

TWO HUNDRED AND THIRTY-FOURTH MEETING

Held at Lake Success, New York, on Tuesday, 27 September 1949, at 3 p.m.

Chairman: Mr. Carlos E. STOLK (Venezuela).

Draft convention on freedom of information (A/961 and A/C.3/518) **(continued)**

1. Mr. BRAÑA (Cuba) gave the reasons why his delegation would support the French proposal (A/C.3/L.6) to entrust the consideration of the draft convention on freedom of information to a working party of eleven members.

2. His delegation considered that the Committee could not evade the consideration of an item that had been included in its agenda by a resolution of the General Assembly with a request that it should be given the highest priority. It felt that the General Assembly was alone competent to decide that the question should be deferred.

3. The Cuban delegation also thought that if the Committee were to evade its responsibilities, it would disappoint world public opinion, which justifiably expected the United Nations to define the principles that should govern freedom of information, and proclaim them without delay.

4. Mr. TEJERA (Uruguay) stressed that the positions taken by various delegations in the course of the debate were a proof of the complexity of the problem that the Committee had to settle. Uruguay, which was a country where information and the Press enjoyed absolute liberty, would be guided in voting by the sole consideration that freedom of information was essential to safeguard the freedom of peoples, peace, international understanding and social progress.

5. The delegation of Uruguay did not doubt in any way the motives that had led the delegations of the United Kingdom, the United States and the Netherlands to submit their joint proposal (A/C.3/L.5); the liberal traditions of those countries were a guarantee of their intentions. He did not think, however, that the Commission on Human Rights, whose agenda was already so overloaded, was the appropriate organ to consider the draft convention on freedom of information. Moreover, that study could not be postponed without jeopardizing the confidence of the peoples of the world in the United Nations.

6. The delegation of Uruguay would therefore vote in favour of the proposal submitted by the French delegation.

7. Mr. LÓPEZ (Philippines) regretted that he could not support the French proposal: experience had shown that small working groups such as the one proposed did not, in the end make it possible to speed up work. If the Committee were to decide to retain item 1 on its agenda, it would be preferable for it to consider that item in a plenary meeting.

8. The Philippine delegation would prefer the Committee to adopt the joint resolution of the Netherlands, the United States and the United Kingdom, for purely practical reasons. His delegation thought it would be advisable, before taking a decision on the draft convention, to take note of the provisions on freedom of information in the draft covenant on human rights that the Commis-

sion on Human Rights was to submit to the General Assembly at its fifth session. A comparative study of the two texts would make it possible to avoid repetition or contradictions and might even show the redundancy of two separate instruments to protect the freedom concerned. At the same time such a study might detect omissions in the covenant, and it would then be the duty of the Third Committee to supplement them. In any case, it would appear that the most logical method of procedure would be first to define the principles of freedom of information and then to consider their practical implementation.

9. For those reasons, the Philippine delegation would vote in favour of the joint resolution of the Netherlands, the United Kingdom and the United States.

10. Mr. DAVIES (United Kingdom) said that his delegation had been rather reluctant to propose that consideration of a draft convention which it had been privileged to submit to the Conference on Freedom of Information held in Geneva in 1948 should be referred to another body.

11. In order to dispel any misunderstanding on that matter, he wished to state in the first place that his delegation's position of principle had remained precisely the same as it had been in Geneva. It still considered that the purpose of the proposed convention was to define the principles of freedom of information and to state the conditions in which they would be applied, with a view to extending that freedom to all the peoples of the world. Unfortunately, the United Kingdom delegation feared that in the existing circumstances the Committee would not be able to draw up a document which fulfilled that purpose.

12. The joint proposal of the Netherlands, the United Kingdom and the United States did not suggest that the draft convention on freedom of information should be abandoned; a reading of its final paragraph was convincing proof of that fact. It merely suggested that consideration of the draft should be postponed until the principles of freedom of information had been defined by the Commission on Human Rights. The Third Committee would of course remain seized of the question and would have to take a final decision on the matter at the fifth session of the General Assembly.

13. Mr. Davies pointed out that serious differences of opinion had become apparent in the Committee in the course of earlier discussions, particularly those held during the second part of the third session of the General Assembly. He recalled the lively debate on the subject of articles 2 and 5, and the controversy caused by the restrictions which certain delegations proposed to apply to the exercise of freedom of information and by the question of whether the convention should conform to existing national laws or whether the signatory States should undertake to adapt their laws to the convention. Those divergent views had certainly not been reconciled since the previous spring and must still be taken into account. Because those divergent views did exist, the United Kingdom delegation was convinced that the Third Committee was not in a position to draft a con-

vention on freedom of information worthy of that name; accordingly, it preferred to postpone its drafting.

14. Mr. Davies supported the second joint proposal (A/C.3/L.4) to open immediately for signature the Convention on the International Transmission of News and the Right of Correction, which had been adopted by the General Assembly at its third session. He felt that it was not altogether correct to say that that convention could not be separated from the proposed convention on freedom of information. He pointed out that three separate draft conventions had originally been proposed by the delegations of the United States (on the transmission of news), France (on the right of correction) and the United Kingdom (on freedom of information) although there had been no prior consultation among those delegations. It had been found advisable to combine the first two drafts, both of a technical nature. The same did not apply to the draft convention on freedom of information. The United Kingdom delegation felt that the latter was not directly related to the convention which had already been adopted and that consequently there was no reason for not opening immediately the Convention on the International Transmission of News and the Right of Correction for signature by Member States.

15. In conclusion, Mr. Davies said that he would vote against the French proposal because he doubted whether a small study group would serve any useful purpose, especially at that stage of the discussion.

16. Mr. ZONOV (Union of Soviet Socialist Republics) stated that a decision by the Committee to defer discussion of the draft convention on freedom of information would not be unexpected at all. A tendency in that direction had already been revealed at the preceding session and the United States Press had recently presented similar ideas. The amendments which had been suggested to the Geneva draft were obviously not favoured by the delegations of the United States and the United Kingdom and still less by the Press monopolies whose interests those two delegations defended. The rejection of the whole of article 4¹ provided a very clear indication of the policy followed by the United States and the United Kingdom.

17. Moreover Mr. Zonov did not accept the Geneva text as a whole since that text contained no provisions against the diffusion of news that was false, slanderous or inspired by warmongers. Mr. Gromyko had already stated on behalf of the USSR delegation that the Convention on the International Transmission of News and the Right of Correction had, as its sole purpose, the protection of the interests of information trusts.

18. Neither the Geneva draft nor the subsequent one included the principles which the USSR and the peoples' democracies would like to see in a convention on freedom of information. It was essential for such a convention to be in harmony with the true aspirations of the peoples of the world rather than with the interests of Press monopolies. The dissemination of true and objective news must be guaranteed. The convention should include necessary provisions for combating fascist, racial and warmongering propaganda. Freedom of

information must be guaranteed but the spread of slanderous news must be prevented. In substance Mr. Zonov merely restated the ideas which the USSR delegation and certain other delegations had already expressed before the General Assembly.

19. Mr. Zonov could not approve the draft resolution of the French delegation because the working party of eleven members which it proposed could certainly not iron out the differences of opinion which had been revealed. The discussion should be continued in the Committee itself.

20. Mr. Zonov wished to reply briefly to the Yugoslav representative's accusations against the Soviet Union. It was false to say that the USSR had ever been guilty of incitement to war. The machinations which had been revealed during the Budapest trial and which constituted an attempt to interfere in the internal affairs of Hungary served as a condemnation of the Yugoslav Government.

21. Mr. BAROODY (Saudi Arabia) recalled that the Committee, and later the General Assembly, had decided formally the previous May that the two draft conventions on freedom of information formed an indivisible whole, and that one would not be open for signature by Member States before the other.

22. He recalled that during the examination of the draft convention on the international transmission of news and the right of correction, numerous amendments had been rejected on the ground that they belonged in the second convention. At that time, the authors of those amendments had been assured that both conventions would go into force simultaneously and it was on the faith of that assurance that they had voted in favour of the first convention, although they had considered the text imperfect.

23. That convention, as a matter of fact, while it assured the greatest freedom of action to Press agencies and journalists of countries which possessed powerful news services, did not provide sufficient protection for less-developed countries which often found it impossible to protect themselves against the dissemination of false or tendentious reports concerning them. Such a state of affairs could only be remedied if the second convention properly established the duties and responsibilities of news media, which were not considered at all in the first convention. The first convention, therefore, could not be opened separately for signature by Member States.

24. On the other hand, the joint proposal of the Netherlands, the United Kingdom and the United States (A/C.3/L.5) contemplated recommending to the Economic and Social Council that it invite the Human Rights Commission to insert in the draft international covenant on human rights appropriate provisions relative to freedom of information. The representative of Saudi Arabia thought that that was not sufficient. Even if it offered all desirable protection to the freedom of information, it was possible that the covenant on human rights would prove to be unacceptable as a whole to certain Member States: because it might not, for example, take into consideration their traditions or because it might not be in harmony with their national conscience.

¹ See *Official Records of the third session of the General Assembly, Part II, Third Committee, 217th meeting.*

25. The delegation of Saudi Arabia therefore maintained its view that the draft convention on freedom of information should be studied as an independent document, and that that study should be undertaken by the Third Committee itself, with which rested the responsibility of accepting or rejecting it. He did not think that the working party proposed by the French delegation was sufficiently representative because it was up to all fifty-nine Members of the Organization to take part in the discussion of a question that was vital for their peoples.

26. The delegation of Saudi Arabia would vote against the joint draft resolutions (A/C.3/L.4 and A/C.3/L.5) and against the proposal of the delegation of France (A/C.3/L.6).

27. Mr. VAN HEUVEN GOEDHART (Netherlands) said that the representative of the USSR was not justified in speaking of an Anglo-Saxon manoeuvre in connexion with the joint proposals: that was evidenced by the fact that the Netherlands had associated itself with those proposals although it was a small country where no information monopoly existed. Mr. van Heuven Goedhart regretted that the discussion had been led into the field of polemics when only a question of procedure was involved which ought to be settled without delay.

28. The delegation of the Netherlands was convinced that the formation of a working party would serve no useful purpose, and he called upon the members of the Committee to approve the draft resolution of the Netherlands, the United Kingdom and the United States (A/C.3/L.5), which offered the best solution at the current stage of the question.

29. Mr. MESSINA (Dominican Republic) recalled that in resolution 277 (III)A the General Assembly had declared that the Convention on the International Transmission of News and the Right of Correction would not be open for signature until the General Assembly had taken a final decision on the draft convention on freedom of information. That was sufficient reason to impel members of the Committee to redouble their efforts to prepare the draft convention on freedom of information as quickly as possible.

30. The Dominican delegation supported the French proposal but it hoped that the representative of France would agree to delete the second paragraph of his draft resolution.

31. Mrs. ROOSEVELT (United States of America) supported the remarks of the representative of Greece. The logical course would be for the Committee to try first to reach agreement on the questions of principle; the international covenant on human rights would be the only possible juridical expression of that accord.

32. After ascertaining the opinions of several Governments, the United States Government had concluded that the attitude of the various Members had not changed since the close of the previous session of the Assembly. By resuming the debate on the draft convention on freedom of information, one would only expose anew the wide divergence in the opposing points of view.

33. The most reasonable method of proceeding, therefore, would be to refer the study of the draft convention to the Commission on Human Rights.

34. The item should, however, remain on the agenda of the General Assembly, which would of necessity reopen debate on the question during the fifth session. It was not a matter of merely proving that the Third Committee was capable of preparing a draft convention at all costs, but rather of arriving at real agreement on the basic principles so that an enduring structure on sound foundations could be erected.

35. Mr. Vos (Belgium) stated that the problem of freedom of information did not apply to his country. Since 1831, the Belgian Constitution had proscribed preventive censorship as well as any other encroachment on the freedom of the Press.

36. With regard to the draft convention, a debate in the Committee would of course be pointless so long as disagreement on the basic principles remained. It did not seem, however, that the working party proposed by the French delegation could clear the way for further progress in the very short time at its disposal. The Commission on Human Rights seemed to be the body which could undertake that task with the greatest chance of success, because its members were already familiar with the problem.

37. The Belgian delegation consequently would vote for the joint Netherlands, United Kingdom and United States draft resolution, on the draft convention on freedom of information. It would, however, abstain from voting on the draft resolution proposed by those delegations regarding the opening for signature of the Convention on the International Transmission of News and the Right of Correction. Although the two documents were independent of each other, they, nonetheless, were integral parts of a whole.

38. Mrs. VIAL DE SEÑORET (Chile) perceived three basic attitudes among the members on freedom of information. There were the countries which wanted a convention to permit news agencies and Press correspondents to gather, transmit and publish news in complete freedom; there was the bloc of countries supporting the USSR, which were opposed to any guarantee of freedom of information. Finally, there was the third group comprising those countries which would like to ensure freedom of information, while envisaging certain measures of protection against those wishing to undermine their political and economic stability.

39. Originally the draft convention on freedom of information had been intended to promote understanding between the East and the West. Experience had proved that that was naive indeed. The attitude adopted by the representatives of the Eastern countries left no room for hope that the original goal could be attained. The future convention would therefore only be applied to the truly democratic nations. Even to those countries, however, it should be recognized that the draft would not be satisfactory since it left the weaker nations defenceless against the efforts of those who endangered those very freedoms.

40. Recalling her delegation's statement at the third session of the General Assembly, the Chilean representative stressed the need of reopening consideration of the problem in Committee. Neither the working party which the French delegation proposed to set up nor the Commission on Human Rights could carry out that task more successfully than could the Third Committee.

41. Mr. ALAMAHEYOU (Ethiopia) was of the same opinion. He thought that the Third Committee could not shift its responsibilities to other bodies such as the Commission on Human Rights or the working party proposed by France.

42. Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic) said that the United States intended to have the United Nations adopt a convention on freedom of information which, in fact, would enable the great Anglo-American monopolies of Press, radio and cinema to penetrate every country. That tendency had already become apparent in the Convention on the International Transmission of News and the Right of Correction, the provisions of which constituted an intervention in the domestic affairs of States and were aimed at stifling the activity of national Press agencies.

43. The proposals submitted by the USSR, Poland and other peoples' democracies to combat fascist propaganda and to ensure the circulation of news beneficial to the progress of democracy had all been rejected. Certain principles which the USSR wished to see set forth in the text of the convention on the transmission of news had not been accepted. It had been stated at the time that the discussion on the point in question would be resumed when the draft convention on freedom of information was taken up for consideration; yet steps were now being taken to defer the discussion once again. That was a manoeuvre instigated by delegations concerned solely with the interest of the Anglo-American Press monopolies.

44. The Ukrainian delegation could not accept the French draft resolution, which would result in the exclusion of forty-eight delegations from the discussion. Furthermore, the draft resolution was based on the Geneva draft convention, which the Ukrainian SSR rejected. The convention on freedom of information should be based on quite different principles, namely, those set forth by the USSR, the Ukrainian SSR and other peoples' democracies.

45. The Ukrainian delegation was also opposed to the opening for signature of the Convention adopted at the third session of the General Assembly.

46. Mrs. WILSON (Canada) supported the joint draft resolution submitted by the Netherlands, the United Kingdom and the United States (A/C.3/L.5). It was for the Commission on Human Rights to set forth the principles to be carried out under the convention on freedom of information. The discussion in the Third Committee would facilitate the task of the Commission on Human Rights in that respect.

47. Mr. BORATYNSKI (Poland) declared that the French draft resolution was not constructive. The Third Committee was the proper place for discussion of the Convention.

48. Mr. CHENG (China) supported the joint draft resolution (A/C.3/L.5), which would refer discussion of the matter to the Commission on Human Rights. He objected, however, to the second draft resolution submitted by the Netherlands, the United Kingdom and the United States (A/C.3/L.4) since it meant that the Convention on the transmission of news would be open for signature before the adoption of the convention on freedom of information; that would be contrary to the formal decision taken at the third session

of the General Assembly and set forth in resolution 277 (III)A.

49. Mr. STEPANENKO (Byelorussian Soviet Socialist Republic) reaffirmed his delegation's position. Anglo-American monopolies wished to dominate the Press of other countries and the convention on the international transmission of news, in its existing form, would enable them to do so. At the time of the debate on the convention it had been maintained that the principles which certain delegations would have liked to include, were out of place, and that the question would be reconsidered when discussion of the draft convention on freedom of information was resumed. Preparations were, however, being made to postpone that discussion once again.

50. He did not accept the French draft resolution, which did not provide a single constructive solution. The Byelorussian SSR and the peoples' democracies wanted a convention which would defend the interests of the masses and not those of Press monopolies; but that view was not supported by the majority in the Committee.

51. Mr. VRBA (Czechoslovakia) condemned the tactic of opening for signature the convention on transmission of news, which served the interests of Press monopolies, and conjuring away the convention on freedom of information.

52. The French delegation's intentions in presenting its draft might have been excellent, but if that resolution were adopted, it would not solve the problem.

53. The Czechoslovak delegation would accept only a convention drawn up in the true interests of all the peoples of the world, which would give effect to the principles already set forth by the representatives of the peoples' democracies. The question as a whole should be discussed again by the Third Committee during the General Assembly's next session.

54. Mr. TERROU (France) agreed to delete the second paragraph of his draft resolution. The current debate had substituted a certain degree of hope for the disappointment reflected in that passage. Most of the members were obviously anxious to reach a positive result. The cause of freedom of information would not, however, be served by postponing all decisions and the task should not be abandoned simply because of the difficulties encountered.

55. He did not see why the Commission on Human Rights should be more capable of overcoming the difficulties. If it was a matter of discussing principles, the Third Committee was equally qualified. Furthermore, when his delegation had proposed to establish a working party, it had not intended that the working party should supersede the Committee, but merely that it should provide the Committee with a more effective means of dealing with the problem.

56. The Committee would be quite free to reopen debate on the question if the working party's report failed to produce a basis for general agreement.

57. Mr. NORIEGA (Mexico) supported the French delegation's proposal. In any case, the Committee would not be evading its responsibilities since, even if it were to refer the question to the Commission on Human Rights, the latter

would in turn have to report to the General Assembly, which would refer the matter to the Third Committee at its following session. It should not be forgotten that freedom of information was democracy's principal problem. The draft was an acceptable basis for discussion.

58. The Mexican delegation was in favour of opening the convention on the transmission of news for signature.

59. The CHAIRMAN decided to put first to the vote the Netherlands, United Kingdom and United States draft resolution proposing to refer the question to the Commission on Human Rights (A/C.3/L.5).

60. Mr. TERROU (France) requested that the vote be taken by paragraphs.

61. The CHAIRMAN put the three recitals of the draft resolution to the vote successively.

The first recital was adopted by 39 votes to none with 7 abstentions.

The second recital was adopted by 38 votes to none, with 9 abstentions.

The third recital was adopted by 37 votes to none, with 6 abstentions.

62. The CHAIRMAN called for a vote on paragraph 1 of the operative part.

63. Mr. TERROU (France) requested that the vote be taken by roll-call.

Sweden, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Sweden, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Belgium, Byelorussian Soviet Socialist Republic, Canada, China, Czechoslovakia, Denmark, Ecuador, Egypt, Greece, Honduras, Iceland, Iran, Lebanon, Liberia, Netherlands, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Poland.

Against: Union of South Africa, Uruguay, Yugoslavia, Afghanistan, Argentina, Brazil, Chile, Colombia, Costa Rica, Cuba, Ethiopia, France.

Abstaining: Syria, Venezuela, Burma, India, Israel, Mexico, Saudi Arabia.

Paragraph 1 was adopted by 30 votes to 12, with 7 abstentions.

64. The CHAIRMAN put paragraph 2 of the operative part to the vote.

65. Mr. TERROU (France) requested that the vote be taken by roll-call.

A vote was taken by roll-call.

El Salvador, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Greece, Honduras, Iceland, Iran, Liberia, Netherlands, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Poland, Sweden, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Belgium, Byelorussian Soviet Socialist Republic, Canada, China, Czechoslovakia, Denmark, Ecuador.

Against: Ethiopia, France, India, Israel, Lebanon, Mexico, Union of South Africa, Uruguay, Yugoslavia, Argentina, Brazil, Chile, Colombia, Costa Rica.

Abstaining: Saudi Arabia, Syria, Venezuela, Afghanistan, Burma, Cuba, Egypt.

Paragraph 2 was adopted by 28 votes to 14, with 7 abstentions.

66. The CHAIRMAN put the draft resolution (A/C.3/L.5) as a whole to the vote.

67. Mr. TERROU (France) requested that the vote be taken by roll-call.

A vote was taken by roll-call.

Saudi Arabia, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Sweden, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Belgium, Byelorussian Soviet Socialist Republic, Canada, China, Czechoslovakia, Denmark, Ecuador, Greece, Honduras, Iceland, Iran, Liberia, Netherlands, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Poland.

Against: Union of South Africa, Uruguay, Yugoslavia, Argentina, Brazil, Chile, Colombia, Costa Rica, Cuba, Ethiopia, France, Israel, Mexico.

Abstaining: Saudi Arabia, Syria, Venezuela, Afghanistan, Burma, Egypt, India, Lebanon.

The draft resolution as a whole was adopted by 28 votes to 13 with 8 abstentions.

68. The CHAIRMAN next put to the vote the joint Netherlands, United Kingdom and United States draft resolution (A/C.3/L.4) which proposed opening for signature the Convention on the International Transmission of News and the Right of Correction.

The resolution was rejected by 18 votes to 16, with 13 abstentions.

The meeting rose at 6.15 p.m.

TWO HUNDRED AND THIRTY-FIFTH MEETING

Held at Lake Success, New York, on Wednesday, 28 September 1949, at 10.45 a.m.

Chairman: Mr. Carlos E. STOLK (Venezuela).

Freedom of information — Access for news personnel to meetings of the United Nations and the specialized agencies (A/965)

1. Mr. BRAÑA (Cuba) said that at the previous meeting a member of the Committee had expressed his disappointment at a certain tendency to curtail

free access to sources of information despite all the encouraging and seemingly sincere promises made to the Press in the past. Those who had followed the development of the question could not but agree with the pessimistic statement when they saw that the work and achievement of several years might be undone at one stroke. A Cuban proposal had been the origin of resolution No. 9