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Chairman: Mrs. Lina P. TSALDARIS (Greece).

In the absence of the Chairman, Mr. Calamari (Panama), Vice-Chairman, took the Chair.

AGENDA ITEM 35

Freedom of information: report of the Secretary-General on consultations concerning the draft Convention on Freedom of Information (A/3868 and Add.1-6) (continued)

1. Mr. PANCHENKO (Byelorussian Soviet Socialist Republic) said that there were two possible ways to examine the question of freedom of information. The Third Committee could enter upon a general discussion, in the course of which everyone would be certain to make accusations and present evidence to support them. If the Committee took that course, it might well reach the end of the session without taking a positive decision and then refer the question to the fourteenth session, all of which would certainly not be in accordance with the wishes of the majority. The other approach—indeed, the only proper one—would be to examine the draft Convention on Freedom of Information (A/AC.42/7, annex) article by article. The question of freedom of information had been raised at the United Nations for the first time in 1946. At the current session, it had already been mentioned in the Fifth Committee during the discussion of the public information activities of the United Nations (agenda item 55). The general debate had lasted long enough; it was time to examine the documents. The draft Convention had been drawn up in 1951, but no decision on it had yet been taken. It was essential that the United Nations should draft an international instrument laying down certain standards in that important field. Such an instrument, if it was drawn up with care and its principles were observed by the States, would help to achieve one of the purposes stated in the United Nations Charter: the maintenance of international peace and security.

2. His delegation was willing to see the draft prepared by the Committee on the Draft Convention on Freedom of Information in 1951 (A/AC.42/7, annex) used as a basis for work. The existing differences of opinion could certainly be reduced by serious, concrete discussion, and it should be possible to arrive at a decision acceptable to a great majority of the members.

3. At the fourteenth session, the Committee would have to continue its examination of the draft Covenant on Civil and Political Rights (E/2573, annex I B), including article 19 of that document, which dealt with freedom of opinion and expression. Article 19 was bound up with the question of freedom of information, since no sound opinion could be formed in the absence of accurate information. That was a further reason for proceeding forthwith to an examination of the draft Convention.

4. Mr. GORIS (Belgium) felt compelled to protest against two statements which the Saudi Arabian representative had made at the preceding meeting. To begin with, he had asserted that Asia and Africa were threatened with "contamination" as result of contact with the Western Press. No one denied that the latter had its faults, but to contend that two continents were on the point of being contaminated by it scarcely represented a constructive contribution to the debate; unrestrained remarks of that sort were most deplorable.

5. Secondly, as Director of the Belgian Office of Information, he took offence at the statement that agencies of that kind engaged in disseminating slanted news. That was untrue. Information offices did their best to describe the political, economic and cultural conditions in their respective countries; they performed work that was instructive and educational. Everyone had the right to express his views in accordance with his convictions, and it served no purpose to cast suspicion upon those whose duty it was to report the opinions of the States they represented to the people of the world. There was an Arab Information Centre in New York, and he had no reason to believe that it disseminated slanted news; he read its bulletins with interest, just as he read those of the Israel Office of Information, and tried to find their common denominator. For his part, he was convinced that agencies of that kind did useful, honest work. It was wrong to poison the atmosphere at the beginning of the debate by making reckless and false assertions and insulting the entire world Press.

6. Mr. BAROODY (Saudi Arabia) said that, in speaking of the danger of "contamination", he had been referring specifically to propaganda and had stressed the disastrous effect of propaganda on international relations. Such propaganda might well result—and had already resulted—in retaliation in kind by the countries of Asia and Africa, which could serve only to impair friendship among peoples. It was in order to prevent such a state of affairs from developing that certain standards should be established in the form of a convention.

7. The Arab League's Information centre in New York had been set up for the express purpose of presenting the true facts on events in the Arab world and correcting false information published on the subject.

8. With regard to the slanted or incomplete press reports published in some countries, he reminded the

Committee of the Soviet representative's observation at the preceding meeting that the New York Press had made no mention of the decision taken by the Committee on agenda item 33, concerning self-determination. There was a conspiracy of silence surrounding certain events, and one could frankly recognize that fact and deplore it without necessarily wanting to poison the atmosphere. The representatives of other Arab countries might have something to say about the grave damage inflicted on the reputation of their countries by the information media of certain States, about the ungracious remarks directed at the Arab countries' religious leaders, and about the denunciations of their national policies.

9. As a specific example of pernicious propaganda, he recalled the old silent films, in which, at one time, the "villain" had always been a Chinese. China had wanted to retaliate, with the result that, for a time, the "villain" in Chinese films had always been an American. Similarly, the owner of a large chain of newspapers in a certain big country had on one occasion published an article in one of them in which it was said that all Arabs were thieves, that nothing in their religion forbade them to be such, and that they were callous in their treatment of others. He was citing those examples—of which he could give many more—in order to show that he was not making reckless assertions.

10. According to an Arab saying, one bite of food was enough to whet an appetite and one word was enough to start a quarrel. It was important to adopt an international convention on freedom of information in order to prevent verbal battles from ending in bloody conflicts.

11. Mr. GORIS (Belgium) said that he had never put in doubt the frankness of the Saudi Arabian representative. As to the Arab Information Centre, he was glad that it existed and he was very interested, as he had already said, in all the information which that Centre published. He had, however, been struck by the fact that in all the arguments and explanations of the Saudi Arabian representative, virtue appeared to exist only on one side and wickedness on the other; he did not believe that that could possibly be so.

12. Miss FAROUK (Tunisia) said that two conclusions could be drawn from the discussion: first, that personal remarks, unbecoming a debate in the Third Committee, were merely prolonging a sterile discussion; secondly, that the consideration of item 35 of the agenda had so far not been very constructive.

13. It was not the task of the Committee to criticize the various systems of information. It was inevitable, and indeed normal, that each country should interpret according to its own point of view the news which it published.

14. The so-called under-developed countries were under-developed also in the matter of information. Africa, for example, had only three information offices, in Tangiers, Cairo and Brazzaville, and it could be said that until now the views and thoughts published on Asia and Africa were those of outsiders. That had been the situation when most of the territories concerned were under colonial domination; the same was still true—although many countries of those two continents had attained independence—because of the inadequacy of their information media. Accordingly, the

constructive approach to the problem of information in connexion with those countries was to study the means of enabling them to disseminate their own news and to comment upon international events themselves.

15. The CHAIRMAN appealed to all the delegations to confine their remarks to the item on the agenda and to avoid recrimination. There could be no question of limiting the right of reply of delegations, but the Committee must not waste its time and create an atmosphere unfavourable to profitable discussion.

16. Mr. BAROODY (Saudi Arabia) said that he fully shared the Chairman's views. In order to avoid prolonging the discussion, he would be glad to answer personally outside the Committee any further questions which the Belgian representative might wish to ask him.

17. Mr. Chalapathi RAU (India) said that he wished to help the Committee to make profitable use of the time available for the consideration of item 35. A general discussion which would give rise to charges and counter-charges would serve no useful purpose. Freedom of information was not a question which could be studied in a vacuum, because it raised many economic and social problems. Those problems, however, were extremely complex and were bound to be mentioned and examined in the discussion of the draft Convention. If the Committee wished to carry out a profitable discussion and to make some progress in the matter of freedom of information, it should consider that text without delay. At its twelfth session the General Assembly had adopted resolution 1189 (XII); the Commission on Human Rights had subsequently adopted two texts on the same subject—resolutions 6 (XIV)^{1/} and 7 (XIV)—which the Council had examined, though it had not taken them into account in its resolution 683 (XXVI).^{2/} There was apparently a desire to assist under-developed countries to set up adequate information media, but nothing had as yet been done and the Third Committee was at present at the same point as at the previous session. If it decided to discuss the problem of freedom of information as a whole, there was a strong possibility that it might be no further advanced at the next session. Accordingly, if it wished to show that it sincerely wanted to make progress in the matter it should begin immediately to examine the draft Convention, article by article. In that connexion, he wished to know whether the proposal made by the Philippine delegation at the preceding meeting had to be considered as a formal proposal. It might be argued that the Committee did not have enough time to examine the draft thoroughly. It was true that the Committee could not hope to make rapid progress and that the examination of that text would probably not be completed in less than three or four years; that, however, was all the more reason why the examination should be undertaken as soon as possible. It had been suggested also that the question of freedom of information should not be examined by inter-governmental bodies but by non-governmental organizations. Guaranteeing the exercise of that freedom in countries with very different political and economic structures obviously raised extremely delicate problems but the Committee had already decided to examine that freedom because of its international character and its effect on the relations between States; it could therefore not be argued now

^{1/} Official Records of the Economic and Social Council, Twenty-sixth Session, Supplement No.8, para.123.

^{2/} Ibid., para.130.

with any logic that it would be futile to undertake an examination of the draft Convention on Freedom of Information.

18. Mr. BRILLANTES (Philippines) said that at the preceding meeting his delegation had formally proposed that the Committee should adopt a programme of work to examine the question before it. In order to avoid a repetition of the same arguments, the same controversies and the same accusations as in previous years, the Committee should undertake immediately the examination of the draft Convention and thus limit the scope of the debate. In accordance with resolution 1189 (XII), the General Assembly was not obliged to do so; it was called upon, however, to determine what priority should be given to the consideration of the draft Convention. If immediate consideration was given to the examination of the preamble and article 1 of the draft Convention and it was decided to continue its examination at the next session, that would be tantamount to giving it priority. Moreover, the Committee on the draft Convention on Freedom of Information had laid stress in its report (A/AC.42/7) on the need to help under-developed countries to set up adequate information media. That task would be facilitated if the consideration of the draft Convention was completed rapidly. It would not seem necessary to await receipt of the observations of all the Governments on the report of the Committee on the Draft Convention on Freedom of Information before undertaking that study.

19. His delegation's proposal was, briefly, that the Committee should adopt a programme of work and, to that end, should in the first place fix a time limit for the submission of draft resolutions on the question of freedom of information and, secondly, determine whether it should undertake a detailed examination of the draft Convention. If it decided to examine that text, it should go on to examine the preamble, then article 1 and, lastly, lay down a time limit for submitting amendments to the preamble and article 1.

20. Mr. THIERRY (France) said that his delegation had previously been in favour of the draft Convention on Freedom of Information. However, after examining the excellent report by Mr. Salvador P. López on the question^{3/} and after hearing the arguments presented to the Committee by the Philippine representative at the twelfth session (828th and 830th meetings), his delegation had adopted a more reserved attitude. The report on Freedom of Information stressed the great diversity of national legislations in the matter and showed how difficult it was to carry out any codification. In his statement on the subject at the previous session, Mr. López had said, that it would not be advisable, at that session at any rate, to begin discussion on the draft Convention and that it would perhaps be desirable to take immediate interim or alternative measures. It was normal and perfectly in order for the Philippine delegation to have altered its position since the previous session. The French delegation, which had at that time agreed with the Philippine delegation, was quite prepared to be convinced by that delegation's arguments at the current session also. His delegation would, however, like to know the reasons for the change in the Philippine position.

21. Mr. BRILLANTES (Philippines) thanked the French representative for his kindness in commending the

work of Mr. López. He did not believe, however, that there was any inconsistency between the position taken by his delegation at the current session and the position it had taken at the previous sessions. At the twelfth session of the General Assembly, the Philippine delegation had wished to take into account the difficulties of certain delegations which had not yet been ready or disposed to consider the draft Convention. It had also wished to take advantage of the extra time available to draw attention once more to the text prepared in 1951 by the Committee on the Draft Convention on Freedom of Information. Those reasons had led his delegation to submit certain proposals which had been adopted by the General Assembly. One of them was the subject of resolution 1189 A (XII), which provided that the General Assembly would determine the priority to be given to the appropriate consideration of the draft Convention. The only purpose of his two previous statements had been to help to carry out that provision.

22. There were, no doubt, fundamental differences of opinion on the question of freedom of information. That was precisely why the Committee must endeavour to formulate a generally acceptable text. The draft Convention itself had already taken into account those differences of opinion in so far as they had been expressed in the Committee on the Draft Convention. Reference had been made to the basic differences in that field between the United States of America and the Soviet Union. That antagonism was a fact but it should be recalled that the two countries had recently concluded an agreement on cultural exchanges. A similar agreement existed between the United Kingdom and the Soviet Union. The Philippine delegation still held that an international instrument on the subject of freedom of information would be ineffective if the great Powers refused to adhere to it, but it believed that the conclusion of those agreements held out perhaps a glimmer of hope that differences that had in the past been irreconcilable could be narrowed down.

23. Mr. SIMPSON (Liberia) said that no progress at all had been made during two out of the eight meetings allocated to item 35 of the agenda. It was essential for the Committee to take a decision soon on the Philippine proposal.

24. Mr. KETRZYNSKI (Poland) said that the Committee was not called upon to decide on the respective merits of the various systems of information, or on the difference between information and propaganda. The Committee had before it a draft Convention which was not aimed at settling ideological and political differences, but at ensuring as far as possible the honest dissemination of information, which favoured understanding between peoples. It was the duty of the United Nations to make every effort to facilitate that understanding. He accordingly supported the proposal made by the Philippine representative, which seemed to him clearly useful and well-founded.

25. Mr. BRILLANTES (Philippines) said that he did not ask for an immediate decision; he merely wished a decision to be taken at the beginning of the following meeting.

26. Mr. FOMIN (Union of Soviet Socialist Republics) supported the proposal submitted by the Philippine representative. As the draft Convention was the only document submitted to it, the Committee should be able to begin a study of it article by article without delay. Those who thought otherwise were free to submit speci-

^{3/} Ibid., Supplement No.12.

fic proposals on the matter. If they did not do so before the next meeting, it could be legitimately considered that the Committee had agreed to examine the draft Convention article by article.

27. He had doubts about part of the Philippine proposal. The Philippine representative had suggested a time limit for the submission of draft resolutions on agenda item 35. Whereas it was in order and desirable to fix a time limit for the submission of amendments to the preamble and the articles of the draft Convention, such a measure hardly seemed necessary in the case of any other proposals.

28. It would be pointless and dangerous to stress at the current stage the differences of opinion dividing the various countries on the question of freedom of information. Many of the points in the draft International Covenants on Human Rights were also of a controversial nature, but that had not prevented the Committee from finding compromise solutions for most of the articles it had considered. The Philippine representative had done well to cite as examples certain cultural agreements which testified to that same spirit of co-operation. There was no reason why the draft Convention should not be discussed in the same spirit. It should, moreover, be borne in mind that, at its next session, the Committee would be considering article 19 of the draft Covenant on Civil and Political Rights (E/2573, annex I B), which dealt specifically with freedom of expression. He asked how it could deal with that issue if, during the current year, it had considered that it was unable to deal usefully with item 35.

29. Miss BERNARDINO (Dominican Republic) wished to know whether the Philippine proposal, which was supported by various delegations, excluded any general discussion on the freedom of information, or whether such a general discussion could proceed simultaneously with the article-by-article consideration of the draft Convention.

30. Mr. THIERRY (France) pointed out that, according to the wording of agenda item 35, the Committee had to consider a report of the Secretary-General on consultations concerning the draft Convention on Freedom of Information and not the draft Convention itself.

31. The CHAIRMAN felt that the Committee's terms of reference derived from the provisions of General Assembly resolution 1189 A (XII). According to operative paragraph (c), the purpose of the Secretary-General's report was to enable the Assembly to give such priority as it might determine to the consideration of the draft Convention. It would seem, therefore, that the Committee was free to discuss that draft if it deemed it necessary.

32. Replying to the question put by the representative of the Dominican Republic, he said that, in his opinion,

each article of the draft Convention should be the subject of a general discussion followed by a discussion of the amendments submitted.

33. Miss BERNARDINO (Dominican Republic) thanked the Chairman for his guidance. She had asked the question because she felt that no one could deny representatives the right to speak as they wished, whether on freedom of information or any other matter. She would therefore ask the Philippine representative to state more precisely what he had meant.

34. Mr. BRILLANTES (Philippines) entirely agreed with the Chairman. A study of the articles, particularly of the preamble, would inevitably lead to a discussion on the broader aspects of the freedom of information. It was nevertheless to be hoped that, in doing so, they would exercise restraint.

35. Mr. KETRZYNSKI (Poland) and Mr. BARODY (Saudi Arabia) also upheld the interpretation suggested by the Chairman.

36. Mr. BOULOS (Lebanon) drew attention to the exact wording of item 35; the documents relating to it included in particular General Assembly resolution 1189 A (XII), paragraph (c) of which assigned the Committee specific tasks. The Committee could, therefore, decide either to approve the Secretary-General's report and proceed with a discussion on the draft Convention or to adopt a resolution similar to the one adopted at the previous session if it thought that it had not ascertained the views and suggestions of a sufficient number of Governments. Such a decision would throw some light on the situation; those who had other solutions in mind should propose them forthwith.

37. Mr. MAJOLI (Italy) emphasized that it would be difficult to have a useful discussion on the articles of the draft Convention without a preliminary declaration on certain questions of principle. In view of the differences in the opinions expressed by several speakers, it seemed rather premature to embark immediately on a detailed discussion of an international document without first holding a general discussion. Regarding the reference to the Fifth Committee's work, he was well qualified, having sat on that Committee, to state that it had studied only the dissemination of United Nations information and not the general aspects of freedom of information. The Third Committee had to produce results of lasting value and preserve its equanimity if it was to avoid lamentable mistakes. A general discussion—for which some representatives had in fact prepared—could in no way be regarded as a waste of time.

The meeting rose at 1.5 p.m.