5 kilos; for Asia, 3.6 kilos. However, the disparity between the United States and

Europe takes no account of the fact that while European newspapers have fewer pages, they do not necessarily contain less news than American papers.

In radio, the United States again leads with more than twice as many receiving sets per thousand of population as in any other country (620 per 1,000 inhabitants). The best figure for Europe is 300, and for Oceania 250. By comparison, the highest figure for both South America and Asia is 125, and for Africa, less than 50.

The figures quoted are the highest for each region. At the other end of the scale, one finds newsprint consumption of less than 0.1 kilo per inhabitant, and less than one radio receiver per 1,000 inhabitants.

Africa is worst equipped. Most African territories are non-self-governing, and to all intents and purposes the Press, film and radio have been developed exclusively for the relatively small white population. Only recently has there been any attempt to launch newspapers, or organize radio broadcasts or film showings for the Africans. One or two territories have as many as fifteen daily newspapers, and certain dailies have circulation as high as 20,000 or even 40,000 copies; nevertheless the total daily circulation rarely exceeds four copies per 1,000 inhabitants and many territories have no dailies at all. Few territories have as many as one radio receiver per 1,000 inhabitants, and the number of cinema seats per 1,000 inhabitants averages about four. The principal exceptions to the above figures are the French North African territories, Egypt, and the Union of South Africa.

The over-all picture in Asia is scarcely better, with the exception, in the West, of the Middle Eastern countries bordering the Mediterranean, and in the East, of Japan and to a lesser extent the Philippines and Korea prior to 1950. But there are marked differences in the structure of communications facilities, one of the chief reasons perhaps being political: unlike the situation in Africa, the great majority of Asian countries are independent States. A striking characteristic of the Press in Asia is the large number of daily newspapers that appear in many countries: thirty or more in Burma, Syria, Thailand; fifty-five to sixty in Iraq and Pakistan, nearly 100 in Indonesia, 578 in India. Yet the average circulation of these newspapers is about 3,000 copies; only a few exceed 25,000. Thus the number of dailies available per 1,000 inhabitants remains low: twenty or thirty for the more developed countries of the Mediterranean region; little more than four in central and southern Asia. These statistics do not take account of the fact that a copy of a newspaper is generally read by more people in an under-developed country than in a developed country.

There has been a considerable effort throughout Asia in recent years to develop broadcasting. The material difficulties are great, and consequently insufficient attention has as yet been paid to the development of listening facilities, although in many countries impressive transmitting systems have been set up. The result is that, with the exceptions already mentioned, the average number of receivers per 1,000 inhabitants rarely exceeds five, and is in some countries less than one.

There is greater activity in film production in Asia than in Africa, but exhibition facilities are less devel-

oped. The over-all average of the number of seats per 1,000 inhabitants is little above two.

The countries of Central and South America have in general much more developed communications, though, once again, within this general area there are marked differences. The few Non-Self-Governing Territories and the islands of the Gulf of Mexico are in general much poorer than the independent States on the main continent. In Haiti, for example, the six dailies have an average circulation of 1,500 copies, or less than four copies per 1,000 inhabitants; there is only one receiver per 1,000 inhabitants, and cinema attendance is among the lowest in the world.

In the larger States in South America, the Press is the least developed of the information media. Though there are considerable variations in the number of daily newspapers and in their average circulations (the average for Argentina is 13,000, but the three most important newspapers each have more than 200,000), the average consumption of newsprint per capita is less than 5 kilos per year, except in Argentina and Uruguay. Radio and film are relatively more developed. Broadcasting is open to private enterprise, and one generally finds a large number of independent transmitting stations. They are mostly, however, of low power. As usual, the development of receiving facilities has lagged, although only in one or two cases are there less than twenty receiving sets per 1,000 population. Most countries produce films of some sort, and there are only two States where the number of sets per 1,000 inhabitants is less than ten.

## (2) *News agencies*

Existing news agencies fall into two classes: world agencies, which both gather and distribute news in the majority of countries; and national agencies, which generally restrict their activities to serving clients within the countries in which they are established, and to gathering only national news, though they often supplement their service to clients by distributing, by agreement, the international news file of one of the world agencies.

Only six agencies fall into the first category: three American (AP, INS, UP), one British (Reuters), one French (Agence France-Presse) and one Russian (TASS). There are some seventy purely national agencies in fifty countries, but more than half of these figures (both of the number of countries and of the number of agencies serving them) is accounted for by countries in the developed zone: North America, Europe, Oceania. For the under-developed regions: in Africa, only four territories have national agencies; on the whole of the American continent, outside of the United States and Canada, only five countries have national agencies; and in Asia only fifteen.

The consequences of such a situation are obvious: first, every country in the world depends on the six world agencies for getting its national news brought to the attention of the outside world; second, every country in the world depends on the six world agencies for its supply of foreign news; and third, many of the countries which as yet do not have national agencies depend to a large extent on the world agencies for the supply even of their own national news.

The first point is a cause of understandable anxiety to many governments, which naturally resent the fact that news of their country reaches the world exclusively through a foreign enterprise. Moreover, there is a limit to the amount of news that can be carried in a day's file, with the result that news of a small country has little chance of getting into the main service unless it concerns a subject of world-wide importance or is of a sensational nature. Finally, many countries do not even have a choice of six world agencies as a means of spreading their news abroad, for the world agencies themselves are not active everywhere.

This leads to the second point. The fact that six agencies constitute the only source of world news does not mean that every country receives the services of all six. In fact, only Afghanistan, Indonesia, Iran, Japan, and Lebanon, with Hong Kong and Berlin, can be said actually to receive world news through all six agencies, and they account for little more than 8 per cent of the total world population. On the other hand, nearly half the world's population (43 per cent) is informed of world events only as seen from a national viewpoint, be it American, British, French or Russian.

The countries which, having no national agency, depend on the world agencies even for their national news, account for about 12 per cent of the world's population; apart from a large number of Non-Self-Governing Territories, they include many independent States in Latin America and the Middle East.

The effect of this situation on freedom of information is clear. The reason preventing the creation of national news agencies in all countries, or of new world agencies is essentially economic. A news agency must have clients willing to pay enough for its services to cover at least its costs of operation. The moment an agency is forced, in order to cover its cost, to accept money other than for services rendered, be it a government subsidy or a grant from any private body, its status and services tend to be regarded with suspicion.

Hence, though temporary measures, including government subsidies, may be considered practical necessities to assist in their creation, in the long run independent agencies can only exist where Press and broadcasting enterprises have first been sufficiently developed.

### (3) *Press*

As already stated, it is difficult to define what constitutes "satisfactory" information facilities. For purposes of comparison, some yardstick is needed. It is a fact that in the "developed" countries the circulation of daily newspapers reaches at least 250 per 1,000 inhabitants. In the United States, the figure reaches 350, in Australia 460, and in the United Kingdom it is as high as 600.

In Africa, however, out of fifty-odd territories, only nine (Egypt, the Union of South Africa, Southern Rhodesia, the Gold Coast, the three French North African territories and the islands of Mauritius and Réunion) have more than ten copies of daily newspapers per 1,000 inhabitants. Of these nine, only one, the Union of South Africa, has more than fifty. In Asia, the situation is similar, only eight countries

having more than ten copies per 1,000. For Central and Southern Asia, including India, Pakistan, Indonesia, Iran, the figure varies from less than one to a maximum of six. In Asia, however, we find two countries in which the Press has attained what might be called full development: Israel, with 286 copies per 1,000 inhabitants, and Japan with 334.

In Central and South America the Press is relatively more developed, in the sense that, with the exception of Haiti and one or two Non-Self-Governing Territories, nowhere are there less than ten copies per 1,000 inhabitants. But for the majority of countries the figure is under fifty, and for only three (Argentina, Uruguay and Panama) it is over 100.

Such is the statistical situation. What are the obstacles to development of the Press?

Foremost is the illiteracy rate. Though literacy statistics are mostly little better than estimates, it may be said in general that the commonly prevailing rate of illiteracy in Africa is between 80 and 90 per cent, in the greater part of Asia between 70 and 80 per cent, and in Central and South America slightly over 50 per cent.

Nevertheless there has been in recent years a truly world-wide movement towards education, and in several regions where literacy campaigns are being carried on, it has already been found that the problem is not that of teaching the relatively simple mechanics of reading, but of ensuring a supply of reading matter for the new literates.

The second obstacle is inadequate supplies and equipment for the Press. The problem of newsprint is of such importance that a separate section of this report has been devoted to it. Less crucial, but by no means unimportant, is the question of composing and printing machinery. The United States, the United Kingdom, France, the Scandinavian countries, Germany, Switzerland, Italy and Japan are the chief producers of equipment; there is no production anywhere in Africa, Asia (except Japan) or Central and South America. Here again vast regions of the world are dependent on a few industrially-developed countries.

Finally, there are the obstacles inherent in the economic life of a newspaper. An independent Press obtains its resources in two ways: by the sale of copies and by advertising. But in the economically under-developed countries revenue from advertising is difficult to obtain, and the life of a newspaper will be precarious if it must rely largely on the sale of copies where the purchasing power of the population is low. The problem of distribution adds to the financial difficulty where heavy transport charges greatly increase the initial cost of the newspaper.

### (4) *Film*

When we turn to film we have to consider not only national exhibition, both of foreign and home-produced films, but also foreign distribution as a means of spreading knowledge of events in a country and of its way of life.

It was suggested earlier that we might take as a unit of measurement the capacity of theatres, in terms of the number of seats per 1,000 inhabitants. But once

again a word of caution is needed. Where the cinema-going habit is firmly established, all towns of a certain size have their permanent "picture-palaces", and it is relatively simple to collect statistics as to their capacity. But even in these countries, many villages are served by travelling projectionists who set up their apparatus once or twice a week in a local hall; and in the United States there are over two thousand "drive-in" cinemas where seating capacity cannot be calculated exactly. In the under-developed countries, mobile projection units operating in schools, public halls, even in the open air, often serve a larger public than do the few permanent cinemas. Moreover, figures such as those cited here do not accurately reflect differences in film-going habits from country to country, even among the developed countries, arising out of differences in amusement preferences and opportunities.

It is nevertheless significant that in the developed areas there are rarely less than thirty seats per 1,000 inhabitants (in several there are more than seventy) whereas, with the exception of the Middle East, there are generally less than four in Africa and Asia.

With regard to national production, the picture is less one-sided. After the United States, the world's largest producers of films are two Asian countries: India and Japan. They are followed by Mexico, the United Kingdom, France, Italy, Germany and another Asian country, the Philippines. But a distinction must be made by types of film: features, newsreels, and "shorts" (educational films and documentaries). Production of this last type is the most widespread; fewer countries produce newsreels and even fewer feature-length films.

Though the number of films produced annually varies considerably, most countries of Europe, the United States, Canada and Australia produce all three types of films. In Africa, only Egypt, Morocco and the Union of South Africa produce features, while several Non-Self-Governing Territories produce documentaries and newsreel footage, though not always regularly. In Central and South America, six countries produce features, and most of the others produce documentaries and newsreels, some regularly, some sporadically. In Asia, as we have seen, India and Japan are important producers of feature films, and on a lesser scale China, the Philippines, Burma and Indonesia. On the other hand, there is practically no production of any sort in the Arab States of Asia.

Only a few countries producing feature films attain wide distribution abroad. The United States covers the world with the exception of the USSR and certain countries of Eastern Europe. Films from the United Kingdom, France and Italy reach all continents, though they reach a far smaller audience than do American films. These four countries are the only ones which can claim international distribution. Next comes Mexico, which distributes throughout Latin America and also, but to a much smaller extent, in Europe and North America. Films from Argentina and Brazil have an essentially regional distribution in Latin America, as do those from Egypt in the Middle East. India, Japan and China also distribute regionally, while the USSR has a wide distribution in Eastern Europe.

The situation is similar with regard to newsreels. Many countries not only in Europe but in the Americas

produce newsreels regularly, but the only countries which can claim truly international distribution are the United States, the United Kingdom and France.

As might be expected, film equipment and supplies are produced only in the industrialized countries, and the under-developed countries depend on imports. Very few countries produce raw stock: in Europe, the United Kingdom, France, Belgium, Spain, Italy, Poland and Germany; in North America, Canada and the United States; none at all in South America, Africa or Oceania; only Japan in Asia.

Rather more countries produce equipment, including Brazil and Uruguay in South America and Japan in Asia, but these last do not produce enough to meet their own needs, and still have to import.

National production of films comes up against economic obstacles. The home market in under-developed countries is completely inadequate to meet production costs. Not to speak of feature films, the most that can be hoped for documentaries is that the home market should provide returns up to a quarter or a third of the costs. The home market for newsreels is also uncertain. The practice of combined selling means that exhibitors are dependent on foreign distributors, not only for their feature films but for complete "package" programmes, including newsreels, and even if legislation makes the showing of national newsreels obligatory, the returns will often be insufficient.

The foreign market is, to say the least, uncertain. Commercial distribution is limited on account of the monopolistic structure of the industry, and though there is a certain outlet in non-theatrical distribution (and perhaps a future market in television) this again cannot be counted as a sufficient source of revenue.

### (5) *Radio*

Many of the difficulties encountered in other media do not arise, or are less acute, in broadcasting, and under-developed countries wishing to expand their information facilities would do well to concentrate first on this medium. For countries with a high proportion of illiteracy the advantage of radio is obvious, and the immediacy of radio, and its relative cheapness, give it a decided advantage over the film.

As regards news broadcasting by radio, as many as forty countries are at present transmitting regular programmes for foreign listeners, on a scale which ranges from as many as 700 programme-hours weekly, beamed to all parts of the world (such as the BBC, Voice of America and Radio Moscow services) down to a weekly hour or half-hour designed for listeners in immediately neighbouring countries.

The financial outlay required for the construction of a transmitting station is relatively small. There are however two major obstacles, one technical, the other psychological. The technical problem, which is largely one of shortage of frequencies, is dealt with below in a section on "International Broadcasting."

The psychological obstacle arises at the receiving end. In normal times the average citizen is content to listen to his local station or to a neighbouring foreign station, as in the case of Europe where radio transmissions cross national boundaries without difficulty.

In times of war or of international tension, people will listen to foreign broadcasts, but only to those transmitted from the handful of powerful countries which play a preponderant role in shaping the course of events and to those from "neutral" countries in the hope of obtaining "impartial" information. For the rest, the incentive to listen is lacking. And it takes a determined man to put up with the continual fading, interference and atmospherics which are the product of our overcrowded ether. How tempting it is to tune in instead to the loud, clear, steady signal of the local station. But if a foreign broadcasting service can arrange with that local station to relay or rebroadcast one of its programmes, then it will find a substantial audience ready and waiting for it.

In domestic broadcasting the picture is relatively satisfactory. There is scarcely a country in the world which does not have a broadcasting service of some sort or another. The essential minimum is there. The picture is still unsatisfactory at the receiving end, however, and there is still need for a parallel development of listening facilities.

The ideal would presumably be a radio receiver for every family. The United States has the luxury of two sets for every three people, and many (though not all) countries of Europe and Oceania have more than 200 sets per 1,000. But a vast portion of the globe, containing the majority of the world's population, does not have ten sets per 1,000. This is true for nearly all of Africa and Asia except Japan, Israel, and Lebanon.

What are the economic and technical obstacles to further development of broadcasting? On the transmitting side little need be said. It is, of course, true that transmitting equipment is manufactured by only a small number of industrialized countries and that the under-developed countries must resort to importation. But the cost is relatively low, and does not seem to have constituted a major obstacle. The cost of daily operation is undoubtedly a problem. A broadcasting service can be independent either if it has resources from advertising or if it can obtain sufficient money from its listeners (either in the form of a receiving licence or in the form of subscriptions) to cover its costs. In the under-developed areas there is little money available from advertisers even where commercial broadcasting exists, and the population is too poor and numerically too small to provide the necessary funds. At present it may be said that throughout Asia and Africa broadcasting is subsidized by the government, whereas in Latin America it is supported by advertising revenue. In any case pressure must be guarded against, and, moreover, listener-preferences regarding advertising-supported broadcasting vary greatly from country to country.

On the receiving side, the problem of equipment is greater. Again, the under-developed countries depend on a small number of producing countries for their supply of receivers, and the cost of a set to the individual is usually prohibitive. In recent years there has been a move towards the production of sets at very low prices, but this depends largely on mass production, and consequently on an assurance of large orders. Some sort of national centralizing agency would seem to be necessary, at least in the beginning, to co-ordinate the placing of orders, and to organize distribution and maintenance.

Hard currency shortages and import duties also affect the availability and price of the set to the purchaser. One or two governments of under-developed territories have recently abolished or considerably reduced import duties on low-cost non-luxury receiving sets, but as yet this practice is rare. On the other hand, at least thirty States impose import duties of more than 25 per cent *ad valorem* on sets. One or two of these countries produce sets, in which case the duty protects national industry without preventing the population from acquiring sets, but the majority of countries in Africa, Asia and Latin America produce none.

Several countries faced with the need to develop listening facilities have experimented with such devices as "group" or communal listening sets, and with rediffusion or "wired wireless" circuits. Such systems have their advantages, but from the point of view of freedom of information the chief disadvantage is that they deprive the individual of any freedom of choice of the programme he hears. "Controlled" listening by "captive" audiences may therefore have a bad psychological effect, particularly in Non-Self-Governing Territories, although it remains to be seen whether, in actual practice, the possession of a tunable receiver gives very much greater freedom.

#### (6) Television

Television is undoubtedly going to play a great role in the spread of information and in the forming of public information. However it is not proposed to devote much space here to examining either the present situation or obstacles to development. At the moment, practically all countries in the world are under-developed as regards television, in the sense that, with the exception of Cuba, the United Kingdom and the United States, none have anything approaching national coverage. But it seems certain that before many months have passed the situation will have changed in a number of economically-developed countries. And plans are being seriously studied (in some cases test transmissions have already been organized) not only in many parts of Latin America but also in Africa and Asia.

The problem of equipment is undoubtedly serious. While the present short range of television signals overcomes frequency shortages, a far greater number of transmitters is required to cover a country of any size. This in turn poses the problem of electrification, both for transmitters and for receivers. Perhaps the greatest obstacle is the cost of operation. Television programming is many times more expensive than radio programming, and the turn-over of programme material is many times greater than that of a film-production studio.

#### (7) The place of education

Apart from the general assumption that all media of mass communication are means of spreading information, the question of content has not been touched upon. These media are extremely valuable as instruments of education, particularly in the under-developed countries and territories which are lacking in schooling facilities.

It is not easy to decide where information stops and education starts, but it is probably true that informa-



tion and education tend to overlap much more in the under-developed territories than in the advanced countries, where there is a tendency to think of education as the product of formal schooling and information as being the spot news read in the paper. The full understanding of that spot news item presupposes that the reader has a background of general knowledge—of history, of geography, of social affairs—which cannot be taken for granted in the under-developed countries.

It is important, therefore, when considering the possibility of expanding mass communication facilities in under-developed areas, that we should be ready to give to the word "information" the very widest meaning, with educational possibilities very much in mind.

Moreover, a growing number of successful experiments are being carried on, in Africa, in Asia, and in South America, by which broadcasting and visual aids are helping to by-pass the road-block of illiteracy, and even, in some cases, to attack illiteracy itself.

## II. THE WORK OF UNESCO

In the final analysis, all, or nearly all, of the obstacles examined in the preceding pages are economic ones. Moreover, the development and the utilization at maximum efficiency of the communication media within the limits of a country's present possibilities can do much to awaken a desire for improvement and help spread that basic education which is a prerequisite to any economic development. This is a task to which UNESCO has addressed itself ever since its creation.

There are two aspects of this work that are worth distinguishing. The first may be termed the better distribution of existing knowledge and experience—that is, providing countries which have only recently set up information enterprises with documentation and advice drawn from the experience gained by those countries where Press, film and radio have been firmly established for many years. The second is that of obtaining new knowledge of the effects of the mass communication media and the appropriate techniques for transmitting a message to a given audience. In spite of years of experience varying from a quarter to half a century in the field of radio and film, for example the degree of intelligibility of a broadcast talk or the idea that can be conveyed to the mind of a so-called "illiterate" audience by means of a moving picture are matters of conjecture rather than of scientific knowledge.

UNESCO began its work in this field by carrying out over a period of five years a survey of information enterprises throughout the world. For the first time a complete inventory of the world's information facilities was drawn up; and the value of such compendium has been shown many times over.

For UNESCO itself, the data collected in the course of the survey served, first, to establish the nucleus of a clearing house of information on existing facilities, standards and practices which goes far towards meeting the first need mentioned above. UNESCO's Mass Communication Clearing House regularly provides professional associations and specialists, as well as governments and sister organizations of the United Nations, with documentation on new experiments and progress achieved in Press, film and radio.

Secondly, the comparative picture obtained through the surveys highlighted problems of particular urgency, or common to particular areas, and UNESCO therefore undertook the preparation of a series of studies which dealt with such varying aspects of mass communication as the professional training of personnel, the type of equipment best suited for use in the under-developed areas, the newsprint situation, the laws governing Press, film and radio throughout the world, and other subjects. Printed publications are supplemented by a series of mimeographed papers produced as occasion demands.

Finally, assistance and advice in the development of information media can be given to individual countries: by providing local technicians with opportunities for further study abroad (UNESCO's fellowship scheme is referred to in another section of this report) and by sending expert missions to a country, either under UNESCO's normal programme or under the Technical Assistance Programme. UNESCO has organized four missions under its normal programme and eleven under Technical Assistance, whereby specialists have visited countries to assist in the creation or development of mass communication services. There is no doubt that this form of aid is a highly effective one.

The second type of activity may similarly be classified under the general heading of research. This is important, particularly for the under-developed countries, where it is essential to obtain the maximum results for the small investment they can afford, and where the failure of an audio-visual programme through the inability of the population to grasp the message to be conveyed, would be a serious matter.

Research is needed, too, into purely material problems of equipment. In the advanced countries, the Press, film and radio had as a basis for expansion the level of industrial development already attained. When we seek to implant the means of mass communication in countries where this level of industrialization has not been reached, the problems to be solved go beyond existing experience, and more research is needed to provide the solution.

To gain fuller understanding of the use that can be made of radio as an instrument of information and education, UNESCO has carried out an eighteen-months study on the effects of the Canadian National Farm Radio Forum programmes on rural life in Canada. In connexion with a proposed seminar on the use of visual aids for fundamental education, to be organized in 1953, UNESCO has sought the co-operation of a number of agencies in various parts of the world in carrying out research into the reactions of different audiences to films, filmstrips and other visual materials. UNESCO's programme for 1953 includes a research project into the effects of television on rural audiences and its use as a medium of adult education. The Organization has studied the problem of radio reception facilities suitable for tropical countries; it has undertaken and promoted research into the types of visual equipment that can be used in non-electrified areas, and has attempted a preliminary study of composing and printing equipment suitable for vernacular languages and small-circulation papers.

Another form of UNESCO action, which does not fall into the "clearing house" or research categories but which is worth mentioning, is that aimed at obtain-

ing international agreement on standardization of methods.

### III. POSSIBILITIES OF FURTHER ACTION

The "clearing house" work described above is highly important: every new experiment that proves successful in any part of the world can, if it is speedily publicized by UNESCO, save valuable time and effort to workers grappling with similar problems in other parts of the world. But it is essential that specialists and professional organizations should co-operate more closely with UNESCO by keeping it regularly informed of their work. UNESCO's National Commissions, too, can help by acting as liaison between the Secretariat and the specialists and organizations in their countries.

The excellent results that can be obtained by sending missions of experts to given countries to assist them in developing information services have been mentioned. So far only a few such missions have been organized, this may in part be due to the fact that countries in need of help in this field have not yet understood the possibilities afforded by the Technical Assistance Programme.

With regard to the second major aspect of UNESCO's activities described above—the search for new knowledge and experience—the work that UNESCO can undertake directly has been limited by budgetary considerations, though it has tried to overcome this by enlisting the co-operation of outside organizations. Research work is of course carried out by national organizations, but mostly in those countries where communication media are already highly developed, and the work is, naturally enough, angled to national interests. If new knowledge is to be acquired which will be of value to the United Nations as a whole, and particularly to the under-developed countries which stand in most urgent need of aid, it is necessary that UNESCO should continue to promote and co-ordinate such work on the required international level.

Finally, in connexion with this section, attention is drawn to the report on ways and means of encouraging and developing independent domestic information enterprises which, by its resolution of 13 June 1952, the Economic and Social Council requested the Secretary-General to prepare in conjunction with UNESCO.

### L. Professional training

The preceding section stressed the need for efficient use of existing facilities. An obvious pre-requisite is a properly trained staff. Professional training is important, however, not only for the under-developed countries which we have been examining; in any country it is essential that those entrusted with the operation of press, radio and film should be fully trained.

Comments are limited here to the training of what may be called "journalistic" or editorial staff, to distinguish them from operators, engineers and technicians. For these last, the need for training cannot be questioned; no transmitter or complicated modern Press would work in the hands of the uninitiated.

For editorial staff, the concept of formal professional training is a relatively new one, and today the great majority of such staff have had no training other than

"on the job". In the United Kingdom, for instance, it was only in 1952 that a plan for national training scheme for young journalists was put forward; till then formal training facilities were provided only by two colleges and one or two newspaper groups. This is significant; in a country in which the Press is very highly developed the journalists themselves felt the need for, and took the initiative in setting up, such a scheme.

At the present time, there are some 170 institutions in the world which offer courses in journalism: about seventy in North and Central America, forty-five in Europe, thirty-five in Asia, a dozen in South America and three or four each in Africa and Oceania. These institutions can be classified in three categories.

First there are departments or schools of journalism attached to universities. The majority of institutions fall into this category, including most of those in the German Federal Republic, India, Japan, the USSR, Switzerland and the United States. The courses are open to university students, who, however, must also take courses of certain other departments.

Secondly, there are schools or institutions devoted exclusively to the teaching of journalism. A relatively small number of such specialized schools have been set up, for example, in Italy, and in Central and South America. Also in this category may be included courses, given independently of universities, and which cannot be considered as schools in the full sense, in which persons who have already completed their university studies are given training in journalism. Such courses are found in France, the United Kingdom and the Union of South Africa.

Finally, there are refresher courses organized by professional associations of journalists, newspaper proprietors, universities and foundations, etc., to give further training to practising journalists.

With regard to the study courses themselves, there are two main trends: that in which the programme is very wide, and include such basic subjects as sociology, history, philosophy and foreign languages (an example of this tendency is found in the courses given at the Universities of Zürich and Bern) and that in which instruction is concentrated on practical subjects.

Nevertheless there are found in almost all journalism training at least some courses in general culture; theoretical courses in special aspects of journalism (editorial writing, news reporting, printing techniques, etc.); and practical work in the make-up of a newspaper, often including a study period in a newspaper itself. Courses vary in length, but often last as long as three or four years.

Nearly all organizations offer a diploma recognized in certain countries by the government. In Brazil and Cuba, for example, a journalist must gain a diploma before he can exercise his profession.

With regard to broadcasting, the training facilities available in a country are naturally influenced by the structure of the broadcasting services. Where one organization has a monopoly of broadcasting, openings in the profession are limited, and in consequence universities do not offer courses in broadcasting, nor are there special radio training schools. Where the broadcasting organization is large enough to make it worth-

while, it may itself organize a training course; otherwise, learning by doing is the rule.

Where broadcasting is open to private enterprise, on the other hand, and where there are a large number of stations, young people are more tempted to think of making radio their career. In the United States, very few broadcasting stations organize their own formal training courses, but in 1949 there were 62 specialized professional and technical schools, and over 400 colleges and universities offering some sort of radio training.

Formal training facilities in film are rare. There are specialized institutes in Czechoslovakia, France, Hungary, Italy, Poland, Spain, the USSR and Yugoslavia. In the United States there are a few special schools, and film courses are offered by many universities. In India, three colleges give film courses. Finally, the British Colonial Film Unit has organized three short courses in British territories, and gives training in London.

The need for increased professional training facilities was made particularly clear in the course of UNESCO's surveys of the Press, film and radio in the world. UNESCO has devoted three studies to the subject of formal training for journalism, broadcasting and film work, designed to awaken consciousness in professional circles of the need for training. The clearing house has provided suggestions and advice to several colleges and professional organizations wishing to initiate courses.

UNESCO itself offers training facilities through the medium of its Exchange of Persons programme. Since 1947, the Organization has awarded sixty-three fellowships, either financed by UNESCO or administered on behalf of donor agencies, for studies in the field of mass communication, and an additional eight fellowships have been awarded under the Technical Assistance Programme. These fellowships are intended to give experienced professionals the opportunity of a three to six-months study period abroad.

As a continuing function, UNESCO provides information on opportunities for international study. Its annual catalogue, "Study Abroad", gives details of fellowships and international study grants offered by governments, international organizations, and private agencies throughout the world, including a large number available for work in the information field.

The United States, for example, has adopted legislation providing for the exchange of a substantial number of information personnel. In 1951, a total of 351 grants were made to foreign leaders in the mass media field to visit and study in the United States. In addition, various colleges and universities in the United States provide fellowships and scholarships for foreign journalists and students of journalism. There are other programmes of varying size and type, in other countries.

The expert aid missions organized by UNESCO, mentioned in the preceding section of this chapter, also provide a form of professional training, since their essential aim includes the training of local staff to carry on after their termination.

The action already being undertaken seems to be on the right lines; the suggestions made here are not

that new methods should be evolved but that those already in use should be intensified.

The number of fellowships that UNESCO has been able to award is insignificant in relation to the need. Countries where mass communication techniques have been highly developed should be urged to do all they can to offer facilities for study by foreign students, and to adopt a liberal policy with regard to the granting of visas, currency facilities, etc., for such students.

UNESCO's limited budget has also kept down the number of fellowships, and the means should be provided to increase the scope of its mass communication fellowship programme. Also, the possibility should be explored of providing an increasing number of scholarships and fellowships for information personnel under both the Regular and Expanded Technical Assistance Programmes, since the improvement of information media in the under-developed countries is clearly an important element of social progress and at the same time is closely related to economic development. Finally, technical assistance in this field might include help in the setting up of formal training courses.

### **M. The production and distribution of newsprint**

No Press can exist without a newsprint supply and no Press can expand without an increased newsprint supply.

In 1951, world newsprint production was approximately 9,500,000 metric tons. This contrasts with a production of 3,250,000 in 1913 and an annual average of 7,400,000, metric tons in 1935-1939. The main newsprint producing regions have always been North America and Europe. Canada is by far the largest newsprint producing country in the world, contributing 54 per cent of the total in 1951.

In 1951, world newsprint exports amounted to approximately 5,700,000 metric tons. The number of net exporting countries, in that year, was only about 10. By far the largest newsprint exporting regions are Canada and Scandinavia, which were responsible for about 80 per cent and 14 per cent respectively of the world's total exports in 1951.

The main newsprint importer is the United States of America. Before the First World War, the United States was almost self-sufficient in this commodity, but it has since relied increasingly on imports. The great increase in Canadian productive capacity has largely been based on rising United States demand. In 1950, the United States absorbed all but 5 per cent of Canadian newsprint exports and over 15 per cent of European exports. That same year, the United States took 80 per cent of the world's total newsprint imports compared to 64 per cent in 1935-1939.

The fact that newsprint production is largely concentrated in a very few areas and that a small number of countries dominate the import market has led to gross inequalities in newsprint consumption. An inhabitant of the United States consumes approximately 360 times more newsprint each year than an inhabitant of Indonesia or Pakistan, while an inhabitant of the United Kingdom must at present make do with half the amount he consumed before the Second World War.

The disparities in newsprint consumption are startling even when allowance is made for the tremendous differences in the literacy rates of various countries.

Increases in consumption have occurred in a number of countries. In many others consumption has been artificially restricted through import or export duties, taxes and other customs and business charges, foreign currency controls and rationing. Most important of all, newsprint consumption has been restricted by the prevailing marketing system, whereby large quantities of newsprint are usually sold at mill prices only under long-term contracts.

The main factor which influences the price of a commodity in a seller's market is its scarcity. In the newsprint seller's market, spot prices are usually much higher than long-term contract prices. Those buyers who have been hardest hit by rising newsprint prices are, therefore, small publishers and Press enterprises in under-developed countries, who are forced to buy on the spot market at prices as much as 300 per cent over mill prices. This is particularly true of newspapers which buy newsprint in sheets. In the short term, the newsprint problem is therefore basically a problem of artificially restricted demand through government regulation and speculative high prices, and of insufficient supply to satisfy real needs.

World newsprint requirements in 1960 are expected to exceed 13,000,000 metric tons. In the long term, the problem is therefore to provide for future needs through increased regional production, and thus to ameliorate international newsprint distribution; and to provide for small customers through a modification of the marketing system now in use.

The gravity of the newsprint problem gave rise to remedial action by several organs of the United Nations.

A number of Member States requested UNESCO in July 1951, to report on emergency measures which might be taken to alleviate the situation. As a result, the sixth session of the UNESCO General Conference, in July 1951, instructed the Organization's Director-General to address an appeal to governments of Member States to examine the problem, and to warn public opinion of the serious dangers resulting from the crisis. Moreover, the General Conference invited the Economic and Social Council to mobilize all the resources of the United Nations and the competent specialized agencies in a joint co-operative effort to solve the problem. In response to this appeal the Council adopted its resolution 374 (XIII) which sought concerted action by producers, consumers, governments and United Nations agencies.

The FAO Conference, at its sixth session in December 1951, unanimously recognized the gravity of the crisis and adopted a resolution calling for increased production of pulp and paper. The FAO also decided to send expert missions under the Expanded Technical Assistance Programme, at the request of Member States, to help prepare concrete plans of action. At its sixth session in January 1952, the General Assembly noted with satisfaction the action taken by UNESCO, by the Council and by FAO.

At its fourteenth session in July 1952, the Economic and Social Council expressed the opinion that the short-term situation regarding newsprint production and distribution had improved to the point that immediate

international action was not necessary. The Council however requested the Secretary-General of the United Nations, together with FAO, UNESCO and the International Bank, to continue their efforts for action over a long-term period as outlined in its resolution 374 (XIII).

The FAO, in undertaking measures to expand production of pulp and paper to meet rising demand, has based its action on a three-phase programme:

Phase I. A survey of potentialities for expanding pulp and paper output.

Phase II. Advice in planning new mills, with due regard to suitability and continuity of raw material supplies.

Phase III. Technical assistance in constructing mills and in connexion with their initial operations.

Phase I, a comprehensive survey, is being carried out at the present moment. In considering the world newsprint situation and means whereby production might be systematically increased, it was necessary to review the over-all question of supply and demand for all types of paper, of which newsprint represents approximately 40 per cent. Much information was obtained from countries which have already established pulp and/or paper industries, e.g., the United States of America, Canada, Western Europe, Australia and New Zealand, and it followed that FAO's main preoccupation should be with those countries which had no sizable industry of this kind. Under this first phase, surveys have so far been carried out in eleven countries.

Other FAO missions are about to undertake surveys. In Latin America, a good deal of groundwork has been covered by the joint pulp and paper study group of the Economic Commission for Latin America and FAO.

A number of the world's leading specialists were invited to a consultation in Rome in December 1952 for the purpose of examining processes for pulping tropical and sub-tropical broadleaved woods and agricultural residues. It was agreed that conversion of these materials was technically possible, but that the economic aspects of manufacture were more difficult to resolve. It was also decided to establish an "FAO Advisory Board on Pulping Tests".

Apart from this exploratory phase, however, it was obvious that two further steps were necessary if the information gathered were to be followed up and acted upon correctly. These were phase II and phase III of the programme mentioned above.

By the end of this year or early in 1954, FAO hopes to have reached a sufficiently advanced stage to undertake the formulation of specific plans and to enter upon these next two phases. In certain cases, of course, they will overlap. In fact, there is already a good example of work being done in the second phase, namely in the Philippines, where a joint FAO-United Nations team is now engaged in planning a pulp and paper industry.

The establishment or extension of any pulp and paper mill will naturally be a major industrial development involving heavy capital investment. In this respect certain projects have already been submitted by interested governments to the International Bank.

If the work which has been foreseen by resolution 374 (XIII) of the Council is fully carried out, we may look forward to a long-term solution of the newsprint crisis. FAO should be requested to continue providing the services and advice which it is now giving on pulp and paper, not only within the scope of expanded technical assistance but also as part of its regular programme. It should, in particular, ensure the early publication of its world survey on the potentialities for expanding pulp and paper output; formulate, as the exploratory phase approaches its end, specific plans for the systematic expansion of production capacity; and plan all necessary technical assistance to achieve this objective.

In addition, FAO, UNESCO, the International Bank and other agencies should co-operate in seeking new measures to deal with the newsprint problem. The basic faults of the present spot-marketing system, even when regional production can meet regional needs, will still result in high prices for small publishers. Increased production may make cheaper newsprint available generally, and particularly on the spot market, as a consequence of a closer balance between supply and demand than now exists. But it is certain that the enormous expansion of the Press which will result from educational advancement and an increase in newsprint supplies will keep the spot market consumer in an unfavourable position. Since spot-market buyers include almost all Press enterprises in under-developed countries, this problem calls for immediate attention by the agencies concerned.

## N. Press rates and priorities

Obstacles to the free flow of information arise not only from the lack of the physical facilities of communication. Another serious obstacle is the high cost of transmitting Press telegraph messages to and from various parts of the world—notably Latin America, the Middle East and Asia—and the wide discrepancies in the rates charged for similar services.

Unduly high Press rates prevent news agencies and newspapers from extending their coverage to "marginal" regions, particularly to less advanced areas where fuller reporting is essential to international understanding. At the same time, smaller or less wealthy newspapers find it impossible to subscribe to basic news services, let alone maintain their own correspondents abroad. The over-all effect is to force the world Press to rely on too few sources.

Conversely, the reduction of charges in certain regions, such as the establishment of the penny-a-word (1.14 US cents) rate in 1941 throughout the British Commonwealth, has helped to make possible a larger and more varied flow of news over the wide areas covered. The outward flow of news to Commonwealth areas from London alone in 1951 was 136 per cent higher than in 1939. Canada and New Zealand report even greater increases. In the United States, the rapid growth of Press Wireless shows that Press traffic, routed via radio channels, can be successfully conducted at reduced rates.

Charges for dispatching news, whether by wire or radio, vary greatly between more or less equidistant points. The ordinary Press rate from London to Mos-

cow is 4.6 cents a word; from Paris to Moscow (approximately the same distance), 8.8 cents. The charge from London to Cairo is 4.0 cents; Paris-Cairo, 10.0 cents. Turning from Europe to North America, we find that the rate from New York to Santiago, Chile is 7.5 cents; from Montreal to Santiago (approximately the same distance), 12.0 cents. Conversely, while the charge from New York to Sydney, Australia is 6.5 cents, the Montreal-Sydney rate is only 2.0 cents.

There are also disparities in rates in two-way Press traffic. The rate from London to New York, for example, is 2.0 cents; from New York to London, 5.5 cents. The charge from Rome to Bangkok is 21.3 cents; the reverse rate is 14.3 cents.

Another related obstacle results from the frequent delays experienced in the reception, dispatch, transmission and delivery of Press messages. Such delays may be so serious as to diminish or even destroy the value of a report. To ensure priority of treatment, news agencies and individual correspondents often have no choice but to pay the urgent rate, which may be three or four times the ordinary charge.

Various efforts have been made to overcome these obstacles, notably by the International Telecommunication Union and UNESCO. In 1948, the United Nations Conference on Freedom of Information recommended that the Economic and Social Council request the ITU to study measures to improve telecommunication facilities for the Press, including the possible establishment of a "low universal international Press rate." The Council transmitted this request to the ITU.

UNESCO submitted proposals for remedial action to the International Telephone and Telegraph Conference which met in Paris in 1949 to revise international telephone and telegraph regulations in force since 1938. These proposals may be summarized as follows:

- (1) Reduced rates and higher priorities should be granted to Press messages.
- (2) The definition of Press telegrams contained in the regulations should be broadened.
- (3) Preferential treatment should be accorded to Press messages communicated by telephone as well as by telegraph.
- (4) The "collect" system of payment at the receiving end should be extended to Press messages communicated by telegraph or telephone, as a means of overcoming currency obstacles.

Professional associations represented at the Paris Conference also sought special facilities for the Press. The Fédération internationale des Editeurs de Journaux (FIEJ) and "Group 39", an affiliation representing national news agencies in Belgium, Denmark, Finland, the Netherlands, Norway, Sweden and Switzerland, submitted a request to the Conference for reduced rates and priority facilities. Their statements were drafted along the lines of the UNESCO proposals.

The Paris Conference resulted in the following decisions affecting Press messages:

- (1) A new and more comprehensive definition of Press messages was adopted.
- (2) A resolution was approved urging increased construction of telephone circuits as a means of faci-



tating the telephonic transmission of Press messages. It was noted, on the other hand, that telephone administrations could not contemplate rate reductions at a time when they were investing heavily in the extension of telecommunication networks and telephone exchanges.

(3) A system was adopted for the uniform reduction of ordinary Press telegraph rates and the unification of urgent Press rates. (Some sections of the Press were dissatisfied with the new system, arguing that in certain extra-European areas, such as North America, the result has been an increase in charges.)

It is apparent that much remains to be done in this field. UNESCO recently commissioned Francis Williams, British journalist and former member of the Sub-Commission on Freedom of Information and of the Press, to undertake a broad investigation of the whole subject of Press communications. The results of the survey, which includes recommendations for further action, are being published by UNESCO under the title "Transmitting World News".

An obvious first essential in planning remedial action is to review carefully the methods of handling Press traffic. An investigation should be made of the present wide gap between the highest and lowest rates, with a view to establishing a common charge for transmissions between the same points in either direction. The experience of the British Commonwealth Telecommunications Board and of Press Wireless should be studied in order to determine the extent to which the increased volume of traffic resulting from lower rates would compensate the communication companies and make such reductions economically feasible. The objective should be a generally applicable low international rate.

Inter-governmental action can be both useful and effective, and such action might be directed towards the next International Telephone and Telegraph Conference, which is to take place in 1954. The secretariats of the International Telecommunication Union and of UNESCO should therefore be invited to assist in a study of the problems of transmitting Press messages, with a view to formulating remedial measures which might be considered at the International Telephone and Telegraph Conference in 1954. Governments should also be urged to give sympathetic consideration to proposals which may be submitted to the 1954 Conference for rate reductions and for the establishment of a system of priorities expediting the transmission of Press messages. Finally, the Secretary-General, in consultation with the Director-General of UNESCO and the Secretary-General of ITU should report on this matter to the Council as soon as possible after the 1954 Conference.

## **O. International broadcasting**

Unequalled in speed and range, reaching literate and illiterate alike, radio is an incomparable method of keeping people informed. Today more than 6,000 transmitters, operated by 150 States and territories, serve some 200 million receivers or wired loudspeakers and reach a daily audience of more than 600 million persons.

But effective use of this vital instrument of communication is impeded by various political, economic

and technical obstacles. Some of the political and economic problems are considered elsewhere in this report. Here the issue is primarily a technical one: the failure to reach full agreement on an equitable and orderly system for the international allocation of radio frequencies. This lack of agreement particularly affects high-frequency broadcasting over long distances and, therefore, the transmission of programmes between countries.

At our present stage of scientific knowledge, only a portion of the electromagnetic spectrum can be utilized for radio services of all kinds. These services are expanding so rapidly that, after the needs of radiotelegraphy, radiotelephony, aviation, shipping, radar, navigation, defence, science and industry have been met, little more than 5 per cent of the total spectrum space is available for sound broadcasting and television.

It has become increasingly clear that the spectrum must be judiciously apportioned among the world's radio services to secure the greatest public benefit. During the past fifty years increasing needs have been met out of newly "discovered" usable regions of the spectrum. Now, however, it appears that, in the light of present scientific development at least, we have reached the usable limits of the spectrum. Moreover, the range of available radio frequencies is at present diminishing because of the decline in solar activity during the current eleven-year cycle (1947-1958).

Moreover, while before the Second World War only a few major countries engaged in broadcasting to other lands, some forty nations now do so. Twenty-two of them are concentrated in the European area. Radio channels, especially in the high-frequency range suitable for international short-wave broadcasting, have become a strictly limited commodity for which nations and services keenly compete.

Already the demand for high frequencies is three times in excess of available resources. Yet new stations are being built, more powerful transmitters are coming into operation and rival transmissions increase. Interference, pirating and jamming add to the general confusion. To quote the London *Economist*: "Short-wave broadcasting . . . is increasingly subject only to the laws of the jungle".

The present situation, which is the result of uncoordinated expansion, has developed in the face of repeated efforts to assure a systematic distribution of frequencies. From 1903 to 1927, allocation of the spectrum under a general plan or "table" was concerned solely with shipping, radiotelegraphy and sound broadcasting. This task was carried out successively by the International Telegraph Union and the International Radiotelegraph Union, which in 1932 were merged to form the International Telecommunication Union (ITU). The end of the period was notable for the International Radiotelegraph Conference, held at Washington in 1927, which considerably extended the spectrum allocation table and catered for additional services in the new fields of aviation and international shortwave broadcasting.

The period 1927-1947 was marked by extremely rapid technical advances and by a constant increase in the number and variety of services, such as navigation aids, television, very high frequency broadcasting, radar and radio direction of rockets and airplanes.

The ITU's first post-war Plenipotentiary Conference and its concurrent administrative conferences, held at Atlantic City in 1947, were noteworthy as the first effort to deal with the problem of frequency distribution systematically on the basis of comprehensive technical data. An extended spectrum allocation table was prepared and revised groups of frequencies were assigned to the various radio services.

To implement the new allocation table, a series of special service and regional conferences was held during 1947-1950. Governments were called upon to submit their lists of frequency requirements for various services to the ITU, which was authorized to prepare a new international frequency list and to assign frequencies to individual stations. The ITU was not, however, empowered to compel acceptances of changes in allocations.

The particular issue of high frequencies, which most concerns international broadcasting, was dealt with at three international conferences held respectively at Atlantic City in 1947, at Mexico City in 1948 and at Florence and Rapallo in 1950. However, the requirements set forth by governments were so greatly in excess of resources that no general agreement on high frequencies could be reached.

To approve the projected system for certain services, and to reach agreement on the high-frequency problem, an Extraordinary Administrative Radio Conference (EARC) was convened at Geneva in 1951. Sixty-three out of the seventy-six participating countries signed an international agreement covering frequency allocations for the different services. About 80,000 frequency channels were allocated in the various ranges, to be put into operation over the succeeding few years. The ITU's International Frequency Registration Board (IFRB) was assigned the task of carrying out and recording the necessary adjustments.

The Agreement was strongly opposed, however, by the USSR and the Eastern European countries associated with it. These nations declared that the conference decisions were unacceptable to them and reserved the right to take such action as they deemed appropriate. A further problem arose from the fact that a number of other countries made material reservations in signing the Agreement.

The objections of the USSR and its associates were again raised at the 1952 session of the ITU's Administrative Council and at its recent Plenipotentiary Conference (Buenos Aires, October-December 1952). However, the Plenipotentiary Conference adopted a resolution stating that the Agreement should be considered as superseding any previous ITU provisions with which it might be deemed to conflict.

Thus, despite nearly six years of effort no over-all agreement on utilization of radio frequencies has been reached, although the ITU itself has expressed the view that allocation methods worked out at the EARC would, in time, permit maximum radio-communications compatible with a fair rationing of frequencies.

Failure to agree, or failure to implement agreed measures, has increasingly frustrated the use of radio as a means of keeping people informed. Meanwhile, as new services develop, demands on frequency resources increase. It now appears that the provisions

worked out at Atlantic City in 1947 may soon become obsolete and that a fresh study of the whole problem, with special reference to its economic, social and cultural aspects, may be required.

The Administrative Council of the ITU, at its session in 1955, is to examine the progress made towards agreement on a plan for high frequency broadcasting and to recommend a specific date for the beginning of the "final adjustment period". It would be useful for the Council at this juncture to reiterate the importance of international agreement in this field. In particular, the Council should recommend that in the common interest governments moderate their requests for frequencies and that in formulating these requests, adequate attention be given to the requirements of international broadcasting services.

Governments and the ITU should also investigate and develop new techniques leading to economy in the use of frequencies and the elimination of wasteful competition and duplication.

## P. Postal services

Notwithstanding the emergence of the cable and radio as the primary means of Press communication, the post remains an essential method, first, of gathering information in the form of news reports, articles and photographs; second, of distributing the finished product in the form of newspapers and periodicals.

Since its foundation in 1874, the Universal Postal Union (UPU) has shown a continuing concern for the effective use of the post to disseminate the printed word. By 1914, cheap postal rates for newspapers and periodicals were generally applied throughout the world. In 1927, the League of Nations called an international conference of press experts to consider, *inter alia*, means of improving the transportation of newspapers and of facilitating postal subscription to newspapers and magazines.

The Second World War caused widespread dislocation of postal services, with increased mailing charges and foreign currency shortages.

The Universal Postal Union, at Congresses held in Paris in 1947 and in Brussels in 1952, took a number of significant decisions to reduce these obstacles. The broad effect of the Brussels Congress was to extend the application of a 50 per cent reduction in rates to newspapers and periodicals posted by any person whatsoever, and not only by publishers and their agents. In addition, the Congress modified the text of an agreement permitting payment in national currency, at local post offices, for subscriptions to foreign newspapers and periodicals, and their dispatch at reduced rates, bringing about a simplification of the system of postal subscriptions and a reduction in the tariff for postal transport.

However, many of the dispensations provided under the aegis of the Postal Union are optional. Thus, it is for the postal Administrations to determine whether they will apply the 50 per cent reduction in rates for newspapers and periodicals (only half of the world's major postal administrations do so). Similarly, governments have the option of adhering to the Agreement concerning subscriptions to newspapers and periodicals (only fourteen nations apply it).

In general, although the Universal Postal Convention establishes the pattern, governments are permitted wide latitude in the implementation of provisions affecting the free flow of information. For example, Members of the Postal Union may establish restricted Unions and make special agreements with one another provided that conditions less favourable to the public than those laid down in the Acts to which the member countries concerned have acceded are not introduced.

UNESCO has been active in the effort to secure, in co-operation with the UPU, greater postal dispensations for printed matter. It was on UNESCO's recommendation that the 1952 Postal Congress at Brussels took a number of its decisions. Early in 1953, in the light of these decisions, UNESCO urged its Member States to take every opportunity to promote the free flow of information through the post. The Council may wish to draw the attention of governments to this communication and to endorse its recommendations.

It is evident that much remains to be done. For example, the possibility might be investigated of extending practical aid to newspapermen by reduced postal rates for news articles, photos, mats and other Press materials, which at present generally pay the full letter rate. The loss of postal revenue would be relatively small.

The Council might recommend that the Secretary-General, in co-operation with UNESCO and the UPU undertake a joint study of the relationship of the post to freedom of information. This study might be considered at a future session of the Council, with a view to determining what further practical action might be taken at the next Universal Postal Congress in 1957.

### **Q. Tariff and trade practices**

Tariff and trade restrictions have an important bearing on freedom of information because they vitally affect access to the materials of knowledge. In increasing measure since the two world wars, the movement of Press, radio, film and educational materials across frontiers has been hindered by means of import duties, taxes, quotas, licensing and currency regulations. Complex customs procedures cause additional expense and delay; high freight charges further limit the flow of information. Intensifying the problem is the fact that the less-developed countries, which have the greatest need for these articles, suffer most acutely from lack of foreign exchange to purchase them from abroad.

By way of illustration, let us see how certain essential information materials fare in this maze of international trade restrictions, drawing on the surveys which UNESCO has recently made on tariff and trade regulations affecting the movement of such materials between countries.

Of seventy countries surveyed by UNESCO, as many as fifty-five impose import duties on newsprint. The average duty is 15 per cent of the value, but the highest rate is as much as 50 per cent. In addition, twenty-four countries levy sales taxes, special import taxes, primage duties or consular fees on newsprint. One territory imposes eight different taxes on this material, besides import duty—stamp tax, health tax, dock tax, municipal compensation tax, municipal im-

provements tax, general customs tax, business tax and tax of the Bureau of Imports and Exports.

In regard to other materials, seventeen of forty-three countries which UNESCO surveyed levy import duties on newspapers and periodicals. Sound recordings and radio sets are taxed by forty of these countries, with duties ranging as high as 75 per cent of the value. Forty countries likewise tax information films. Duties on a single, average-length newsreel reach as high as \$52, \$75 and even \$225.

In more than twenty-five countries, these materials must likewise pay sales taxes, surtaxes, primage duties or consular fees on importation, or are subject to exchange controls, licensing and quota regulations and customs or consular formalities.

The revenue thus derived by governments is relatively small. The elimination of most of these duties and taxes would be more than offset by the resultant cultural gains.

A good deal is being done to remedy this situation. At its third session in November 1948, UNESCO's General Conference replaced the League of Nations Convention to Facilitate the International Circulation of Films of an Educational Character with a broader Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character. This is designed to remove import duties, quota licensing and other restrictions on the movement of various materials officially certified to be of an educational, scientific or cultural character—notably films, filmstrips and sound recordings. Opened for signature at United Nations Headquarters in July 1949, the Agreement has been ratified by eight countries. An additional thirteen nations have signed but not yet ratified. Two more ratifications are required to bring it into force.

UNESCO had meanwhile sought to broaden the scope of its action by means of a more comprehensive international agreement. The text of such a Convention was prepared in collaboration with the Contracting Parties to the General Agreement on Tariffs and Trade. Known as the Agreement on the Importation of Educational, Scientific and Cultural Materials, it eliminates import duties on newspapers, periodicals, books and other publications. Also exempt are newsreels, educational films, filmstrips and sound recordings if consigned to approved institutions, including broadcasting enterprises.

In addition, the Agreement provides that internal taxes on imported materials will not exceed those levied on domestic items. Contracting States are to grant import licences and foreign exchange for publications required by public libraries. They undertake to ensure that information materials will have safe and expeditious clearance through customs.

The Economic and Social Council, at its eleventh session in August 1950, adopted a resolution drawing the attention of governments "to the practical importance of this Agreement". The Council, therefore, will doubtless be gratified to note that the Agreement has obtained the necessary ten ratifications for its entry into force, at the moment of writing fourteen nations having ratified or accepted the Agreement and an additional seventeen countries having signed but not yet ratified. In addition, some States have already

brought their existing tariff practices into line with the provisions of the two conventions.

Both Agreements have received widespread support from official agencies, voluntary organizations and the world Press. The Council of Europe, for example, recently requested its Member States to ratify the Agreement on the Importation of Educational, Scientific and Cultural Materials. Over twenty international non-governmental organizations have urged their national member associations to work for its implementation. In addition, the *Fédération Internationale des Editeurs de Journaux* (FIEJ) has strongly endorsed it, and a recent conference of European newspaper editors at Uppsala, Sweden, called on "liberal-minded people in all countries" to support it.

Under UNESCO's "International Coupon Scheme", soft currency countries purchase internationally valid coupons from UNESCO. These coupons, obtainable in local currency, enable institutions and individuals in those countries to buy materials from hard currency countries. UNESCO provides a hard currency fund for clearing purposes. At the moment of writing, thirty-two countries are participating as purchasers or suppliers and coupons to a total value of \$3,800,000 have been circulated.

Measures so far described are designed primarily to reduce obstacles to the exchange of information materials. A concomitant and perhaps even more fundamental approach lies in international action to stimulate production and trade in these articles. UNESCO took up this effort at an early stage. In April 1947, surveys were made of the needs of the war-devastated countries of Europe and Asia for press, radio and film equipment. Reports from twelve countries were considered in August 1947 by the UNESCO Commission on Technical Needs.

The further course of these surveys is described above in the section dealing with the "Development of Press, Radio, Film and Television". Attention should be drawn to one particular course of action which developed from the UNESCO Commission's recommendations. The Commission proposed specific measures to restore or develop production of various articles such as newsprint, printing machinery and radio and film equipment, and the reduction of import duties on radio and film materials.

It was decided in the first instance to concentrate on measures to meet shortages of a limited number of urgently needed materials, including film projectors, films, filmstrips and radio equipment. Lists of these articles were circulated by the Regional Economic Commissions to their Member States in Europe, Latin America and Asia and the Far East. Governments were asked to indicate, on the one hand, the items in short supply and, on the other, the materials available for export.

The programme has been furthest developed in the region of the Economic Commission for Asia and the Far East (ECAFE). A working party, jointly sponsored by ECAFE and UNESCO, met in 1950 to consider information on import needs in that region and on European supply possibilities. In response to the working party's recommendations, a number of Asian governments have taken steps to include certain information materials in new trade agreements, to increase

output of these materials and to provide more foreign exchange for their purchase abroad.

Acting on a proposal of the working party, UNESCO in May 1951 wrote to twelve potential supplying countries urging that Asian countries be granted credit and other trade facilities for the purchase of essential educational supplies. A number of these countries expressed interest in the plan. If further progress warrants it, the first limited list will be expanded to cover newsprint, printing paper, publications and Press, radio and film equipment.

It is apparent that a solid foundation has already been established for future action. The UNESCO Agreement on the Importation of Educational, Scientific and Cultural Materials provides a common international standard. The most constructive action that governments can take in this field is to adhere to that Convention. In due course, the Contracting States might wish to consider the possibility of broadening the Agreement (the mechanism to that end is provided for), particularly in two respects: by providing further dispensations in regard to the allocation of foreign exchange for the purchase of educational, scientific and cultural materials; and by extending the Agreement to additional items such as newsprint, printing presses, radio receivers and film projectors.

Also important is the joint project of UNESCO and the Regional Economic Commissions to increase production and trade in information materials, described above. The results so far have been relatively limited. However, at a time when the Council is seeking to devise measures to assist less-developed areas fresh consideration might be given to this activity.

## R. Copyright

Throughout the greater part of the world, any literary, artistic or scientific work disseminated by Press, radio or film is, in principle, protected by copyright. For example, it is an infringement of copyright, liable to legal prosecution and penalty, to reproduce articles other than mere news items published in another paper; to incorporate footage or a soundtrack taken from one film into another or to use music for it without permission; or to retransmit sound or television broadcasts picked up from another station. But the degree of protection varies from country to country. It is often non-existent.

To what extent, then, do copyright difficulties impede the free flow of information? Broadly speaking, to the extent that the lack of uniformity in current regulations results in copyright protection having varied scope and effectiveness. Regulations vary to such a degree from one country to another, and from one medium of communication to another, that it is often difficult even to determine the holder of the copyright.

The net effect of this complexity and confusion is twofold: authors or publishers refrain from distributing their production in countries where their rights are insufficiently guaranteed; and newspapers, periodicals, cinemas and radio stations often hesitate to use material, for fear of unexpected claims, exorbitant fees or costly proceedings.

Tangible and intangible property rights are involved. Tangible rights cover physical property, i.e., the copies

of a newspaper, the negative or copies of a film, the records or soundtrack of a recorded broadcast. These rights are simple, unlimited in time and transferable at will. Intangible rights arising from literary or artistic ownership are more complex.

As regards the Press, its transient character is a complicating factor. The line between what is and what is not protected is hard to draw and is not the same everywhere. Much that appears in a daily newspaper lacks that element of creative originality which copyright is intended to protect. Thus, under the Berne Copyright Convention, "news of the day" or miscellaneous information having the character of mere items of news is not protected. In most countries, the same applies to official documents, court proceedings, public speeches, news photographs, etc. Under this Convention a newspaper falls into three parts:

(1) News or other miscellaneous information having the character of mere items of news; these are unprotected;

(2) Articles on current economic, political or religious topics published without specific copyright reservations; these may be freely reproduced by other newspapers, provided the source is indicated;

(3) Articles on the same topics and other material such as serials, features, short stories, etc., published with copyright reservation; these can only be reproduced with the prior consent of the copyright-holder.

In radio, the situation is basically the same, though somewhat simpler. The relative simplicity derives from the fact that broadcasting tends to be a public rather than a private concern, and there is less time to seek prior permission for broadcasts. On the whole, copyright rules and practices are less rigid for broadcasting than for the Press.

Since 1932, the International Telecommunication Convention has provided for the "secrecy" of international telecommunication correspondence. However, this has not prevented pirating of Press messages. The unauthorized reception and use of radio communication correspondence is now prohibited under the International Telegraph Regulations.

In the rare cases where the making of newsreels would infringe copyright, the copyright holder may normally claim compensation and a fee, though he might be denied the right actually to prohibit the showing of a film. Complications arise, however, as soon as a film or newsreel becomes a finished product. Being essentially the result of combined effort, copyright may be

vested, according to the country, in one or several of the persons participating in the effort, i.e., the author of the literary work adopted for cinematography, the composer, the director, scenario-writer, producer, etc.

Attempts to achieve the international regularization of copyright are fairly recent. The first and most important international copyright agreement is the Berne Convention of 1886, revised in 1908, 1928, and 1948. It is accepted by forty-three countries. Other conventions, notably that of Buenos Aires (1910) and of Washington (1946), apply to some countries of the Western Hemisphere only.

However, the absence of a broad international copyright arrangement, applicable if not to all at least to most countries, remains the basic problem. Signatories of one convention often withhold participation in other conventions.

A significant recent development is the Universal Copyright Convention sponsored by UNESCO in co-operation with the United Nations, and aimed at securing minimum copyright protection in as many countries as possible. It has been signed to date by forty States; twelve ratifications will bring the Convention into force. In particular, it will simplify copyright protection in countries which are not signatories to the Berne Convention or which have only recently acquired independence. Thus newspapers, periodicals, film makers and broadcasters will have safer and easier access to foreign material and, at the same time, enjoy more efficient protection for their own production.

There are no simple remedies. Two objectives, however, are clearly attainable: first, adherence by most countries to a far-reaching international arrangement, and second, the elimination of some of the present anomalies, complexities and discrepancies.

The Council may wish to draw the attention of governments to the desirability of accepting and implementing the UNESCO-sponsored Universal Copyright Convention at the earliest possible date. A permanent inter-governmental Committee has been set up to suggest further improvements in international copyright and to administer the Universal Copyright Convention. UNESCO will closely co-operate with that Committee. The Council may, therefore, wish to invite UNESCO to study copyright problems specifically affecting the information media, e.g., as regards international exchanges of radio and television programmes. Such studies might lead to a progressive broadening of the Convention.

## CHAPTER VI

### RECOMMENDATIONS

The Council requested that the present report include "recommendations regarding practical action which might be taken by the Council in order to surmount those obstacles to the fuller enjoyment of freedom of information which can be surmounted at the present time".

It seemed logical to interpret these instructions in the light of the circumstances which led to the appoint-

ment of a Rapporteur following the dissolution of the Sub-Commission on Freedom of Information and of the Press. The circumstances clearly indicated a desire that the United Nations should undertake a fresh examination of problems in freedom of information and a more constructive approach to their possible solution.

Such a fresh examination would entail a comprehensive problem-by-problem analysis of the present



situation. While no report of this size, written in the time allowed, could be expected to deal penetratingly with the whole domain of freedom of information, an earnest attempt has been made to present to the Council, possibly for the first time, a comprehensive picture of the obstacles referred to in the Council's resolution.

The broad scope of the survey of necessity determined the character of the recommendations. The recommendations could not be too stringently limited to "obstacles which can be surmounted at the present time" because that would have involved a process of selection which it would be impossible to reduce to a rule of thumb. Moreover, the Rapporteur could hardly be expected to assume responsibility for deciding which problems are capable or not capable of solution at the present time. The international political climate may change overnight to such an extent that a problem which today appears insurmountable may be capable of solution tomorrow. The reverse is equally possible.

Recommendations could not, therefore, be prepared and presented on a contingent basis: contingent, that is, on an uncertain factor which in any case does not alter the fundamental nature of the problems themselves or the fact that they do exist. Accordingly, the recommendations have been conceived within as broad a framework as possible, and they are presented to the Council on the understanding that the Council itself will evaluate them and allocate priority.

The recommendations fall into two broad categories:

(a) Concerning matters which call for immediate action by the Council;

(b) Concerning machinery to assist the United Nations in its work in freedom of information and future tasks to be undertaken by it.

### **Recommendations for immediate action by the Council**

#### **A. REF. CHAPTER V, SECTION A (RIGHTS AND RESPONSIBILITIES OF THE MEDIA OF INFORMATION)**

In view of the General Assembly's decision in resolution 631 (VII) to discuss further at its eighth regular session the draft Convention on Freedom of Information, it is recommended that the Council inform the General Assembly that work on the draft Convention would be advanced if the General Assembly, or whatever body the latter may wish to entrust with this task, were to proceed on the basis of a general formula for article 2.

The following draft resolution, which includes the text of article 2 proposed in chapter V, section A, above, has been prepared for the assistance of the Council:

#### **DRAFT RESOLUTION NO. 1**

##### *The Economic and Social Council*

Noting the decision of the General Assembly in resolution 631 (VII) that it would consider the draft Convention on Freedom of Information further at its eighth regular session on the basis of the Rapporteur's report to the Economic and Social Council in 1953 and after the Economic and Social Council has had an opportunity to examine the Rapporteur's report, and

Recalling that in the course of previous efforts to complete work on the above-mentioned draft Convention, serious difficulty arose particularly in connexion with article 2 concerning permissible restrictions on freedom of information,

#### *Recommends to the General Assembly*

1. That it proceed with the detailed consideration of the draft Convention;

2. That it consider the advisability of using the following general formula as a basis for the drafting of article 2: "The exercise of the freedoms referred to in article 1 carries with it duties and responsibilities. It may therefore be subject to limitations, but only to such as are clearly defined by law, applied in accordance with law and necessary for respect of the rights and reputations of others, for the protection of national security and the prevention of disorder or crime, or for the protection of public health or morals"; and

3. That provision be made in the draft Convention for Contracting Parties to meet together five years after its entry into force for the purpose of reviewing article 2 in the light of their experience of its practicability.

The difficulties confronting the adoption of the Convention on Freedom of Information are not insuperable. At the same time there is merit in the suggestion that the United Nations consider the possibility of drafting and adopting a Declaration on Freedom of Information.

Such a Declaration would be the counterpart, in a vital and sensitive field, of the Universal Declaration of Human Rights. Like the latter, a Declaration on Freedom of Information would serve as a "common standard of achievement". It would be a succinct statement of rights and responsibilities. Solidly based on article 19 of the Universal Declaration of Human Rights, it should include material drawn from relevant portions of the Convention on the International Right of Correction, the Convention articles on the International Transmission of News, the draft Convention on Freedom of Information, existing international agreements, and the draft International Code of Ethics for information personnel, as well as principles so far not embodied in any convention or draft convention.

The Declaration would not be a substitute for the draft Convention on Freedom of Information. Since they are in no sense incompatible, the work on both could proceed simultaneously; nor should the work of drafting these instruments diminish the importance of the action programme suggested below.

The principal function of such a Declaration, at this time would be to underscore a number of generally accepted basic principles of freedom of information as essential ingredients in the establishment of peaceful relations between nations, which recent developments have brought within the realm of possibility.

The Council might therefore wish to request a Rapporteur on Freedom of Information for 1954 (whose appointment is suggested below) to prepare in co-operation with the Secretary-General, a working paper on the proposed Declaration, for consideration by the Council and subsequently by the General Assembly. (See draft resolution No. 12, para. 2, below.)

B. REF. CHAPTER V, SECTION B (PROPAGANDA FOR WAR AND FALSE AND DISTORTED INFORMATION)

In this section it was suggested that one positive measure which can be taken in regard to the problem of false and distorted information would be to investigate the possibility of revitalizing the Convention concerning the Use of Broadcasting in the Cause of Peace (Geneva, 1936). This would require an examination of the legal problems involved and, as a first concrete step, calling the attention of States to the existence of the Convention.

It was also suggested that there are practical ways of enlisting the support and co-operation of the Press both in surveying and investigating the situation with regard to the dissemination of false and distorted information, and in promoting friendly relations among nations based on the Purposes and Principles of the Charter. The matter obviously needs study, and it is proposed that the Council request the Rapporteur for 1954 to undertake an investigation of it, in conjunction with the Secretary-General and UNESCO, and with the co-operation of information enterprises and professional organizations throughout the world, with a view to drawing up a concrete programme of action.

For the convenience of the Council the following draft resolution has been prepared on the first aspect of the problem of false and distorted information (the second aspect is dealt with in draft resolution No. 12, para. 3, below):

DRAFT RESOLUTION NO. 2

*The Economic and Social Council*

*Mindful* of the positive contribution which the International Convention concerning the Use of Broadcasting in the Cause of Peace (Geneva, 1936) could make at the present time in promoting better relations between peoples and in preventing broadcasting from being used in a manner prejudicial to good international understanding,

1. *Calls* the attention of States to the existence of the above-mentioned Convention; and

2. *Requests* the Secretary-General

(a) To examine the legal problems involved in revitalizing this Convention;

(b) To seek the views of States parties to the Convention on their willingness to co-operate to this end;

(c) To examine the possibility of inviting States, which are not parties to the Convention or which at present do not have the right to adhere thereto, to become parties to it; and

(d) To report to the Council in 1954 on the result of these investigations.

C. REF. CHAPTER V, SECTION C (INTERNAL CENSORSHIP AND THE SUPPRESSION AND COERCION OF MEDIA OF INFORMATION)

A first remedial step, it has been suggested, would be to systematize the reports and investigations being carried out by such professional organizations and enterprises as the Inter-American Press Association, the International Press Institute and the Associated Press with a view to presenting to the Council an

over-all report on the situation. This task should be entrusted initially to the Rapporteur for 1954, and a recommendation to this effect is included in draft resolution No. 12, para. 4.

D. REF. CHAPTER V, SECTION D (CENSORSHIP OF OUTGOING NEWS DISPATCHES)

This problem is concretely dealt with in the Convention articles on the International Transmission of News. The fate of these articles, which the General Assembly has approved but not opened for signature, is contingent, however, upon completion of the draft Convention on Freedom of Information.

Meanwhile, the Rapporteur should prepare for the Council a study of the relationship of the International Telecommunication Convention to the United Nations conventions in so far as they are concerned with this problem. He should also present to the Council in 1954 a survey of the censorship situation throughout the world. A recommendation to this effect is included below in draft resolution No. 12, para. 4.

Reference was also made, in this section, to a recommendation adopted at the 1952 ITU Plenipotentiary Conference aimed at facilitating the unrestricted transmission of news by telecommunication services, and to the desirability of reporting to the Council on action taken in response to it. The following draft resolution concerning this matter is recommended to the Council:

DRAFT RESOLUTION NO. 3

*The Economic and Social Council,*

*Taking note* of the recommendation adopted at the Plenipotentiary Conference of the International Telecommunication Union, Buenos Aires, 1952, recommending Members and Associate Members of the Union to facilitate the unrestricted transmission of news by telecommunication services,

1. *Requests* the Secretary-General, in conjunction with the ITU and UNESCO, to report to the Council in 1954 on action taken by governments in response to the above-mentioned recommendation;

2. *Appeals* to governments to co-operate with the Secretary-General in providing the necessary information for this report; and

3. *Further requests* the Secretary-General to communicate the text of this resolution to governments.

E. REF. CHAPTER V, SECTION E (STATUS AND MOVEMENT OF FOREIGN CORRESPONDENTS)

This section of chapter V above draws attention, among other things, to two studies, one on the law and practice governing the status and work of foreign correspondents and the other on the definition and identification of foreign correspondents, which were prepared by the Secretary-General for the Sub-Commission on Freedom of Information and of the Press. The recommendations contained in these two studies deserve serious consideration by the Council. In view of the number of other recommendations contained in this report, and of the time which is likely to be required for their consideration, it has not seemed advisable to propose that the Council proceed at its sixteenth session to a detailed discussion of them, especially since in one instance the

Council must decide whether to adopt a course involving inter-governmental action or one requiring action on the international level by professional organizations. It is preferable therefore that the Council should add to the tasks to be performed by the Rapporteur on Freedom of Information for 1954 that of drawing up a programme of action for implementing the recommendations made in the studies referred to. Draft resolution No. 12, para. 5 below contains a provision to this effect.

F. REF. CHAPTER V, SECTION F (LAWS AFFECTING THE PRESS)

The theme of the conclusions reached in this section is that the legal aspects of the rights and responsibilities of media of information would be greatly clarified if a detailed report were prepared on this problem possibly by a small *ad hoc* group of eminent journalists and experts in Press legislation, working in co-operation with the Secretary-General. Such a report would take into account, among other things, the necessity of (a) protecting the media of information from abusive intervention by public authorities, and (b) protecting private individuals from abusive attacks by the media of information, with a view to establishing common standards within the framework of which a working compromise between freedom and responsibility can be achieved.

This is a long-range project and it is suggested that the Rapporteur for 1954 be requested to submit detailed recommendations to the Council concerning the range and scope of such a study, and the most efficient way of undertaking it. A recommendation to this effect is included in draft resolution No. 12, para. 6 below.

G. REF. CHAPTER V, SECTION G (MONOPOLIES)

The complex subject of monopolies, particularly as regards their effect upon the performance of the media of information, is one on which it would be naive to make sweeping recommendations for action. It is suggested that the Council consider whether or not, on the basis of the material presented in this section of the report, it wishes to have a more detailed study made of the problem of monopolies. If it does, such a study might be entrusted to the Rapporteur for 1954.

II. REF. CHAPTER V, SECTION H (PROFESSIONAL STANDARDS)

One conclusion reached is that it would be useful if the profession were to complete work on the draft International Code of Ethics for information personnel. Decisions concerning the role of the profession in organizing an international conference for this purpose have been taken by the General Assembly in resolution 635 (VII) and by the Council itself in resolution 442 B (XIV). It would be desirable for the Secretary-General to report to the Council in 1954 as to whether, in his judgment, a representative group of information enterprises and national and international professional associations wishes to hold such a conference.

It has also been suggested that the work of national and international professional organizations should be co-ordinated, particularly as regards their investigation of such matters as professional ethics and responsibility to the public. In draft resolution No. 12, para. 8,

below, it is suggested that a detailed study of the possibility of setting up such a co-ordinating machinery be entrusted to the Rapporteur for 1954.

I. REF. CHAPTER V, SECTION I (INDEPENDENCE OF INFORMATION PERSONNEL)

The adoption of the following draft resolution is recommended:

DRAFT RESOLUTION NO. 4

*The Economic and Social Council,*

*Taking note* of the work currently being done by the International Labour Organisation in collecting current information and completing documentation of problems relating to the economic independence of information personnel,

*Considering* that an important factor in such independence is the ability of information personnel to withstand direct or indirect pressures, whether from employers or from outside sources, and that legislation particularly in respect to termination of employment and payment of indemnity in case of dismissal, would further safeguard the economic security of such personnel;

1. *Recommends* to the ILO that its current studies include full consideration of these factors, taking into account the views and suggestions of professional organizations, particularly those with trade union experience; and

2. *Requests* the Secretary-General to co-operate with the ILO to this end.

J. REF. CHAPTER V, SECTION J (PROTECTION OF SOURCES OF INFORMATION)

It is suggested that the Rapporteur for 1954 should prepare, in co-operation with the Secretary-General, a detailed study of this question, taking into account the preliminary study which the Secretary-General submitted to the fifth session of the Sub-Commission on Freedom of Information and of the Press. A proposal to this effect is included in draft resolution No. 12, para. 7 below.

K. REF. CHAPTER V, SECTION K (DEVELOPMENT OF PRESS, FILM, RADIO AND TELEVISION)

This is a subject to which increasing attention is being paid by the United Nations. Discussions in the Third Committee at the General Assembly's seventh regular session in 1952 showed that a majority of countries believe that what is now needed is not more debate, nor the writing of more studies, nor the adoption of more resolutions, but action. Accordingly the General Assembly in resolution 633 (VII) elaborated upon and strengthened the decision taken by the Council at its fourteenth session in resolution 442 E (XIV) concerning the encouragement and development of independent information enterprises in under-developed countries.

The report on this problem which the Council and the General Assembly asked the Secretary-General and UNESCO to prepare is not available at this time of writing. Recommendations are therefore being with-

held pending discussion of the Secretary-General's report in the Council.

L. REF. CHAPTER V, SECTION L (PROFESSIONAL TRAINING)

The draft resolution given below seeks the intensification of fellowship programmes for information personnel. It has been suggested, among other things, that technical assistance in this field include help in the setting up of formal training courses. However, since these suggestions apply particularly to underdeveloped countries, it is recommended that they also be taken into account when the Council is considering the Secretary-General's report mentioned in the preceding section.

DRAFT RESOLUTION NO. 5

*The Economic and Social Council,*

*Recognizing* the desirability of intensifying international action to assist in the professional training of information personnel,

*Noting* with satisfaction the efforts of various governments in establishing bilateral programmes for the exchange of persons, including information personnel, as well as similar efforts on the part of private institutions,

1. *Urges* governments, particularly those with highly developed mass communications, to co-operate to the fullest possible extent in offering facilities for foreign information personnel and students of journalism, and to adopt a liberal policy with regard, among other things, to the granting of visas and currency facilities for such students;

2. *Recommends* to UNESCO to consider the possibility of increasing the scope of its mass communication fellowship programme;

3. *Requests* the Technical Assistance Committee, in view of the importance of adequate information as a factor of economic development, to explore the possibility of providing an increasing number of scholarships and fellowships for information personnel under the Technical Assistance Programmes; and

4. *Requests* the Secretary-General to communicate this resolution to Governments.

M. REF. CHAPTER V, SECTION M (THE PRODUCTION AND DISTRIBUTION OF NEWSPRINT)

On the basis of the suggestions made under this heading the following draft resolution is recommended:

DRAFT RESOLUTION NO. 6

*The Economic and Social Council,*

*Taking into account* the valuable work being done by the Food and Agriculture Organization and the other agencies associated with that Organization in seeking a long-term solution of the newsprint problem,

1. *Recommends* to FAO that it

(a) Continue to provide the services and advice which it is now giving on pulp and paper, not only within the scope of the expanded programme of technical assistance, but also as part of its regular programme;

(b) Ensure early publication of its world survey of the potentialities for expanding pulp and paper production; and

(c) Formulate, when appropriate, specific plans for the systematic expansion of production capacity, and plan all necessary technical assistance to achieve this object; and

2. *Further recommends* that FAO, UNESCO, the International Bank and other interested agencies co-operate in seeking new measures to deal with the newsprint problem, with particular attention to the utilization of new materials and the inequitable position of the spot-market consumer of newsprint.

N. REF. CHAPTER V, SECTION N (PRESS RATES AND PRIORITIES)

The following resolution is recommended for consideration by the Council:

DRAFT RESOLUTION NO. 7

*The Economic and Social Council,*

*Recognizing* that the transmission of Press messages on telecommunication channels at lower rates and with increased priority would facilitate the free flow of information between countries,

1. *Requests* the Secretary-General in conjunction with ITU and UNESCO to prepare for the Council at its seventeenth session a joint study of the problems of transmitting Press messages including that of disparities and anomalies in Press rates, with the object of formulating remedial measures which might be submitted for consideration at the 1954 International Telephone and Telegraph Conference;

2. *Urges* governments meanwhile to consider measures which they may be able to take individually to secure press rate reductions and a system of priorities aimed at expediting the transmission of Press messages; and

3. *Further requests* the Secretary-General

(a) To report to the Council on this matter as soon as possible after the 1954 Conference; and

(b) To communicate the text of this resolution to all governments.

O. REF. CHAPTER V, SECTION O (INTERNATIONAL BROADCASTING)

The adoption of the following draft resolution is recommended:

DRAFT RESOLUTION NO. 8

*The Economic and Social Council,*

*Noting* the increasing complexity of the problems arising from the lack of agreement on the utilization of radio frequencies, and that continuation of this situation is likely to affect the flow of information by broadcasting;

1. *Affirms* the vital need for such international agreement and urges governments, in the common interest, to moderate their requests for frequencies, giving adequate attention when formulating such requests to the desirability of increasing the flow of objective news and information through international broadcasting;

2. *Requests* the Secretary-General, in conjunction with ITU and in consultation with governments, to investigate the possibility of developing new techniques leading to economy in the use of frequencies and to the elimination of wasteful competition and duplication; and

3. *Further requests* the Secretary-General to bring this resolution to the attention of all governments.

P. REF. CHAPTER V, SECTION P (POSTAL SERVICES)

The adoption of the following resolution is recommended:

DRAFT RESOLUTION NO. 9

*The Economic and Social Council,*

*Mindful* of the continuing importance of the role of postal services in gathering, transmitting and disseminating information,

*Noting* the decisions taken at the thirteenth Congress of the Universal Postal Union (1952) concerning the free flow of information through the post,

*Requests* the Secretary-General, in co-operation with UPU and UNESCO to submit to the Council in 1954 or 1955 recommendations which might be considered at the 1957 Universal Postal Congress especially regarding such matters as reduced postal rates for news articles, news photographs, mats and other Press materials.

Q. REF. CHAPTER V, SECTION Q (TARIFF AND TRADE PRACTICES)

The adoption of the following resolution is recommended:

DRAFT RESOLUTION NO. 10

*The Economic and Social Council,*

*Taking note* of the importance of UNESCO's efforts to remove tariff and trade obstacles which affect the free flow of information between countries,

1. *Recommends* to governments which have not yet done so to adhere to the UNESCO Agreement on the Importation of Educational, Scientific and Cultural Materials;

2. *Recommends* to UNESCO to consult with the States Parties to this Agreement on their views as to the desirability of extending it to provide further dispensations in the allocation of foreign exchange for the purchase of educational, scientific and cultural materials, and to include additional information items, such as newsprint, printing presses, radio receivers and film projectors; and

3. *Requests* the Secretary-General to communicate the text of this resolution to all governments.

R. REF. CHAPTER V, SECTION R (COPYRIGHT)

The adoption of the following resolution is recommended:

DRAFT RESOLUTION NO. 11

*The Economic and Social Council,*

*Taking note* of the complex problems arising from the lack of uniform copyright agreements, and the

effect of this on the dissemination of information through the press, radio and films,

1. *Recommends* to governments that they adhere to the Universal Copyright Convention;

2. *Requests* UNESCO to make a study of copyright problems specifically affecting information media with a view to the possible eventual broadening of the Universal Copyright Convention to this end; and

3. *Requests* the Secretary-General to communicate the text of this resolution to all governments.

**Recommendations concerning machinery and future tasks**

As regards the machinery which would most likely be of assistance to the United Nations in its work to promote freedom of information, it is recommended, *firstly, that a rapporteur be appointed for a further period of one year.*

It was not possible for the Rapporteur this year to undertake much more than a systematic review of the existing situation and a follow-up of previous efforts, and to indicate the general directions which further work might take. Some of this work, in a number of specified fields, might be entrusted to the Rapporteur for 1954, including the preparation of surveys on internal censorship, suppression of media and similar abuses, and on current practices employed in the censorship of outgoing news dispatches.

After two years the Council may come to the conclusion that the institution of a rapporteur on freedom of information should be continued, the rapporteur to be periodically appointed and entrusted with whatever special *ad hoc* tasks the Council considers can be most effectively performed by him. In addition, the work of the rapporteur, who would function continuously throughout the year, should be related to and integrated with that of the professional body recommended below, in a manner to be determined by the Council on the basis of further study.

*Secondly, it is recommended that the Council consider the establishment of a small, continuing body which would serve as an international co-ordinating centre for professional action and as a liaison body between the profession and the United Nations.*

As this report has been at pains to show, the most effective approach to the problem of freedom of information is a double-barrelled one. Some problems can be solved only by governmental or inter-governmental action; others by action on the professional level. A few can be dealt with by a judicious combination of both.

The profession could assist in the solution of a number of specific problems: the improvement of facilities for the training of information personnel, the maintenance through self-criticism and self-discipline of the highest standards of achievement and of professional ethics, the definition of the status and protection of the independence of information personnel, the countering of war propaganda and false and distorted information, the struggle against undue encroachments on freedom of the Press and freedom of information, and so on.

Efforts along these lines are being made by various organizations of different types. These efforts would



be more effective if properly co-ordinated. Quite apart, moreover, from the opportunity, often limited in scope, to exercise influence through existing consultative arrangements with the Economic and Social Council, the profession should be given special facilities to bring serious problems to the attention of the United Nations.

It would be necessary to create the machinery for such co-ordination and intensification of effort. This machinery should have greater authority, and range and scope than is afforded by mere consultative status with the Council; it should work in closer co-operation with the media of information and be more non-governmental in character than was the Sub-Commission on Freedom of Information and of the Press.

There has been general reluctance (in many ways justified) to create additional new machinery. However, having regard to the special nature of most of the problems in this field and the desirability of obtaining the free, voluntary co-operation of the profession in their solution, the Council may wish to consider the proposal as a permissible exception.

The planning of such machinery is a task of considerable delicacy, requiring most careful consideration. Without necessarily committing itself at this stage to the establishment of such a body, the Council might wish meanwhile to request the Rapporteur for 1954, in consultation with the Secretary-General and with information enterprises and national and international professional organizations, to undertake a comprehensive study of the problems involved.

A number of factors which should be taken into account in such a study are enumerated below in a draft resolution concerning the appointment of a Rapporteur on Freedom of Information for 1954 and the tasks to be entrusted to him.

#### DRAFT RESOLUTION NO. 12

##### *The Economic and Social Council*

*Taking note* of the recommendations contained in the Report on Freedom of Information submitted by the Rapporteur, Mr. Salvador P. López, who was appointed in his personal capacity, at the fourteenth session of the Council for an experimental period of one year,

1. *Decides* to appoint a Rapporteur on Freedom of Information who will serve for a further period of one year, in his personal capacity;

2. *Requests* the Rapporteur for 1954 to prepare, in co-operation with the Secretary-General, a working paper for submission to the Council in 1954 on the drafting of a Declaration on Freedom of Information taking into account

(a) The function of such a declaration as a common standard of achievement in the field of freedom of information; and

(b) The desirability of basing the Declaration upon article 19 of the Universal Declaration of Human Rights and including therein material drawn from relevant provisions in the Convention on the International Right of Correction, the Convention articles on the International Transmission of News, the draft Convention on Freedom of Information, other international agreements relating to freedom of information, and the draft International Code of Ethics for

information personnel as well as principles so far not embodied in any convention or draft convention;

3. *Requests* the Rapporteur, in conjunction with the Secretary-General and UNESCO, and in consultation with information enterprises and national and international professional associations to draw up, for submission to the Council in 1954, a concrete programme of action to enlist the co-operation of the Press, radio and films throughout the world in the cause of promoting friendly relations among nations based on the Purposes and Principles of the Charter, taking into account, *inter alia*, the usefulness of educational measures to promote among news personnel everywhere a wider professional knowledge of the work of the United Nations, of foreign countries and of international affairs, through courses on the United Nations and on international affairs in schools of journalism, through visits of journalists to foreign countries and to the United Nations and through the interchange of news personnel;

4. *Requests* the Rapporteur to undertake, in co-operation with the Secretary-General and the specialized agencies concerned and, where appropriate, in consultation with information enterprises and national and international professional associations, for submission to the Council in 1954,

(a) A world-wide survey of current internal censorship practices, together with recommendations, where practicable, for remedial action;

(b) A world-wide survey of current practices involved in the censorship of outgoing news dispatches, together with recommendations, where practicable, for remedial action; and

(c) A study of the problem of bringing into harmony articles 29 and 30 of the International Telecommunication Convention with the articles of the United Nations Conventions on Freedom of Information aimed at facilitating the international transmission of news;

5. *Requests the Rapporteur*, in co-operation with the Secretary-General and UNESCO, to submit to the Council in 1954, a programme of action for implementing the recommendations contained in the two studies prepared by the Secretary-General for the fifth session of the Sub-Commission on Freedom of Information and of the Press, namely "Study of the Law and Practice Governing the Status and Work of Foreign News Personnel and Measures to Facilitate the Work of Such Personnel (document E/CN.4/Sub.1/140) and "Study Relating to the Definition and Identification of Foreign Correspondents" (document E/CN.4/Sub.1/148);

6. *Requests* the Rapporteur to submit to the Council in 1954 suggestions

(a) Concerning the range and scope of a detailed study of the legal aspects of the rights and responsibilities of the media of information, taking into account the necessity both of protecting the media of information from abusive intervention by public authorities and of protecting private individuals from abusive attacks by the media of information, with a view to establishing common standards within the framework of which a working compromise between freedom and responsibility can be achieved; and

(b) Concerning the most efficient manner of undertaking such a study;

7. *Requests* the Rapporteur to prepare, in co-operation with the Secretary-General, for submission to the Council in 1954, a detailed study of the problem of the protection of sources of information of news personnel, taking into account the preliminary report already prepared by the Secretary-General on this subject (document E/CN.4/Sub.1/146) and particularly the following points raised in it:

“(a) Where news personnel are already protected, is it desirable to encourage some degree of uniformity in protective legislation, as regards, for instance, who should be protected and in what types of proceedings?”

“(b) Where news personnel are not protected, is it preferable to make general recommendations to States, urging the enactment of appropriate legislation, or, as a first step, to draw up model legislation with a view to recommending its adoption?”; and

8. *Further requests* the Rapporteur to prepare, in consultation with the Secretary-General and UNESCO, for submission to the Council in 1954, a detailed study with recommendations concerning the possibility of establishing machinery which would serve as an inter-

national co-ordinating centre for professional action in regard to such matters as professional ethics and responsibility to the public, and as a liaison body between the profession and the United Nations, taking into account, among others, the following factors:

(a) The composition of such a body, with due consideration of representation of all media of information; representation of the interests of employers, employees and of the “consumer” of news; and both geographical representation and representation of divergent concepts of the role of the Press;

(b) The possible relationship to such a body of a Rapporteur on Freedom of Information periodically appointed by the Economic and Social Council, functioning continuously throughout the year and entrusted with whatever special *ad hoc* tasks the Council considers can be most effectively performed by such a Rapporteur; and

(c) Arrangements whereby this body, meeting annually, may be enabled to make recommendations to the profession and, where appropriate, directly to the Economic and Social Council.

## ANNEXES

### A. Note regarding comments and suggestions received from governments

On 18 September 1952, the Secretary-General, at the Rapporteur's request, sent the following letter to the governments of States Members and non-members:

"The Secretary-General of the United Nations presents his compliments to . . . and, at the request of Mr. Salvador P. López, the Rapporteur on Freedom of Information appointed by the Economic and Social Council at its fourteenth session, following the discontinuance of the Sub-Commission on Freedom of Information and of the Press, has the honour to draw His Excellency's attention to resolution 442 C (XIV) which the Council adopted on 13 June 1952, on the subject of the substantive report which the Rapporteur has been requested to present to the Council in 1953.

"In this resolution, a copy of which is attached (document E/2263), the Council requested the Rapporteur to prepare 'a substantive report covering major contemporary problems and developments in the field of freedom of information, together with recommendations regarding practical action which might be taken by the Council in order to surmount those obstacles to the fuller enjoyment of freedom of information which can be surmounted at the present time'. The Council also decided to include in its agenda for 1953 an item on freedom of information for the purpose of reviewing problems of freedom of information in the light of the Rapporteur's report and of taking appropriate action thereon.

"The decision of the Council to appoint a Rapporteur on Freedom of Information was based on the inquiry carried out by the Secretary-General under Council resolution 414 (XIII). By its relevant resolutions at the thirteenth and fourteenth sessions, the Council has decided to continue the performance of its tasks in the field of freedom of information along lines which the Council hopes will yield more practical results. To this end, it is of great importance to the

Rapporteur to receive an abundant supply of material in order to make a full report and to assist the Council to reach, at future sessions, decisions for practical action.

"The Rapporteur would greatly appreciate receiving:

"1. The views and opinions of His Excellency's Government as to contemporary problems and developments which have tended to promote or hamper the free flow of information within countries and across national frontiers;

"2. Any suggestions which His Excellency's Government may wish to make in order to improve existing conditions in this field and enhance freedom of information throughout the world;

"3. Any other relevant material which might be useful in the preparation of the report, including suggestions as to its contents and factual data concerning actual conditions.

"The Rapporteur must circulate his report in good time prior to the opening of the sixteenth session of the Economic and Social Council, and he would therefore appreciate receiving the views of His Excellency's Government on the above matters as soon as possible."

The Secretary-General received acknowledgements from the following governments: Australia, China, Costa Rica, Cuba, Denmark, El Salvador, Finland, India, Luxembourg, Mexico, Pakistan, Venezuela, and Vietnam.

Substantive replies were received from the following governments: Austria, Canada, Ceylon, the Federal Republic of Germany, Honduras, Iraq, Netherlands, Norway, Philippines, United Kingdom, United States of America, Switzerland, Syria. These replies are reproduced for the information of the Council in document E/2427 and addenda.

### B. Note regarding comments and suggestions received from information enterprises and national and international professional associations

On 27 August 1952 the Rapporteur sent the following letter to more than 500 information enterprises and national and international professional associations:

"On 13 June 1952, following the discontinuance of the Sub-Commission on Freedom of Information and of the Press, the Economic and Social Council of the United Nations decided to appoint for an experimental period of one year and in a personal capacity a rapporteur on matters relating to freedom of information, and has selected me to fill that post.

"My main function, the Council has laid down, will be to prepare, in co-operation with the Secretary-General of the United Nations, the specialized agencies, particularly the United Nations Educational, Scientific and Cultural Organization and the professional organizations concerned, both national and international, 'a substantive report covering major contemporary problems and developments in the field of freedom of

information, together with recommendations regarding practical action which might be taken by the Council in order to surmount those obstacles to the fuller enjoyment of freedom of information which can be surmounted at the present time'. The Council also decided to include in its agenda for 1953 an item on freedom of information for the purpose of reviewing problems of freedom of information in the light of the Rapporteur's report and of taking appropriate action thereon.

"I would particularly draw your attention to the emphasis which the Council has placed on the co-operation of professional organizations in the preparation of the report referred to above. It is my personal conviction that if the report is to be realistic, it must pay particular attention to practical problems in the field of freedom of information, and I feel that I can secure an objective picture of these problems only with the assistance of organizations such as yours. Accord-

ingly, I would appreciate receiving from your Organization:

"1. Any views, opinions or suggestions which you may have to offer concerning contemporary problems and developments in this field which I should take into account when preparing the report;

"2. Any views, opinions or suggestions which you may have to offer concerning the general content of the report; and

"3. Any other relevant material which you consider might be of assistance to me in the performance of my task, including factual data concerning actual conditions.

"I hope to complete the final text of the report and have it circulated well before the opening of the 16th session of the Economic and Social Council, scheduled for 30 June 1953, and I would therefore appreciate receiving your views on the above matters as soon as possible."

Substantive replies were received from the following organizations:

#### *International*

Commonwealth Press Union  
Conseil Permanent des Journées d'Evian  
Fédération Internationale des Rédacteurs en Chef  
Fédération Internationale des Editeurs des Journaux et Publications  
Fédération Internationale de la Presse Périodique  
The Inter-American Press Association  
The International Federation of Free Journalists  
The International Press Institute

#### *National*

Agence Belga (Belgium)  
Agence Télégraphique de Finlande (Finland)  
American Newspaper Guild (United States of America)  
American Newspaper Publishers Association (United States of America)  
Associated Business Publications (United States of America)  
Associated Press (United States of America)

Associated Press Managing Editors Association (United States of America)  
Association Suisse des Editeurs de Journaux (Switzerland)  
Australian Newspapers Council (Australia)  
Australian Newspaper Proprietors Association (Australia)  
British Broadcasting Corporation (United Kingdom)  
Canadian Association of Broadcasters (Canada)  
Centro de Periodistas Cuzco (Peru)  
Federatie van Nederlandse Journalisten (Netherlands)  
Finnish Newspapers Association (Finland)  
Gremio Nacional da Imprensa Diaria (Portugal)  
Guild of British Newspaper Editors (United Kingdom)  
Guild of Irish Journalists (Ireland)  
Institute of Journalists (United Kingdom)  
Irish Film Society (Ireland)  
Japan Newspaper Publishers and Editors Association (Japan)  
National Press Photographers Association Inc. (United States of America)  
National Union of Journalists (United Kingdom)  
Nederlandse Dagbladpers 1945 (Netherlands)  
Nederlandse Nieuwsbladpers (Netherlands)  
Nederlandse Organisatie van Tijdschrift-Uitgevers (Netherlands)  
Norsk Presseforbund (Norway)  
Overseas Press Club of America (United States of America)  
Periodical Press Association (Canada)  
Press and Radio Club (United States of America)  
Press Telegraph A/S (Norway)  
Radio-Luxembourg (Luxembourg)  
Radio Nederland (Netherlands)  
Radio Programas Continental (Panama)  
Sigma Delta Chi (United States of America)  
South African Press Association (Union of South Africa)  
Union Romande de Journaux (Switzerland)

The comments and suggestions contained in the above replies are reproduced in summarized form in document E/2439.

### **C. Memorandum by the Secretariat of the International Press Institute (Zürich)**

[*Note by Rapporteur:* Reference has been made in various parts of this report to the importance of the role of the professional organizations. To illustrate this point a memorandum forwarded by the Secretariat of the International Press Institute (Zürich) is reproduced below. This, together with the censorship survey compiled every six months by the Associated Press, and the periodical reports of the Freedom of the Press Committee of the Inter-American Press Association, extracts from both of which are given in chapter V of the report is an example of the type of the factual report on conditions which can be undertaken effectively by the profession. It is emphasized that this report is reproduced in full, as received, and that the terms, expressions and opinions contained therein are those of the IPI Secretariat.]

(*This memorandum is prepared in response to the request by Mr. Salvador P. López, Rapporteur to the United Nations Economic and Social Council on Freedom of Information, contained in his letter to the Institute, dated 27 August 1952.*)

In October 1951, the International Press Institute asked its editor members what they thought was the most important step that could be taken to promote world understanding through the dissemination of information. The reply was—the elimination of existing government barriers to the free flow of legitimate news,

regardless of whether those barriers occurred in democratic or totalitarian countries.

The majority of the 248 editors in 41 countries who answered the questionnaire added that there was a growing tendency, in democratic as well as non-democratic countries, to restrict the free gathering of legitimate news.

The following memorandum will concentrate its attention on this growing tendency to restriction in non-totalitarian countries, in the belief that the tightening of controls on the flow of information within and

between the countries of the "free world" not only represents an urgent menace to democracy but is also an evil that can be combated if its dangers are realized. It does not deal with the problems affecting the dissemination of information in dependent territories or areas where fighting is taking place.

Freedom of information is being especially threatened today. The experience of governments during the Second World War, when the Press had to accept severe curtailment of its liberty, and the special requirements of security in the succeeding "cold war" account partly for the tendency towards Press restriction. The fact that some countries are still technically at war helps to justify controls not only for themselves but in neighbouring countries. Further, in some cases, quarrels between neighbours, of whom one is totalitarian and the other democratic, lead to efforts to limit the freedom of opinion expressed in the latter.

Even in countries where full Press freedom has been the rule for generations, there are trends towards Press controls for their own sake—controls which the Press is bound to resist if it is to survive.

It is extremely difficult to devise a comprehensive system for categorizing degrees of Press freedom round the world, but this memorandum will attempt to set out controls in a descending order of severity, starting with countries where control is official and complete and ending with countries where the Press is free.

It deals first with the degree of freedom enjoyed by the national Press in a country and then with problems of freedom affecting the international flow of news between countries.

The memorandum is in no sense a complete documentation or exhaustive list country by country. It confines itself to illustrating trends by examples reported to the Institute and largely reported in the Institute's monthly publication—*IPI Report*. In particular, though it makes reference to countries in Latin America, it does not attempt to give a comprehensive picture of controls there, of which the Inter-American Press Association has made a special study.

#### PRESS FREEDOM WITHIN COUNTRIES

##### 1. Countries where Press control is complete.

These countries are the Soviet Union and its satellites behind the Iron Curtain, and also China, Yugoslavia, Portugal and Spain.

##### 2. Countries where political criticism by the Press is formally possible but where censorship operates.

There are two ways of stifling criticism: either by pre-censorship of copy before publication, or by post-censorship, in which case the editor is in constant danger of reprisal if an article offends the régime.

Within this group of countries there is also a special category in which an official state of war has imposed military censorship, but a distinction must be drawn between those governments which confine such censorship strictly to matters affecting military security and those which use it to prevent political criticism.

Examples of countries in which pre-censorship is used to prevent political criticism are: Colombia (see *IPI Report*, No. 6, p. 1), Egypt (*IPI Report*, No. 10, p. 9) and Syria.

There is no international state of war in Colombia justifying the rigid censorship imposed in September 1952. In Egypt and Syria, the official state of war with Israel still existing may be advanced as a justification of pre-censorship, but there is an important distinction between censorship in these two countries and in Israel.

Israeli censorship is limited officially to strictly military matters. There have been criticisms by Israeli editors that censorship was tending to trespass beyond military considerations, but the democratic régime in Israel is a safeguard of Press freedom which the Egyptian and Syrian Press do not enjoy. Further, the history of censorship in Egypt, which has become progressively tighter, is more readily explicable by reference to internal political considerations involved in the Naguib dictatorship than in the course of relations with Israel.

##### 3. Countries where special Press laws or other discriminatory legislation expose editors to arrest and persecution.

This is a particularly difficult category to define comprehensively. The absence of a specific Press law is no proof that there are no other regulations permitting a government to take repressive action on political grounds.

For example, a South African editor declared (*IPI Report*, No. 9, p. 3) that "There is no actual Press censorship in South Africa . . . but the restraints on publication are so complex that in few countries this side of the Iron Curtain is a greater strain imposed upon newspaper editors". He cited, in particular, the Riotous Assemblies Act and the Suppression of Communism Act as being capable of very wide interpretation. The South African Government threatens the Press with complex new dangers in its Criminal Law Amendment Bill and its Public Safety Bill. According to a leading South African political correspondent (*IPI Report*, No. 10, p. 1), the Government is seeking to develop control of the Press into actual censorship.

Persia, by its new Press law, which came into force in December 1952 (see *IPI Report*, No. 10, p. 9), seems to be seeking complete control of the Press by a system of post-censorship threatening heavy penalties after a check of the contents of a published newspaper by the public prosecutor's department. It was reported that one immediate result of the new Press law was the prosecution of fifty editors.

Another country where special legislation has been causing considerable Press hardship is Pakistan. Here several editors and journalists were arrested in 1951 and 1952 under the Public Safety Act (1950) or its successor, the Security Act (1952). This emergency legislation refuses the protection of the courts to a defendant and gives the government control over dissemination of information and powers to censor publications and confiscate offending ones (see *IPI Report*, No. 2, p. 9). In addition, action by the government is possible under the Press Emergency Powers Act of 1931, (a legacy maintained from the days of British rule) which does, however, allow a defendant the right to challenge an executive order in court. Apart from these emergency powers, the government can also prosecute editors under various articles of the penal code, as has happened in the current case of sedition and



promoting sectional hatred against the editor, publisher and cartoonist of the *Evening Times*, Karachi (*IPI Report*, No. 10, p. 6). Editors of all political complexions in Pakistan agree that the laws affecting the Press are outmoded and unsuited to a modern democratic State.

In India, the Press Emergency Powers Act of 1931 (see Pakistan above) was replaced in October 1951 by the Press (Objectionable Matter) Act, which created special classes of Press offences and penalties for them. The freedom of the Press article in the Constitution was also amended in 1951 to introduce three new categories of restriction—concerning State security and relations with foreign States; public order, decency and morality; and contempt of court, defamation or incitement to violence. The special Press legislation has been vigorously criticized by Indian journalists.

In Brazil, towards the end of 1952, the emergency powers of the Government under the National Security Act were used in rather obscure circumstances to detain Carlos de Lacerda, publisher and editor of the Rio de Janeiro *Tribuna da Imprensa* (*IPI Report*, No. 9, p. 9), who was held for several days at Rio de Janeiro military police headquarters. The details of this case are still insufficiently clear, but Lacerda's release after a few days indicates arbitrary action in the first place.

In Iraq, new Press legislation was approved by the Council of Ministers and put before parliament in May 1950, but the Institute is without information as to what has happened about this legislation. An Act for the Proscription of Harmful Means of Propaganda also operates.

Turkey also has a Press law, which was amended in September 1946, whose articles are capable of sufficiently wide interpretation to make it a powerful weapon against the Press in the hands of an unfriendly government.

In Lebanon also, the Government's use of its 1948 Press law and other emergency powers to suspend newspapers and arrest editors caused spasmodic troubles during 1951 and 1952. In the middle of 1952, several editors were imprisoned and faced prosecution for publishing hostile statements of an opposition deputy against the President of the Republic. The ensuing struggle between the Press and the Government ended in the promulgation of a new Press law in October 1952, by which exceptional sanctions were abolished and suspensions of newspapers were limited to cases of attacks on the political and territorial status of the country or its independence. Under the new law, newspapers were given a guarantee that their cases would normally be treated under the ordinary penal code.

Under this category should be placed several instances of the apparently arbitrary arrest of editors and pressmen reported to the Institute. One such example comes from Lima, Peru, where an editor spent several days in gaol for printing a headline to which the Government thought that the United States Government might take exception. The Peruvian Government also announced recently that legal action would be taken against an Argentine refugee journalist, Emilio Gutiérrez Herrero, for criticizing President Perón in the

Lima newspaper *La Prensa*. Of the general situation in Peru, our correspondent commented that Peruvian editors recognize "that there are invisible boundaries they cannot pass. From time to time an editor gets hooked on the unseen barbed wire and is reminded of its existence". (*IPI Report*, No. 9, p. 6).

4. Unofficial methods of discouraging Press opposition.

One of the most effective methods is to withhold police protection from newspapers threatened with "unofficial" mob violence. Examples of this have come to the Institute's attention from Colombia, where the newspaper premises of *El Tiempo* and *El Espectador* were sacked in September 1952 (*IPI Report*, No. 6, p. 1), and from Bolivia, where the refusal of police protection caused *La Razón* to suspend publication (*IPI Report*, No. 2, p. 10). Again, from Persia, it was reported in December 1951, that the failure of the government to protect newspapers and journalists against mob violence had caused forty-five editors to take refuge in the parliament building.

Economic restrictions are also being used in several countries with greater or less subtlety as a weapon against critical newspapers. The economic weapons that a government can use have been strengthened by the general newsprint shortage throughout the world. The principal means of squeezing unfriendly newspapers out of the market are:

(a) The entry of a government directly into the field of newspaper ownership in competition with the independent Press. This practice has been notable in Brazil. (For details reference should be made to the last report by the Inter-American Press Association). A parallel tendency in the news-agency field may be seen in the current attempt by the Japanese Government to set up a successor to Domei in competition with Kyodo, the agency which is co-operatively owned by the Japanese Press (see *IPI Report*, No. 10, p. 7).

(b) Various types of subsidy to newspapers which support the government's policy. The placing of government advertising should also be taken into consideration when gathering the evidence of direct subsidy. In Turkey, for example, throughout 1952 the Government sought to create its own satellite press by discriminatory placing of its large volume of advertising. (See *IPI Report* No. 10, p. 5). The same procedure is reported from Burma.

(c) Use of a newspaper licensing system to prevent the appearance or promote the disappearance of opposition newspapers. For example, according to Iraqi editors, dexterous use by the Government of its twin powers of suspending newspapers and relicensing them was alleged, during 1952, to be a considerable menace to the Press.

(d) Discrimination in the allocation of scarce newsprint for the same purpose. For example, the action of the Indonesian Government requiring Dutch publishers to pay three times as much for newsprint as their Indonesian competitors (see *IPI Report*, No. 6, p. 9).

(e) The use of labour troubles to squeeze independent unsubsidized newspapers out of the market. This is alleged to be one of the weapons being used by the Brazilian Government through its proposed law increasing editorial salaries. It was also one of the

methods most successfully used by the Perón Government to squeeze the strong *La Prensa* out of existence. In fact, *La Prensa* is an object lesson to any government which wants to put a newspaper out of business by economic discrimination. (See "Defence of Freedom" by the editors of *La Prensa*, summarized in *IPI Report*, No. 4, p. 9).

5. Countries where attempts are being made to introduce special press legislation.

During 1952, the Institute received reports on this trend principally from Western Europe. In that year attempts were made in Austria, Italy (*IPI Report* No. 3, p. 6, No. 4, p. 8) and Western Germany (*IPI Report*, No. 1, p. 6) to pass special Press laws. In the two latter countries, the official argument was that protection was necessary against the threat from extremist parties. Nevertheless, editors felt that the suggested laws were dangerous because they could be used against any newspaper. In Austria (*IPI Report*, No. 1, p. 6) an attempt to change the laws of libel and right of correction was regarded as involving special threats to the existence of the non-party Press. South Africa should also be placed in this category in view of the attempt by the Government to introduce special regulations empowering it to control news from specific emergency areas.

6. Trends in countries where the Press is free.

Even in countries where the Press is free and that freedom is formally based on written or unwritten constitutional guarantees, editors are complaining about governmental attempts to restrict access to news and to channel news favouring the government through the increasing use of a public relations officer system. In replies received to the Institute's first questionnaire on the improvement of information, considerable numbers of editors concentrated their fire on the government public relations officer as a symbol of obstruction and official concealment of legitimate news.

It is worth noting, however, that this tendency brought most complaints from the United States, where the freedom of the Press is greater than anywhere else in the world. The trend towards closing avenues of information in free countries is being countered by new moves on the part of the Press to widen the field of national news in which their right to have full access to news is recognized.

Similar evidence of potential restrictions on access to official news could probably be obtained from most countries where the Press is free. Specifically, the trend in Switzerland has been reported in the *IPI Report*, No. 7, p. 6.

#### RESTRICTIONS ON THE INTERNATIONAL FLOW OF NEWS

The extent to which foreign correspondents enjoy freedom in any particular country is normally a faithful reflection of the state of Press freedom within that country. There are, however, exceptions to this general rule. In Lebanon, for example, measures to control the internal Press were not paralleled apparently by efforts to muzzle correspondents, so that Lebanon, during 1952, became a preferred headquarters for foreign correspondents reporting events in the Middle East (*IPI Report* No. 2, p. 11).

The types of restriction which complicate the foreign correspondent's task may be conveniently summarized as follows:

Difficulties in obtaining a visa for visiting a country;

Limitations on access to news once he is in the country;

Actual censorship of his copy, either with his knowledge or "blind"; and delays in dispatching the copy;

Attempts to control him after the printing of his messages, by indications of government disapproval of the line he is taking, culminating in the worst cases in his actual expulsion from the country.

It may be noted that the terms of the International Telecommunication Union's Convention itself are open to abuse by governments who wish to make the reporting of legitimate news difficult for foreign correspondents. Article 29 of the Convention states: "Members and associate members reserve the right to stop the transmission of any private telegram which may appear dangerous to the security of the State or contrary to their laws, to public order or to decency, provided that they immediately notify the office of origin of the stoppage of any such telegram or any part thereof, except when such notification may appear dangerous to the security of the State".

It was this article which the Persian Post Office invoked when, from October 1952, it refused to transmit critical material abroad. Spain also relies on the article as a means of controlling foreign journalists.

An attempt to convert article 29 into something more positively favouring the unrestricted flow of legitimate news round the world failed at the Buenos Aires Conference of the ITU in late 1952 (*IPI Report*, No. 6, p. 9 and No. 9, p. 8).

For the difficulties that concern the foreign correspondent who tries to report news from Russia, reference should be made to the *IPI Survey* "The News from Russia."

The following is a list of countries where various types of difficulty are encountered by foreign correspondents, according to reports reaching the Institute.

*Difficulties over entry visas* have been reported from Afghanistan, Burma, Egypt, Iraq, Jordan, Persia, Saudi Arabia and Syria.

*Limitations on access to news within a country.* Specific examples have been reported from Burma, where access to certain troubled areas of the country has been made difficult, e.g., border regions, the northern area, districts inhabited by minorities.

Restrictions on access to officials and events have been operating also in Portugal, where they were relaxed during the Atlantic Conference at Lisbon in 1952.

In South Africa, the case of Alex Reid, London editor of the *Hindustan Times*, should be noted. He was arrested in November 1952, while on a visit to an Indian leader for alleged infringement of racial laws.

It is difficult, however, to provide a comprehensive picture of restrictions under this heading, as in many countries, such as Saudi Arabia, Afghanistan and Ethiopia, news gathering is generally so difficult and

unrewarding that newspapers do not attempt to seek to obtain information there.

*Actual censorship of copy and delays in dispatch.* Actual censorship exists in Egypt, Persia and Syria. In Israel, censorship is limited to military subjects. Spain relies on article 29 of the ITU Convention to censor critical messages, and certain subjects are taboo—opposition to the régime, Catalan and Basque autonomy, and Protestantism.

Difficulties over scrutiny of messages and delay in dispatch have also been reported from Burma; Indonesia (where censorship was imposed in November 1952 at the time of an army-inspired demonstration against parliament); Jordan (where since formal censorship ended in September 1951, correspondents have been obliged to submit any copy containing criticism of the government or the throne); Siam (where dispatches are frequently held up in times of crisis); and South Africa where, though there is no actual censorship, dispatches of foreign correspondents are scrutinized during transit through government-controlled communications channels.

In many ways, full formal censorship, in which the correspondent is allowed to participate, is less irritating than spasmodic “blind” censorship when the correspondent does not know what, if anything, has been cut out of his message or whether his message has even been dispatched.

In Greece, though there is no censorship, subjects taboo are the Slav-Macedonian minority and “re-education” camps.

*Post-censorship.* Correspondents in Burma have reported receiving expressions of official displeasure about messages sent, and in one case government dissatisfaction ended in the removal of an agency correspondent.

In Egypt, the *Neue Zürcher Zeitung* correspondent had his facilities withdrawn in November 1951 for commenting too frankly on the political situation. In December 1951, the head of the Cairo Associated Press Bureau was threatened with expulsion until the American ambassador intervened. In August 1952, a French journalist was arrested shortly after arriving, for attending a communist meeting in a village, but was released after urgent representations by the Egyptian syndicate of journalists.

In Indonesia, an agency correspondent was expelled in May 1952 as “antagonistic”.

In Persia, *The Times* correspondent who was expelled, in April 1952, was the fifth British correspondent to be ejected since 1951. Other correspondents have also been expelled, notably Clark of *The New York Times*.

In Portugal, the twin rulings that correspondents are held responsible for what they write and that they enjoy the same advantages as Portuguese journalists, makes straightforward reporting from Portugal impossible, though there is no censorship at the point of dispatch.

In South Africa, a Press Commission of Inquiry is at present seeking full information on any resident journalist in the Union reporting for papers abroad. According to the Political Correspondent of the *Rand Daily Mail*, indications are that when the Commission reports it “may recommend a system of licences for all correspondents in South Africa serving newspapers abroad, and their filing copies of their dispatches with the State Information Office”. (*IPI Report*, No. 10, p. 2).

In Greece, correspondents are sometimes rebuked and even threatened with expulsion, but this happens very rarely.

Rather different in character, but worth noting under this heading, was the dispute in 1952 between the Foreign Press Association and the West German Government over the establishment of a Press Club in Bonn which, foreign correspondents alleged, would be used to confine exclusive news to German and foreign correspondents ready to favour the government (see *IPI Report*, No. 8, p. 1).

There is a further restriction on the freedom of information that is worth recording. This is the prevention of news entering the country except with government approval. This takes two forms: the complete banning of a specific newspaper or a wholesale system of import licences, and the actual distribution of foreign news in a country through government channels.

The latter procedure is followed in Iraq.

As for the controlled import of foreign newspapers, this practice is widely reported from most of the countries where Press freedom is not complete.

February 17, 1953