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**Chairman:** Mr. S. Amjad ALI (Pakistan).

**Freedom of information (*continued*): (a) Problems of freedom of information, including the study of the draft convention on freedom of information (A/AC.42/7, A/2172, chapter V, section VI, A/2181, A/C.3/L.239, A/C.3/L.242/Rev.1, A/C.3/L.243, A/C.3/L.244, A/C.3/L.252 and Add.1, A/C.3/L.255, A/C.3/L.256, A/C.3/L.257/Rev.2, A/C.3/L.258, A/C.3/L.259, A/C.3/L.260) (*continued*)**

[Item 29 (a)]\*

**ORGANIZATION OF THE WORK OF THE COMMITTEE**  
(*continued*)

1. The CHAIRMAN noted that a draft resolution, sponsored jointly by the delegations of Australia, Belgium, Denmark, Greece, the Netherlands, Norway and Sweden (A/C.3/L.260), had been circulated.
2. The Committee had before it a motion by the representative of India that the sixteen-Power draft resolution, sponsored jointly by the delegations of Afghanistan, Burma, Egypt, Haiti, Honduras, India, Indonesia, Iraq, Lebanon, Liberia, Pakistan, Saudi Arabia, Syria, Thailand, Yemen and Yugoslavia (A/C.3/L.256), should be discussed and voted on before the other draft resolutions on freedom of information.
3. Mr. LOOMES (Australia), clarifying the suggestion he had made at the preceding meeting before the circulation of the seven-Power draft resolution of which he was a co-sponsor, said that he had no desire to claim priority for that proposal. He had merely suggested that, since it presented an alternative course of action to that put forward in the sixteen-Power

proposal, the two might be discussed together. If that was not the Committee's desire, the sixteen-Power proposal should be discussed and voted on first, having been submitted first.

4. Mr. BAROODY (Saudi Arabia) thought it was clear that, both draft resolutions being of a procedural nature, the one which had been submitted first, namely the sixteen-Power proposal, had priority. That proposal was simply a confirmation of the decision taken by the Third Committee at the sixth session of the General Assembly.

5. Mrs. FIGUEROA (Chile) pointed out that the sixteen-Power draft resolution was clearly, from its wording, a matter of internal procedure within the Third Committee, whereas the seven-Power draft resolution, like the other proposals before the Committee, put forward a course of action for the approval of the General Assembly. There could be no doubt, therefore, that the sixteen-Power proposal should be voted on first.

6. The amendment (A/C.3/L.257/Rev.1) to it, proposed by the delegation of Honduras, could more appropriately be dealt with as a separate draft resolution.

7. Mr. LOPEZ VILLAMIL (Honduras) agreed and withdrew his amendment. He said he would resubmit the text as a separate draft resolution.<sup>1</sup>

8. Mr. AZKOUL (Lebanon) thought the two proposals were not mutually contradictory. Adoption of a draft convention was not the only way of attacking the problem of freedom of information; the seven-Power proposal presented other methods. Adoption of the sixteen-Power draft resolution would not preclude

\* Indicates the item number on the agenda of the General Assembly.

<sup>1</sup> The text was subsequently re-issued as a draft resolution under the symbol A/C.3/L.257/Rev.2.

action such as that suggested in the seven-Power proposal. In his opinion, the Committee should at once adopt the Indian representative's motion, and then deal with the sixteen-Power proposal.

9. Mr. CREPAULT (Canada) felt that the two proposals dealt with essentially the same subject and should therefore be discussed together, as suggested by the representative of Australia. He recalled that, in its discussion of other matters, the Third Committee had followed the custom of taking up all draft resolutions on a given subject together.

10. Mr. PAZHAWAK (Afghanistan) supported the position taken by the representatives of Lebanon and Chile. Matters which were clearly procedural in nature should be dealt with first.

11. Moreover, if the sixteen-Power proposal were adopted, some parts of the seven-Power draft resolution, which were already covered by the former text, would not need to be discussed.

12. Mr. AZMI (Egypt) also shared the views of the representative of Chile. There was no substantive connexion between the two proposals and, consequently, no reason for considering them together.

13. Mr. CORDOVA (El Salvador), Mr. LOPEZ (Philippines) and Mr. KAYSER (France) also associated themselves with the views of the representatives of Chile and Lebanon.

14. Mr. TSAO (China) did not see how the sixteen-Power draft resolution could be discussed independently of the seven-Power proposal, since, fundamentally, the two were closely linked in substance. Speaking for himself, he said his position on the one proposal would necessarily affect his attitude towards the other.

15. The CHAIRMAN pointed out to the representative of Canada that the seven-Power draft resolution dealt with more than one topic; he feared that consideration of the two proposals together would lead to the submission of numerous amendments and an unduly protracted debate. He suggested that paragraph 2 of the seven-Power draft resolution might be discussed along with the sixteen-Power draft resolution.

16. Mr. CREPAULT (Canada) accepted the Chairman's suggestion and moved, as an amendment to the Indian representative's motion, that the text of the seven-Power proposal, with the exception of paragraph 1, should be discussed together with the sixteen-Power draft resolution.

17. Mr. BAROODY (Saudi Arabia) said that paragraph 2 of the operative part of the seven-Power draft resolution could not logically be considered together with the sixteen-Power draft resolution; it was a separate procedural motion and could not be divorced from its preamble, which was wholly irrelevant to the substance of the sixteen-Power proposal. The Committee had already exhaustively discussed the action taken by the Economic and Social Council; another debate, even if only on a procedural motion, would be repetitious.

18. When the sixteen-Power proposal had been discussed and voted upon, the seven-Power draft could be introduced as a separate draft resolution.

19. Mr. PAZHAWAK (Afghanistan) agreed that the seven-Power proposal was a separate procedural motion. Under the rules of procedure, the proposal first submitted, the sixteen-Power draft resolution, had to be discussed and voted on first.

20. Mr. MANI (India) moved the closure of the debate.

*The motion for the closure of the debate was adopted.*

21. The CHAIRMAN put to the vote the Canadian representative's amendment to the Indian representative's proposal, namely, that the seven-Power draft resolution (A/C.3/L.260), with the exception of paragraph 1 of the operative part, should be discussed together with the sixteen-Power draft resolution.

*The proposal was rejected by 27 votes to 17, with 4 abstentions.*

22. The CHAIRMAN put to the vote the Indian representatives proposal that action should first be taken on the sixteen-Power draft resolution (A/C.3/L.256).

*The Indian proposal was adopted by 42 votes to none, with 12 abstentions.*

23. Mr. KAYSER (France) said that his delegation could not decide how to vote on the sixteen-Power draft resolution until it knew whether the expression "after the conclusion of the debate" implied that the Committee would proceed to a detailed examination of the draft convention immediately after the draft resolution was adopted, or whether the other draft resolutions before the Committee would be discussed first.

24. He also wondered whether the phrase "with a view to reaching agreement on the contentious parts thereof" meant that the draft convention would be examined article by article—since the report of the Committee on the Draft Convention on Freedom of Information (A/AC.42/7) showed that almost all articles were more or less contentious—or whether only certain articles would be singled out for discussion.

25. Mr. LOPEZ (Philippines) and Mrs. FIGUEROA (Chile) also wondered whether, how and when action would be taken on the remaining draft resolutions, in the event of the adoption of the sixteen-Power draft resolution.

26. They also wondered whether the establishment of a sub-committee to examine the text of the draft convention had been contemplated. If the Committee in plenary meeting examined the draft convention in detail, it might spend the remainder of the session on that one item, to the neglect of equally important items on its agenda.

27. Mr. AZKOUL (Lebanon) said that the general debate had been concluded since the submission of the draft resolution. Further debate on the draft convention as a whole could undoubtedly give rise to suggestions as to the way in which the articles would be dealt with.

28. Mr. MANI (India) agreed with the Lebanese representative. Those articles to which amendments were submitted would probably be regarded as the contentious parts of the draft convention. The

Committee might well set a time limit for the submission of such amendments and cancel one or two meetings in order to give delegations time to prepare them.

29. Mr. DEDIJER (Yugoslavia) agreed with the Lebanese representative's explanation and supported the Indian representative's suggestion.

30. Mr. KAYSER (France) found some difficulty in interpreting the replies to his questions, particularly since the suggestion about the establishment of a sub-committee had gone unanswered by the sponsors of the draft resolution. Considerable delay would be entailed by an attempt to proceed immediately to a detailed consideration of the draft convention, since many delegations would have to consult their governments before submitting amendments. The interval might well be used for discussing the other draft resolutions before the Committee. Experience showed that any debate on the subject would inevitably be protracted. The technical question how such a debate should be organized and whether and how it could be fitted into the Committee's work programme would have to be settled before the Committee decided to embark upon the discussion.

31. Mr. AZMI (Egypt) said that the sponsors of the sixteen-Power draft resolution intended the Committee to consider the draft convention on freedom of information promptly, once the general debate was concluded. That debate had shown that relatively few articles of the draft convention were really contentious. He had been encouraged by the United Kingdom representative's remark that her delegation was ready to discuss article 2 of that convention.

32. While the sixteen sponsors of the draft resolution had felt that it might be useful to appoint a sub-committee to consider the convention while the Committee itself went on with its other work, they had not wished to prejudge the issue. That decision, like all other decisions with regard to working procedure, would rest with the Committee if the sixteen-Power draft resolution was adopted.

33. The CHAIRMAN inquired whether, in the view of the sixteen sponsors, the Committee would be free to proceed to other items while awaiting the report of the proposed sub-committee.

34. Mr. LOPEZ (Philippines) suggested that it might save time and avoid confusion if the sixteen sponsors were to select one of their number to reply to various questions.

35. Mr. AZKOUL (Lebanon) agreed with the Egyptian representative that the sponsors of the sixteen-Power draft resolution had merely wished to ensure that the draft convention on freedom of information was considered promptly, leaving it to the Committee to decide on the manner of consideration. During a general exchange of views on the draft convention, the Committee would no doubt decide whether the entire draft convention should be discussed article by article or only the more controversial articles, and whether such a discussion should be carried on by the full Committee, by a sub-committee sitting simultaneously with the Third Committee, or even possibly by an *ad hoc* committee meeting after the end of the seventh session and reporting to the General Assembly at its eighth session. The sixteen

sponsors were as anxious as all other delegations that the Committee should so organize its work as to be able to deal with all the items on its agenda.

36. Mr. PAZHWAQ (Afghanistan) said that some of the questions asked were better calculated to influence other delegations than to elicit a reply, as the reply could only be given after action had been taken on the draft resolution. Thus, the question concerning a sub-committee had been premature; the appointment of a sub-committee or another subsidiary body was not excluded, but a decision would have to be taken by the Committee itself if it adopted the draft resolution.

37. He supported the Egyptian representative's remarks, and thought that all the sponsors of the draft resolution would agree that, if the Committee should complete its consideration of the other draft resolutions on the question of freedom of information before receiving the sub-committee's report on the draft convention, it would proceed to deal with the other items on its agenda.

38. Mrs. HARMAN (Israel) drew attention to paragraphs 13 and 14 of annex II to the rules of procedure of the General Assembly, in which the Main Committees were specifically cautioned against attempting to draft conventions. Whatever decision was taken on the sixteen-Power draft resolution, she hoped that that sage advice would not be ignored. That was another important reason why her delegation felt that the matter should be left initially to the Rapporteur appointed by the Economic and Social Council. Any subsidiary body appointed by the Third Committee would have to work without the benefit of the additional knowledge which the Rapporteur was assembling and which might make it possible for the Member States to iron out their differences and arrive at a convention acceptable to the greatest number.

39. Mrs. FIGUEROA (Chile) said that if, as had been suggested, the draft convention were referred to a sub-committee, it would be more convenient for the smaller delegations if it were to meet on occasions when the Third Committee itself was not meeting. Two votes would be required: one on the sixteen-Power draft resolution itself, and another on whether the draft convention on freedom of information should be considered by the Committee itself, by a sub-committee, or by an *ad hoc* committee.

40. Mr. MANI (India) suggested that, instead of discussing what might happen if the draft resolution were adopted, one of the sponsors should be asked formally to introduce the draft resolution and the Committee should take action on it.

41. Mrs. EMMET (United Kingdom) said that past experience had shown that referring a draft convention to a sub-committee was a waste of time; if the appointment of a sub-committee was implied in the draft resolution, she would vote against the resolution.

42. Miss BERNARDINO (Dominican Republic) agreed that appointing a sub-committee would not save time. The Committee had a long agenda, all the items of which were equally deserving of attention. She wished to know what the fate of some of those items would be if the Committee decided to consider the draft convention on freedom of information. There was little likelihood that they would all be examined,

as the Committee seemed to talk more and accomplish less at each session.

43. Mr. CORDOVA (El Salvador) remarked that the Committee had already carried out the instructions of the General Assembly in that it had given priority to the question of freedom of information and had before it a number of draft resolutions, the adoption of which would constitute unquestioned progress. As he did not think that the Committee had sufficient time to give detailed consideration to the draft con-

vention on freedom of information, he would be reluctantly compelled to vote against the sixteen-Power draft resolution.

44. Mr. MANI (India) moved the adjournment of the meeting.

*The motion was adopted by 36 votes to none, with 10 abstentions.*

The meeting rose at 1 p.m.