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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) (continued)**

1. Mr. TEJERA (Uruguay) said that his delegation had been in favour of an international instrument on freedom of information when the question was mooted in 1949. It had wished then, as it still did, for a legally binding convention which would place on States the obligation to promote freedom of information within their jurisdiction by every possible means. That aim was so eminently desirable that it had not expected that there would be many difficulties; it had therefore been surprised and disappointed by a situation in which the efforts to obtain freedom of information seemed almost to have been brought to nothing.

2. In his country, there was complete freedom of information. The different political parties had their own party organs, in which they expressed their opinions. A journalist was entitled to express any opinion he wished; if anyone felt that he had been libelled, he could sue the journalist concerned, who was responsible before the law for whatever he had written. Some representatives had feared that such complete liberty might degenerate into licence and had therefore proposed that certain restrictive measures should be included in the draft Convention. But those measures would seriously prejudice the independence of the Press by restricting the journalist's right to express his views freely.

3. He himself, a journalist of thirty years' standing, had always expressed his opinions perfectly freely and wielded his pen in defence of liberty, justice and democracy. He had been able to do so because the Press of his country was really free. That had been very obvious two years before, when the Uruguayan Press had criticized the totalitarian régime then in force in Argentina. The Argentine Government had protested but the Uruguayan Government had not accepted the protest. In its reply, faithful to its old traditions, it had maintained that journalists and radio commentators who had criticized the Argentine régime had been within their rights.

4. Political freedom was maintained, thanks to the existence of more than one political party. Members

of all parties should be able to express themselves through the newspapers so that the public could form an idea of the truth by comparing their views. If the right of free expression was restricted, the public would have to judge on biased or partial evidence and could not avoid errors which it might be hard to remedy. Objectivity was the goal to strive for and that could be obtained only by the free expression of all shades of opinion.

5. It had been said that journalists did not always maintain the highest moral standards and sometimes prostituted their profession for the purposes of propaganda. That might be true of some; there might be black sheep in any flock; but many were wholly dedicated to the search for truth. Freedom of thought had had many martyrs, from Socrates onwards. It might therefore be useful to organize a seminar of journalists of repute to agree upon the bases for an international instrument to extend freedom of information to all countries. It was difficult to see how a satisfactory instrument could be achieved in any other way. It would be difficult for the Committee to agree upon any formula which would impose binding obligations on States without limiting freedom of information.

6. He was ready to vote for any draft resolution which seemed likely to achieve a useful purpose but he was not hopeful of immediate results. The solution might ultimately lie in educating the people to seek the truth and eschew lies, in producing a new intellectual and moral climate. But that was still a distant goal.

7. Mr. THIERRY (France) paid a tribute to the important part Mr. López had played in keeping the cause alive in the United Nations, both as representative of the Philippines and as the Rapporteur on Freedom of Information appointed by the Economic and Social Council (Council resolution 442 C (XIV)). He agreed with the Philippine representative's remark at the preceding meeting that it would be unadvisable for the Committee to attempt to examine the draft Convention on Freedom of Information (A/AC.42/7 and Corr.1, annex) at the current session since that text obviously did not command sufficient agreement among Member States. The experience of recent years had shown not only that there were two diametrically opposed views on the draft Convention, with every shade of opinion in between, but that there were seemingly insoluble contradictions inherent in the subject itself, inasmuch as the abolition of all censorship, which many held to be a prime requisite of freedom of information, sometimes allowed that freedom to degenerate into propaganda, which was in itself an infraction of the freedom of information.

8. Since work on the draft Convention would obviously have to be interrupted, he was prepared to give sympathetic consideration to the Philippine representative's interim or alternative suggestions, which taken

together constituted a reasonable and moderate programme. Nevertheless, he felt some doubt. On the face of it, no exception could be taken to the suggestion that the draft Convention should again be transmitted to Governments for their comments, thus affording new Member States an opportunity to give their views. Yet, that might bring to light even greater disagreements.

9. The Philippine representative's suggestion (828th meeting) that the term of office of the five-member Committee on Freedom of Information established by the Commission on Human Rights at its thirteenth session^{1/} should be prolonged to deal with certain tasks should also be carefully weighed. One task would presumably be to draft a convention on censorship. Censorship was only part of the question of freedom of information, but it was unfortunately the most vital part and the drafting of such a convention was therefore bound to give rise to the same objections as the draft Convention on Freedom of Information itself; the differences dividing the developed and the under-developed countries, the East and the West, would once again manifest themselves. The suggestion that the Committee on Freedom of Information should draw up a declaration of freedom of information would also not be easy to carry out. Since it was on matters of principle that the various States were divided, they would hardly be able to agree on statements of principle, even for inclusion in a document which was not legally binding, unless they settled on a text so vague and general as to be virtually useless.

10. He was able to take a much more positive attitude towards the suggestion for the holding of seminars on freedom of information. Since such seminars would be held and attended only by States desirous of signing a convention on freedom of information, they might easily lead to the drafting of regional conventions which, while falling short of the Third Committee's ideal, would nevertheless represent a tangible achievement.

11. His criticism had been caused not by the substance of the Philippine representative's suggestions but by the complex and contradictory nature of the question they sought to solve. The French delegation had from the very outset attached great importance to the question of freedom of information and had made every effort to obtain an international convention. Nevertheless, it could not ignore the almost insuperable obstacles which debate in the United Nations had brought to light and it had come to feel that it would be better to have no convention than one that was either ineffective or acceptable to only a handful of States.

12. Mr. FOMIN (Union of Soviet Socialist Republics) spoke of the importance of information organs in forming public opinion and disseminating news and expressed his delegation's opinion that the definition of the United Nations task with regard to freedom of information should be sought in the Charter and the General Assembly's resolutions. Article 1, paragraphs 2 and 3, of the Charter set forth the purposes which should be pursued by information organs, but those provisions were, unfortunately, often flouted and information organs were used as instruments of the "cold war" and for the deliberate distortion and falsification of facts.

^{1/} See Official Records of the Economic and Social Council, Twenty-fourth Session Supplement No. 4, para. 205.

13. The USSR delegation believed that the adoption of an appropriate convention would help considerably to remedy that abnormal situation and that the time was ripe for the final drafting of such an instrument. The USSR had played an active part in preparing the draft Convention on Freedom of Information (A/AC.42/7, and Corr.1, annex) in 1948 and considered that, despite some shortcomings, it could serve as a basis for a generally acceptable text. Nine years had elapsed since the instrument had been drafted, but the Assembly had never gone so far as to consider all the articles. Although the Committee had no time to examine the convention at the current session, it should at least decide at once what procedure it would follow, and should not engage in the discussion of other aspects of the question of freedom of information. The USSR considered that the Committee should begin the general debate on the draft Convention immediately and should give the question high priority on the agenda of the thirteenth session.

14. The course of the debate had not, however, given his delegation cause for optimism with regard to the procedure that would be followed. Several representatives had advocated immediate and far-reaching decisions on new and different aspects of the question. For example, it had been suggested that new tasks should be given to the Committee on Freedom of Information of the Commission on Human Rights. The Committee on Freedom of Information was still at an experimental stage and had not yet reported to the Commission on Human Rights; it would therefore be unwise to prejudge the Commission's evaluation of the Committee's work and, in particular, to take a hasty decision on the matter. Although the USSR delegation favoured the idea of holding seminars, and would be interested in a seminar on assistance to under-developed countries in developing their information media, it thought that the whole matter needed more careful consideration than the Committee could give it in the short time at its disposal and that the suggestions might not be feasible in view of the financial implications. Finally, he could not agree with the Saudi Arabian representative's suggestion (828th meeting) that the draft Convention should be referred to an organ other than the General Assembly. The question had been before the Assembly for nine years, during which many new Members had joined the Organization and opinions held in 1948 might have changed. All Member States should have an opportunity of stating their views on the draft Convention before any further steps were taken.

15. Mr. DI BERNARDO (Italy) said that the free international dissemination of information was a fundamental means of bringing about mutual understanding among peoples, and the United Nations should spare no effort to promote that freedom. It was part of the broader notion of freedom of opinion and expression, without which there could be no true democracy and no lasting peace. The fact that full freedom of expression had not yet been achieved throughout the world was an explanation of the United Nations failure to adopt a satisfactory convention on freedom of information.

16. Any international instrument on that subject must be based on a clear definition of freedom of information, but profound divergences of opinion were evident. Nevertheless, the United Nations should pursue its efforts to reach a compromise in such an important matter. The principal objections had been made to article

2 of the draft Convention (A/AC.42/7 and Corr.1, annex) the application of which depended entirely on the interpretation of the restrictions and limitations set forth in the article. In view of the breadth of those restrictions and the differences of opinion to which they gave rise, the Italian delegation did not regard the draft in its existing form as satisfactory for an international instrument.

17. It might be wiser, pending the existence of a more favourable atmosphere for the preparation of a convention, to approach the subject from a more limited angle, such as that of technical assistance. As a further example of such an approach, he recalled the statement made in the General Assembly (681st plenary meeting) by the Italian Minister for Foreign Affairs, Mr. Pella, who had asked the Secretary-General whether the Department of Public Information had any statistics concerning the circulation in Hungary and its neighbouring countries of the report of the Special Committee on the Problem of Hungary.^{2/} Mr. Pella had questioned whether it should not be compulsory for Member States to circulate United Nations documents on important issues such as disarmament. Mr. Meany of the United States delegation had associated himself with that idea, adding that it was impossible to speak of the serious promotion of cultural relations by the United Nations while some Member States denied their peoples access to vital documents.

18. It was regrettable that the flow of official United Nations information was being hampered and that such

^{2/} Official Records of the General Assembly, Eleventh Session, Supplement No. 18.

a profound difference should exist between countries practising democratic freedoms and those where information was a State monopoly and where even United Nations information was manipulated and distorted. The Department of Public Information was doing excellent work and its services were constantly improving and expanding, but their efficiency depended largely upon the co-operation of Member States. His delegation welcomed the Secretary-General's proposal to provide the Organization with the necessary technical facilities and hoped that the expert Committee on public information activities to be set up under General Assembly resolution 1177 (XII) would help to promote the dissemination of United Nations information. He observed that printed documents were not always the best form of propagating information and that radio broadcasts, films and television should also be used. United Nations Information Centres were also an important factor in disseminating information, but it was essential that they should operate without hindrance and that the Secretary-General should have a free hand in selecting the personnel in charge.

19. His delegation's views on the subject could be summed up in three points. In the first place, Member States were under an obligation not to hamper, but to encourage, the dissemination of all United Nations information and documents. Secondly, United Nations information should be disseminated in its original form, without distortion. Thirdly, Member States should submit periodic reports on such dissemination for the consideration of the General Assembly.

The meeting rose at 1.p.m.