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THIRD COMMITTEE, 430th

MEETING

Thursday, 30 October 1952, at 3 p.m.

Headquarters, New York

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Chairman: Mr. S. Amjad ALI (Pakistan).

Freedom of information (*continued*): (a) Problems of freedom of information, including the study of the draft convention on freedom of information (A/AC.42/7, A/2172, chapter V, section VI, A/2181, A/C.3/L.239, A/C.3/L.242/Rev.1, A/C.3/L.243, A/C.3/L.244, A/C.3/L.252 and Add.1, A/C.3/L.255, A/C.3/L.256, A/C.3/L.257/Rev.2, A/C.3/L.258, A/C.3/L.259, A/C.3/L.260, A/C.3/L.261 (*continued*))

[Item 29 (a)]*

DRAFT RESOLUTION SUBMITTED BY AFGHANISTAN, BURMA, EGYPT, HAITI, HONDURAS, INDIA, INDONESIA, IRAQ, LEBANON, LIBERIA, PAKISTAN, SAUDI ARABIA, SYRIA, THAILAND, YEMEN AND YUGOSLAVIA (A/C.3/L.256)

1. Mr. PAZHWAK (Afghanistan) said he gathered that some Committee members took the view that the sixteen-Power draft resolution (A/C.3/L.256), of which he was one of the sponsors, had not been submitted in due form. He therefore wished to submit it formally. He read its provisions and said that its object was to reach agreement on points which were still contentious, and not to reopen the discussion of questions on which agreement had been reached.

2. The United Kingdom representative had stated that she could not vote for a draft resolution under which the draft convention on freedom of information was to be referred to a sub-committee. On behalf of all the sponsors of the draft resolution, he replied that that was not the purpose of their text. Only the Third Committee could successfully consider the draft

convention; a less representative body would not be qualified.

3. In any case, the question of method would not arise until later. Fresh proposals might be submitted on which the Committee would give its decision. It was premature to speak of a sub-committee or of any other small body. For the time being, the only text in question was the sixteen-Power draft resolution, which should be voted on as it stood. Its meaning should not be strained by interpretation and members should not read into it incidental questions absent from the sponsors' minds but only the principle of detailed consideration of the draft convention in the Third Committee.

4. Mrs. BERGER (Canada) said she had given her views on freedom of information at the thirteenth session of the Economic and Social Council, and hence had not participated in the general debate in the Third Committee.

5. Her delegation was unable to support the sixteen-Power draft resolution, since its adoption would be prejudicial to the work of the Rapporteur appointed by the Economic and Social Council. Mr. López had given the Committee a most interesting and promising account and should not be hampered in the task entrusted to him by the Council. The question of a convention on freedom of information was one of the questions to be studied by the Rapporteur.

6. She added that an international convention was not necessarily equivalent to legislation, and, as the Israel representative had rightly pointed out with reference to paragraphs 13 and 14 of annex II to the rules of procedure of the General Assembly, it was not advisable for the Main Committees to study draft conventions article by article. That manner of consid-

* Indicates the item number on the agenda of the General Assembly.

eration was usually time-consuming and often led to a deadlock.

7. Freedom of information existed in Canada, and she hoped it would spread throughout the world. She therefore gave her unqualified support to the draft resolution submitted by Australia, Belgium, Denmark, Greece, Norway, the Netherlands and Sweden (A/C.3/L.260), which gave precise recommendations to the Economic and Social Council and UNESCO and had the merit of fitting the question into the technical assistance programme. The uses of technical assistance had been proved in many spheres of activity and, so far as information was concerned, such assistance was more likely to produce concrete results than a convention. She hoped that the majority would vote for that draft resolution.

8. Mr. TSAO (China) said his delegation could not support the sixteen-Power draft resolution. His negative vote on that particular draft would not however mean that the Chinese delegation opposed the principle of a convention on freedom of information. The position of China on the matter was not yet definitive, but he objected to a detailed discussion of the question during the current session.

9. It would be regrettable if the Committee ignored the decision of the Economic and Social Council, which had appointed a rapporteur to study the problems relating to freedom of information. Contrary to the assertions of certain representatives, the Council had been entitled to take that action, which definitely fell within its competence; the Council's decision had not been arbitrary, but had been carefully weighed.

10. If the Committee were to begin a long debate on the draft convention, it might be unable to complete its agenda during the session. It still had some vital questions to consider, including respect for the self-determination of peoples and the political rights of women. If the Committee were to devote too much time to freedom of information, other questions would suffer.

11. Furthermore, the sixteen-Power draft resolution was vague; it spoke of detailed consideration "with a view to reaching agreement", but even if such agreement materialized, it would still be necessary to await the following session of the General Assembly before the convention could be opened for signature. Since the question would inevitably have to be referred to the following session, the question should preferably not be considered until Mr. López's report and the Council's consequent recommendations were known.

12. Mr. TASWELL (Union of South Africa) had been struck by the wide divergence of views which had been shown in the general debate. It was unlikely that a Committee consisting of so many members with such opposing views could agree on a draft convention by considering it in detail. Besides, as had been mentioned, the other items on the agenda might be neglected if too much time was spent on the problem of freedom of information. Even if the Committee were to adopt the sixteen-Power draft resolution, the new problem of the sub-committee would arise. Many countries would probably wish to be represented on it, and a "small" body, with a membership virtually identical with that of the Third Committee, was hardly likely to produce more tangible results. Even if that con-

tingency were avoided, and the sub-committee's membership were really small, the product of its deliberations would have to be considered by the plenary Third Committee, and another general debate would ensue.

13. It had been said that the best and most efficient committee was the one-member committee, and the United Nations possessed such a committee in the person of Mr. López. The Rapporteur appointed by the Economic and Social Council had begun his work quietly and methodically; he had requested information from governments, which had to be given time to communicate their considered replies. If a general debate were begun, many delegations would presumably have to cable to their governments for instructions. Accordingly, Mr. López's report should be awaited before any decision on the draft convention was taken.

14. In conclusion he said he would vote against the sixteen-Power draft resolution, for procedural reasons only.

15. Mr. AZKOUL (Lebanon) supported the sixteen-Power draft resolution. Many representatives seemed to be putting the cart before the horse and objecting to possible future measures, such as the appointment of a sub-committee, to which no reference was made in the draft resolution. He wished briefly to explain why the sixteen Powers had submitted the draft resolution and to indicate its real purpose.

16. The General Assembly had discussed freedom of information only twice. On the first occasion, at the end of the third session, it had noted the existence of disagreement and had postponed the question till its fourth session. After it had, at its fourth session, postponed examination of the question still further, the General Assembly at its fifth session had set up an *ad hoc* committee which had drafted a convention that was to have been approved by the Economic and Social Council and by a conference of plenipotentiaries. Actually, the Council had not examined the draft convention and the conference of plenipotentiaries had not met. The sponsors of the sixteen-Power draft resolution were therefore of the opinion that it was time to reopen the question and to ascertain whether the disagreement still persisted.

17. He also explained that the draft resolution did not speak of the preparation of a final text of a convention, nor did it contemplate detailed consideration of every article in the draft convention; it merely called for an exchange of views which would relate only to the contentious parts. If it appeared from that exchange of views that the positions of the delegations remained unchanged and that the original disagreement persisted, he saw no reason why the question should not be postponed to a later session. It might be that discussion would lead to agreement, and that possibility should not be neglected. The United Nations had been established precisely for the purpose of smoothing out differences; it would lose its *raison d'être* if only non-controversial questions were brought before it.

18. Mr. DEDIJER (Yugoslavia) said he would vote for the sixteen-Power draft resolution; it did not specify what procedure should be followed in the proposed consideration and the Committee would be able to make its own decision.

19. Mr. LAMBROS (Greece) foresaw no constructive results from further detailed consideration of the problem at that stage. The report to be prepared by Mr. López would surely contain new and useful data and should be awaited, so that undue haste should not increase the confusion. The General Assembly had discussed freedom of information twice without result. He saw no point in a third vain discussion; he was in favour of postponing the question until another session and would vote against the sixteen-Power draft resolution.

20. Mr. EDBERG (Sweden) agreed with the representatives of Canada and Greece. He could not support the sixteen-Power draft resolution, as must be clear from his speech during the general debate (422nd meeting).

21. If it was impossible to draft a convention containing fewer restrictions and ambiguous clauses, the Swedish Government thought that it would suffice for the time being to adhere to the general principles set forth in the draft international covenants on human rights. If it were possible to produce a convention that was really conducive to freedom of information, the Swedish Government would be prepared to co-operate in the work by all means at its disposal. However, the general debate had revealed so many divergent views that it would be vain to hope for agreement on the contentious parts of the draft convention. There might be a majority willing to adopt a draft somewhat similar to the text before the Committee, but many countries would hesitate to sign it or would sign it subject to many reservations. His delegation saw no point in continuing along those lines. The situation might well be the same in 1953, but on the other hand the Rapporteur's report might clarify the position.

22. In those circumstances, the Rapporteur should be free to study the question unhampered by decisions of the Committee, and the Committee should be able to profit by his work before considering the question in detail.

23. That was the purpose of the seven-Power draft resolution (A/C.3/L.260). Sweden had joined in sponsoring that draft because it offered a compromise solution which was none the less a concrete measure calculated to gain time.

24. Mr. MANI (India) explained that the sixteen Powers which had sponsored the draft resolution had never envisaged setting up a sub-committee to study the draft convention. If they had had any such intention, they would have said so expressly in their draft resolution. They merely thought that the question had been under discussion for a long time and that there remained only a few contentious parts, such as article 2, on which the Committee might possibly be able to reach agreement.

25. Mr. SPRAGUE (United States of America) agreed with the representatives of Canada, Sweden, Greece and the Union of South Africa that the Third Committee should not attempt to complete the draft convention until it had seen the report of the Rapporteur appointed by the Economic and Social Council.

26. He referred to certain practical difficulties. First, the draft resolution called for detailed consideration by the whole Committee. Yet, the general debate had revealed a deep cleavage of opinions and had shown

how far removed was all possibility of agreement. Secondly, other agenda items might be neglected if the Committee spent too much time on vain efforts. The Committee should accordingly decide to await the report of the Rapporteur appointed by the Economic and Social Council.

27. Mr. PAZHWAK (Afghanistan) regretted that a procedural dispute should have arisen at the end of the general debate, during which delegations had stated their views on the need to prepare a convention and to discuss the draft which had already been prepared. Such difficulties should not, however, discourage the Committee, since the procedural debate in progress would give representatives another opportunity to express their opinions.

28. There seemed to be three schools of thought in the Committee: certain countries needed a convention on freedom of information, others did not need one (or at least did not believe so), while yet others needed one but were opposed to its preparation. Furthermore, some members sat on the Committee purely as government representatives while others participated equally in their capacity as journalists.

29. He appealed to the latter to remember that the needs of governments did not necessarily coincide with those of journalists; they should not, in their government's name, oppose the adoption of measures likely to facilitate the work of journalists. He also urged representatives of countries which did not stand in need of a convention on freedom of information to set aside their personal interests and agree to take into consideration those of countries to which the convention might be of great assistance. The purpose of the United Nations in all fields was not to serve private interests but to meet the needs of all countries.

30. In conclusion he formally moved the closure of the debate on the draft resolution.

31. Mrs. FIGUEROA (Chile) spoke against the closure of the debate, arguing that the Committee should hear further explanations from the sponsors of the draft resolution. She had been prepared to vote for it, because it appeared perfectly clear. Ambiguities had, however, crept in as a result of statements made during the meeting, and if the sponsors of the draft resolution could provide no clarification, she would be regretfully obliged to withdraw her support.

32. Mr. KAYSER (France) also spoke against the closure of the debate, for it would prevent the Committee from obtaining certain explanations and voting in full possession of the facts.

33. The CHAIRMAN put to the vote the motion to close the debate on the draft resolution contained in document A/C.3/L.256.

The motion was rejected by 32 votes to 4, with 15 abstentions.

34. Mrs. FIGUEROA (Chile) said that the discussion of the draft convention could hardly be postponed to a later session of the General Assembly without injury to the prestige of the United Nations.

35. During the general debate she had had occasion to point out that consideration of the draft convention at the current session could have no adverse effect on

the work of the Rapporteur appointed by the Economic and Social Council. In any case, between the two diametrically opposed solutions of postponing the question to the eighth session and deciding that the Third Committee should itself consider the draft convention at the current session, there was a middle way, which was to refer the text to a sub-committee. She had been under the impression that the sixteen-Power draft resolution would be in line with that third course, it being understood that if the Committee adopted that resolution, it would then decide to what body the draft convention should be referred.

36. After the explanations given by the representative of Afghanistan, the matter appeared in an entirely new light. There was no longer any idea of establishing a sub-committee; the draft convention was to be considered by the Third Committee itself. It could hardly be expected that a sixty-member body would reach an agreement where smaller bodies had failed. The representative of Lebanon had made it clear that he had no illusions on that score.

37. Accordingly, although she thought that a further effort to prepare a definitive text should be made during the current session, her delegation felt that the Third Committee should not itself assume a task in which it would probably not succeed, and which would lead to the neglect of other items on its agenda. She would accordingly be obliged to abstain from voting on the draft resolution under discussion.

38. Mr. KAYSER (France) said that, having heard the explanations of the sponsors of the draft resolution, the Committee was even more confused than before. It was not clear whether the adoption of the draft resolution would result in the appointment of a sub-committee or an *ad hoc* committee or would reopen the general debate. One of the sponsors, explaining that it would be impossible to prepare a final text during the current session, had even spoken of a simple exchange of views concerning certain parts of the draft convention. There was every reason to be sceptical about the outcome of such an exchange of views.

39. His delegation, which had proved its sincere and active desire to see a convention on freedom of information adopted, could not agree to a procedure which held out no hope of any tangible results. Definite measures should be adopted at the current session, and hence the Committee should consider those of the draft resolutions which were most likely to be of immediate use, in other words, the draft resolutions dealing with technical assistance in the field of information and the right of correction.

40. For the reasons stated, in view of the obscurity which still remained, and of the contradictions which were growing in number, his delegation would vote against the sixteen-Power draft resolution.

41. Mr. PAZHWAQ (Afghanistan) wished to reply to the Chilean representative's comments.

42. The sponsors of the draft resolution had never raised the question of appointing a sub-committee; the question had been introduced into the debate by the Chilean representative herself. He agreed with the representative of France that the situation had become somewhat confused, but in all fairness the sponsors of the draft resolution could not be blamed.

43. The Chilean representative had construed the words "the Third Committee" too narrowly. The expression covered not only the Committee itself, on which sixty States Members of the United Nations were represented, but also any sub-committee or *ad hoc* committee that might be created by the Committee.

44. In any case, those were procedural matters not touched upon in the draft resolution, which merely proposed that the draft convention should be considered during the current session; if the Committee adopted that proposal, it would then have to decide what course to follow thereafter.

45. Any delegation favouring the appointment of a sub-committee would only have to submit a draft resolution to that effect—though he, incidentally, would not support it—but the sixteen-Power draft resolution definitely did not settle that point for the time was not yet ripe.

46. Mr. LOPEZ (Philippines) said that his delegation would vote for the sixteen-Power draft resolution, on the understanding that the Committee would then decide what course to follow.

47. His delegation would prefer the Third Committee itself to consider the draft convention, even though it was unlikely, in view of the shortage of time and the divergency of views, that the Committee would be able to prepare a final text during the session. As he had pointed out during the general debate, the Rapporteur appointed by the Council should know the views of the various governments and be able to take them into account in drafting his report.

48. The USSR delegation had submitted certain amendments (A/C.3/L.254) to the draft convention. That document would become redundant if, by rejecting the sixteen-Power draft resolution, the Committee decided not to consider the draft convention.

49. Mr. LOPEZ VILLAMIL (Honduras) thought that the Committee could not defer discussion of a question of such importance as freedom of information year after year on the grounds that its agenda contained a number of other important items.

50. Procedural considerations should not enter into the discussion of the sixteen-Power draft resolution. Were the Committee to consider the details of the possible procedure to be adopted, it would be possible to raise not only the question whether the convention would be considered by the Committee itself or by a sub-committee, but also whether the sub-committee to be set up would have full powers or would have to report to the Committee. It was too early to discuss those questions, and the Committee would avoid many difficulties if it were to drop them for the moment.

51. Mr. MANI (India) said the representative of Afghanistan had given an admirable explanation of the purpose of the sixteen-Power draft resolution: it was not the intention of the sponsors to deal at once with the question of the creation of a sub-committee; all that was expected of the Committee was that it should refuse to defer indefinitely consideration of so important a question.

52. As the Lebanese representative had said, the United Nations had made only two serious attempts to prepare a draft convention and it was unthinkable,

merely because those two attempts had failed, to give up all further attempts to reach agreement. He agreed with the Chilean representative that the prestige of the United Nations was at stake.

53. The CHAIRMAN put to the vote the draft resolution submitted by the sixteen Powers (A/C.3/L.256).

54. Mr. AZKOUL (Lebanon) asked for a roll-call vote on the sixteen-Power draft resolution (A/C.3/L.256).

A vote was taken by roll-call.

Israel, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Lebanon, Liberia, Mexico, Nicaragua, Pakistan, Philippines, Saudi Arabia, Syria, Thailand, Uruguay, Yemen, Yugoslavia, Afghanistan, Burma, Ecuador, Egypt, Ethiopia, Guatemala, Haiti, Honduras, India, Indonesia, Iraq.

Against: Israel, Luxembourg, Netherlands, New Zealand, Norway, Poland, Sweden, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United States of America, Australia, Belgium, Byelorussian Soviet Socialist Republic, Canada, China, Colombia, Cuba, Czechoslovakia, Denmark, El Salvador, France, Greece.

Abstaining: Turkey, United Kingdom of Great Britain and Northern Ireland, Venezuela, Argentina, Brazil, Chile, Dominican Republic, Iran.

The draft resolution was not adopted, 23 votes being cast in favour and 23 against, with 8 abstentions.

55. Mr. SECADES (Cuba) explained that he had voted against the draft resolution not because he was opposed to the draft convention on freedom of information as such—on the contrary, the people and Government of Cuba favoured any initiative likely to promote freedom of the Press and opinion—but because he felt it would be wiser to await the report to be prepared by the Rapporteur after consultation with the Secretary-General and the specialized agencies, and in particular UNESCO, and in the light of the comments of Member States.

56. Mr. SOBOLEV (Union of Soviet Socialist Republics) said that he had voted against the draft resolution not because he was opposed to the discussion of

the draft convention—any such suggestion was disproved by his amendments thereto, which he withdrew—but because discussion had shown that there was not enough agreement to hold any promise of success. He had therefore considered it preferable to defer the matter until the next session.

57. Mr. AZKOUL (Lebanon) thought it was perhaps time to set a deadline for the submission of draft resolutions. He suggested 6 p.m. on Friday, 31 October, as a suitable time limit, as it would enable the delegations which had expected the sixteen-Power draft resolution to be adopted to prepare new texts.

It was so decided.

58. Mr. AZKOUL (Lebanon) asked whether the draft resolutions before the Committee would be considered in the order of their submission.

59. The CHAIRMAN said they would be, unless the Committee decided otherwise.

60. Mr. MOE (Norway) proposed that the Committee should first vote on the seven-Power draft resolution (A/C.3/L.260); although it was not the first to be submitted, it would clear the situation.

61. Mrs. EMMET (United Kingdom), seconded by Mr. PAZHWAK (Afghanistan), moved the adjournment of the meeting.

62. Mr. MANI (India) agreed, and asked that the meeting scheduled for the following morning should be cancelled to enable members to work on their draft resolutions.

63. Mr. KAYSER (France) and Mr. HUNEIDI (Syria) thought that, before adjourning, the Committee should decide in which order the draft resolutions before it would be taken at its following meetings.

64. Mrs. EMMET (United Kingdom) and Mr. PAZHWAK (Afghanistan) pressed their motion for adjournment, and proposed that the Committee should meet the following afternoon.

65. The CHAIRMAN put the motion for adjournment to the vote.

The motion was adopted by 35 votes to 4, with 9 abstentions.

The meeting rose at 5.5 p.m.