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**Chairman: Mr. Jiří NOSEK (Czechoslovakia).**

**AGENDA ITEM 28**

**Freedom of information: report of the Economic and Social Council (A/2705, A/2686, chapter V, section VI, A/C.3/L.447, A/C.3/L.449, A/C.3/L.450 and Add.1, A/C.3/L.451/Rev.1, A/C.3/L.452) (*continued*)**

**DRAFT CONVENTION ON FREEDOM OF INFORMATION (A/C.3/L.449, A/C.3/L.451/Rev.1, A/C.3/L.452) (*continued*)**

1. Mr. NUÑEZ (Costa Rica) said that the sponsors of the three draft resolutions concerning the draft convention on freedom of information (A/C.3/L.449, A/C.3/L.451, A/C.3/L.452), who had met the previous day to examine the possibility of combining their three texts, had decided to retain them as they stood, except for certain changes introduced in the joint draft resolution (A/C.3/L.451). A revised text of that draft had been circulated (A/C.3/L.451/Rev.1).

2. In the new text the words "and the proposals made on this subject" had been inserted in paragraph 1 of the operative part after the words "taking into account the views expressed". Thus, if the Chilean draft resolution (A/C.3/L.452) was rejected, the Economic and Social Council would nevertheless be acquainted with its contents since the whole text would appear in the Committee's report.

3. A modification had also been introduced in operative paragraph 2 of that draft resolution. The sponsors did not wish to set too rigid a date for the discussion of the draft convention, especially as the Third Committee had decided (585th meeting) to give priority at the tenth session of the General Assembly to the discussion on the draft international covenants on human rights; they had accordingly decided to replace the words "at its tenth regular session" by "not later than at its eleventh regular session". The Committee would thus be free to begin consideration of the draft convention at the tenth session, if time permitted.

4. The Afghan representative would himself explain his draft resolution (A/C.3/L.449).

5. Mr. MATTHEW (India) recalled that he had already expressed his regret at the fact that consideration by the General Assembly of the draft convention

on freedom of information had been repeatedly deferred over four years. The Economic and Social Council should be informed of the General Assembly's views concerning the adoption of such an instrument and requested to formulate recommendations on the subject; if such recommendations were not forthcoming, the General Assembly would have to take note of their absence and itself decide on the method to follow with a view to the adoption of the convention. The joint draft resolution (A/C.3/L.451/Rev.1) took those considerations into account. Operative paragraph 2 clearly stated that, whether or not the Council submitted recommendations, the Assembly would discuss the draft convention within a specified time.

6. Mr. PINTO (Chile) approved of the modifications introduced in the joint draft resolution (A/C.3/L.451/Rev.1), especially the amendment inserted in paragraph 1 of the operative part. In view of the good reasons given by the Costa Rican representative, with which he entirely agreed, he thought that the Committee should preferably take no action on the Chilean draft resolution (A/C.3/L.452) and that it should be sent as a document to the Economic and Social Council for information. He asked, too, that a succinct and accurate account of the substance of his delegation's proposal should be included in the Rapporteur's report.

7. Chile still maintained that it was urgently necessary to complete the preparation of the draft convention on freedom of information, as the existence of international monopolies placed the smaller Powers, which had only limited media of information, at a serious disadvantage.

8. Mr. OBERG (Sweden) said that the Scandinavian delegations would propose amendments to the joint draft resolution (A/C.3/L.451/Rev.1).<sup>1</sup>

9. Mr. PAZHAWAK (Afghanistan) said that the amendments referred to by the Swedish representative should not delay the discussion on the draft resolution in question. Such a procedure would be especially undesirable at a time when the Committee had to settle several very important questions within a very short period. He asked the Committee not to discuss the Afghan draft resolution (A/C.3/L.449) before taking a decision on the joint draft resolution (A/C.3/L.451/Rev.1). According to the Afghan delegation's proposal the Economic and Social Council was requested to consider a specific question "while examining the draft convention on freedom of information"; as that point was dealt with in the joint draft resolution, it was only logical that the Committee should first decide on the latter.

10. Mr. BAROODY (Saudi Arabia), Mr. ROY (Haiti) and Mr. PINTO (Chile) supported that proposal.

<sup>1</sup> The amendments were subsequently issued as A/C.3/L.454.

11. The CHAIRMAN proposed that the Committee should accept the Afghan proposal.

*It was so decided.*

PHILIPPINE PROPOSAL REGARDING FUTURE WORK ON FREEDOM OF INFORMATION (A/C.3/L.450 AND ADD.1)

12. The CHAIRMAN asked the Committee to consider the draft resolution submitted by the Philippines (A/C.3/L.450) regarding future work on freedom of information.

13. Mr. LOPEZ (Philippines) stressed the vital importance of establishing a permanent body to enable the United Nations to continue its work on freedom of information. He had already stated the reasons which justified the apprehension that that work might come to an end after the nineteenth session of the Economic and Social Council unless the General Assembly took counter-measures.

14. The Philippine delegation felt that a small commission, such as the one it proposed, could achieve good results. Two experiments had already been tried: the establishment of the Sub-Committee on the Freedom of Information and of the Press and the appointment of a rapporteur. Both those steps had been criticized, but it was nevertheless fair to say that useful preparatory work had been done. It was necessary to try a new method. The Philippine delegation felt that at the current stage it would be advisable to give the proposed commission clearly specified tasks each year; its tasks for the coming year would be those stated in paragraphs 1 (a) and 1 (b) of the draft resolution.

15. The first task seemed especially desirable at the current time in view of the widespread anxiety caused by atomic weapons. The creation of a conciliatory atmosphere was even more important than the conclusion of agreements prohibiting the use of those weapons. An article in the *New York Times* of 8 December 1954 spoke of a resolution adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization at Montevideo which seemed to be in very much the same spirit as the Philippine draft resolution. Moreover, the Conference had already unanimously adopted a draft resolution proposed jointly by India, Czechoslovakia and the United States of America concerning the need to take appropriate measures to reduce tensions likely to provoke wars. The fact that those three countries had agreed on a text of that nature was in itself highly encouraging. Furthermore, at the eighteenth session of the Economic and Social Council, the United States and Czechoslovak delegations had agreed that the 1936 Convention concerning the Use of Broadcasting in the Cause of Peace<sup>2</sup> had not been very useful, and now, according to *The New York Times*, the United States and USSR delegations were in agreement on the use of means of mass communication. A resolution adopted by the Conference recommended that State members of UNESCO should take the necessary measures to prevent means of mass communication from being used for war propaganda designed to sow seeds of discord and hatred between peoples. The United States and the USSR had agreed on a compromise, supported by a number of other countries, whereby the Soviet

Union would for the first time undertake to authorize the free circulation of news.

16. The resolution in question appealed to all concerned with the dignity of man and future civilization to encourage in all countries the use of the Press, radio and films for the promotion of better relations among peoples and thus to counteract any attempts to use those means of mass communication for other than peaceful ends.

17. He felt that there was every reason for gratification at that excellent news, which gave hope for the survival of mankind. It therefore seemed an especially propitious moment for the United Nations to take decisions in the field of freedom of information.

18. With regard to paragraph 1 (b) of the operative part of the draft resolution (A/C.3/L.450), it had been pointed out to him that the specialized agencies already dealt with all the economic and technical aspects of the problem. That objection seemed well-founded and he would therefore agree to the inclusion in his text, after the word "barriers", of the words "other than those of an economic or technical character". He wished to stress that, in his opinion, the commission would not need to travel to various countries in order to carry out the proposed survey; it could remain where it was and consider the information which it received, especially the relevant data which the Secretary-General was required to gather under Economic and Social Council resolution 522 A (XVII). He had pointed out at the 605th meeting that if the current session of the General Assembly did in fact end on the fixed date, it would not be possible for the President of the General Assembly to appoint the members of the commission. For those reasons, it would be better to entrust that task directly to the Secretary-General, and to delete from paragraph 2 (b) of the operative part the words "the President of the General Assembly in consultation with".

19. He hoped that the Third Committee would give favourable consideration to the draft resolution, as its adoption seemed indispensable in view of the stage reached by the United Nations in its work on freedom of information and because of the delicate balance that was being maintained between war and peace.

*Mr. Núñez (Costa Rica) took the Chair.*

20. Mr. RIVAS (Venezuela) said that he had voted in the Economic and Social Council against the appointment of a rapporteur on freedom of information not because of any personal objection to Mr. López, whom on the contrary he greatly respected, but because the Venezuelan delegation had always opposed in principle the appointment of rapporteurs. It seemed a dangerous course to entrust such important international responsibilities to any one person. Furthermore, rapporteurs could only make use of the extensive material facilities at the disposal of the secretariats of the international organizations, and thus had scarcely any useful contribution to make. He recalled that he had analysed the question in detail at the Economic and Social Council's seventeenth session,<sup>3</sup> and referred to the statements he had then made concerning the sources used by rapporteurs. He had quoted passages from the reports in which Mr. López specifically referred to the Associated Press, the Inter-American Press Associa-

<sup>2</sup> See *League of Nations Treaty Series*, vol. CLXXXVI, p. 3011.

<sup>3</sup> See *Official Records of the Economic and Social Council, Seventeenth Session*, 772nd meeting.

tion and the International Press Institute,<sup>4</sup> and had pointed out that the proposed rapporteur, when accusing Governments of imposing censorship, would base his charges on information supplied by non-governmental professional organizations, a procedure which was hardly consistent with the provisions of the United Nations Charter and of Economic and Social Council resolution 288 B (X), paragraph 13. Moreover, in most cases the organizations in question would be engaged in commercial activities and thus barred from consultative status. The Philippines was suggesting the appointment, not of one rapporteur, but of three; Venezuela had no choice but to oppose such a proposal.

21. It was doubtless desirable that the United Nations should continue to concern itself with freedom of information, but UNESCO was already doing useful work in that connexion, and duplication should be avoided. The Economic and Social Council should concentrate mainly on co-ordinating the activities of the various organs. Moreover, some aspects of the problem of information fell within the competence of the Commission on Human Rights; the right of peoples to learn the truth certainly took precedence over the rights claimed by members of the profession.

22. Furthermore the draft resolution as it stood contained some questionable provisions. Under paragraph 2 (a) of the operative part, three Governments would be placed in a privileged position in relation to the Governments of other Member States. The proposed conditions of appointment were unsuitable for a commission which was to study semi-political questions and the members of which were to be elected.

23. Lastly, with regard to the paragraph 4 of the operative part, the Fifth Committee's approval was required for expenditure of the kind envisaged.

24. For all those reasons the Venezuelan delegation would vote against the Philippine draft resolution.

25. Mrs. KRUTIKOVA (Ukrainian Soviet Socialist Republic) felt that the Economic and Social Council had acted wisely in rejecting, at its eighteenth session, a proposal similar to that now advanced by the Philippines. Experience indicated that such studies should not be entrusted to private individuals, who might make use of dubious sources of information, but should be made the responsibility of the Secretary-General, who had all the necessary means at his disposal. The Venezuelan representative had pointed out the main defects of the proposal.

26. The Ukrainian delegation was also in some doubt as to the meaning of the expression "war tensions". Hostilities had ended in Korea in 1953, and in Indo-China in 1954; accordingly it was difficult to see what tensions were meant.

27. The Ukrainian SSR was unable to vote for the Philippine draft resolution.

28. Mrs. MARZUKI (Indonesia) considered that the United Nations should continue to concern itself with freedom of information. The method proposed by the Philippines seemed best in the existing circumstances, for the work to be done was beyond the powers of any one person, even a person as well qualified as Mr. López had shown himself to be.

29. Indonesia would therefore support the draft resolution.

30. Miss AGUILAR (Peru) paid a tribute to Mr. López, whose efforts had enabled genuine progress to be made in connexion with a fundamental human right.

31. With regard to the Philippine draft resolution, a realistic view should be taken of the economic aspects of the proposal. The proposed commission would probably need a large staff. Furthermore, moral qualities should carry as much weight as technical competence in the selection of the commission's members. At all events the Venezuelan representative had stated very clearly the criticisms to which that proposal was open. Peru was opposed to the proliferation of small organs, since they merely complicated the work of the United Nations. Moreover, it seemed that ample and useful documentary material already existed on the matters in hand. Furthermore, the draft resolution would have financial implications which the Peruvian Government could not accept.

32. Accordingly, the Peruvian delegation would be unable to vote for the proposal.

33. Mr. OBERG (Sweden) questioned whether three persons would be able to accomplish more than Mr. López alone had done as Rapporteur on Freedom of Information. Moreover, as indicated in the statement by the Secretary-General (A/C.3/L.450/Add.1), the cost involved would exceed \$29,000, a sum which could be more usefully spent for other purposes.

34. Sweden would vote against the Philippine draft resolution.

35. Mr. LOPEZ (Philippines) felt that the figures given in the statement of financial implications of the Philippine draft resolution (A/C.3/L.450/Add.1) were excessively "padded". First, paragraph 2 (b) of that document referred to translation, typing and printing costs which normally formed part of the Secretariat's general expenses and did not usually appear in estimates of the financial implications of proposals. The only item which should be considered was the cost of travel and subsistence of the experts, representing \$9,150 in all. Furthermore, the proposed commission would probably need only two weeks in 1955 and five to six weeks in 1956 to complete its work; therefore, the sum estimated appeared too large. He asked delegations to bear in mind the observations he had just made concerning the financial implications of the draft resolution.

36. Mr. ABDEL GHANI (Egypt) said that he favoured the establishment of a new organ to continue the work undertaken by the Sub-Commission on Freedom of Information and of the Press and later by the Rapporteur on Freedom of Information, provided that organ was given the widest possible terms of reference and all duplication of effort was avoided. But the Philippines was proposing that the commission should have very limited functions. The report referred to in paragraph 1 (a) of the operative part would doubtless be relegated to the shelves of libraries, to join the many works already written on the subject; he did not see what new contribution such a report could make. With regard to the survey proposed in paragraph 1 (b), the Economic and Social Council had already asked the Secretary-General to make a similar survey (Council resolution 522 A (XVII)), and the latter would undoubtedly perform his task to the general satisfaction, despite the difficulties he had pointed out to the Council, especially as he would use information supplied by Governments. It would perhaps be better to give the

<sup>4</sup> *Ibid.*, Sixteenth Session, Supplement No. 12, pp. 22 and 34, and Supplement No. 12A, pp. 1, 2 and 3.

Commission a wider field of study covering, for example, every form of assistance by which the United Nations, UNESCO and the International Telecommunication Union could foster the activities of domestic information organs in countries which, from that point of view, were under-developed.

37. The terms of reference proposed for the commission appeared too limited for the draft resolution to be of any practical use; accordingly Egypt was unable to support the Philippine proposal.

38. Mr. ALTMAN (Poland) said that the reasons why Poland had opposed the appointment of a rapporteur applied equally in the case of the proposed commission, the terms of reference of which would be more or less a repetition of those of the rapporteur.

39. He had found the arguments of the Venezuelan and Ukrainian representatives very convincing, and he would vote against the Philippine draft resolution.

40. Mr. MEADE (United Kingdom) paid a tribute to Mr. López for his devotion to the cause of freedom of information.

41. With regard to the draft resolution, his conclusions were the same as those of the Venezuelan representative, and he could not agree to the establishment of a new commission. Under the Philippine draft resolution that commission would have two tasks to perform. The first task was pointless, since no one questioned the power of the media of mass communication. With regard to the second task, he was glad the Philippine representative had acknowledged the work done by UNESCO in the economic and technical fields; that left only political barriers, that is, censorship, and on that point the Secretary-General's report would be adequate.

42. He would therefore vote against the Philippine draft resolution.

43. Mr. TUNCEL (Turkey) felt that the Philippine representative had certain misgivings about the Economic and Social Council and feared that it would not continue its work on freedom of information beyond its nineteenth session. The preamble of his draft resolution stated that no provision existed to ensure the continuation of the work of the United Nations on freedom of information beyond the Council's nineteenth session. The Philippine representative was not alone in that view; the same doubts were expressed, for instance, in the joint draft resolution (A/C.3/L.451/Rev.1). The proposal under discussion raised the question of the method to be followed. The Council had laid down the methods of study and investigation to be followed by the Secretary-General and the specialized agencies concerned (Council resolution 522 A (XVII)). By proposing the establishment of a new commission of three members, Mr. López was in effect suggesting that the Council's decision should be disregarded. During the general debate (603rd meeting) he (Mr. Tuncel) had explained the Council's reasons for adopting a method which, in his own view, was moderate, reasonable and practical. The Committee should leave it to the Council to examine the Secretary-General's studies in 1955, and should consider establishing a commission only at a later stage.

44. Mr. DE BARROS (Brazil) said that his delegation would vote against the Philippine draft resolution because it had always been opposed to the proliferation of United Nations organs and felt that it was unrealistic

to think of surveys when no success was being achieved even in drafting a convention on freedom of information.

45. Mr. KOS (Yugoslavia) had no real objections to the principle of setting up a more or less permanent body, but he thought the proposed commission's terms of reference were too narrow and failed to meet existing needs.

46. Experience had shown that the survey provided for in paragraph 1 (a) of the operative part gave rise to major objections. If the survey was to be based on information furnished by Governments, the Secretary-General could very well carry it out, but if it was to be based, like Mr. López' report, on information from private sources, its usefulness seemed very doubtful. The Philippine representative had spoken of an improvement in the international climate; at the same time he was proposing a survey that, far from serving the cause of freedom of information, could only give rise to accusations and recriminations. That was a contradictory situation. Moreover, Mr. López had not improved his draft by confining the survey to barriers of a political character.

47. The Yugoslavia delegation disapproved of the proposed commission's terms of reference and would vote against the Philippine draft resolution.

48. Mr. HAMBRO (Norway) did not share the lack of confidence in the Economic and Social Council felt by some delegations. That body had, at its seventeenth session, rejected by 12 votes to 5 a proposal to extend the Rapporteur's appointment and had unanimously decided to entrust certain tasks to the Secretary-General, who was to discharge them in collaboration with the specialized agencies. It would therefore be better to await the Secretary-General's reports than to set up a commission whose work might duplicate his.

49. There was the further practical consideration that under the Philippine draft resolution, the commission's members, who were to be appointed by the end of March 1955, would have to submit a report to the General Assembly at its tenth session, that is, a few months later; he doubted the usefulness of a document prepared in those circumstances.

50. Lastly, the statement of financial implications (A/C.3/L.450/Add.1) had finally convinced him, and he would vote against the Philippine draft resolution.

51. Mr. PAVLICEK (Czechoslovakia) felt that neither the Sub-Commission on Freedom of Information and of the Press nor the Rapporteur had accomplished very much. That, moreover, had been the Council's opinion when at its fourteenth session it had not renewed the term of the Sub-Commission and at its seventeenth session had not renewed that of the Rapporteur. He doubted whether a commission of three members would achieve better results. To set it up would merely impede the Council's action in the field of freedom of information and hamper the implementation of the provisions of Council resolution 522 (XVII).

52. He would therefore vote against the Philippine draft resolution.

53. Mr. PINTO (Chile) wondered whether the proposed commission would not incur the same risks as the Rapporteur, whose work deserved much praise but who had sometimes been lacking in objectivity in his report owing to the inadequacy of his sources of information.



54. He was, moreover, somewhat alarmed by the financial implications of the Philippine draft resolution, and would vote against it.

55. Mr. PAZHWAQ (Afghanistan) agreed that the Philippine draft resolution was not perfect; Mr. López himself had, moreover, been the first to recognize that fact, since he had invited the Committee's members to make suggestions for its improvement. The draft resolution had been considered from many different points of view; there had been talk of financial implications, of the risk of duplication of effort, of lack of confidence in the Economic and Social Council, and of the difficulty of finding three persons having the requisite qualifications. That was not a sound approach to the problem. What mattered was to take steps to ensure that the United Nations should continue its work in the field of freedom of information. The first point to be settled was whether the Committee wished to ensure the continuance of that work, and no one would think of suggesting that freedom of information was not a matter with which the United Nations should concern itself. Next, there was the question of the method to be adopted. The Philippine representative had proposed one which, while it might not be the best, constituted a praiseworthy effort; he had found no response in the Committee, which was surprising. No one had proposed an amendment to the Philippine draft resolution, and representatives had confined themselves to brief statements, which was most unusual. While the financial aspect to which reference had been made was not negligible, it was not fundamental in view of the importance of the matter. The Turkish representative had raised an objection of another kind; he had recalled that the Economic and Social Council had chosen a different method. Mr. Pazhwak knew that method, but it was not necessarily the best and it had not been adopted unanimously in the Council itself. It was not clear, therefore, why there should be talk of lack of confidence in that body. As for the appointment of the commission's members, that would be the concern of the Secretary-General, who enjoyed the confidence of all; he was convinced that the persons appointed by the Secretary-General would perform their task with impartiality and integrity.

56. The methods employed in the past had not yielded such disheartening results as some delegations suggested. The Rapporteur appointed by the Economic and Social Council had performed a very useful task in painting a picture of the world situation, and his report (E/2426 and Add.1 to 5), which Mr. Pazhwak himself had criticized on certain points of detail, had received much

well-deserved praise and, significantly, was still part of the Committee's documentation. That being so, and as the international climate was improving, there was no reason why the Committee should refuse to approve other studies of that kind.

57. The proper approach to the problem was to decide first whether a commission was to be set up and then, if so, what its terms of reference were to be. To oppose the establishment of a commission—or, indeed, the appointment of a rapporteur—was to oppose a well-established United Nations system, for the two methods were not new. The question of the terms of reference had already been dealt with by the Egyptian and Yugoslav representatives. He himself did not approve of everything in the draft resolution, but he hoped that Mr. López would be able to meet his objections when they were pointed out to him.

58. His delegation would, for example, have to vote against paragraph 1 (b) of the operative part if Mr. López retained the words he had proposed should be added. There was another point to which he wished to draw the Philippine representative's attention. The terms of reference included the preparation of a report, and he would like to have some details in that connexion. He wondered whether it was to be a report or a study. He would prefer a study for two reasons: the Committee already had a report before it, and a new one would add little, as the Egyptian representative had rightly said. Secondly, the Committee had gone beyond the report stage in the field of freedom of information; that did not mean that the subject should be dropped, but simply that the time had come to take up certain specific aspects of the matter and to make recommendations. Mr. López had already been able to make recommendations when he had been preparing his report, and some of them had been considered worthy of adoption by the Economic and Social Council. It would be best if the Philippine representative would agree to delete the words "a report, with" in paragraph 1 (a) of the operative part.

59. He disliked the word "barriers" in paragraph 1 (b), which was too pessimistic, and he suggested that the words "barriers to" should be deleted.

60. With regard to paragraph 2 (a) of the operative part, it should be sufficient to say "eminent persons who are expert in the field".

61. He reserved the right to speak again after hearing the Philippine representative's reply.

The meeting rose at 1.5 p.m.