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**THIRD COMMITTEE, 979th
MEETING**

(Closing Meeting)

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Chairman: Mrs. Georgette CISELET (Belgium).

AGENDA ITEM 35

Draft Convention on Freedom of Information (A/AC.42/7 and Corr.1, annex, A/3868 and Add.1-8, A/4173 and Add.1-2, A/C.3/L.826, A/C.3/L.830/Rev.1, A/C.3/L.831-832, A/C.3/L.834, A/C.3/L.839 and Add.1, A/C.3/L.841) (concluded)

ARTICLE 1 (concluded)

1. Mr. SAHNI (India) said that, although he did not consider the Peruvian amendment (A/C.3/L.834) to sub-paragraph (a) of article 1 of the draft Convention (A/AC.42/7 and Corr.1, annex) strictly necessary, he would be willing to support it. Regarding the new sub-paragraph (a) proposed in the French amendments for insertion in article 1 (A/C.3/L.830/Rev.1), he said that the words "several different sources of information" might be interpreted as justifying journalists in using some sources and disregarding others. Furthermore, it did not specify that the sources must be accessible to everyone. He therefore proposed the insertion of the word "available" after the word "different"; that would make the text acceptable to his delegation. The French amendment to the existing sub-paragraph (a) seemed unnecessary and even confusing, for the deletion of the words "and opinions" would make much of article 2 incomprehensible; the limitations laid down in that article referred more to the opinions, as mentioned in article 1, than to information. Moreover, although there was a difference between information and opinions, it was almost impossible to separate them in practice. Both words should therefore be left in article 1, sub-paragraph (a). He hoped that the French delegation would not press that part of its amendments.

2. Referring to the five-Power amendment (A/C.3/L.831), of which his delegation was one of the sponsors, he said that the words "seek" and "gather" were not interchangeable, as some delegations had maintained. The word "gather" had a specific meaning for journalists. The doubts expressed by the French representative at the 978th meeting were perhaps due to language difficulties, as the word "gather" was translated in different ways in different parts of the draft Convention on the Gathering and International Transmission of News. That was dangerous, as the language of a legal

document such as the Convention on Freedom of Information should not be open to differing interpretations.

3. The objections raised by the United Kingdom representative at the preceding meeting to the use of the word "gather" were not valid. The fact that it was used by journalists in a specific sense did not mean that it was inapplicable to other persons who disseminated news.

4. Mr. KETRZYNSKI (Poland) was unable to support the new sub-paragraph proposed in the French amendments (A/C.3/L.830/Rev.1); the addition seemed unnecessary. As the Venezuelan representative had rightly stated at the previous meeting, sources of information were not always press agencies and organizations; they were very often authorized persons or State institutions responsible for the dissemination of accurate information. It was quite unnecessary to provide that everyone should have access to such sources of information; it was their very "raison d'être" to be accessible in order to provide information.

5. Mr. REVOL (France) remarked that, as the French amendment (A/C.3/L.830/Rev.1), calling for the deletion of the words "and opinions" in sub-paragraph (a), appeared to be causing confusion, he would withdraw it.

6. His objection to the five-Power amendment (A/C.3/L.831) had been based on the French text. The word "recueillir" was more passive than the English word "gather", which might perhaps be more adequately rendered in French by the word "chercher". He nevertheless endorsed the United Kingdom representative's objection to the English word "gather" as being too restrictive, because it applied more particularly to journalists.

7. Although the Polish representative's comment on sources of information was cogent, the French proposal for the insertion of a new sub-paragraph, which was now the only French amendment before the Committee, was meant to cover not only the sources he had mentioned, but all possible sources of information. In order to make that entirely clear, he wished to redraft the second part of his text to read "the right of every person to have at his disposal diverse sources of information".

8. Mr. BOULOS (Lebanon) supported the French amendment (A/C.3/L.830/Rev.1), both in its original form and as reworded by the French representative, because it introduced a new and important idea into article 1.

9. He had no objection to the English text of the joint amendment (A/C.3/L.831), but he agreed with the French representative that "chercher" was a better translation of the word "gather" than the word "recueillir". Lastly, he supported the Peruvian amendment (A/C.3/L.834).

10. Mr. SAHNI (India) pointed out that, whatever the final translation of the five-Power amendment (A/C.3/L.831) might be, the original text was in English and it expressed the intention of the sponsors.

11. Mr. HAMZAVI (Iran) said that he would vote against that amendment because, as the United Kingdom representative had pointed out at the 978th meeting, the word "gather" was used particularly by journalists. It should not be used in an article which referred and was meant to apply to all the nationals of the contracting States, as most of them were quite unconnected with the Press.

12. Mr. BEAUFORT (Netherlands) observed that he had some doubts about the new wording of the French amendment; he did not think that anyone could be said to have a right to have something at his disposal.

13. Mr. REVOL (France) replied that the intention of his amendment was to eliminate the idea of choosing between different sources of information, which might be interpreted as meaning that some sources were to be rejected or ignored. In using the wording "have at his disposal", he had intended to indicate that no source of information would be excluded.

14. Mr. MAQUEIRA (Chile) said that he would vote for the French amendment calling for the insertion of a new sub-paragraph (A/C.3/L.830/Rev.1) and welcomed the withdrawal of the amendment to the existing sub-paragraph (a). Although there was no difficulty with the Spanish translation of the five-Power amendment (A/C.3/L.831), he preferred the original text. He understood the motive which had prompted the Peruvian representative to submit his amendment (A/C.3/L.834), but he felt that it would make the text more rather than less restrictive. Article 2 contained a long list of limitations, whereas article 1 stated the rights to which those limitations would be allowed. It seemed unfortunate to introduce limitations into article 1 also. He would therefore abstain on the Peruvian amendment.

15. Mr. RUDA (Argentina) stated that, although he had been in favour of the original text, he supported the French amendment in principle, as it introduced a valuable new idea into the article. He would vote for the five-Power amendment (A/C.3/L.831) provided that the word "buscar" in the Spanish text, which had an active meaning and was generally used by journalists, was not altered. If it was, he would be obliged to vote against the amendment.

16. He strongly endorsed the Chilean representative's remarks regarding the Peruvian amendment (A/C.3/L.834). Furthermore, that amendment would eliminate the word "alguna" from the Spanish text and thus weaken it. He would abstain on the Peruvian amendment and vote against any limitations on freedom of information except those preventing the dissemination of information in purposes which were harmful to human dignity, the reputation of others or national security.

17. Mrs. MIRONOVA (Union of Soviet Socialist Republics) said that she would be able to support the five-Power amendments (A/C.3/L.831), provided that the word "gather" in the English text was rendered as "sobirar" in Russian. She would abstain on the French amendment (A/C.3/L.830/Rev.1), as it added nothing to the original text. She would vote for the

Peruvian amendment (A/C.3/L.834), which was very valuable in that it established a link between the rights laid down in article 1 and the limitations set out in article 2.

18. Mrs. MANTZOULINOS (Greece) also supported the Peruvian amendment. Her delegation was in favour of certain clearly defined limitations to freedom of information and the Peruvian amendment referred to those limitations, as contained in article 2. She endorsed the French amendment (A/C.3/L.830/Rev.1), as she felt very strongly that the State should protect its nationals' right to make up their own minds on the basis of information from all sources. The five-Power amendment (A/C.3/L.831) had given rise to a fruitful discussion. She felt that the nationals of the contracting States should be entitled both to seek and to gather information from all sources. She therefore supported the suggestion made by the Italian representative at the preceding meeting that both words should be used.

19. Mr. VAN HEUVEN (United States of America) said he wanted to emphasize two points. In the first place, the Convention, while it would obviously apply to journalists, would apply also to many other people as well, such as, for example, travelling authors, educators, business men and tourists. The Convention made that clear by the use of the word "national" in article 1. In the second place, the debate had revealed that the word "gather" had a much more limited meaning than the word "seek". To seek meant to go in search for, while to gather meant merely to collect. For that reason his delegation would vote for the maintenance of the word "seek" in article 1.

20. The CHAIRMAN asked the Venezuelan representative whether, in view of his comments at the previous meeting, he wished to withdraw from sponsorship of the joint amendment (A/C.3/L.831).

21. Mr. REY (Venezuela) explained that, although he preferred the word "buscar" to the word "recoger" in the Spanish text because it was more dynamic, he would support the word "gather" in the English text for the reasons given by the Indian and other representatives and would therefore continue to co-sponsor the five-Power amendment.

22. Mr. BAROODY (Saudi Arabia) thanked the French representative for having withdrawn his amendment to the existing sub-paragraph (a) of article 1 (A/C.3/L.830/Rev.1), and said that he would vote for the remaining French amendment, as revised orally.

23. A great deal of unnecessary confusion had arisen regarding the five-Power amendment (A/C.3/L.831). The only reason why the co-sponsors preferred the word "gather" to the word "seek" was that they felt that the latter implied a degree of active investigation which sometimes might not be justified, because it would offend religious sensibilities or a country's traditions, invade personal privacy or even in extreme cases threaten the security of the State. To "gather" news also involved an effort; the sources of information would not be limited to those which existed in order to supply it. On the other hand, if the word "seek" were used, it might be taken as an authorization to ignore the duties and responsibilities referred to in article 2. The word "gather", although it was frequently used in connexion with the collection of information by journalists, could be equally well applied to any seeker after information. All the sponsors of the amendment wished to do was to avoid permitting people to seek

information about something which they had no legitimate right to know.

24. Begum Aziz AHMED (Pakistan) observed that there were strong arguments in favour of both "seek" and "gather" and she wondered whether it would not be possible to retain them both.

25. The CHAIRMAN pointed out that that suggestion, which had been made by the Italian representative at the 978th meeting, had not been accepted by the sponsors of the joint amendment.

26. Mr. CUEVAS CANCELO (Mexico) observed that the five-Power amendment (A/C.3/L.831) proposed a change in concept, and he would therefore vote against it.

27. The CHAIRMAN called upon the Committee to vote on article 1 of the draft Convention (A/AC.42/7 and Corr.1, annex). She said she would put the amendments to the vote in the order suggested in her note (A/C.3/L.841).

The introduction to article 1, "Subject to the provisions of this Convention", was adopted by 51 votes to none, with 11 abstentions.

28. The CHAIRMAN invited the Committee to vote on the revised French amendment, the text of which read, "Each Contracting State undertakes to respect and protect the right of every person to have at his disposal diverse sources of information".

29. Mr. SHARAF (United Arab Republic) requested a separate vote on the words "and protect", which he found repetitious.

The words "and protect" were adopted by 36 votes to 14, with 13 abstentions.

At the request of the representative of Italy, a vote was taken by roll-call on the French amendment as a whole.

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

In favour: Honduras, Iceland, India, Indonesia, Iran, Iraq, Italy, Japan, Lebanon, Luxembourg, Mexico, Morocco, Netherlands, New Zealand, Norway, Peru, Philippines, Saudi Arabia, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia, Afghanistan, Argentina, Australia, Austria, Belgium, Brazil, Cambodia, Canada, Ceylon, Chile, China, Colombia, Cuba, Denmark, Dominican Republic, El Salvador, Ethiopia, Federation of Malaya, Finland, France, Ghana, Greece, Guatemala, Haiti.

Against: Hungary.

Abstaining: Israel, Pakistan, Poland, Portugal, Romania, Spain, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Albania, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia.

The French amendment was adopted by 51 votes to 1, with 14 abstentions.

The five-Power amendment (A/C.3/L.831) was adopted by 30 votes to 29, with 7 abstentions.

The Peruvian amendment (A/C.3/L.834) was adopted by 33 votes to 15, with 18 abstentions.

Sub-paragraph (a) of the original text of article 1 (A/AC.42/7 and Corr.1, annex), as amended, was adopted by 39 votes to 4, with 20 abstentions.

Sub-paragraph (b) of the original text was adopted by 49 votes to none, with 12 abstentions.

30. The CHAIRMAN put article 1, as a whole, as amended, to the vote.

At the request of the representative of Lebanon, the vote was taken by roll-call.

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

In favour: Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Ceylon, Cuba, Czechoslovakia, Dominican Republic, El Salvador, Ethiopia, Federation of Malaya, France, Ghana, Greece, Hungary, India, Indonesia, Iran, Iraq, Japan, Lebanon, Mexico, Morocco, Pakistan, Peru, Philippines, Poland, Portugal, Romania, Saudi Arabia, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Albania, Brazil.

Against: Denmark, Iceland, Norway, Sweden.

Abstaining: Cambodia, Chile, China, Colombia, Finland, Guatemala, Haiti, Honduras, Israel, Italy, Luxembourg, Netherlands, New Zealand, Spain, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Argentina, Australia, Austria, Belgium.

Article 1 as a whole, as amended, was adopted by 41 votes to 4, with 21 abstentions.

31. Lady PETRIE (United Kingdom) explained that she interpreted article 1 in its original form as covering the existence of national broadcasting systems; in other words, a system whereby the State reserved to itself or a single organ the control and ownership of such services would not be regarded as in conflict with its provisions.

32. She did not regard the French amendment as vitiating that point of view because in her view it did not mean that it was the right of every person to have at his disposal, for instance, more than one broadcasting service, but that he was entitled to choose between all those sources of information which were in existence.

33. Mrs. MIRONOVA (Union of Soviet Socialist Republics) said that she had voted for article 1 as part of the text of a convention which would be so drafted as to ensure freedom of information in accordance with the fundamental principles set out in the preamble.

34. She had welcomed the Peruvian amendment, because it linked article 1 with article 2, and she had voted for article 1 in the belief that when article 2 was adopted it would contain the necessary safeguards against misuses of freedom of information.

35. Mr. RUDA (Argentina) stated he had abstained in the vote on article 1 because the word "seek" had been replaced by the word "gather", which in his view introduced an undesirable restriction. The Peruvian amendment similarly restricted the fundamental freedom in question by omitting the word "alguna", which he considered essential.

36. Mr. MAQUIEIRA (Chile) observed that he had abstained in the vote on article 1 for the very same reasons.

37. Mr. VIANU (Romania) said that he had voted for article 1 as a whole, as amended, because he was in favour of the adoption of an international instrument on freedom of information but, like the USSR representative, he had done so in the belief that the safeguards against abuses in article 2 would prove to be satisfactory.

38. Mrs. DE ARENAS (Guatemala) explained that she had abstained in the vote on article 1 because her delegation always opposed any restrictions on freedom of information.

DRAFT RESOLUTION CONCERNING CONSIDERATION OF THE DRAFT CONVENTION (A/C.3/L.839 AND ADD.1)

39. The CHAIRMAN asked the Committee to turn to the nine-Power draft resolution (A/C.3/L.839 and Add.1).

40. Mr. FARHADI (Afghanistan), in introducing the draft resolution, observed that the explanations of vote on article 1 had shown the keen interest which was felt in the draft Convention. It was true that certain countries, such as the Scandinavian countries, which had a very liberal approach to freedom of information, did not wish to see it "restricted" in any way and that others, such as the United States, felt that a convention would serve no useful purpose, but he appealed to them to assist in the field of media of information and to under-developed countries like his own to improve their position. He recalled that the United States representative had stated (972nd meeting) that his delegation would take part in the debate on each article and would, to the utmost of its ability, strive to make a constructive and valuable contribution towards the achievement of agreement on a text acceptable to the majority. He appreciated that spirit of co-operation on the part of the United States delegation. Real progress could be achieved by a convention and he therefore hoped there would be no opposition to the proposal contained in the nine-Power draft resolution. The wording was similar to that used in the recommendation of the Third Committee^{1/} that the General Assembly, at its fourteenth session, should give priority to the consideration of the draft International Covenants on Human Rights. The words "give priority" were to be interpreted as meaning "attach importance".

41. Mrs. DE ARENAS (Guatemala) said that at the preceding session her delegation had felt that it was too early for the Committee to study the draft Convention on Freedom of Information, the more so since many Governments had not yet submitted comments. Even now it was not sure that such a convention should be concluded. Nevertheless, since the Committee had adopted the preamble and article 1, it was desirable that the remaining articles should be considered in the best possible circumstances and that a maximum of time should be devoted to the purpose. With that idea in mind, her delegation had co-sponsored the draft resolution.

42. Miss BERNARDINO (Dominican Republic) stated that her delegation would vote for the nine-Power draft resolution, but only on the understanding that the Committee's consideration of the draft Convention on Freedom of Information would not be at the expense of its other work, in particular of such important items as the reports of the Social Commission, the Commission on the Status of Women, and the United Nations High Commissioner for Refugees.

43. Mr. KARAPANDZA (Yugoslavia) recalled his statement during the general debate (973rd meeting) that it was extremely important that the draft Convention on Freedom of Information should be adopted as soon as possible. At the next session it would no longer be necessary to have a general debate on the subject and the Committee would be able to proceed immediately to the consideration of the remaining articles. In the light of that consideration, the proposal contained in the draft resolution was a most useful one and the Yugoslav delegation was prepared to support it.

The nine-Power draft resolution (A/C.3/L.839 and Add.1) was adopted by 43 votes to 2, with 17 abstentions.

Conclusion of the Committee's work

44. The CHAIRMAN expressed the opinion that the Committee had used its seventy-five meetings during the fourteenth session to very good advantage. On her own behalf and on that of the Vice-Chairman, the Rapporteur and the Secretariat services, she wished to thank the members of the Committee for their co-operation.

45. Mr. MAHMUD (Ceylon), Vice-Chairman, said that the Committee had covered an amazing amount of ground during the fourteenth session. Its outstanding achievement had been the adoption of the Declaration of the Rights of the Child. The high level of its work would have been impossible but for the spirit of understanding that had prevailed. He wished to pay a tribute to the Chairman, the Rapporteur and the members of the Secretariat who had participated in the Committee's work.

46. Mr. BEAUFORT (Netherlands), speaking on behalf of Belgium, Luxembourg, and the Netherlands, Mr. FARHADI (Afghanistan), Mr. BOULOS (Lebanon), speaking also on behalf of Iraq, Morocco, the United Arab Republic and Yemen, Mr. COX (Peru), Mrs. MIRONOVA (Union of Soviet Socialist Republics), speaking also on behalf of the Byelorussian Soviet Socialist Republic and the Ukrainian Soviet Socialist Republic, Mr. ALBERTSSON (Iceland), speaking also on behalf of Denmark, Finland, Norway and Sweden, Miss ADDISON (Ghana), speaking on behalf of the Commonwealth countries, Mr. ANDERSON (United States of America), Mr. REVOL (France), speaking also on behalf of Greece, Israel and Italy, Mr. KETRZYNSKI (Poland), speaking also on behalf of Albania, Bulgaria, Czechoslovakia, Hungary and Romania, Mr. ESPINOSA (Spain), speaking also on behalf of Portugal, Mr. KARAPANDZA (Yugoslavia), Mr. TSAO (China), Mr. MEHTA (India) and Mr. BAROODY (Saudi Arabia) paid a tribute to the Chairman for the masterly manner in which she had guided the Committee's debates and to the Vice-Chairman, the Rapporteur and the Secretariat for their invaluable co-operation.

^{1/} See Official Records of the General Assembly, Thirteenth Session, Annexes, agenda item 32, document A/4045, para. 92.

47. The CHAIRMAN said that she had been deeply moved by the tributes paid to her. On behalf of the Vice-Chairman, the Rapporteur and the members of the various Secretariat services, she thanked

the representatives for their friendly words of praise.

The meeting rose at 7.10 p.m.