

GENERAL  
ASSEMBLY

TWELFTH SESSION

Official Records

Wednesday, 4 December 1957,  
at 3.20 p.m.

NEW YORK

## CONTENTS

	Page
Agenda item 34:	
Draft Convention on Freedom of Information: report of the Economic and Social Council . . . . .	327

**Chairman:** Mrs. Aase LIONAES (Norway).

## AGENDA ITEM 34

**Draft Convention on Freedom of Information: report of the Economic and Social Council (A/2181, A/2943, chap. VI, sect. VI, paras. 673-675, A/3150, A/3589, A/AC.42/7 and Corr.1, annex)**

1. Mr. BARODY (Saudi Arabia) said that the question of freedom of information was not a new one. It had been under consideration by the United Nations ever since the Organization had been established. Like many of the fundamental freedoms proclaimed in the Charter of the United Nations and the Universal Declaration of Human Rights, freedom of information must be defined in precise terms if constructive measures were to be taken to ensure that it should in fact be respected.

2. The work had been begun in 1948. The United Nations Conference on Freedom of Information in 1948 the Committee on the Draft Convention on Freedom of Information appointed by the General Assembly in 1950 (resolution 426 (V)), Mr. López, the Rapporteur on Freedom of Information appointed by the Economic and Social Council in 1952 (Council resolution 442 C (XIV)), and the General Assembly itself had done much that was of value. Nevertheless the progress achieved was far from satisfactory. For several years the question had not been studied with the necessary care. The majority of the members of the Committee appointed by the General Assembly had been in favour of the draft Convention on Freedom of Information (A/C.42/7 and Corr.1, annex). Unfortunately the opinion of those who considered that the provisions of article 2 restricted the freedom of the Press had prevailed in the Economic and Social Council, which had twice deferred consideration of the text. The protagonists of the Convention had been able to count and could still count on the support of very many delegations in the Third Committee, but they did not wish to impose their view at any price, because they felt that such an important instrument should be approved by as large a majority as possible.

3. The question of freedom of information ought to have been studied in detail at the eleventh session of the General Assembly, but through lack of time it had not been and only a procedural decision had been taken on the subject.<sup>1/</sup> Again, at the current session, this discussion of the question would be shorter than originally intended and the Committee would be unable

to take any significant action. It was true that at its thirteenth session the Commission on Human Rights had set up<sup>2/</sup> a Committee on Freedom of Information composed of five members to study the problem and prepare a report. That task should really be entrusted to the Third Committee, which had all the necessary documentation; the Third Committee could not leave the work to the Committee on Freedom of Information without giving the impression that it was once again trying to evade the issue or was at least following the wrong procedure. If the five-member Committee on Freedom of Information merely made a compilation of the numerous documents published on the subject since 1948, it would be doing work which the Secretariat could do just as well. If its terms of reference were broader, its activities would still serve no useful purpose because its comments could not possibly reflect the opinion of the eighty-two States Members of the United Nations. The best course would therefore be to resort to a procedure that had already been adopted with success, namely to set up an *ad hoc* committee. The committee might consist of twenty-four members: the representatives of the five permanent members of the Security Council and nineteen other representatives elected by secret ballot. It could meet after the summer session of the Economic and Social Council, for instance, and its members, assisted by experts, could make a thorough study both of the draft Convention (A/AC.42/7 and Corr.1, annex) and of the draft International Code of Ethics<sup>3/</sup> and the various resolutions on freedom of information. The Secretariat would perhaps point out that the establishment of such a committee had financial implications that would have to be studied by the Fifth Committee. He reminded the Committee that various equally costly conferences had already been convened at the request of the great Powers. Furthermore, in his opinion, financial considerations should not be an obstacle in the case of a question as important as that of freedom of information.

4. The situation was growing worse each year, as propaganda was gradually taking the place of true information. Contrary to what certain Powers had long believed propaganda was a two-edged sword, which the journalists of all countries were now wielding with equal skill. If the current trend continued, no one would be able to distinguish truth from falsehood and freedom of thought would become a myth, for the human spirit would be fossilized. Furthermore, all contact between

<sup>1/</sup> At its 577th plenary meeting, on 15 November 1956, the General Assembly decided, on the recommendation of the General Committee (Official Records of the General Assembly, Eleventh Session, Annexes, agenda item 8, document A/3350, para. 2), not to include the item relating to the draft Convention on Freedom of Information in the agenda of the eleventh session.

<sup>2/</sup> See Official Records of the Economic and Social Council, Twenty-fourth Session, Supplement No. 4, para. 205.

<sup>3/</sup> *Ibid.*, Fourteenth Session, Supplement No. 4A, annex A.

nations would be impossible because propaganda created barriers between peoples.

5. It was admittedly difficult to draw the line between the expression of legitimate opinion and propaganda and it might be that, in seeking to curb the latter, some impairment of freedom of the Press might occur. That was why very careful attention should be given to the provisions of article 2 of the draft Convention, which stipulated the limitations which could be imposed on the exercise of freedom of information. Every effort should be made to give those who were responsible for disseminating opinions and news throughout the world, and could thus improve or poison international relations, a more lively sense of their responsibilities and obligations. In most countries medical and lawyers' associations obliged their members to conform to a code of ethics. There seemed to be no reason why the United Nations should not invite Press agencies and information services to do the same. That would not in any way detract from the freedom and independence of journalists, as the code would not be drawn up by Governments.

6. He expressed the hope that the Committee would study his proposal and arrive at positive and specific decisions concerning the action to be taken on the question of freedom of information.

7. The CHAIRMAN drew the Saudi Arabian representative's attention to rule 154 of the rules of procedure of the General Assembly according to which no resolution involving expenditure should be recommended by a Committee for approval by the General Assembly unless it was accompanied by an estimate of expenditures prepared by the Secretary-General. In addition, the Fifth Committee must determine the effect of the proposal upon the budget estimates of the United Nations.

8. Mr. LOPEZ (Philippines) referred to the difficulties that the United Nations and its organs had met with in their work on freedom of information. First, the emergence of what had been called the "cold war" had made the possibility of an agreement among the principal Powers more remote. In addition, there was a conflict of interest between the more developed countries with extensive information media, and others which were less fortunately situated. The first group were mainly concerned with removing hindrances to the free diffusion of information, to the freedom of movement of their foreign correspondents and to their opportunity to open Press agencies in various countries at will, whereas the other group wished to have certain measures of control adopted. There was also a deep divergence of views between the two groups relating to the rights and responsibilities of those who collected and distributed information. Countries with highly-developed information media and with a traditional respect for human rights tended to emphasize the rights, whereas the other stressed the duties. The latter considered that the best way of preventing the dissemination of false and hostile news reports was to establish censorship, enact prohibitions and provide for the punishment of offenders, whereas the first group believed that in the long run it would be better to allow news to circulate as freely as possible, thus enabling the truth to emerge in the end. Those difficulties prevented any real progress in spite of the efforts that had been made.

9. The technical problems relating to freedom of information, such as the development of information

media, especially in the under-developed countries, were being studied by the specialized agencies. The United Nations Educational Scientific and Cultural Organization (UNESCO) deserved particular praise for its work relating to the professional training of journalists, the reduction of Press rates, the improvement of radio and television programmes and news-reels, and provisions concerning copyright. The Food and Agriculture Organization of the United Nations (FAO) and UNESCO had also attempted to ensure a more equitable distribution of newsprint.

10. The problems which concerned the United Nations and its organs were political or legal in nature, and therefore more difficult to deal with. They included, among others, means of preventing hostile propaganda, censorship, freedom of movement of Press correspondents, laws relating to the Press, and monopoly in the fields of journalism, broadcasting and television. The question at issue was what practical measures could be adopted and put into effect.

11. The representative of Saudi Arabia had asserted that there was a majority in favour of the draft Convention on Freedom of Information. His own view was that that Convention could have real value only in so far as it was ratified by the major Powers. He therefore suggested that the Secretary-General should again submit to Member States the text of the draft Convention, together with a brief account of the work which had led to its preparation and the debates to which it had given rise, and ask them for their comments. The Secretary-General should subsequently report to the General Assembly. That procedure would be particularly useful since States recently admitted to membership of the United Nations were not necessarily familiar with that complicated question; it would also indicate whether there was any chance of a large majority being in favour of the draft Convention.

12. It would also be possible to establish a permanent body that could study the question of freedom of information in a useful and practical way. In fact, a body of that type already existed: at its thirteenth session, the Commission on Human Rights had appointed a Committee on Freedom of Information composed of five members (France, India, Lebanon, Mexico and Poland) for the purpose of examining the work done by the organs of the United Nations and the specialized agencies in the field of freedom of information and reporting to the Commission at its next session what action should be undertaken to develop information media and to promote the widest possible implementation of the recommendations and decisions of the organs of the United Nations on the subject of freedom of information. The representative of Saudi Arabia had suggested the establishment of a larger body, but as the Chairman had pointed out, such action would have financial implications that in all likelihood could not be dealt with at the current session. He therefore suggested that the General Assembly should ask the Economic and Social Council to recommend to the Commission on Human Rights that it should consider extending the terms of reference of the Committee on Freedom of Information, so as to make it a permanent body responsible for studying the question of freedom of information. That would not raise any immediate financial problem since the Committee already existed. Specific questions could be referred to it, such as, for instance, what measures could be taken to expedite the study of the

Convention on Freedom of Information. It might also be asked what other steps could be contemplated to deal with problems relating to freedom of information if the convention were not adopted. The Committee on Freedom of Information could thus consider the drafting of a separate convention on censorship in time of peace, or a declaration relating to freedom of information which, like the Universal Declaration of Human Rights, would seek to establish certain standards and not impose definite obligations. Such a declaration would have to take into account all the existing texts, international instruments and draft conventions relating to freedom of information. He attached great importance to that suggestion, which he had put forward previously as Rapporteur on Freedom of Information.<sup>4/</sup>

13. Lastly, the Third Committee could recommend the holding of international seminars on problems of freedom of information. Under the programme of advisory services in the field of human rights, a seminar had been held at Bangkok in 1957 on increased participation of women in public life. Two other seminars on the protection of human rights in the field of criminal law and criminal procedure were to be held in 1958 at Manila and at Santiago, Chile. It might be useful to arrange such meetings to study chiefly ways of facilitating the free dissemination of information within each country, as well as between the various countries, and of developing information media, especially in the underdeveloped countries.

14. Those were the three kinds of decisions that the Third Committee could take at once, in view of the short time still left to it. He had not thought it appropriate to examine the political problems that were inevitably associated with freedom of information, considering that it would be pointless and possibly dangerous to do so at the current stage. He urged the members of the Committee to confine themselves to the practical problems, which were the only ones that could be dealt with in a few meetings.

15. Mr. TSAO (China) said that the Committee should limit its discussion to the question on its agenda, which was the drafting of the Convention on Freedom of Information. Member States had expressed different views on that draft Convention; the position of China remained unchanged. In order to draft any international instrument, a common aim was needed, but no such common aim had been found with regard to freedom of information. Some countries favoured the free flow of news and thought that restrictions should be kept to a minimum while others on the contrary were in favour of the absolute control of information by the State. It had been impossible to reach any agreement on article 2 of the draft Convention, dealing with permissible limitations on freedom of information. To justify those limitations, it had been said that information should be directed towards the promotion of world peace; in his opinion, however, that argument was fallacious, because peace should be the result of freedom of information and the interests of peace should not be invoked in order to justify restrictions on that freedom. He believed that peace could be promoted only through mutual understanding among peoples, and that war had too often resulted from misunderstanding and hatred inspired by governments. Some members of the Committee thought that a compromise solution was possible, but he considered that the draft that would re-

sult from such a compromise could hardly be effective. It would be difficult to secure the accession of a sufficient number of States, since the Convention would be too restrictive for some and too liberal for others. That had happened in the case of the Convention on the International Right of Correction (General Assembly resolution 630 (VII), annex): opened for signature in March 1953, it had been signed by only eight countries, and only four countries had ratified it or acceded to it, while six ratifications were necessary for it to come into force. The question of freedom of information as a whole would be examined by the Committee on Freedom of Information appointed by the Commission on Human Rights; that Committee would report to the Commission on Human Rights at its fourteenth session, and the Economic and Social Council would probably make certain recommendations. Under those circumstances, the Third Committee should postpone discussion of the question and should avoid making substantive decisions in the matter.

16. He had some misgivings about the suggestion of the Saudi Arabian representative. The *ad hoc* committee proposed by the latter would have difficulty in reaching agreement, for the divergences concerned questions of substance and not merely questions of form. Furthermore, a draft Convention already existed, and it was unnecessary to prepare a second. Lastly, the financial implications of that proposal should be taken into account, as well as questions of staff and premises: it seemed that the number of meetings to be held in 1958 at Headquarters and in Geneva was already too great for the facilities available.

17. He reserved the right to comment later on the suggestions of the Philippines representative. As some of the questions raised would be discussed by the Committee on Freedom of Information, it would be preferable to wait until that Committee had finished its work.

18. Mr. BAROODY (Saudi Arabia) pointed out that the terms of reference of the Committee set up by the Commission on Human Rights were very limited. Moreover, none of the countries represented—France, India, Lebanon, Mexico and Poland—was opposed to the draft Convention; although they would have no difficulty in reaching agreement, no real progress would have been made. It was desirable therefore to establish a committee which would have a larger membership and in which the divergent views would be represented. Practical results might be expected, since some of the opponents of the draft Convention now seemed inclined to be more conciliatory.

19. The declaration concerning freedom of information suggested by the Philippine representative would be useful, but it would seem preferable first to make a further attempt to have the draft Convention adopted.

20. The Convention on the International Right of Correction had not served any really useful purpose; moreover, correction was merely a very imperfect means of repairing the harm caused by false information. Similar objections were valid in respect to censorship and any convention that might be concluded in the matter. Seminars, which he acknowledged were most useful in other cases, would serve no purpose in the case in point.

21. If some members of the Committee shared his view that the establishment of an *ad hoc* committee might produce favourable results, he would introduce

<sup>4/</sup> *Ibid.*, Sixteenth Session, Supplement No. 12, chap. VI, A.

a proposal on those lines, though he would perhaps not press his suggestion that the committee should meet in 1958, if it seemed preferable for practical reasons to wait one more year.

22. Mr. FOMIN (Union of Soviet Socialist Republics)

called attention to the exact wording of item 34 and asked whether a resolution not dealing with the draft Convention could be considered admissible.

23. The CHAIRMAN replied in the affirmative.

The meeting rose at 6.5 p.m.