



Monday, 27 October 1952, at 10.30 a.m.

Headquarters, New York

C O N T E N T S

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Freedom of information (<i>continued</i>): (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) (<i>continued</i>).....	31
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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) (*continued*)

[Item 29 (a)]*

GENERAL DEBATE (*continued*)

1. Mr. TSAO (China) noted that the importance of freedom of information was unanimously recognized; the only problem facing the Third Committee was the determination of the most effective means of protecting the free flow of information while guarding against the dissemination of false or distorted news.

2. Certain members of the Economic and Social Council had objected to the draft convention on freedom of information prepared by the *Ad Hoc* Committee (A/AC.42/7, annex) on the grounds that it tended to restrict rather than to promote freedom of information, and that article 2, with its list of permissible limitations, might give rise to abuse. Those arguments showed clearly that the problem was highly complex and could not be quickly solved by the mere adoption of a convention. Many aspects of the problem, such as legal censorship, the shortage of newsprint and the need for better facilities for the training of personnel, were closely linked both to national policies and to the activities of the specialized agencies. Those aspects would have to be carefully studied if the convention was to receive the maximum support from countries with widely differing cultural, economic and political backgrounds.

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

3. The Chinese delegation, therefore, warmly approved the action of the Economic and Social Council in appointing a rapporteur to make a thorough study of the problem of freedom of information in consultation with the Secretary-General, the specialized agencies (particularly UNESCO), governments, and organizations of information enterprises. The Third Committee might, if it so desired, reaffirm the principle of freedom of information and take note of the report of the Economic and Social Council in that connexion; but it should not attempt, at the current session, to adopt the draft convention. No doubt the Council, at its summer session in 1953, would give full consideration to the report of its Rapporteur and make appropriate recommendations to the General Assembly at the eighth session.

4. Mr. KAYSER (France) said that, where the question of freedom of information was concerned, all delegations were at least agreed that the time had come either to undertake constructive action or to drop the entire matter.

5. The United Nations Conference on Freedom of Information, at which governments had been represented by journalists as well as politicians and diplomats, had adopted several conventions and resolutions on freedom of information which represented a harmonious whole and which should have been given immediate application. Unfortunately, that had not happened, partly for reasons of procedure, since the draft conventions, instead of being opened for signature, had been sent on a slow and stumbling pilgrimage through the various organs of the United Nations.

6. He agreed with the United States representative that a new approach was needed to the whole problem. It was possible that in the debates of the United Nations too much stress had been laid on freedom of information, in disregard of another, no less important,

freedom: that of opinion. While he agreed with the Brazilian representative that the suppression of a free Press was a crime, he wished to add that the suppression of free expression of opinion was no less serious a crime. He therefore hoped that in any future United Nations studies on freedom of information, equal priority would be given and equal attention paid to freedom of opinion.

7. The basis for a new approach might perhaps be found in the report of the Rapporteur appointed by the Economic and Social Council, which would contain a definition of freedom of information. He noted in passing that the first part of Mr. López's recent statement (A/C.3/L.250/Add.1) dealing with the history of the question in the United Nations might be included in that report as a useful and satisfactory summary. He had no special comment to make on the Council's action in appointing a rapporteur. Mr. López, for whose energy and ability he had a high regard, would undoubtedly produce a report that would enable the Council and the General Assembly to adopt practical and immediately applicable resolutions, which should ameliorate the existing situation at least to some extent.

8. The French delegation was anxious that the United Nations should rapidly come to a decision on the question of the status of foreign correspondents. It had been examined from the technical and legal points of view by the United Nations Conference on Freedom of Information and the Sub-Commission on Freedom of Information and of the Press. Furthermore, the Secretariat had compiled for the Sub-Commission two very important studies (E/CN.4/Sub.1/140 and E/CN.4/Sub.1/148), which contained pertinent recommendations on the status of foreign correspondents and might well be taken as a basis for further discussion.

9. Of the three conventions adopted by the United Nations Conference on Freedom of Information, (E/Conf. 6/79, annex A), the Convention on the International Right of Correction could be opened for signature immediately. The French delegation, jointly with the delegations of Egypt, Lebanon, Uruguay and Yugoslavia, consequently submitted a draft resolution to that effect (A/C.3/L.252). Whereas the other two conventions were morally linked together, so that the Convention on the International Transmission of News could not be opened for signature until the convention on freedom of information was also ready for such action, the Convention on the International Right of Correction could be re-established as an independent text.

10. Opponents of that course of action in the Economic and Social Council had advanced the argument that journalists were opposed to the Convention on the International Right of Correction because it would seriously hamper them. He himself, although a journalist, certainly did not take that view; and he was not alone. An international Press conference recently held at Evian, France, and attended by journalists from several continents, had unanimously adopted a resolution to the effect that the right of correction was one of the best ways of preventing the dissemination of false reports and that the congress consequently hoped that the Convention on the International Right of Cor-

rection adopted by the General Assembly would soon be opened for signature. Consequently, many journalists from various countries felt that the convention would be a help rather than a hindrance and their opinion had been echoed by the director of the Agence télégraphique suisse, who had stated that the harm caused by false reports could not be undone until governments and professional agencies had concluded international agreements providing for penalties and the right of correction.

11. The French delegation was convinced that the right of correction, internationally applied, might only be a partial remedy, but it would none the less be an effective remedy for the confusion caused by false and distorted reports. Furthermore, while the right of correction would not meet all the wishes of a number of delegations whose viewpoint had been expressed by the Saudi Arabian representative, it would go at least some way towards providing a remedy for unwarranted attacks on the traditions and customs of their countries, attacks about which those delegations had every right to complain.

12. He agreed with the United States representative both that the way to combat lies was to give free circulation to the truth and that what the world needed was not further restriction of the available information, but more information. The Convention on the International Right of Correction would achieve those very purposes. By permitting one State to send in a communiqué correcting the news about it published by the Press of another State, it would provide the reader with yet another source of information and acquaint him with another version of the facts, thus enabling him to form his opinions more intelligently. Furthermore, it could not be fairly said that the right of correction would constitute an intolerable attack on freedom of the Press; according to the provisions of the Convention on the International Right of Correction, it would not be obligatory upon any newspaper to print a retraction of any account it had published. The State which wished to make a correction would issue a communiqué to the other State concerned, and it would be for the latter to disseminate the communiqué.

13. Lastly, the Convention on the International Right of Correction would be binding only on the signatory States, and he could ill conceive that the majority in the United Nations would wish to prevent States of goodwill, even if they should be in the minority, from signing the Convention. Obviously, such States were free to conclude bilateral or multi-lateral agreements among themselves; but if the Convention was not opened for signature by the United Nations, it would deprive those States of the provision permitting the Secretary-General to play an important part in giving the correction publicity. The French delegation therefore fervently hoped that the Convention would be sponsored by the United Nations and would soon enter into force.

14. In the question of technical assistance in the field of freedom of information, the United Nations was, after a slow beginning, on the verge of great practical achievement. His own and other delegations which were in favour of technical assistance had at first met with considerable opposition, and he was happy to note

that the United States delegation was now giving that programme its unqualified support.

15. He hoped that the United Nations would abandon theories and concentrate on practical aspects. With regard to agencies, consideration might be given to the possibility of setting up national, or failing them, regional agencies. In the case of newspapers, the question of newsprint shortage was already receiving attention from the Food and Agriculture Organization of the United Nations. Technical studies might also be made of technical ways and means of providing printing presses and similar equipment where they were most needed, and of a United Kingdom suggestion that "public service" printing presses should be made available to newspapers. In the case of radio, the feasibility of setting up and providing large numbers of cheap receiving sets should be considered. The production of national newsreels and documentary films in such countries would be of benefit both to them and to the rest of the world.

16. Technical assistance therefore could do much on the material plane; fully as much could be accomplished on the human plane. The United Nations Educational, Scientific and Cultural Organization might, for example, promote exchanges of journalists between countries and organize technical seminars. There was much room for practical action, and the report to be submitted by the Secretary-General and UNESCO to the Economic and Social Council at its next session should be fully as important as the more general and political report of the Rapporteur on freedom of information.

17. Where information was concerned the United Nations should be guided by two principles: that freedom without equality meant tyranny by those who were richer, and that assistance without independence meant the dependence of the poor. Consequently, technical assistance in the matter of freedom of information should be organized on the basis of the equality and independence of all parties concerned.

18. As the United States representative had so aptly remarked, the common objective of all delegations should be mutual understanding, which could best be achieved by an understanding of what made one country different from another. Such understanding would go a long way towards achieving not only freedom of information, but world peace. Those differences should be fully analysed, objectively presented and widely disseminated.

19. He was therefore strongly in favour of providing technical assistance in the matter of freedom of information to under-developed countries and of opening the Convention on the International Right of Correction for signature.

20. Begum LIAQUAT ALI KHAN (Pakistan) commended the Philippine representative for his concise and lucid summary of the problems surrounding the question of freedom of information. She would limit her remarks for the moment to a statement on the draft convention, reserving her right to speak later on the other related problems.

21. The General Assembly was faced with the question of what further action, if any, was to be taken on the draft convention on freedom of information. It

must decide whether or not it would endorse the Economic and Social Council's decision (Council resolution 387 A (XIII)) not to convene the conference of plenipotentiaries envisaged in General Assembly resolution 426 (V).

22. Although the Council had been within its constitutional rights in deciding against the convening of that conference, several representatives had expressed their dissatisfaction with the tendency shown by the Economic and Social Council to reverse General Assembly decisions on human rights and fundamental freedoms. The records of the Council showed, moreover, that it had not been very favourably disposed towards the work of the Sub-Commissions on Freedom of Information and of the Press and on Prevention of Discrimination and Protection of Minorities. Finally, the Council had recently appointed a Rapporteur on freedom of information without giving the General Assembly an opportunity to discuss the relative merits of the alternative suggestions for future work. In general, the Council's actions had not provided an encouraging demonstration of the close co-operation between it and the General Assembly which was essential to the achievement of the high purposes of the United Nations in the matter of human rights. The delegation of Pakistan was concerned at the growing number of instances, in organs other than the General Assembly, of what amounted to the exercise of a veto on decisions which a minority of the members did not approve, regardless of the wishes of the majority.

23. In view of the history of the problem, Pakistan would oppose any attempt to refer it again to another organ of the United Nations. Faced with conflicting recommendations from the Commission on Human Rights and the Economic and Social Council, the General Assembly could not refuse to do all in its power to find a positive solution which would extend the fundamental right to freedom of information to all, without distinction. The task before the General Assembly was clear: it must attempt to achieve agreement on a draft convention on freedom of information.

24. A number of delegations, relinquishing all hope of achieving any true meeting of minds on the basic issues involved, had concluded that efforts to draft a convention must be abandoned. However, that impasse was not the first to be encountered by the United Nations in the seven years of its history. Many seemingly irreconcilable conflicts of opinion had been resolved by patient and persistent efforts. The United Nations was currently confronted by issues of fundamental importance to the very future of mankind and of civilization, issues on which seemingly irreconcilable differences of opinion divided East from West; nevertheless, it was unthinkable that all hope of bridging the gulf and resolving the conflict should be abandoned. In view of the varied composition of the United Nations, differences of approach to the solution of common problems must be regarded as natural and inevitable. It was to resolve just such conflicts of opinion by peaceful adjustment that the United Nations had been created. Surely, then, differences of opinion concerning the rights and obligations to be included in a convention on freedom of information could be resolved by discussion, if each Member approached the problem in a genuine desire to find a solution and with sympathy for the views of others.

25. Such a debate would help to dispel misunderstanding and suspicion, particularly with regard to the precise scope and methods of application of article 2 of the draft convention on freedom of information (A/AC.42/7, annex). Accordingly, the Pakistani delegation favoured a full discussion of the controversial parts of the text of the draft convention, in order to ascertain whether a measure of agreement could not be reached.

26. The representatives of Sweden and the United States of America had expressed a fear that the limitations imposed by article 2 on the right to seek, receive and impart information without governmental interference and regardless of frontiers might be abused by governments. The delegation of Pakistan held the view that the possibility of arbitrary action by governments had been minimized by providing that the limitations should be clearly defined by law and applied only when necessary in accordance with the law.

27. It had been contended that there were no generally accepted definitions of the concepts to be found in article 2. Most of the words and expressions used in that article, however, had well defined meanings in the criminal jurisprudence of most countries; and hence the possibility of arbitrary interpretations which might enlarge the scope of the restrictions was not as great as might be feared. Moreover, since the Members of the United Nations had pledged themselves to fulfil in good faith their obligations under the Charter, the problem under consideration should be approached not in a spirit of doubt and suspicion, but with trust and confidence in the good faith of the Members of the United Nations.

28. Some delegations had urged that the adoption of a convention should be postponed until the text of the article on freedom of information in the proposed covenant on human rights had been finally agreed upon. The article in question, however, must necessarily be couched in general terms and would not, therefore, be susceptible of precise interpretation; thus the inclusion of such an article in the draft covenant on human rights would not obviate the necessity for a separate convention. Moreover, the Commission on Human Rights had itself suggested that the General Assembly should be requested to draw up a special convention, in order to guarantee freedom of information throughout the world.

29. She could not see the logic of the view that continuance of the *status quo* was better than the adoption of a convention which might include some restrictions on freedom of information. Since States had complete liberty to place whatever restrictions they chose on freedom to seek, receive and impart information, the sum total of restrictions could only be reduced, not increased, if the draft convention were adopted. At the same time, article 3 would safeguard the rights of States which opposed restrictions of any kind whatsoever.

30. Mr. SOBOLEV (Union of Soviet Socialist Republics) said that the discussion of the question in the United Nations since 1946 had shown that those who had first raised the question had no intention of campaigning for real freedom of information. In certain countries, especially in the United States of America,

propaganda concerning freedom of information was being conducted in order to mislead public opinion. On the basis of the fundamental principles of the United Nations Charter, the USSR delegation considered that the Organization's task in that connexion was to promote the dissemination of truthful and independent information for the strengthening of international peace and security and development of international co-operation and friendly relations, to promote the settlement of the economic, social, cultural and humanitarian problems and strengthen trade and economic relations on the basis of equality and respect for the sovereignty of States and to combat the use of information media for incitement to war and the propagation of fascist and nazi views, racial and national exclusiveness, hatred, contempt and hostility among nations.

31. Public opinion in the "bloc" of countries signatories of the North Atlantic Treaty recognized that freedom of information in those countries was being suppressed by capitalist monopolies, trusts and syndicates which used their influence on information media for incitement to war and propagation of enmity and hatred among the nations. Moreover, those monopolies were doing all in their power to prevent the dissemination of truthful information. The 1947 report of the United States Commission on Questions of Freedom of the Press stated that the Press in the United States had become "big business" and that information published in the American Press was being distorted in favour of sensation-mongers and of the personal interests of owners and of pressure groups. President Truman had also stated that United States newspapers, especially daily newspapers, had become "big business". Many similar statements had been made concerning the position of the Press in the United States of America, the United Kingdom and France. In the United Kingdom, the Royal Commission on the Press had reported in 1949 that monopolies were able to exercise strong pressure on public opinion by the method of selecting and publishing news.

32. The USSR delegation considered that the United Nations had no right to fail to meet the demands of progressive public opinion for serious measures directed towards freeing the Press and other information media from the pressure of private monopolies, trusts and syndicates. The urgent need to prepare such measures and recommendations arose primarily out of the fact that, in contravention of the United Nations Charter and of General Assembly resolution of 3 November 1947, on measures to be taken against propaganda and incitement to war, all propaganda in the United States of America and the other countries of the "North Atlantic bloc" was not only continuing, but was becoming ever more unbridled. Newspapers and magazines in those countries were publishing hostile and slanderous attacks against the Soviet Union and the peoples' democracies and were openly publishing appeals for war against those countries. He quoted a number of demands for war against the USSR and the peoples' democracies, for the bombing of peaceful Korean and Chinese towns and for the use of the atom bomb in Korea, which had recently been published in the United States Press. The information media of the countries of the "North Atlantic bloc", which were in the hands of monopolies, served as a weapon of the

"psychological warfare" conducted by those monopolies with a view to directing world public opinion towards the preparation for a new world war and facilitating the realization of their aggressive plan. In regarding "freedom of information" as a tool for unleashing the "psychological warfare", the United States monopolies were seeking to evolve a sort of "freedom" of information which would enable them to use information media as widely as possible for the development of their successive propaganda and espionage and diversionist activities in other countries especially in the USSR and the peoples' democracies, with a view to carrying out a policy of expansion and aggression. That was why the progressive journalists in the United States of America, the United Kingdom and France who stood up for peace and international co-operation were subjected to persecution.

33. In the Soviet Union, however, war propaganda in any form whatsoever was regarded as the most serious crime against humanity. In compliance with an appeal for the prohibition of war propaganda launched by the Second World Peace Conference of the Partisans of Peace, the Supreme Soviet of the USSR had adopted the Defence of Peace Act of 1951, decreeing that war propaganda in whatever form it was conducted should be regarded as undermining the cause of peace and permitting the threat of a new war and therefore as being a heinous crime against mankind and that any person guilty of making propaganda in favour of war should be prosecuted and condemned as a major common criminal. Similar legislation had been passed by the People's Republic of China and the peoples' democracies.

34. Whereas information media in the countries of the "North Atlantic bloc" served the interests of monopolies and were directed towards fanning the flames of war psychosis and hostility and hatred among nations, in the Soviet Union and the peoples' democracies all information media, literature and art belonged to the people and served their interests and the cause of peaceful reconstruction and the education of the masses in a spirit of co-operation and friendship.

35. He pointed out that the draft convention on freedom of information prepared by the *Ad Hoc* Committee (A/AC.42/7, annex) was not in keeping with the purposes and principles confronting the United Nations in respect of freedom of information. The draft did not state that, in accordance with the United Nations Charter and the General Assembly resolution of 3 November 1947, information media should promote the cause of strengthening peace and international security. It contained no mention of promoting the dissemination for those ends of truthful and objective information, free from the dictation of private monopolies, trusts and syndicates. It contained no reference to combating propaganda for war and fascism and the dissemination of false and slanderous information. The purpose of article 1 was to give foreigners unlimited freedom to collect, receive and transmit any information, irrespective of its contents and of the purposes for which it was collected, and gave unlimited latitude for interference in the internal affairs of other countries and for the abuse of free information. That article did not serve the cause of peace and could be used in the interests of the inciters of a new war and

for the dissemination of false and slanderous information. Neither article 2, which contained a few limitations, nor any other articles of the draft convention contained a prohibition of propaganda in favour of war and fascism or of the dissemination of false and slanderous information.

36. The USSR delegation therefore considered the draft convention to be absolutely unsatisfactory and unacceptable and had submitted some amendments (A/C.3/L.254), with a view to eliminating some of its fundamental shortcomings.

37. The USSR delegation also submitted to the Committee a draft resolution (A/C.3/L.255), proposing that the General Assembly should invite all States Members of the United Nations to take all necessary steps, including legislative steps, to ensure the implementation of the General Assembly resolution of 3 November 1947, to prevent the use of the media of information and artistic expression for purposes of propaganda of any kind in favour of aggression or war, of incitement to hatred between nations, of racial discrimination and of dissemination of false and slanderous rumours and to assist the dissemination, independent of dictation by private monopolies, trusts and syndicates, of truthful and objective information for the strengthening of peace, development of friendly relations and co-operation among nations and development of economic and trade relations among the nations on the basis of equality and mutual respect and the sovereignty of States.

38. Mr. SPRAGUE (United States of America) said that he would reply later in the debate to allegations made against the United States Press by the USSR representative.

39. Mr. DERINSU (Turkey) said that no price was too high to pay for the defence of freedom of information, the keystone of democracy. The value of that right, however, depended on whether it was used constructively or destructively. The problems involved were so complex that the Committee should refrain from taking any immediate action on the draft convention. The Rapporteur's findings might eventually suggest a more useful approach to the problem. True, the fact that rapid and tangible results had not been achieved was disappointing; but the work done in the past six years should not be minimized, and the Committee could confidently look forward to slow but steady progress in the future.

40. Mr. JONES (Liberia) felt that the lack of adequate information was in part the cause of the backwardness of the under-developed countries and the Non-Self-Governing and Trust Territories, particularly in West Africa. The need for freedom of information had long been recognized in Liberia and great progress had been made during the past five years. The Government had taken the view that the principles set forth in the Preamble to the Charter of the United Nations could not be applied unless information was widely disseminated. It had, therefore, subsidized the newspapers, without however interfering with their policies, and had thus ensured a larger circulation. The establishment of a United Nations Information Centre in Monrovia to serve the whole of West Africa had been a great stimulus to teaching about the United Nations

in the schools. United Nations Day had become the second most important public holiday in Liberia. The broadcasting station in Monrovia had been subsidized and had disseminated a great deal of information about the United Nations and world affairs. It might be open to doubt, however, whether adequate information reached the Non-Self-Governing and Trust Territories, which were most in need of it.

41. His delegation would therefore support the drafting of a convention on freedom of information because the activities of the United Nations should receive the widest possible publicity and because the establishment of a lasting peace was an intellectual, even more than a political, problem. Some of the opposition to the draft convention might be attributed to unwarranted fear of the results of the wide dissemination of information and to the desire to obtain full information about other countries without permitting them to be equally informed about the countries concerned. Liberia shared neither that fear nor that desire.

42. Mr. FRONTAURA ARGANDONA (Bolivia) said that it was not surprising that the question of freedom of information had been fought out at such length in the United Nations, since it was a problem almost as old as civilization. His delegation would support any proposals designed to improve freedom of information, provided that the freedom was genuine and not freedom for small plutocratic minorities to falsify information for their own devious purposes. It was also in favour of freedom of opinion and expression and of instituting an international right of correction. The Rapporteur's report, which promised to be a brilliant piece of work, would of course be submitted to the Economic and Social Council, not to the General Assembly; but there was no reason why the Third Committee should not take the preliminary information he had given it as a guide and debate the problem further in that light.

43. His delegation favoured the establishment of an international code of ethics for journalists and agreed with the Economic and Social Council that the journalists themselves should draft it (Council resolution 442 B (XIV)). Journalists should be protected particularly against the enterprises for which they worked; they should not be exposed to loss of livelihood if they ventured to disagree with the opinions or policies of their employers. At the same time, it should be clear

that nothing was more detestable than for a journalist to sell his conscience; the corrupt journalist was worse even than his corrupter. The greatest danger to freedom of information was, however, the way in which the monopolies owning information media trafficked in ideas and talents as if they were merchandise or even white slaves, and insidiously poisoned information for their own shady purposes. The honest journalist should always have at heart the interests of the poor and weak, if only because he himself was poor and weak also. The General Assembly should therefore do its utmost to enable journalists to meet and work out their own code without fear of victimization or corruption.

44. He had noted an important omission in all the documentation dealing with freedom of information: the right of the reader to express his view of the Press. With most articles, the manufacturer made some attempt to discover what the public wanted; the newspaper proprietor rarely did so. The newspaper owners crammed their own views down the public's throat by constant repetition, until the reader, and sometimes even the owner, eventually came to believe that everything published in the newspaper was true. In Bolivia, fortunately, the reading public had been alerted. They knew only too well how newspaper propaganda put out by a small group of international and supra-national financiers had caused the martyrdom of a President and the death of nearly five thousand persons. They had learned that they had the right to express their repugnance of newspapers that perverted the freedom of information. There should be some machinery by which anyone compiling a report on contemporary freedom of information could consult the public itself about its views on the Press. Neither the governments nor the enterprises should be applied to for that purpose, but preferably responsible organizations such as trade unions or professional organizations. The main objective was to see that the Press did not lie; error was of course inevitable, but an end must be put to the deliberate lying of powerful monopolies. The interests of such monopolists had nothing in common with freedom of information. The best way to obtain a truthful Press would be to encourage the smaller local newspapers, such as those which had played such a glorious part in the achievement of the independence of the Americas.

The meeting rose at 1.5 p.m.