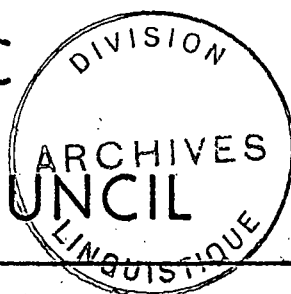


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GENERAL

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REPORT OF THE COMMITTEE ON THE DRAFT CONVENTION  
ON FREEDOM OF INFORMATION

Suggestions and Observations of Governments on the draft  
Convention

IX. United Kingdom

The following suggestions and observations dated 21 June 1951 were received from the Government of the United Kingdom of Great Britain and Northern Ireland:

1. Introduction

In the Secretary-General's note SOA 112/5/04 of 23rd March His Majesty's Government in the United Kingdom are invited, in accordance with the General Assembly's resolution 426 (V) of 14th December 1950, to transmit their observations and suggestions concerning the draft Convention on Freedom of Information.

2. His Majesty's Government are of the opinion which is expressed in the comments of the representative of the United Kingdom in the report of the Committee on Freedom of Information to the Economic and Social Council (see A/AC.42/7 p. 66), that it would be better to have no Convention on Freedom of Information than to have a bad Convention. Unless the terms of the Convention are such as to secure effectively the objects which it is intended to achieve, that is to say, the free flow of information on the one hand, and the just restrictions on this freedom which may be imposed by States for the public

interest on the other, the existence of a Convention, its signature and ratification by States, will be a disadvantage to individuals and governments alike. In consideration of the discussions on the drafting of a Convention which have taken place so far, His Majesty's Government are doubtful whether these objects can be achieved by a Convention which will command the acceptance of a large number of states.

3. His Majesty's Government have the following comments to offer at the present stage.

4. Article 1

His Majesty's Government are doubtful whether Article 1 meets the situation of countries with national broadcasting systems.

5. Article 2

His Majesty's Government are of the opinion that the present draft of Article 2 is still unsatisfactory and they would in any case be unable to agree to extending the limitations on freedom of information as suggested in the amendments referred to in the Committee's resolution A.

6. Article 4

It appears to His Majesty's Government that the meaning of this article is not clearly expressed and that further definition of its terms is necessary.

7. Article 5

His Majesty's Government consider that there should not be a positive obligation on States to encourage the activities mentioned in this Article. In the view of His Majesty's Government the obligation should be limited to a prohibition of the obstruction of activities of this kind.

8. Article 7

The provision of paragraphs (a) and (b) of this Article appear to be conflicting and the meaning of the article is far from clear. The phrases "restrictive or monopolistic practices" and "international broadcasting" are obscure.

9. Article 16

His Majesty's Government deplore the failure of the Committee to include in the draft Convention a territorial application article designed to enable territories for whose international relations signatory states are responsible to be brought within the scope of the Convention in an orderly and constitutional manner.

10. The inclusion of Article 16 in the draft Convention means that His Majesty's Government would not be able to sign or ratify the Convention unless and until the consent of all territories for the international relations of which His Majesty's Government is responsible had been obtained.

11. In conclusion His Majesty's Government wish to state that they are opposed to the holding of a Conference of Plenipotentiaries for the purpose of the framing and opening for signature of a Convention on Freedom of Information. In the view of His Majesty's Government the draft Convention does not command sufficiently wide acceptance to justify such a Conference. Moreover His Majesty's Government would only be able to send to such a conference a plenipotentiary with powers to act on behalf of His Majesty's Government in the United Kingdom whereas the inclusion of Article 16 in the draft Convention would require a plenipotentiary who could act for the United Kingdom and for those territories for the international relations of which His Majesty's Government are responsible.