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MEETING

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

**Draft protocol relating to the status of stateless persons (A/1913, A/2169, A/C.3/L.248/Rev.1) (*concluded*)**

[Item 28]\*

DRAFT RESOLUTION SUBMITTED BY FRANCE, ISRAEL AND THE UNITED KINGDOM (A/C.3/L.248/Rev.1)

1. The CHAIRMAN drew attention to the joint draft resolution (A/C.3/L.248) submitted by France, Israel and the United Kingdom.

2. Mr. HESSEL (France) explained that several delegations had met to draft a single text in response to the desire expressed by some members of the Committee. He thanked the delegations of Canada, Belgium and the Union of South Africa, which had helped in the drafting although they were not actually sponsors.

3. The draft resolution contained nearly all the proposals made at the previous meeting and asked nothing of the Committee or of the General Assembly. It would contribute to a solution of the problem, due account being taken of the stages which should precede such a solution and especially of the need to speed the entry into force of the Convention relating to the Status of Refugees, with which the future of the protocol was bound.

4. Mr. SOBOLEV (Union of Soviet Socialist Republics) said that the USSR delegation had defined its position on the question on several occasions: it considered that the problem of statelessness, like all questions of citizenship, came within the jurisdiction of every State in whose territory there were stateless persons and that, consequently, under Article 2, paragraph 7, of the Charter, the United Nations was not competent to deal with

it. Moreover, the draft protocol referred to the Convention relating to the Status of Refugees, which the USSR did not consider satisfactory. The USSR felt that the Convention was intended not to resolve the problem but to legalize the abnormal situation arising from the refusal of the United States of America, France and the United Kingdom to give effect to the resolution adopted by the General Assembly in 1946 concerning the repatriation of refugees and displaced persons.

5. Accordingly, the USSR delegation would vote against the proposal to adopt the draft protocol relating to the status of stateless persons and against proposals for the revision of that draft protocol with a view to its ultimate adoption.

6. Mr. CARSALES (Argentina) said that his delegation had not participated in the discussion on the substance of the problem because stateless persons were not a separate category of the population in Argentina. Article 31 of the Argentine Constitution specified that all aliens entering the country legally enjoyed the same rights as Argentine citizens. The same article provided that aliens could apply for naturalization after two years of residence in the country and that naturalization was automatically granted after five years in the country unless a desire to the contrary was expressed. Thus the constitutional provisions were extremely favourable to stateless persons.

7. Turning to the draft resolution, Mr. Carasales said that the problem had not reached so advanced a stage that it required a decision. Many countries had not yet submitted their comments, the International Law Commission was examining the question of statelessness and, as the protocol was an annex to the Convention relating to the Status of Refugees, it would be wiser to wait until governments had taken a definite position on

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

the Convention, which no one of them had as yet ratified. The Argentine delegation, while it realized that no other course was open, deplored the fact that the solution of the problem, like that of many other humanitarian problems, was being repeatedly deferred owing to the lack of time and means. In the conviction that the joint draft resolution was a step forward, it would support it.

8. Mr. KOMZALA (Czechoslovakia) pointed out the close relationship between the draft protocol and the Convention relating to the Status of Refugees, which Czechoslovakia could not accept because, under its terms, spies, saboteurs, and enemies of the peoples' democracies could hide under the cloak of the term "refugees". It was therefore equally inadmissible that the principal provisions of the Convention relating to the Status of Refugees should be extended also to stateless persons. Moreover, little confidence could be placed in international agreements in the light of what had happened to the 1930 Hague agreements. The concept of statelessness seemed to be rather confused for United Nations bodies and often applied to persons who were in fact citizens of some country or who were being prevented from returning to their country.

9. The Czechoslovak delegation held the view that each of the governments concerned should resolve the problem on its territory as the Czechoslovak Government had done by adopting the appropriate legislation. It would vote against the draft resolution.

10. Mr. TSAO (China) was aware that the Convention had not yet come into force and that the International Law Commission was examining the question. From the humanitarian point of view, however, the United Nations could not fail to adopt a draft resolution which would enable it to act in that field and the Chinese delegation would support the proposal.

11. Mr. Tsao wondered, however, whether paragraph 1 of the operative part referred to all the governments invited to the Geneva conference or to all those which had attended it.

12. Mr. HESSEL (France) said that the authors of the draft resolution intended that the text of the protocol should be submitted to all the governments which had received an invitation to the conference, that is, to the greatest possible number.

13. Mrs. ROOSEVELT (United States of America) said that her delegation would vote for the draft resolution as a procedural measure although there was little likelihood that the United States would ever accede to the protocol. In reality, stateless persons were eligible for admission to the United States and could become citizens in the same way as other aliens. Therefore, the United States did not have to improve its policy respecting stateless persons, but would welcome with satisfaction the adoption of the draft protocol if the States directly concerned considered it a useful instrument.

14. The CHAIRMAN called for a vote on the joint draft resolution. He pointed out that the English text had been altered slightly. The revised text was given in document A/C.3/L.248/Rev.1.

*The draft resolution was adopted by 34 votes to 5, with 6 abstentions.*

15. The CHAIRMAN announced that the Committee had completed its consideration of the first item of its agenda.

**Freedom of information: (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)**

[Item 29 (a)]\*

GENERAL DEBATE

16. The CHAIRMAN read out a list of the relevant documents and opened the general debate on item 29 (a) of the agenda.

17. Mr. MARINHO (Brazil) said that his delegation had always felt that the problem of freedom of information, which had been under consideration by the United Nations since 1946, should be dealt with by the Third Committee without delay, unless the General Assembly had good reason to postpone the examination of the draft convention on freedom of information.

18. Obviously, the problem in question could not be postponed without serious consequences. It had, in fact, become an urgent problem, in view of the many violations in recent years of the principle of freedom of opinion and, in particular, of freedom of the Press and the radio. The United Nations could not remain indifferent to attacks on what the General Assembly, in its resolution 59 (I), of 14 December 1946, had termed "a fundamental human right and . . . the touchstone of all the freedoms to which the United Nations is consecrated".

19. Without wishing to ignore existing obstacles, he could not but be shocked by the international community's failure so far to find concrete means of safeguarding freedom of information. Encouraging as the adoption of the Convention on the Prevention and Suppression of the Crime of Genocide was, representing as it did an undoubted triumph of world conscience, genocide was merely the last stage in the process of destruction of human freedoms in which the suppression of freedom of information was frequently the first. In his view, the suppression of the free Press in a country was as heinous a crime as the violation of the rights of political, racial or religious minorities, and should be condemned just as much as slavery or armed aggression, themselves the products of violence and despotism.

20. The problem was so complex, however, as to require preliminary study in order to ascertain accurately and objectively the factors which had prevented the exercise of that basic right. Accordingly, the Brazilian delegation had welcomed the Economic and Social Council's decision (resolution 442 C (XIV)) to appoint a Rapporteur to prepare a report on that subject in collaboration with the Secretary-General, the specialized agencies, and the professional organizations concerned. The report would deal with the main problems in that field and would contain recommendations on practical measures which the Council could take to resolve the difficulties capable of an immediate solution. On the basis of that report, the General Assembly could, at its eighth session, make a complete study of the question and arrive at a decision.

21. Mr. BAROODY (Saudi Arabia) said that the Committee did not have a complete list of basic documents relating to the question and asked whether the Secretariat could prepare such a list.

22. The CHAIRMAN replied that the Secretariat would prepare the document requested, which would be circulated at the following meeting.<sup>1</sup>

23. Mr. ORBAN (Belgium) asked the Secretariat for information on the work already accomplished by the Rapporteur appointed by the Economic and Social Council.

24. The CHAIRMAN explained that Mr. López, who had been requested to prepare the report on the question of freedom of information, was a member of the Philippine delegation on the Third Committee and would be the person best qualified to reply to the Belgian representative's question. Mr. López, however, was not present.

25. Mr. CARPIO (Philippines) said that Mr. López had been detained at an important conference and was expected at any moment.

26. Mr. KAYSER (France) remarked that Mr. López had been asked by the Economic and Social Council to draw up the report and was responsible to the Council. Mr. López could of course take part in the Committee's debates as his country's representative and profit by the remarks of the other representatives, but it was not for the Committee to ask him questions or to give him instructions. The Council and not the General Assembly had appointed Mr. López, the Council would receive his report and the Council would act on it.

27. The CHAIRMAN had not understood the Belgian representative to say that he wished to put questions to Mr. López, who of course need not account to the General Assembly for his work. The Belgian representative had merely wished to know what progress Mr. López had made.

28. Mr. AZMI (Egypt) observed, first, that the Belgian representative's question had been addressed to the Secretariat rather than to Mr. López. Moreover, Mr. Azmi himself could furnish some information on the subject: the Rapporteur had requested governments and various organs concerned with questions of information for data on national legislation in the field of freedom of information and for suggestions concerning measures to be taken by the Economic and Social Council. He had apparently received no replies as yet and had to wait for them before drafting his report.

29. Mr. ORBAN (Belgium) thanked the Chairman, who had understood him perfectly. He had not had the least intention of interfering in the work of the Rapporteur appointed by the Economic and Social Council, so that the French representative's objection was groundless.

30. He also thanked the Egyptian representative for the information he had furnished to the Committee.

31. Mr. BAROODY (Saudi Arabia) wished to comment on the procedure followed in examining the problem with which the Committee was concerned. To avoid any misunderstanding, he stated that he did not question the competence of Mr. López, for whom he had

the highest respect and whom he knew to be devoted to the work of the United Nations, particularly in the field of freedom of information.

32. In 1950, an *ad hoc* committee had been appointed to study the question; after lengthy consideration extending over many meetings, a draft convention (A/AC.42/7, annex) had emerged. That text, which had been the result of much work and reflected the views of the fifteen members of the committee appointed by the majority of the Third Committee, had been reviewed by the Economic and Social Council, in which the draft convention, and in particular article 2, had given rise to a lively debate. Later, the Sub-Commission on Freedom of Information had been instructed to study the question and to make proposals with a view to drafting a code of ethics for journalists; the Economic and Social Council had decided to abolish that Sub-Commission. Finally, the Council had appointed a Rapporteur to continue the study of the question.

33. It was, of course, too soon to judge of the wisdom of that decision, but even so it could be pointed out that in 1951 the question of freedom of information had come before the Third Committee only at the end of the General Assembly's sixth session and that the Committee had therefore been unable to discuss the Council's decision and to see whether it was approved by the majority. The Economic and Social Council had, of course, merely exercised powers vested in it, but it would have been well if the Third Committee, and consequently the General Assembly, had had an opportunity to state their views on the appointment of a Rapporteur.

34. Thus the solution of the problem had been postponed from year to year. Save for a small and very powerful group which had made its opposition clear, Member States were anxious that a convention on freedom of information should be drawn up. The question was, no doubt, delicate, and prudence was called for, since, as the French representative had said in the Committee on the Draft Convention on Freedom of Information, it was very difficult, if not impossible, to draw a line between information in the true sense of the word and propaganda. Nevertheless, the time had come for the United Nations to decide whether the world would soon have a code of ethics for journalists and a convention on freedom of information, or whether the masses would continue to be fed with the lies of propaganda and a subservient Press, which they themselves were unable to distinguish from accurate and impartial news.

35. In conclusion, he stressed the necessity of taking measures to prohibit the use of the dangerous weapon of propaganda. With regard to the procedural question, it would doubtless be advisable to find out what had led the Economic and Social Council to appoint a Rapporteur on the question without ascertaining the views of the General Assembly.

36. Mr. MANI (India) had thought, as had certain other representatives, that the discussion on the status of stateless persons would continue until the afternoon meeting and had therefore not prepared himself for a debate on freedom of information. Many other members of the Committee seemed to be in the same position.

<sup>1</sup> Subsequently issued under the symbol A/C.3/L.249.

37. Several questions had been asked of the Secretariat and interesting replies had been received; in particular, reference had been made to the report which the Economic and Social Council had instructed Mr. López to draft. The Indian delegation wished to pay a tribute to the personality and competence of Mr. López, but would like the Secretariat to distribute to the Committee a document concerning the terms of reference conferred on him as Rapporteur by the Economic and Social Council.

38. The Committee might adjourn until the following morning, in order to give the Secretariat time to prepare the various documents which had been requested.

39. The CHAIRMAN took note of the Indian representative's suggestion.

40. With regard to the terms of reference and functions of the Rapporteur appointed by the Economic and Social Council, he drew the Committee's attention to paragraph 593 of the report of the Economic and Social Council (A/2172).

41. The CHAIRMAN noted that Mr. López had arrived; he might be able to reply in person to the questions asked by the representative of Belgium. The Committee would be grateful if Mr. López would give some information on the stage he had reached in his work.

42. Mr. LOPEZ (Philippines) regretted that he had been prevented by other duties from attending the meeting from the beginning.

43. He thanked the French representative for pointing out that the duties of Rapporteur had been entrusted to him by the Economic and Social Council. Although logically he was responsible to the Council only, the problem of freedom of information had been one of the main preoccupations of the General Assembly since the early days of the United Nations and almost since the first session of the Assembly. There were therefore excellent reasons for the General Assembly to continue to show a great interest in all matters relating to freedom of information. It was in that spirit that he would reply to the question asked by the representative of Belgium.

44. The report was to be submitted to the Economic and Social Council at its sixteenth session, which would probably be held in June 1953. It was exactly two months since he had been appointed Rapporteur and he had devoted that time to preparatory work. Under his terms of reference, the Rapporteur was instructed to co-operate with the Secretary-General, the specialized agencies, particularly UNESCO, and the professional organizations concerned.

45. He and his collaborators had therefore established the necessary contacts in order to collect data on freedom of information. Requests for data had been sent to all the governments and relations had been established with several hundred professional organizations, Press agencies, newspapers, etc., which had been asked for their comments and suggestions on the nature and content of the report. Communications had also been sent to the specialized agencies, especially to the United Nations Educational, Scientific and Cultural Organization, the Food and Agriculture Organization, the World Health Organization and the International

Labour Organisation, in order to obtain their assistance in matters falling within their special competence. Each of the three categories of institutions thus consulted had given encouraging evidence of their desire to co-operate; that applied, in particular, to the professional organizations. Information had already been received and was still coming in.

46. He and his collaborators had already begun to prepare the report and had drawn up its broad outlines, by establishing the framework in which the data received would be catalogued. All those who were working to prepare the report were determined to make it a real "global study" and the proposed framework was therefore extremely broad and general.

47. The report would consist of four main parts. The first part would deal with the problem of freedom of information as a whole, in its most general aspect, and would be sub-divided into three sections. In order to clarify current theories on the matter, the first section would contain an analysis of the idea of freedom of information properly so-called, and especially the concept of freedom of information as it had taken shape in the last few centuries. The second section would be devoted to a historical summary of the efforts made to achieve freedom of information before the establishment of the United Nations. The third section would describe the work done under the auspices of the United Nations.

48. The second part of the report would contain all the available data on existing facts relating to the general position of information throughout the world. Such data would be taken from government reports and the studies of special investigators of the problem and would also include specific information from reliable and trustworthy sources.

49. The third part would be devoted to a detailed study of immediate problems, which would be divided into four categories. The first category was that of political, juridical or administrative problems which had arisen or still arose and had constituted or still constituted obstacles to the free circulation of information. The second category would consist of material and economic problems. Special studies would be devoted to difficulties arising out of the shortage of newsprint, the absence of methods of transmission and the lack of radio receivers in under-developed countries. Purely professional problems would constitute the third category; such problems had to do with the professional training of journalists and of the staff of information services. The fourth category was that of problems relating to mass information. Special studies would be made of illiteracy and of the measures to be taken for the use of modern techniques to abolish illiteracy in countries where the position seemed to be specially serious.

50. The fourth part of the report would be devoted to suggestions and recommendations concerning concrete measures which might be taken to promote freedom of information on the national and international levels. Under the terms of reference he had received from the Economic and Social Council, he had to lay the stress on problems which could be solved in the immediate future, but, for all that, he did not intend to ignore problems which seemed to be insoluble just then. He would therefore make recommendations on

all contemporary problems, whether or not it seemed that they could be solved in the immediate future. It would be for the Economic and Social Council and the General Assembly to determine the methods whereby those problems could be solved.

51. The report would probably be completed in April 1953. He and his collaborators had had only two months for the preliminary work of clearing the ground and he therefore had nothing more concrete to submit to the Committee for the time being. He was glad to have had an opportunity of making a statement.

52. In conclusion, he stressed the importance of the question of freedom of information for the General Assembly, which, as he had already pointed out, had always been interested in the problem. The history of the question showed that the General Assembly had taken the initiative in the matter and that the Economic and Social Council had intervened only at the second stage; that situation was in conformity with the distribution of functions provided for in the Charter.

53. Mr. MANI (India) thanked Mr. López for his statement and hoped that the full text would be distributed to members of the Committee.

54. Now that the Committee had heard Mr. López, however, the situation remained as he himself had defined it previously: certain members of the Committee were not in a position to continue the debate on freedom of information. They might wish to consider at leisure the statement made by Mr. López and the questions asked by the representative of Saudi Arabia. He therefore formally proposed that the meeting should be adjourned until the following day.

55. The CHAIRMAN announced that, in accordance with rule 117 of the General Assembly rules of procedure, he would immediately put to the vote the motion for adjournment submitted by the representative of India.

*The motion was adopted by 31 votes to 3, with 16 abstentions.*

The meeting rose at 12.10 p.m.