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**GENERAL  
ASSEMBLY**  
**SEVENTH SESSION**



**THIRD COMMITTEE, 422nd**

**MEETING**

**Thursday, 23 October 1952, at 10.30 a.m.**

**Official Records**

**Headquarters, New York**

**C O N T E N T S**

*Page*

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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) ( <i>continued</i> ) ..... | 17 |
|--|----|

**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) (*continued*)**

[Item 29 (a)]\*

**GENERAL DEBATE (*continued*)**

1. Mr. LOPEZ (Philippines) said that at the previous meeting he had outlined to the Committee the progress he had made so far on the report which the Economic and Social Council had asked him to prepare.
2. His constitutional position was an awkward one. Although he realized that under the Charter of the United Nations the General Assembly was entitled to discuss almost any matter, particularly a matter in which it had taken so deep an interest for several years, he must stress the fact that he was responsible to the Economic and Social Council and, accordingly, was unable there and then to supply the Committee with more detailed information about his report. Furthermore, as he had stated at the previous meeting, his work was still in the preliminary stage. Thus, he could unfortunately add nothing to his previous statement, the text of which (A/C.3/L.250) had been distributed to the Committee members.
3. In order, however, to assist the Committee in such an important and complicated study, he would go briefly over the background and recall the work and decisions of the various United Nations organs concerned.
4. In 1946 the General Assembly had asked (resolution 59(I)) the Economic and Social Council, in response to a proposal by the Philippine delegation, to

convene a United Nations conference on freedom of information. Implementing that resolution, the Council, by its resolution 2/9, had instructed the Commission on Human Rights to set up a Sub-Commission on Freedom of Information and of the Press consisting of twelve members. The Sub-Commission had been asked to explore the question of what rights, obligations and practices were included in the concept of freedom of information and to prepare a documented agenda for the projected United Nations Conference on Freedom of Information.

5. The Sub-Commission had devoted its entire first session to the preparation of that agenda. At its second session, it had endeavoured to discharge the first duty assigned to it. In addition, it had drafted a number of articles on freedom of information for inclusion in the Universal Declaration of Human Rights and the draft covenant on human rights. Meanwhile, the General Assembly had unanimously adopted its resolution 110 (II) condemning propaganda for war and the diffusion of false reports and appealing to all governments to see that information media were used to promote friendship and understanding among nations.

6. The United Nations Conference on Freedom of Information, which had met at Geneva in March 1948, had prepared three draft conventions: on the gathering and transmission of news, on the right of correction and on freedom of information. It had also adopted some forty resolutions, including one which more or less repeated the General Assembly resolution he had just referred to. All the resolutions had been mere exhortations to the Press to be sincere and objective, and the Economic and Social Council had taken no action on them at its seventh session. At that session the Council, by its resolution 152 B (VII), had transmitted the three draft conventions to the General Assembly, after revising the text of the first draft convention.

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

7. At its eighth session the Economic and Social Council, by its resolution 197 (VIII), had extended the term of the Sub-Commission on Freedom of Information and of the Press for three years, and instructed it to make a more detailed examination of the problems relating to freedom of information. At its third session the Sub-Commission had drawn up its work programme for the next three years and had then embarked upon the consideration of the first item on its agenda, namely, the adequacy of the news available to the peoples of the world and the obstacles to the free flow of information. At its fourth and fifth sessions the Sub-Commission had drawn up a draft code of ethics for journalists in the light of comments received from professional organizations and had recommended that the Economic and Social Council should set up a permanent body of experts to carry on the work.

8. At its fourteenth session the Economic and Social Council had, by its resolution 442 B (XIV), transmitted the draft code to professional associations and information enterprises, leaving it to the journalists themselves to decide what further action should be taken and stating that if they so wished, the United Nations would assist them in calling an international conference to adopt such a code. The Sub-Commission had been discontinued and a Rapporteur appointed to take over the question of freedom of information.

9. To return to the three draft conventions, it would be remembered that, at its third session, the General Assembly had redrafted the first and second and amalgamated them into a single draft Convention on the International Transmission of News and the Right of Correction. By its resolution 277 A (III) the Assembly had decided that the Convention should not be opened for signature until the General Assembly had taken definite action on the draft convention on freedom of information, which had been postponed to the fourth session. At its fourth session, the General Assembly, by its resolution 313 (IV), had recommended to the Council that it request the Commission on Human Rights to include provisions on freedom of information in the draft international covenant on human rights, taking into account the work done on the draft convention on freedom of information. By the same resolution it had decided to postpone further action on the draft convention pending receipt of the draft covenant on human rights or a progress report thereon. A proposal that the Convention on the International Transmission of News and the Right of Correction should be opened for signature had been rejected.<sup>1</sup>

10. The Commission on Human Rights, in compliance with the Assembly's instructions, had recommended at its sixth session that the Council should request the General Assembly to draft a special convention on freedom of information.<sup>2</sup> At the Council's eleventh session, the Social Committee, a committee of the whole, had approved that recommendation,<sup>3</sup> but the plenary meeting of the Council, contrary to what might have reasonably been expected, had reversed that deci-

sion.<sup>4</sup> Thereupon the General Assembly, at its fifth session, had decided (resolution 426 (V)) to set up an *ad hoc* committee with instructions to prepare a draft convention on freedom of information, taking into account the work already done, and had requested the Council to consider the advisability of convening a conference of plenipotentiaries to frame and adopt a convention. The *Ad Hoc* Committee had recommended (A/AC.42/7, para. 250) that such a conference should be convened but the Council had then decided, at its thirteenth session (Council resolution 387 A (XIII)), that, in view of the wide divergence of opinions, it would be wiser not to convene it. The Council's decision had been transmitted to the General Assembly, which, at its sixth session (resolution 541 B (VI)), had postponed the matter to the seventh session.

11. The United Nations had thus approached the subject from three angles. The first, the political, had led the General Assembly and the United Nations Conference on Freedom of Information to condemn war-mongering and the dissemination of false reports. The possibilities of that approach seemed to have been exhausted and Member States might well spare themselves debates which were little more than an exchange of abuse.

12. The second approach was through the Sub-Commission on Freedom of Information and of the Press, whose duties had recently been entrusted to the Rapporteur. He personally would have preferred a permanent body of experts, but the Council had hoped that the appointment of a rapporteur would provide a fresh approach and a new method of tackling the problem. His own view was that the problem remained as before, as complex and thorny as ever, regardless of the methods employed, and could be solved only if all Members of the United Nations were really willing to achieve whatever success might be hoped for in the current political circumstances and bent every endeavour to that end. Since the Rapporteur had been authorized to ask governments for their opinion, he was clearly entitled to interpret any view expressed in the Third Committee as reflecting the opinion of the government concerned; but in view of the constitutional situation to which he had already referred, it was preferable that neither the General Assembly nor the Committee should propose an extension of the Rapporteur's term or that he should be given fresh duties.

13. The third approach had been from the angle of international conventions and there the Committee had reached a deadlock nearly as hopeless as the one at Panmunjom. The Philippine delegation did not, of course, wish to avoid a discussion of the draft convention. It was for the General Assembly to decide whether to endorse the Economic and Social Council's decision to take no action on the *Ad Hoc* Committee's work and not to convene a conference of plenipotentiaries. It also had to take a decision on the French delegation's proposal that the portion relating to the right of correction should be detached from the convention.<sup>5</sup> But it would be advisable to postpone any final decision until it had been determined to what extent the conventions were an effective means of promoting freedom of infor-

<sup>1</sup> See *Official Records of the General Assembly, Fourth Session, Third Committee*, 234th meeting, para. 68.

<sup>2</sup> See *Official Records of the Economic and Social Council, Eleventh Session, Supplement No. 5*, annex IV, draft resolution II.

<sup>3</sup> *Ibid.*, *Eleventh Session, Annexes*, agenda item 19, document E/1808, para. 3, draft resolution C.

<sup>4</sup> *Ibid.*, *Eleventh Session*, 404th meeting, para. 53.

<sup>5</sup> *Ibid.*, *Fourteenth Session, Annexes*, agenda item 13, document E/L.358.

mation. That was a question which the Rapporteur was bound to deal with in his report.

14. In conclusion, he hoped that the work on freedom of information, which for the moment seemed to have come to a standstill and had so far proved fruitless, would be taken up again with renewed energy. He was convinced that, in spite of all the difficulties, the efforts of the United Nations were not doomed to failure, provided—and that point could not be repeated too often—provided everyone refrained from giving a political twist to problems which were primarily social and cultural.

15. Mr. PAZHAWAK (Afghanistan) thanked the Philippine representative for his interesting statement, which was bound to make the Committee's work much easier.

16. Mr. EDBERG (Sweden) recalled that Sweden had been the first country in the world to embody in its Constitution, almost two hundred years before, the principle of the freedom of the Press. By freedom of information, Sweden understood complete freedom from censorship, freedom from administrative interference with the Press, free access to public documents and the right to criticize freely government and administration. In the words of a former Swedish Foreign Minister, a country was a good country where one was allowed to say that the government was bad.

17. The Swedish Government felt that the best way of promoting mutual understanding among peoples was by enlightening public opinion and allowing it to found its judgments on the free exchange of news and information. For that reason the Swedish Government welcomed any effort to establish an international order capable of furnishing better guarantees for freedom of information in the various parts of the world. But it doubted whether the draft convention of freedom of information, which was before the Committee, offered the safeguards which might reasonably be expected.

18. As President of the Swedish Press Club and as President of the Association of the Scandinavian Press Organizations, he had taken part in many discussions concerning the subject. He had thus found a widespread opinion among journalists in the Scandinavian countries that a convention of the type under consideration would hardly further the cause of freedom of information but might rather involve definite risks. The Swedish Government shared that opinion.

19. The draft convention was an attempt to reconcile conflicting views. Perhaps it had been right to make the attempt, because it had shown that compromise was hardly possible. The outcome had been a series of exceptions which might in practice nullify some of the most valuable freedoms which should be guaranteed by the convention.

20. He asked members of the Committee to turn to the text of the draft (A/AC.42/7, annex). The preamble and article 1 gave solemn promises of a general freedom of information, but with article 2 the picture changed, and the limitations listed there were most important.

21. Nobody would deny that unlimited freedom was impossible. But the limitations specified in article 2 were open to criticism: first, the limitations listed were so far-reaching that, in certain essential aspects, they

touched upon the very core of freedom. Secondly, the list seemed to invite the addition of other limitations; there had been no lack of suggestions in that respect during the preparatory work and others would be forthcoming if the draft were adopted as it stood. Thirdly, perhaps the most serious objection of all was that often in the draft convention the same word was used to cover quite different conceptions. The application of a convention of that type depended entirely on the spirit in which it was interpreted, and it was no secret that on a number of essential points, the draft before the Committee was open to very different interpretations. It should perhaps be stressed that there was no generally accepted definition of the various conceptions listed in article 2. It could therefore be supposed that very broad interpretations were possible. A totalitarian or semi-totalitarian State, or a State gravitating towards totalitarianism, might treat any attack on it or any type of criticism of the government as an exception within the meaning of article 2. It could therefore silence the opposition and still act in conformity with the convention.

22. In other articles of the draft too there were expressions which were vague, elastic and capable of a variety of interpretations. He would not go into details, but would confine himself to a few remarks on article 5. That article contained a number of principles concerning the general responsibilities of journalists. There was room for the enunciation of those principles in a code of ethics but not in a convention of the type proposed. The establishment of such a code of ethics was a matter for the Press organizations. The responsibility of the government was to establish the framework of freedom of information. The ethical content within that framework must be the responsibility of the Press itself. The Swedish Government therefore considered it inappropriate that fragments of a code of ethics should be included in a draft convention.

23. It might be asked whether there was any point in trying to agree on words when it was obvious that there was no agreement on the substance which the words were designed to cover. All the members of the Committee knew of instances of interference with the freedom of the Press. For example, the United Nations had already had before it the case of *La Prensa*. A convention of the type proposed for adoption could scarcely prevent interference of that kind.

24. In the view of the Swedish Government, the United Nations could not adopt a draft containing so many restrictions and so many elastic clauses that freedom of information could be violated apparently without infringing the terms of the convention. It might even be better to have no convention at all than one which could be used as a pretext for even more far-reaching restrictions. As matters stood, it might be sufficient for the time being if the Committee confined itself to the general principles set forth in article 16 of the draft covenant on civil and political rights (E/2256, annex I, section B). Should it prove possible, however, to draft a convention which would really further the cause of freedom of information, the Swedish Government would, of course, be glad to co-operate wholeheartedly.

25. In that connexion it might be desirable for the Convention on the International Transmission of News

and the Right of Correction to be opened for signature whatever the fate of the draft before the Committee. It had been agreed that the Convention would not be opened for signature until the problem had been discussed as a whole. The Swedish Government, while reserving the right to examine the text of the convention further, had voted for it in a spirit of international co-operation. Even if the Convention on the International Transmission of News and the Right of Correction was not satisfactory in every respect, its entry into force might be a first modest step towards a more abundant flow of news between peoples, whereas the draft convention on the freedom of information, which was before the Committee, could not, as it stood, be expected to further the cause of freedom of information.

26. Mr. SECADES (Cuba) emphasized that the problem of freedom of information was one of the most urgent of the many problems confronting peoples and governments. That freedom was particularly precious since it was conducive to better understanding among peoples, leading them towards peace and unity, for if men knew one another better they would get along better together. Thus the General Assembly had recognized its importance from the outset and ever since it had instructed the Economic and Social Council to convene the United Nations Conference on Freedom of Information, meeting after meeting had been held with a view to the adoption of agreements and conventions designed to ensure respect for that freedom.

27. The Cuban delegation had taken an active part in that work and was still an advocate of any measure that would ensure freedom of information. The Government and people of Cuba were keenly interested in the protection of freedom of information, which was a fundamental freedom, and in the removal of obstacles to the free exchange of information and ideas.

28. Mr. BAROODY (Saudi Arabia) said that he had hoped, by his speech at the preceding meeting, to provoke some reply from those representatives who, it seemed to him, were trying to prevent the conclusion of a convention on freedom of information. He had been disappointed. The Swedish representative alone had explained his position, and had done so with great frankness. He had said that his country did not believe the convention would serve a useful purpose. In support of that position he had cited the numerous limitations contained in article 2 of the draft convention and pointed out that the principles formulated in article 5 were more appropriate to a code of ethics than to an international convention.

29. Mr. Baroody was quite aware that several members of the Committee were in favour of a general declaration, on the lines of the Universal Declaration of Human Rights. If that was sufficient, there would obviously be no need for a convention. He wished he could induce other members to say what they expected from the work undertaken at the behest of the Economic and Social Council. The Committee had heard a statement by the Rapporteur appointed by the Council. He was grateful to him for his objectivity and impartiality, and was well aware that, when the draft convention was being discussed in the *Ad Hoc* Committee, the representative of the Philippines had held the same views as himself on article 2.

30. The Saudi Arabian delegation's position was clear. The small nations did not ask for any limitation on freedom of information. What they wanted was a convention which would put an end to the excesses of propaganda, not a convention which would encourage systematic distortion of the facts. The media of information were constantly developing, and as they became more efficient, those who controlled them tended to become drunk with power and to use their power for the promotion of dangerous propaganda. That was precisely what the small nations, whose spokesman he believed himself to be, wished to prevent. The draft convention was intended not to restrict the flow of information but to limit abuse of the control of information.

31. No one had answered his questions why the Economic and Social Council had abolished the Sub-Commission on Freedom of Information and of the Press, why it had shelved the report of the *Ad Hoc* Committee, and why it was usurping the powers of the General Assembly. Not a word had been said on those points, as though there were a veritable conspiracy of silence.

32. There were two choices before the Committee. On the one hand, it could try once more to draft a convention on freedom of information. Such a decision would no doubt give rise to endless discussions without leading to any positive results. Moreover, if the *Ad Hoc* Committee's work had been all for nothing, no one would be anxious to take up such a long and difficult task again. It should be noted that the Rapporteur appointed by the Economic and Social Council was merely an intermediary between the Council and the governments. Some governments would reply very briefly to his questionnaires. Mr. López had recalled that, as representative of the Philippines, he had proposed that the Council should appoint a committee of experts; the Council had rejected that wise proposal.

33. On the other hand, the Committee could reconstitute the *Ad Hoc* Committee and ask it to reconsider the draft it had prepared in 1951. The *Ad Hoc* Committee need not have the same composition as before, but ought to be a subsidiary body of the Third Committee. The Third Committee was not dealing with any special organ of the General Assembly; there was only a Rapporteur acting under instructions from the Economic and Social Council. That was a situation which many members of the Third Committee could not accept, but although they repeated their remarks every year, the Economic and Social Council still continued to behave as it pleased, without any regard to the opinion of the General Assembly or its Committees. It was an open secret that in certain fields the Economic and Social Council was manipulated by three or four of its members.

34. He did not think the Third Committee ought to sit and wait while the Council made up its mind. It was high time the Council was requested to pay some attention to the opinions and desires of members of the Committee.

35. The Swedish representative, in stating that in his opinion a compromise was impossible, had been frank and sincere. Mr. Baroody wished other members of the Committee would follow that example. Unless they

did, the Committee might well spend up to ten meetings with nothing to show for them. At the sixth session the Committee had decided to give priority to the question of freedom of information.<sup>6</sup> Priority had indeed been given to it, but on paper only. If the members of the Committee were opposed to the adoption of a convention, they should say so, as the Swedish representative had done. Pious speeches had never helped to solve a problem.

36. He reserved the right to introduce a proposal, after hearing the opinions of other members.

37. Mr. LOPEZ VILLAMIL (Honduras) shared some of the views of the representatives of Sweden and Saudi Arabia. He too feared that a set of rules providing for a great many exceptions and limitations might prove too rigid a framework, and thought that what was more important was to draft a code of ethics, a more flexible instrument.

38. The problem was one of the most important before the General Assembly, especially as mankind was in the throes of a crisis and it was everyone's duty to defend at all costs the universal human rights, and foremost among them the right to freedom of information. Freedom of speech had become enormously important with the development of modern media of information and because it enabled the peoples of the world to express their ideas and feelings and to know one another better.

39. The Press, for example, reflected the economic, social and cultural structure of a society. The Press of a country with an advanced culture provided more information and ideas than the Press of an underdeveloped country. The Press offered a picture of the social structure by giving expression to the opinions of the different classes of society and made it possible to judge a government's domestic policy by showing whether it respected the basic principles of human rights. History demonstrated that internal pressure, whether exercised through economic means or by simple censorship, frequently prevented the Press and other media of information from faithfully reflecting the life of a nation. The remedy would not come from

countries with a tradition of slavery and totalitarian views, whether leftist or rightist, but from democratic countries which taught respect for human rights.

40. Like the representative of Saudi Arabia, he felt that those who did not wish to face and study the problem should say so frankly, in order not to paralyse the General Assembly by their silence. He for his part believed in a wide measure of freedom of information, which should be defined not by narrow regulations but by a code of ethics, to be drawn up either by an *ad hoc* committee or by the Third Committee itself.

41. The CHAIRMAN, noting that no other representative was ready to speak, drew the Committee's attention to document A/C.3/L.251, which gave an estimate of the Committee's programme.

42. Mr. DEDIJER (Yugoslavia) approved of the idea of issuing progress reports at regular intervals, but suggested that the Chairman's paper on the Committee's programme should be entitled "Tentative programme".

43. He referred to several instances in which he thought the prerogatives of the General Assembly and its Committees might have been infringed by the Secretariat. He mentioned the placing of the item on self-determination last on the agenda sent to the Committee by the President of the General Assembly and the proposed alterations in the rules of procedure with a view to limiting the length of the General Assembly's debates.

44. The CHAIRMAN remarked that the paper in question was his own, that it consisted of suggestions only, and that it could easily be given a fuller title.

45. While the other points mentioned by the Yugoslav representative were not within the scope of the Committee, he pointed out that, for instance, the appearance of self-determination as the last item in the President's letter was due to its having been added by the plenary Assembly to the Committee's agenda as recommended by the General Committee. Moreover, the Main Committees had always been able to decide on the order in which they wished to consider the items allocated to them.

The meeting rose at 12.10 p.m.

<sup>6</sup> See *Official Records of the General Assembly, Sixth Session, Third Committee*, 417th meeting.