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Chairman: Mrs. Lina P. TSALDARIS (Greece).

In the absence of the Chairman, Mr. Calamari (Panama), Vice-Chairman, took the Chair.

AGENDA ITEM 35

Freedom of information: report of the Secretary-General on consultations concerning the draft Convention on Freedom of Information (A/3868 and Add.1-7, A/C.3/L.706) (continued)

1. Mr. Chalapathi RAU (India) said that the effect of the procedural discussion which the Committee had held and of the decision which it had finally taken was to divide agenda item 35 into three sub-items and to give priority to one of them. The Spanish proposal which had been adopted called in effect for a general discussion rather than an examination of the Secretary-General's report (A/3868 and Add.1-7) or a study of the draft Convention on Freedom of Information (A/AC.42/7, annex). It might well be feared that such a general discussion might result in delay.

2. Of all the measures which might be envisaged with a view to guaranteeing and promoting freedom of information, the adoption of the draft Convention seemed to be the most constructive. The Indian delegation failed to understand the fears to which the draft Convention had given rise. There was general agreement that the preamble and most of the articles were useful or at least inoffensive. Article 2, on the other hand, appeared to have occasioned certain misgivings; yet no one in the Committee on the Draft Convention on Freedom of Information had ever denied that there were limits to freedom of information, and that they should be defined in article 2 of the draft Convention. It was hard to see, therefore, why the Third Committee should not consider the text. Any Government which did not approve of a particular provision would be able to express its views on the subject, and would in any event retain the right not to ratify the Convention if necessary.

3. It seemed to be generally admitted that the draft prepared by the Committee on the Draft Convention was the most satisfactory text that had been submitted so far. It had two primary purposes: to ensure that there should be no limits to freedom of information other than the statutorily or constitutionally provided limits, and to ensure that freedom went hand in hand with responsibility. The task was not only to see that press undertakings enjoyed some degree of indepen-

dence vis-à-vis Governments, but also, and in particular, to see that they enjoyed similar independence vis-à-vis vested interests. Lastly, precautions had to be taken to ensure that national interests could not be threatened in the name of freedom of information. It was well known how, in the course of history, certain freedoms had given rise to abuses. Safeguards were essential; and the specific purpose of the proposed Convention was to provide such safeguards.

4. The United States draft resolutions (A/C.3/L.706) also proposed certain measures. In paragraph 2 of draft resolution A UNESCO and other specialized agencies were invited to give special attention to the needs of less developed countries in building up adequate media of information. The needs of the less developed countries in that sphere were not new, and the General Assembly had already had occasion to take decisions on that subject. The efforts undertaken, however, had noticeably been rather limited in scope; those of UNESCO had led mainly to studies. It appeared therefore that the less developed countries must rely mainly on their own progress—which was admittedly helped by technical assistance—to expand their media of information. The operative section of draft resolution A was based on excellent intentions, but it was not calculated to guarantee and promote freedom of information. Draft resolution B also raised some doubts. Sub-paragraphs (a) and (b) of its operative paragraph might have the effect of reopening the discussion which the Fifth Committee had already held at the current session on agenda item 55 (682nd-689th and 691st-693rd meetings). Sub-paragraph (d) applied to a subject which was dealt with in the draft Convention, where it appeared in the context of a comprehensive group of provisions, whereas in the draft resolution it was to some extent torn out of its context. For all those reasons, he felt that only the text drawn up by the Committee on the Draft Convention could serve as a basis for profitable discussion.

5. Mr. SIMPSON (Liberia) said he had joined the Philippine delegation in submitting their procedural proposal (A/C.3/L.704) because he had felt that an article-by-article discussion of the draft Convention was the best means of reaching a concrete decision. Delegations should have had specific instructions from their Governments at the very outset of the session; in any event they could have asked for them later. The obstructive attitude of certain representatives was incompatible with the principle of freedom of expression to which they professed adherence.

6. He had voted against the Spanish procedural proposal, which called for a discussion of the Secretary-General's report. The report merely set forth the views and suggestions of Governments, which the Third Committee was not competent to discuss. The motive behind the Spanish proposal was fully understandable: the proposal reflected the view of the Spanish Govern-

ment that the time was not yet ripe for an examination of the draft Convention.

7. He would be glad to support any suggestion likely to facilitate consideration of the question at the fourteenth session of the General Assembly.

8. Mr. MASSOUD-ANSARI (Iran) reminded the Committee of the reasons for which he had said, at the 896th meeting, that he would abstain from voting on the Liberian-Philippine proposal. The representative of the Dominican Republic had later made a very commendable effort to narrow the gap between delegations, and had submitted a compromise proposal which the Iranian delegation had been prepared to support. Unfortunately, that proposal had been withdrawn, and the discussion had revealed the existence of two trends in the Committee, some members being in favour of drafting a convention and others against it. In those circumstances, the Iranian delegation, which considered that such a convention was necessary, had voted in favour of the Liberian-Philippine proposal.

9. The position of the Iranian Government on the question of freedom of information was well known. Iran had suffered and was still suffering from the abuse of freedom of information, which, in the hands of certain elements, had become a powerful weapon enabling them to influence other countries in order to achieve certain political aims. Even countries which possessed extensive information media were not secure from such abuses. That was the reason for which the United Nations had taken up the question on the juridical and technical levels. In the juridical sphere, the results achieved had been particularly disappointing. Of course, there were the draft Convention on Freedom of Information (A/AC.42/7, annex), the International Convention concerning the Use of Broadcasting in the Cause of Peace^{1/} and the Convention on the International Right of Correction (General Assembly resolution 630 (VII)); but the first was only in draft form, and the other two had still not received a sufficient number of accessions and signatures to come into force. In the technical sphere, on the other hand, more encouraging results had been achieved. For instance, UNESCO, in co-operation with other specialized agencies, had taken steps to remove obstacles to the dissemination of news and to improve transmission facilities and the training of information personnel. The Iranian delegation wished to congratulate UNESCO on its work in that field; but it was evident that much still remained to be done.

10. One of the first tasks which should be taken up by the General Assembly was the consideration of the draft Convention on Freedom of Information, which might more accurately be called a convention on the limits to freedom of information. Except for article 1, which more or less repeated the provisions of article 19 of the draft Covenant on Civil and Political Rights (E/2573, annex I B), the draft Convention as a whole dealt mainly with the duties and responsibilities which existed in regard to freedom of information. The Iranian delegation believed that it was necessary, but not sufficient, to provide for regulation of the freedom of information by way of an international instrument. But such an instrument would be truly useful only if the decision to adopt it was virtually unanimous. There

was still a long way to go before such a decision would be possible, but he considered that, far from giving way to discouragement, it was necessary to carry on with the work, which was of the greatest importance for international peace. The fact that his own Government had not yet communicated its views and suggestions concerning the draft Convention was not due to lack of interest on its part, but to the fact that it had not yet been able to make a full study of the draft.

11. As for the technical measures which might be taken, his delegation thought that the suggestions put forward by the Committee on Freedom of Information (E/CN.4/762) were very useful and deserved thorough consideration. Countries in process of development, also, should be given assistance in the establishment of adequate information media.

12. But all that was not enough; Governments should make an effort, with sincere good will, to ensure the availability of reliable information, dedicated to international peace and understanding. The relevant services of the United Nations had a most important part to play there. In that connexion, the importance of the discussions recently held in the Fifth Committee should be emphasized. With regard to the continuance of unrelayed broadcasts, his delegation had preferred the recommendations of the Secretary-General (A/3945) to those of the Committee of Experts on United Nations Public Information (A/3928), and hoped that the former would be put into effect. It also hoped that the broadcasts would be if possible improved, so that they should reach the largest possible number of listeners.

13. Mr. BOULOS (Lebanon) said he had voted for the Liberian-Philippine proposal (A/C.3/L.704) because it tackled the problem in a constructive manner. On the other hand, the adoption of the Spanish proposal (A/C.3/L.705), despite the undoubtedly praiseworthy intentions of its sponsor, had brought the Committee to a dead end. The Secretary-General's report (A/3868 and Add.1-7) added nothing new, for the views of the various Governments on the question were already well known. Two trends had been revealed in the Committee: some thought that the differences would be such that there would be no possibility of reaching an understanding, and that the discussion should be postponed until a more propitious time; others thought that the draft Convention should be examined in detail. He reminded the Committee that the representative of Lebanon had been the Rapporteur of the Committee of fifteen countries appointed by the General Assembly under resolution 426 (V) to draft a convention on freedom of information; and in view of the important part it had taken in that work, his delegation was among those most anxious that the draft Convention should be adopted.

14. The differences of opinion on freedom of information had been in existence when the Committee on the draft Convention had met at Lake Success on 15 January 1951. If it had waited for them to disappear, it would have produced no text; and if the United Nations had acted in that way since it had come into being it would never have been able to do anything constructive. Its work lay precisely in reconciling divergent views, not in merely noting their existence; in the case under consideration it had at its disposal a text which it could use as a basis for bringing about some measure of agreement, and he appealed to the Committee to take the requisite action.

^{1/} League of Nations, *Treaty Series*, vol. CLXXXVI, 1938, p. 301; see also document E/CN.4/762, annex C, part I, sect. II C.

15. The CHAIRMAN drew attention to the terms of the procedural proposal adopted at the preceding meeting. The Committee should abide by its own decision.

16. Mr. WISE (United States of America) said he would speak later on the draft resolutions submitted by his delegation (A/C.3/L.706), but would wait until the explanations of vote and the general debate had been concluded.

17. Mr. BARODY (Saudi Arabia) expressed the view that the terms of the Spanish proposal (A/C.3/L.705) provided an opportunity for a discussion of very wide range and did not prevent delegations from submitting comments on the draft Convention, which was one of the measures "best adapted to safeguard and to promote freedom of information". The Lebanese representative's statement therefore seemed to him perfectly in order. Moreover, he could understand the reluctance of the United States representative to speak on his delegation's draft resolution while the general debate was still in progress. No time limit had yet been set for the submission of draft resolutions; others would probably be submitted. The United States draft resolution had been submitted some time previously; delegations had accordingly had time to familiarize themselves with it and would doubtless be prepared to discuss it; but to avoid confusion, the general debate should not proceed simultaneously with the consideration of draft resolutions.

18. Mr. WISE (United States of America) said he did not under any circumstances wish to interrupt the general debate; he would abide by the Chairman's ruling.

19. Mr. HOOD (Australia) asked for some explanation regarding the time limit for the submission of the further draft resolutions to which the representative of Saudi Arabia had referred. If there were no other draft resolutions, he saw no reason why the Committee should not take up the United States draft immediately.

20. The Marquis DE VALDEIGLESIAS (Spain), explaining the significance of the procedural proposal submitted by his delegation and adopted by the Committee, said that the draft Convention was only one among the measures best calculated to promote freedom of information. Despite the Committee's decision on that point, however, it was obvious that some delegations still considered the adoption of a convention the only possible constructive measure; that was a purely personal opinion which could not be forced on the Committee. The result of the vote showed that the majority was not prepared for the moment to examine the draft Convention in detail. If the Committee did so, it might, in view of the wide differences of opinion which still existed, end in a deadlock; there could then be no more talk of constructive work. Delegations which refused to consider the adoption of a single convention as the only measure to safeguard freedom of information were not opposed in principle to the conclusion of such an instrument; they merely thought that the time was not ripe. They might change their opinion, and it was not impossible that at the fourteenth session the atmosphere might be more favourable to the examination of the draft. In the meantime, other measures could be considered.

21. For instance, the conclusion of regional agreements might be helpful; a conference of representatives

of the Spanish-speaking and Arab countries might perhaps produce valuable results, in view of the many cultural and other affinities existing between them; and the preparation of a draft convention between those countries might then serve as a model for the preparation for other similar instruments. That was not a proposal, or even a suggestion, but merely an example of constructive measures calculated to promote freedom of information.

22. Mr. THIERRY (France) thought that the Committee might usefully discuss the United States draft resolution; but if further draft resolutions were being prepared, the time seemed to be ripe to set a time limit for their submission. He made a formal proposal to that effect.

23. Mr. BOULOS (Lebanon) said he was not trying to force his opinion on the Committee; he had simply expressed it. The representative of Spain thought that the adoption of an international convention was one measure calculated to safeguard freedom of information; he himself thought that it was the most important of such measures. Their opinions therefore differed merely in degree.

24. With regard to the idea of a conference between the Spanish-speaking and Arab countries, he thought that he was expressing the general feeling of the Arab countries in saying that they were always prepared to come to an understanding with other countries, particularly those of Spanish culture, to which they were bound by so many historic ties. He thanked the representative of Spain for having offered that example.

25. Mr. BRILLANTES (Philippines) recalled that at the opening of the debate his delegation had made a suggestion similar to the French proposal. He accordingly supported that proposal and suggested that the time limit should be 6 p.m. on 2 December.

It was so decided.

26. Mr. WISE (United States of America) said that draft resolutions A and B submitted by his delegation (A/C.3/L.706) were complementary, while mutually independent. The first dealt with measures within the United Nations which might contribute towards facilitating the free flow of information and provide a basis for the continuing review of problems relating to freedom of information and for taking speedy action where necessary. The second contained recommendations for action by States which could contribute to the reduction of international tension and the promotion of mutual understanding and confidence.

27. Under draft resolution A, the General Assembly would take cognizance of the work done by the Committee on Freedom of Information and of the decisions taken at the fourteenth session of the Commission on Human Rights and the twenty-sixth session of the Economic and Social Council, and, perhaps more important, would recognize the valuable work done by UNESCO and other specialized agencies and indicate its desire that those activities should be intensified. The report of the Committee on Freedom of Information noted the major lines of activity engaged in by UNESCO (E/CN.4/762, annex A) and the steps taken by that organization, particularly in co-operation with the International Telecommunication Union, the Universal Postal Union and the International Air Transport Association. Two international agreements on customs duties, applicable to newspapers, books, films etc.,

had been adopted under the sponsorship of UNESCO. Mention should also be made of expert missions, assistance in the professional training of news personnel, research in the use and effects of information media, and the efforts made in co-operation with the Food and Agriculture Organization of the United Nations for the expansion of newsprint production. The report particularly brought out that less developed countries needed the establishment of new, independent information services. That deficiency had been a matter of concern to some members of the Committee for a long time. It was obvious that the flow of press information throughout the world would have serious imperfections as long as it was confined to five or six press services from the so-called developed nations. The orientation of the major regions of the world should be reflected in the internationally transmitted news services. In any case, the United Nations should continue to encourage the action that was being taken. His delegation had carefully noted the comment of the Indian members of the Committee on Freedom of Information to the effect that perhaps the effort that had so far been made had been too widely dispersed; it hoped that that observation would be carefully weighed by the agencies involved.

28. In draft resolution B, certain actions which Member States might take on their own initiative were recommended. They might not secure the unanimous support of the representatives and were only simple suggestions, but he hoped that if they were not accepted, others would be put forward on which agreement could be reached.

29. Mr. YAPOU (Israel) noted that the delegations did not seem anxious to take part in the debate. The Committee had decided to devote eight meetings to agenda item 35. He asked what it would do afterwards. In principle, three meetings were to be set aside for consideration of the draft Covenants, which the Committee had interrupted—to the regret of his delegation—to discuss the last two items on its agenda. It seemed very unlikely, however, that three meetings would be sufficient to complete consideration of article 12 of the draft Covenant on Civil and Political Rights. The Committee might also decide to continue the current discussion. His delegation did not advocate any one procedure but believed that the Committee might make good use of the last part of the meeting, and avoid loss of time in the future in the discussion of what use to make of its last meetings.

30. Mr. HOOD (Australia) said that he would also have preferred the Committee to continue consideration of the draft Covenants. The debates which had since taken place had certainly not been wasted, but the Committee might now consider whether it might not be better to examine one or two articles of the draft Covenant on Civil and Political Rights rather than continue the current discussion, which might not lead to any positive result.

31. Mr. BAROODY (Saudi Arabia) regretted that four of the eight meetings provided for the consideration of agenda item 35 had been devoted to a procedural debate. The delegations favouring immediate consideration of the draft Convention on Freedom of Information were not dissatisfied with the adoption of the procedural proposal submitted by Spain (A/C.3/L.705). Indeed the proposal put forward by Liberia and the Philippines (A/C.3/L.704), which would have been

adopted if all its supporters had been present when the vote was taken, would not, in their opinion, have secured a sufficient majority. An instrument such as the draft Convention should be the outcome of co-operation and not the cause of dissension. Moreover, all measures for guaranteeing and promoting freedom of information could be considered. It was believed in some quarters that most of those measures had already been exhaustively discussed. That might be true, but the new Members of the United Nations should be given the opportunity to express their views. But most delegations favouring the Spanish proposal apparently did not wish to take part in the general discussion for which they had voted. He asked whether they wished to give the representatives of the new Member States the opportunity to express their views, or whether their silence was only a manoeuvre to end all discussion and boycott the draft Convention. If that was their purpose, they would betray the intentions of the Spanish representative, who had said, in a very objective and impartial statement, that his proposal did not preclude a debate on the draft Convention. In its draft resolutions (A/C.3/L.706), the United States delegation had itself proposed that appropriate action should be taken to guarantee freedom of information. It made no mention of the draft Convention, but did not preclude the possibility of its being put before the Economic and Social Council and the Third Committee at some future date. If the Committee did not want to be faced at its next meeting with the same procedural difficulties as it had just experienced, it should immediately give serious consideration to the question of freedom of information, and the Secretary-General's report (A/3869 and Add.1-7).

32. With regard to the United States proposal (A/C.3/L.706), there were actually two draft resolutions based on two separate ideas, which were artificially joined together under one heading. The United Nations had already adopted various measures concerning freedom of information. General Assembly resolution 277 (III) contained the texts of a number of instruments which had never been opened for signature by States, because no decision had as yet been taken with regard to the draft Convention. The United Nations Educational, Scientific and Cultural Organization was fundamentally concerned with scientific and cultural matters. If it were entrusted with the task of setting up moral standards on freedom of information, it would at best be able to prepare studies which would be of little practical use. Moreover, draft resolution A stressed the creation of adequate media of information in the under-developed countries. That did not involve giving those countries newsprint and printing presses but putting an end to the abuses which existed in every country. If the under-developed countries were really to be helped, the moral standards of media of information must be raised. His delegation agreed to the continued examination of the problems of freedom of information by the Economic and Social Council and the Commission on Human Rights. It was therefore prepared to accept operative paragraph 1 of draft resolution A, although it did not think it would be of very much use. On the other hand, it could not accept operative paragraph 2, which did not offer any solution for the real problems at issue. As to paragraph (a) of the operative part of draft resolution B, the broadcasting of United Nations information programmes had been obstructed only in periods of disturbance and tension, for which abuses

of freedom of information were largely responsible. The elimination of such abuses would facilitate access to United Nations information programmes. Sub-paragraph (b) was not clear. He did not understand what information centres were meant, or whether their activities were to receive financial or moral support. The same objection could be made to sub-paragraph (c), which, in addition, raised some very delicate problems, with which article 2 of the draft Convention endeavoured to deal. It had been claimed that the list of limitations on the exercise of freedom of information was not complete; that seemed to be an additional reason for considering the article in question. In sub-paragraph (d) the expression "freedom of information" was used in its most commonplace sense. He asked how an exact

meaning could be attributed to that expression when there was no rule, no legal instrument, in which it was explained and defined. The Committee's debates had shown that those words did not have the same meaning in every country; universally applicable standards must therefore be set up. So long as that had not been done, the Committee could not take a decision on the last sub-paragraph of draft resolution B.

33. Mr. BRILLANTES (Philippines) read out the text of a draft resolution which his delegation had just submitted to the Secretariat and which would be circulated as document A/C.3/L.707. It was the result of consultations among several delegations.

The meeting rose at 5.50 p.m.