

40. During its study of the matter, the Fifth Committee had had before it the report of the Committee on Contributions. Several points raised in that report had been thoroughly discussed, and the Chairman of the Committee on Contributions had made a statement dealing with remarks made and questions put to that Committee. Paragraphs 2 to 7 of the Fifth Committee's report briefly indicated the main subjects covered by the discussion and the reservations made.

41. The Chairman of the Committee on Contributions had told the Fifth Committee that, in accordance with the practice of the Committee on Contributions, the record of the discussions

in the Fifth Committee, as well as of those in the General Assembly, would be one of the factors which the Committee would bear in mind at its next session in studying the scale of assessments to be recommended to the General Assembly at its fifth session.

42. The report of the Committee on Contributions and the recommendations contained therein had been unanimously approved by the Fifth Committee, subject to the reservations referred to above.

The resolution was adopted without objection.

The meeting rose at 12.58 p.m.

TWO HUNDRED AND THIRTY-SECOND PLENARY MEETING

Held at Flushing Meadow, New York, on Thursday, 20 October 1949, at 3 p.m.

President: General Carlos P. RÓMULO (Philippines).

Draft convention on freedom of information: report of the Third Committee (A/1010)

1. Mr. VERBA (Czechoslovakia), Rapporteur of the Third Committee, submitted that Committee's report together with a draft resolution (A/1010).

2. Mr. DE FREITAS (United Kingdom) said that the United Kingdom supported the draft resolution recommended by the Third Committee. The proposal that further action on the draft convention on freedom of information should be postponed until the fifth session of the General Assembly appeared to it to be both logical and practical. The covenant on human rights would be the basic document in its field; as such it would undoubtedly contain provisions on freedom of information. Those provisions might adequately secure the enjoyment of the right to freedom of information. If that were so, a separate convention would be unnecessary. On the other hand, the provisions might require amplification; until the covenant was completed and its provisions could be seen, it would be impossible to decide whether a further convention was needed and, if so, what it should contain.

3. There was another reason for the United Kingdom's support of the draft resolution. Although there was general and wholehearted support for the ideal of freedom of information, there was not, unfortunately, the same unanimity with regard to the means by which enjoyment of that right could be guaranteed internationally. Those differences of opinion had become apparent during the discussion of the draft convention in the Third Committee¹. They were very wide, and the prospects of agreement appeared to be slight. Possibly the provisions regarding freedom of information in the covenant on human rights, even if they required amplification in a further convention, would obviate the necessity of reopening some of the questions which had been found so difficult to answer. Perhaps when it was seen what was needed to supplement the covenant there would be less difficulty in reaching agreement on a convention.

¹ See *Official Records of the fourth session of the General Assembly, Third Committee, 232nd, 233rd and 234th meetings.*

4. The opponents of the draft resolution in the Third Committee had argued that the Committee had a duty to proceed with the detailed discussion of the draft convention, and that by postponing further consideration to the fifth session it would be shirking that duty. The United Kingdom did not concur in that view. The question had been exhaustively argued inside the Committee and had received serious consideration in informal discussions outside the Committee, and the decision embodied in the draft resolution had been reached for logical and practical reasons.

5. Another argument adduced by those who opposed the draft resolution had been that the work of the United Nations Conference on Freedom of Information was being discarded and brought to nothing. That argument, which was not supported by the United Kingdom delegation, might have had some force if the Committee had recommended that the General Assembly should postpone further consideration of the draft convention indefinitely, but no such recommendation appeared in the draft resolution. Under its terms, the General Assembly had full liberty to discuss the draft convention at the fifth session in the light of developments in the Commission on Human Rights. Whatever the final decision of the Assembly regarding the draft convention might be, the work done would not have been fruitless, if only because the record of the discussions, both in the Conference on Freedom of Information held at Geneva and in the General Assembly, would be of great assistance to the members of the Commission on Human Rights when drafting provisions regarding freedom of information.

6. Mr. de Freitas recalled that by resolution 277 (A) (III), the General Assembly had decided that the Convention on the International Transmission of News and the Right of Correction should not be opened for signature until definite action had been taken on the convention on freedom of information. At the current session, the United Kingdom delegation had voted in the Third Committee in favour of a proposal that the Convention should be opened for signature forthwith. The proposal had been defeated, but since the decision with regard to the draft convention on freedom of information was post-

poned only to the fifth session, the United Kingdom was prepared to abide by the decision of the majority of the members of the Committee.

7. Mr. KAYSER (France) said that his delegation would oppose the draft resolution submitted by the Third Committee. It was certainly not intervening in the debate in any hopeful spirit, since it had to face the resolute opposition of three great Powers, the United States, the United Kingdom and the Soviet Union, which, as was known, formed a homogeneous group joined together in perfect unity. That unexpected alliance which, incidentally, should give pause to all the partners, did not cause the French delegation to hesitate as to the nature of its statement; on the contrary, it provided a forceful reason for speaking out with complete serenity.

8. The French delegation opposed the draft resolution on moral and on procedural grounds, both of which it considered equally decisive. Mr. Kayser's remarks would have only one object, namely, to show that it was still possible to change course easily and without harm to anyone.

9. The President of the General Assembly had presided over the Conference on Freedom of Information with an authority to which the French delegation once again wished to pay tribute. Owing to his unremitting efforts, the Conference had yielded excellent results. If anyone had told General Rómulo on 21 April 1948, the closing day of the Conference, that a year and a half later the United Nations General Assembly would still be discussing to which committee it should refer one of the three draft conventions adopted at that Conference, he would certainly have refused to believe such pessimistic forecasts. Yet the General Assembly was being asked to vote on a text which deferred consideration of the draft convention on freedom of information for an indefinite period.

10. Strictly speaking, the Assembly had the right to rule such a postponement, but Mr. Kayser did not believe it was morally entitled to do so.

11. Barely six months earlier, the Third Committee had been discussing the text of the draft convention on freedom of information¹. Of the fourteen articles of the convention, the last seven were procedural in nature, similar to those which had been included in the first convention and which did not require discussion. At the third session of the Assembly, the Third Committee had discussed five of the seven remaining articles and had voted upon four of them. It had therefore done more than half the work.

12. The reasons why a majority—of which the French delegation had not been a member—had decided to defer the remainder of the discussion until the current session had been that the discussion had seemed to be approaching deadlock, and that a point of exhaustion had been reached after the discussion on the first convention, which had been carried on in many official and unofficial meetings. Finally, to be quite frank, the postponement had been agreed upon owing to the imminence of the fourth session of the Assembly. Mr. Kayser did not think that any of his colleagues who had been present in the Third Com-

mittee at that time would deny that the postponement would not have been decided upon if it had meant what it meant now—postponement to the fifth session or, as it would have been at that time, for eighteen months. It had then meant a delay of merely four or five months.

13. It was equally certain that the postponement had been voted only as a result of written and oral assurances that the Assembly at its fourth session would take a decision on the substance of the matter.

14. Thus resolution 277 A (III) contained the words: "Invites the General Assembly, at its fourth session, to give high priority to this item". It did not say that high priority should be given to a discussion on the question whether or not the item could be considered. It stated categorically: "to give high priority to this item".

15. As for oral assurances, most of the speakers at the third session had held the view which Mr. Kayser had just presented. No one had suggested the contrary. Certain quotations were necessary in order to re-create the atmosphere of the discussions. Those debates on the postponement had not been a mere formality. The very fact that they had extended over several meetings proved that members had not been concerned with procedure but with the actual substance of the problem.

16. Mr. Kayser would confine himself to mentioning the most striking facts. Mr. Canham, the representative of the United States, whom Mr. Kayser wished to thank for his most useful work, had stated in the Committee on 6 May 1949² that since the draft convention on freedom of information raised drafting difficulties, it would be well for Governments to have several months more in which to study the text thoroughly, and that they should not be asked to take a decision on the matter until the fourth session of the General Assembly.

17. Mr. Davies of the United Kingdom delegation, to whom Mr. Kayser wished to pay the same tribute as to Mr. Canham, had been so anxious to ensure that the Assembly should, at its fourth session, at last reach a decision, that he had asked on 5 May 1949³ that a committee should be convened two weeks before the opening of the Assembly's proceedings.

18. Mr. Demchenko, the representative of the Ukrainian Soviet Socialist Republic, had said at the same meeting that none of the arguments used in favour of the postponement of that convention were well founded. He had been supporting the argument vigorously upheld by Mr. Tsarapkin, the representative of the Soviet Union, who had stated at the same meeting that he was in favour of the immediate continuation of the debate. Mr. Tsarapkin had said that there was not, in his opinion, a great deal more work to be done on the draft convention on freedom of information, and that it should be completed during the second part of the third session. He had strongly opposed the proposal for postponement, which he had considered to be a purely tactical move in the interests of American and British monopolies.

¹ See *Official Records of the third session of the General Assembly, Part II, Third Committee, 208th to 219th meetings, inclusive.*

² See *Official Records of the third session of the General Assembly, Part II, Third Committee, 218th meeting.*

³ *Ibid.*, 217th meeting.

19. Mr. Tsarapkin was favouring postponement. It could be asked, therefore, whether he had been won over to the theories of the monopolists, or whether the monopolists had been won over to the theories of Mr. Tsarapkin.

20. Mr. Kayser observed, moreover, that at the meeting of the General Assembly held on 13 May 1949¹, General Rómulo himself had said that the Assembly, at its fourth session, would have to take action on the draft convention on freedom of information. It was unthinkable that at the current session the Assembly should not only give no heed to the call to duty which General Rómulo had addressed to it at its previous session, but that, with General Rómulo himself in the Chair, it should decide to abandon the subject. It was a fact that if it voted in favour of the draft resolution of the Third Committee, it would be evading what General Rómulo had so rightly considered to be its duty. That in itself was sufficient reason for rejecting a draft which was incompatible with an undertaking agreed upon jointly and in good faith.

21. Even if those moral considerations were still considered insufficient, procedural considerations should finally convince representatives. Under the terms of the draft resolution submitted to the Assembly, that body would recommend to the Economic and Social Council that it should request the Commission on Human Rights to include in the draft covenant adequate provisions concerning freedom of information; it would also decide that further action on the draft convention should be postponed to the fifth regular session of the General Assembly and—Mr. Kayser emphasized the word "and", which implied an additional condition—pending receipt of the draft covenant or a progress report thereon. But, for the sake of argument, if the Economic and Social Council did not comply with the request of the General Assembly, if, for instance, the Council considered the agenda of the Commission on Human Rights to be already overloaded and did not put the problem before it, the General Assembly would not have the matter before it even at its fifth session. Moreover, Mr. Kayser wondered whether, if the Commission on Human Rights did not complete its discussion and vote on the covenant at its following session, the problem would be submitted to the General Assembly. Perhaps it would, but only if a report on the subject were submitted.

22. It was reasonable to ask why the question should be referred to the Commission on Human Rights. The idea of the authors of the draft resolution—and the United Kingdom representative had reverted to that idea in the General Assembly—was that the Commission could alter the wording of article 17 of the draft covenant on human rights by taking into account the discussion in the General Assembly, and could thus render a convention on freedom of information unnecessary. It seemed, however, impossible to include in the covenant on human rights provisions which would cover all the provisions of the proposed convention. The provisions of that convention did not affect only matters of principle; several of them applied to methods of implementation, which had

nothing to do with a covenant on human rights. For example, it could be asked whether the problems referred to in articles 3 and 4 of the draft convention prepared by the Conference on Freedom of Information,² the establishment of non-official organizations disseminating information to the public and on the development of national news enterprises and the prevention of cartels respectively, were legal questions or simply questions of Press technique. The least that could be said was that they were both and were, therefore, within the jurisdiction of the General Assembly. It was doubtful whether the Commission on Human Rights would agree to go into details on the subject of precise rules to be applied to the Press. Mr. Kayser raised that question because the Commission had already taken its decision once.

23. The question of article 17 had been placed before the Commission on Human Rights at its fifth session. It had not been discussed at that time because the Commission had refused to do so and had postponed its decision,³ as it had wished to acquaint itself with the text of the draft convention on freedom of information before deciding. It had considered that it was for the General Assembly, and not for the Commission, to take a decision first.

24. That very wise decision had been taken at the suggestion of its Chairman, Mrs. Roosevelt, who had pointed out that article 17 of the draft covenant on human rights, which dealt with freedom of expression and the freedom to disseminate information, was closely connected with the draft convention on freedom of information, consideration of which had been postponed by the General Assembly until its following session. She had felt that, in the circumstances, the Commission would be well advised not to draft such an article until it knew the decision of the General Assembly and the reactions of Governments to the convention which would then have been drawn up. She had suggested, therefore, that the Commission should postpone consideration of article 17 to its following session.

25. Mrs. Roosevelt's proposal had been supported by 12 votes to 3, with one abstention. Yet although there had been no new development in the meantime, the United States delegation was proposing that the Assembly should simply refer the matter to the Commission on Human Rights although the latter, at the suggestion of the United States delegation, had already told the General Assembly that it should be the first to assume its responsibilities.

26. Such shifting of responsibilities should stop. The Commission on Human Rights was not the body qualified to appraise texts which of course had a legal aspect, but which were essentially concerned with technical matters and their application to every-day realities. Furthermore, the Commission did not consider itself qualified to do so. Its eighteen members were awaiting the views of the fifty-nine States Members, constituting the General Assembly, on the matter.

27. Moreover, it should not be forgotten that article 17 of the draft covenant had been adopted by the Conference on Freedom of Information

¹ See *Official Records of the third session of the General Assembly, Part II*, 209th plenary meeting.

² See *Final Act of the United Nations Conference on Freedom of Information (E/CONF.6/79)*, annex A, III.

³ See *Official Records of the Economic and Social Council, Fourth Year, Ninth Session, Supplement No. 10, annex I, article 17.*

and discussed not only by the States Members of the United Nations but also by a number of other States which had been invited to the Conference and had played an important part in it, such as Switzerland, Italy, Hungary, Romania and Bulgaria.

28. The French delegation considered it irregular to refer the matter to a commission composed of a limited number of persons, since a decision had already been taken by a conference with an unusually comprehensive membership. Not only had Member States of the United Nations participated in it; in each delegation there had been newspaper publishers, newspapermen, experts on information and Press law.

29. Moreover, the entire procedure followed since the convening of the Conference on Freedom of Information should be subjected to serious criticism. The mere review of the history of article 17 of the covenant, which constituted the main point of the draft resolution before the Assembly, would suffice to justify such censure.

30. Two and a half years previously, in June 1947, the Drafting Committee of the Commission on Human Rights had drafted an article on freedom of information. The Commission had then decided¹ to defer discussion of it until it had been considered by the Sub-Commission on Freedom of Information and of the Press and by the Conference on Freedom of Information. At the same time, the draft covenant had been sent to Governments for their comments. Only four, however, had submitted comments on article 17, namely, the Governments of the Netherlands, Brazil, the Union of South Africa and New Zealand. New Zealand had requested that the final text of the article should not be established until after the Conference on Freedom of Information had taken its decisions.

31. The Sub-Commission on Freedom of Information and of the Press had worked on article 17 during its second session in 1948. Between 19 and 30 January it had devoted sixteen meetings and the Drafting Committee had devoted two meetings to the article. At the Conference on Freedom of Information, eight meetings of the legal committee had been taken up with the study of the same article.

32. The decisions taken by the Conference had been considered by the Drafting Committee of the Commission on Human Rights in May 1949; but the Commission had not had time to consider the text of article 17 and, at its third session in May and June 1948, it had referred it to the Economic and Social Council.² The Economic and Social Council had been equally pressed for time and had referred it without consideration to the third session of the General Assembly;³ the Assembly, at its third session, had referred the question to the Commission on Human Rights, to be considered within the framework of the draft covenant on human rights.

33. After twenty-six meetings of various committees, responsibilities were still being shifted in regard to article 17 and the draft convention. During its fifth session, held in May and June

1949, the Commission on Human Rights had decided to appeal once again to Governments and had asked them the following questions:⁴

“(a) Should an article on freedom of information be included in the draft international covenant on human rights even though there may be a separate convention on freedom of information?”

“(b) If so, what form should such an article take?”

34. Those questions, which supplemented those already formulated, had been sent out on 29 July 1949. There had been no replies as yet.

35. In those circumstances, it could well be asked whether, when the Commission on Human Rights met in May 1950, no more than four replies would have been received from Governments, as had happened before. If that should prove to be the case, then it was doubtful whether the Commission would be able to take a decision regarding article 17 in accordance with the provisions set forth in the draft resolution, which required the Commission to take into account the work done and the records of all discussions transmitted to it.

36. The Commission would again, of course, have to devote several meetings to the detailed consideration of those documents. But the agenda of the following session of the Commission was already so heavy that it could not be completed unless the session were unusually long. It was already scheduled to last eight weeks instead of six. Moreover, it was no secret that the members of the Commission had no desire to prolong it.

37. There were already thirteen items on the provisional agenda, some of which would give rise to protracted debate, such as the draft international covenant on human rights, communications methods, right of asylum, old-age rights. And still other items might be included in that agenda. It was doubtful whether the Commission would agree to add a new item, namely, the convention on freedom of information and its relation to article 17. To do so would mean confusion; to fail to do so, a serious setback.

38. If the proposal before the Assembly were adopted, it would drag the draft convention into the quicksands where so many other proposals on which the hopes of the nations had been centred had been laid to rest after an agonizing existence. If the Assembly did not want the convention on freedom of information to suffer such a fate it must reject the Third Committee's draft resolution.

39. The result of such rejection would be that the Third Committee would simply be called upon to reopen consideration of the convention which France, for one, wished to be put into effect. The shortened agenda of the Committee was almost completed; the return to a normal situation, in other words, to the discussion of questions of information, would scarcely prolong the Committee's schedule and would have virtually no effect on the length of the session.

40. Mr. Kayser was convinced that if the Committee once again had the question before it, it

¹ See *Official Records of the Economic and Social Council*, Third Year, Sixth Session, Supplement No. 1, chapter VII.

² *Ibid.*, Seventh Session, Supplement No. 2, paragraph 19.

³ See *Resolutions adopted by the Economic and Social Council during its seventh session*, No. 151 (VII).

⁴ See *Official Records of the Economic and Social Council*, Fourth Year, Ninth Session, Supplement No. 10, annex I.

would find a basis of agreement for the few controversial articles which still remained to be discussed. Any divergencies of opinion could be removed by discussion and not by silence. At the second part of the third session of the General Assembly, fundamental differences had arisen regarding the Convention on the International Transmission of News and the Right of Correction; those differences had been overcome by conversations, by direct contacts, by good will, by two weeks of work on compromise formulae, which had given rise to much controversy, until at last agreement had been reached. Not once had there been any question of requesting the opinion of another committee. The representatives had been sufficiently sure of themselves and had known that they had enough good will to succeed.

41. The French delegation had given proof of its good will. In the Third Committee, Mr. Terrou, speaking for the French delegation, had agreed not to press for the adoption of the version of article 2 of the draft convention which his delegation preferred; instead, he had endorsed the ideas which, at the second part of the third session, had enjoyed the support of the majority. By mutual concessions of that kind, agreement had been reached within a few days. Only articles 6 and 7 remained to be discussed; and only articles 2 and 5 still had to be reviewed.

42. So far no one had indicated the nature of the allegedly unsurmountable difficulty. The French representative had not yet been able to discover it and wondered what were the real motives of those who wished to rob the Assembly of the chance to reach agreement during the current session. He would not go so far as to suggest that the representatives who proposed deferment were opposed to the convention. But he would tell them in all frankness that they were behaving as though that were the case.

43. If the words of the authors of the draft resolution did not correspond to their intentions, they should, while there was still time, change the wording they had used and which was capable of giving rise to such misunderstandings.

44. It was difficult to suppose that there was any desire to give grounds for the view that, in the middle of the twentieth century, freedom of information could not be ensured on an international level. Nor could there be any wish to allow the enemies of freedom to use the Assembly's failure to act—a failure which would be caused by the adoption of the draft resolution—as an argument to justify anti-democratic action against a free Press. And there was surely no desire to give ammunition to the smear campaigns directed against the United Nations, the purpose of which was to weaken its prestige by accusing it of impotence.

45. The representatives should recall those considerations once again before casting their votes. Whatever the outcome, it would be on record that those considerations had been raised by the French delegation which, even if it stood alone, firmly believed that it was acting in the general interest.

46. If the Assembly adopted the draft resolution, if it refused to act, the French delegation would at least feel that it had forewarned the Assembly. If the Assembly refused to pursue an

honourable task, thus disappointing the hopes of the most fervent adherents of democracy, it would do so in disregard of the efforts of the French delegation.

47. Mrs. ROOSEVELT (United States of America) said that, as one of the sponsors of the draft resolution adopted by the Third Committee and submitted to the General Assembly, she would like, on behalf of her delegation, to explain briefly its intent and meaning. In doing so, she did not think it necessary to dwell on the support which her Government had consistently given to the efforts of the United Nations to promote freedom of information. At the Conference on Freedom of Information, and ever since, her Government had acted on the conviction that freedom of information was one of the indispensable elements in the maintenance of peace and the fostering of international understanding. It had believed then, and it was even more convinced now, that the suppression of that freedom in any part of the world was a matter of serious concern to the United Nations.

48. The draft resolution before the Assembly was an expression of the continuing concern of the United Nations with the task of formulating the principles of freedom of information in a legally binding instrument. It was certainly not an attempt to evade that issue, as had been alleged. On the contrary, the purpose of the draft was to make it possible to emerge from the impasse created by deep disagreement over the specific provisions of the draft convention on freedom of information and to make it possible to proceed with the essential task of defining that freedom in a legally binding instrument. It was a proposal for a change in procedure in order to expedite the attainment of the object in view. Mrs. Roosevelt was unable to see how the language of the draft could be interpreted otherwise.

49. The draft resolution of the General Assembly expressed the conviction that adequate provisions on freedom of information should be included in the draft international covenant on human rights. Because freedom of information fostered and protected every other freedom, it was basic among civil liberties. The covenant on human rights, lacking such provisions could not be considered an adequate expression of the United Nations conception of fundamental human rights.

50. Furthermore, under the terms of the draft resolution, the General Assembly asked the Commission on Human Rights to take into account all the work done on the matter to date. Thus the Commission would have before it every expression of views since the opening Conference on Freedom of Information.

51. Finally, the draft left the way open for a reconsideration of the draft convention at the following session of the General Assembly, pending receipt from the Commission of the draft covenant or a progress report thereon. As the members of the General Assembly knew, the Commission on Human Rights had declared its intention of submitting the completed draft covenant to the following session of the Assembly. In requesting the Commission charged with the task of defining essential freedoms to concern itself with that matter, the Assembly was in no sense repudiating its own responsibilities.

52. Regarding the attitude of the Commission, Mrs. Roosevelt stated that the Commission had had a very keen sense of the difficulties of stating those principles, and it was for that reason that, since a convention was to be drafted, the Commission had awaited the action on that before formulating the articles in the covenant on human rights. Judging from the work she had seen, she thought it should be possible to formulate provisions dealing with those principles in the covenant on human rights; it would not be easy, but it could be done. The difficulties with the convention arose from the difficulties existing in all the definitions. In the future, that situation might change.

53. In deciding to await that action, the Commission on Human Rights had decided to await further knowledge; it had not taken a decision that it could not draw up those provisions. That should be very clearly understood.

54. The draft resolution before the Assembly had been adopted by 28 votes to 13 in the Third Committee. It met squarely the realities of the situation and gave promise of early and effective action on a matter of fundamental importance. Since, at the moment, agreement could not be reached on how to specify all the national and international ramifications of that freedom in a detailed convention, it was necessary to revert to the more logical procedure of seeking agreement first on the basis of essential principle. The place to seek such agreement was in the Commission on Human Rights.

55. Mrs. Roosevelt wished to clarify her delegation's position concerning the Convention on the International Transmission of News and the Right of Correction. As she stated in the Third Committee, the United States Government was prepared to sign that Convention without delay, and the delegation very much regretted the action of the Third Committee in refusing to open it for signature. Her Government could not accept the argument that the conventions on news-gathering and freedom of information were directly linked and that they must always stand together. Even if the two were closely linked, it would be difficult to understand why the one which had been completed should be postponed in that manner. Therefore, while not proposing that the issue should be reopened, she wished to record her delegation's disappointment that those Governments which were ready to sign the Convention without delay should be prevented from so doing.

56. In conclusion, Mrs. Roosevelt stated that her delegation whole-heartedly supported the draft resolution adopted by the Third Committee and hoped that the General Assembly would vote in favour of it.

57. MR. VAN HEUVEN GOEDHART (Netherlands) said he was glad that the Third Committee had adopted the draft resolution under discussion.

58. In view of the contribution made by the French delegation to the results achieved by the Conference on Freedom of Information held in Geneva in the previous year, he appreciated the reasons for the French representative's request that the General Assembly should reject the draft resolution, but nevertheless regretted that the request had been made,

59. He did not propose to embark on a detailed discussion of the arguments put forward by the French representative; he felt, however, that on some points Mr. Kayser had not advanced all the considerations which those who were to vote on the draft, should bear in mind. In particular, the Conference on Freedom of Information had drawn up three draft conventions, one of which had been sponsored by the United Kingdom and dealt with the principles of freedom of information. That convention had given rise to the greatest difficulty. It was quite natural that conventions dealing with practical matters such as the collection of news and the right of correction should entail less difficulty than a convention dealing with the very foundations of freedom. The difficulty experienced with that convention was more especially due to the fact that the Conference had been unable to decide how to frame the basic article on the right of governments to restrict or limit freedom of information.

60. The question then arose, which had since been discussed in several organs of the United Nations, whether to accept a single general clause permitting Governments to restrict freedom of information on certain general grounds, or to enumerate all the specific grounds on which such restriction would be permitted. The Conference had decided upon the latter course and he was glad that it had done so. When, however, an attempt had been made to elaborate a series of specific grounds on which freedom of information might be restricted by Governments, the article had given rise to increasing difficulty.

61. In view of the serious difficulties encountered, the Netherlands delegation had then suggested that consideration of the draft convention should be postponed and an attempt made to find a better solution at a later date. It had hoped at that time that preliminary discussions might be held in the period between the end of the second part of the third session and the opening of the fourth session of the General Assembly with a view to securing a measure of agreement among five or six delegations, thereby providing a basis for future work.

62. During the discussion of the draft convention at the second part of the third session, a general clause had been drafted; but it had been so confused and so entirely unacceptable that the Netherlands delegation had voted against it as a whole, after voting with the majority in favour of all its separate paragraphs. The same fate had befallen article 5 of the draft convention, in which an attempt was made to enumerate the cases in which the convention should be regarded as inoperative.

63. The Netherlands delegation regarded the adoption of a convention on the principles of freedom of information as a matter of the greatest importance. The French representative could be assured that such a view was motivated solely by the desire to ensure that the convention to be drawn up should be a good one and not a bad one. The fear that any convention drawn up during the current session of the General Assembly might be a bad one had led the Netherlands to associate itself with the United States and the United Kingdom in submitting a draft resolution proposing that the question should be referred to the Commission on Human Rights and that the

Commission should be requested to include adequate provisions on freedom of information in the draft international covenant on human rights. The draft resolution left the question entirely open as to whether an attempt would be made to draft a separate convention on the subject of freedom of information during the fifth session of the General Assembly.

64. The Netherlands delegation was firmly convinced that the solution proposed in the draft resolution was a wise one. It was most unlikely that the difficulties so long encountered in discussions of the draft convention could be overcome without adequate preparation. The Netherlands delegation felt that nothing would be lost by postponing discussion of the matter for a further year, during which it hoped to consult other delegations, particularly that of France, with a view to finding a common ground on which to base the framework of a convention on freedom of information. It hoped that the eloquence of the French representative would not persuade the Assembly to vote against the draft resolution.

65. Mr. LOPEZ (Philippines) said that the interest of the Philippines in the question before the Assembly dated from the first session of the Assembly, held in 1946, when the Philippine delegation had sponsored the original resolution calling for a conference on freedom of information¹. That Conference had been held less than two years later, at Geneva, and the draft convention under discussion was the fruit of its work.

66. In the draft resolution it was sought to postpone action on the draft convention on the assumption that the fundamental principles guaranteeing the free flow of information would be formulated in the proposed international covenant on human rights, and that only after that had been done would it be possible to draw up a convention. The Philippine delegation would accept the draft resolution on that understanding. In taking that position, it rejected in advance any suggestion of any manoeuvre with regard to the final disposition of the draft convention itself. It was glad that the draft convention remained on the agenda of the Assembly and had not been set aside by the familiar tactic of pigeon-holing. In fact, the Philippine delegation, in accordance with the text of the draft resolution, would initiate or support a move to call for discussion of the draft convention by the Third Committee as soon as the draft covenant had been completed and was before the General Assembly.

67. The Philippine delegation fully shared the concern which had been expressed by the representative of France, and was ready to pledge its sincere co-operation in the work of completing the draft convention on freedom of information.

68. Mr. NORIEGA (Mexico) said that the General Assembly, by its resolution 277 (III), had decided to postpone the opening for signature of the Convention on the International Transmission of News and the Right of Correction until after it had taken final action on the draft convention on freedom of information; at the same time the Assembly had decided that high priority should be given to that item at its fourth session. Unfortunately at the current session some delega-

tions had adduced various arguments not only with a view to postponing discussion of the draft convention, but also with a view to reaching a compromise procedure on the draft as such, because they considered it sufficient that the protection of the principles of freedom of information should be dealt with in an article of the international covenant of human rights.

69. His delegation did not share the gloomy pessimism of those delegations which claimed that no compromise was possible between the different points of view and the amendments adopted by the Third Committee at the time when the first articles of the convention were being studied; that circumstance was being given as the reason for the new and unexpected attitude of those delegations. His delegation had supported the French draft resolution that the Third Committee should form a sub-committee with instructions to reconcile the different points of view many of which, incidentally, did not even bear on questions of substance but simply related to minor administrative implications which had been mentioned in the heat of discussion. Perhaps the fact that the discussion of the item had been kept short had influenced the voting and the result had been the approval of the draft resolution submitted to the Assembly by the Third Committee.

70. If some delegations were not so beset by fears and prejudices, Mexico would have continued to support the French delegation's point of view that the study of the draft convention on freedom of information should be continued at the current session. But Mr. Noriega was convinced that the delegations he had spoken of could not be cured of their troubles.

71. The Commission on Human Rights could certainly do useful work on the question, and if the principles governing freedom of information were embodied in the international covenant on human rights the covenant would be a better text. Mr. Noriega hoped nevertheless that, whatever might be the outcome of the efforts of the Commission on Human Rights at the Assembly's fifth session, the Third Committee would definitely take up the convention on freedom of information and, as recommended in resolution 277 (III), give high priority to that item. Freedom of information was vital in domestic and in international relations, and a democratic world was unthinkable unless popular institutions were brought to life by freedom of information.

72. In that hope, the Mexican delegation would vote in favour of the draft resolution submitted by the Third Committee. It felt that the adoption of that draft by the Assembly, and on the other hand the rejection by the Third Committee of the proposal that the Convention on the International Transmission of News and the Right of Correction should be opened to signature immediately, constituted a satisfactory compromise solution which would allow time to clear up doubts and prejudices and would enable the United Nations, whether with or without the drafts of the Commission on Human Rights, to continue its work on the convention. If that convention did not finally materialize, the task of the Conference on Freedom of Information would not have been completed.

73. Mr. DEDIJER (Yugoslavia) said that his delegation would vote against the draft resolution,

¹ See *Official Records of the second part of the first session of the General Assembly, Third Committee, annex 16.*

since it was of the opinion that the draft convention should be considered at the current session. He would not repeat the convincing arguments advanced by the representative of France in support of that view, but would confine himself to pointing out the realities of the world situation which made it imperative that consideration of the problem should not be postponed.

74. The United Nations should consider every question in the light of its impact on the general world situation and of its urgency in the matter of strengthening peace and good relations among the various countries and peoples in the world. In that connexion, a number of questions arose. What was the current role of media of information in the development of peaceful relations in the world, particularly between great and small or undeveloped countries? What was its role in the struggle against the campaign to incite one people against another? What was the responsibility of the Press in various parts of the world in the maintenance of peace and good relations between countries? It was in the light of those questions that a vote should be taken on the draft resolution.

75. There could be no doubt that the retention of the item on the agenda of the current session would contribute to the development of peaceful relations among countries and would help to combat propaganda inciting to war. A debate on the draft convention at the current session would be of great use, although that document had a number of shortcomings and omissions which could be corrected by appropriate amendments. The important fact which should be borne in mind, however, was that, although there were differences of opinion regarding the basic principles of freedom of information, the mere consideration of those principles would contribute to strengthen the peace of the world.

76. The moral and political role of the United Nations among the peace-loving masses of the world should not be underestimated. A full discussion on freedom of information in the General Assembly would represent a considerable contribution towards preventing the misuse of the Press and other means of information, including their use as a weapon of incitement to war by bringing pressure against the independence of countries, in particular the smaller ones.

77. For all the foregoing reasons the Yugoslav delegation would vote against the draft resolution.

78. Mr. TEJERA (Uruguay) commended the French representative for being so helpful in clarifying the stage which had been reached in the discussion. He recalled that in the Third Committee, during the debate on the draft resolutions submitted by the Netherlands, the United Kingdom and the United States on the one hand, and by France on the other, Uruguay had strongly supported the latter draft; the draft which had finally been adopted in the Third Committee postponed indefinitely the consideration of a question which it regarded as fundamental to world peace and freedom and to understanding among the nations.

79. Commenting on what various representatives had said about their good intentions in questions relating to freedom of information, he said it was an old adage that the way to hell was paved with good intentions; consideration of so important a matter as that before the General Assembly could

not be postponed indefinitely. Delegations wishing to set the world in order on the basis of freedom, justice and international understanding must take strong action in favour of a convention on freedom of information which would enable each nation to learn what was happening in other countries.

80. The delegation of Uruguay had supported the French draft resolution because under that text a study group of the Third Committee was to be instructed to prepare a draft convention on freedom of information, and that would enable delegations to become familiar with the subject and to discuss it with clarity during the Assembly. It was unreasonable for the Assembly to fail to adopt a convention on freedom of information on the pretext that the Commission on Human Rights would have to do so on another occasion. Problems were not solved by evading them, and if a problem such as the one before the Assembly was not solved at that juncture, a solution would become much more difficult as time went on.

81. In Uruguay there was absolute freedom of information and of the Press; newspapers were subject to no inspection other than that agreed to by the editors and managers; news agencies could send news gathered in Uruguay to any part of the world without any restriction whatsoever. That being so, the Uruguayan delegation was justified in advocating a similar system for all the countries in the world; that would make a reality of one of the principal ideals for which the peoples had fought and shed their blood. Freedom of information and of the Press were essential to the development of society. If there were no free Press, there could be no democratic institutions, and if there were no democratic institutions there could be no lasting peace between peoples.

82. The General Assembly stood for the universal hope for a lasting peace; but if it refused to consider problems of the type before it, the peoples' faith in the United Nations would crumble and that in turn would lead to an evil that would cause further damage to the United Nations, namely, scepticism as to the ability of the organizations created by the peoples to regulate international relations.

83. Mr. Tejera agreed with the French representative that the Assembly's prestige would be raised if it rejected the draft resolution submitted to it, for, if it faced and solved the problem, it would revive and give added strength to the hope which the world placed in the actions and decisions of the United Nations.

84. For those reasons his delegation hoped that the General Assembly would reject the draft resolution under consideration.

85. Mr. AZKOUL (Lebanon) feared that he would find it difficult to make any substantial addition to the French representative's brilliant and eloquent speech. He wished, however, on his delegation's behalf, to sum up the position in regard to the question.

86. The three drafts submitted by the Conference on Freedom of Information were closely related; that had been proved by the fact that during the third session, the Third Committee and the General Assembly had amalgamated the first two drafts¹. The relation between that new draft,

¹ See *Official Records of the third session of the General Assembly, Part II, Third Committee, 195th meeting.*

which had become the first Convention, and the draft convention on freedom of information, consideration of which had been postponed until the current session, was proved by the fact that the General Assembly had decided, by its resolution 277 A (III), that the Convention approved by it in part C of the same resolution would not be open for signature until after a decision had been taken on the draft convention on freedom of information. Those facts were a test of the views of the members of the General Assembly on the relation between the various drafts.

87. Owing to certain difficulties which had arisen in the course of debate during the second part of the third session, the draft convention on freedom of information had been referred to the current session after quite extensive, but nevertheless insufficient, study.

88. At the very beginning of the session, without any reconsideration of the difficulties, the solution of which might require perhaps four months of study, and without any discussion of the substance of the question, the following proposals had been made to the Third Committee: first, that the consideration of the text of the convention should again be postponed to a future session; secondly, that the Commission on Human Rights should be requested to include provisions concerning freedom of information in the draft covenant on human rights; thirdly, that it should be decided that the first Convention, approved on 13 May 1949, should be opened for signature.

89. It could be asked why those three operations had been proposed when they seemed to follow upon each other logically. Certain delegations might consider that those proposals constituted the best method of solving the difficulties with which the Committee had been faced. Mr. Azkoul wished to express his delegation's views on that method as such and to discuss the point whether it was really the best method that could be used to solve the difficulties at issue.

90. The proposal for postponement was a result of real difficulties that had been encountered during the preceding session. Those difficulties, which were known, since they had been discussed, had given rise to the suggestion made during the second part of the third session that the matter should be postponed for four months, until the following session. At that time, however, no one had thought that those difficulties could be permanent or that their solution might require a period of over three or four months. It was possible that in the meantime certain delegations might have devoted further study to those difficulties and in the course of that study might have found that their solution might require a longer period.

91. Since it had been a question of finding a way to overcome the difficulties that had arisen, the delegations which had proposed postponement might have asked that those difficulties should be referred to a small *ad hoc* committee of experts or that the Commission on Human Rights should take up the matter, for freedom of information was a basic human right. The Commission on Human Rights might have been requested to submit, after thorough study, the text of a convention.

92. It might have been thought, also, that as a Sub-Commission on Freedom of Information and

of the Press, composed of experts in the field of journalism, existed in the United Nations especially to help the United Nations and the Commission on Human Rights in the field of freedom of information, a possible way of overcoming the difficulties would have been to refer the convention to that specialized Sub-Commission for study.

93. But not one of those methods had been thought of. It had been considered that the question should be sent to the Commission on Human Rights, not in order to solve the difficulties that had arisen, but in the hope that time alone would settle matters. While time passed, no attempt was being made to solve the difficulties.

94. The Commission on Human Rights was not being asked to find a solution, but to do something it would in any case have to do, which it had decided to do and which it must do, namely, to include in the draft covenant on human rights special provisions concerning freedom of information. Even assuming that the Commission on Human Rights had neglected to do so and might usefully have been reminded of the fact, what could the Commission do to solve the difficulties which had arisen in regard to the convention?

95. Mr. Azkoul recalled that there had been two schools of thought in the Commission on Human Rights on the method to be adopted in drafting the international covenant on human rights. One school held that the covenant should include detailed clauses, containing specific restrictions and indicating exceptions, on all matters relating to the various rights to be enunciated in the covenant. A second school of thought, which had unfortunately carried the day in the Commission, was in favour of general formulae, admittedly less general than those contained in the Universal Declaration of Human Rights, but very much less detailed than was customary in ordinary conventions and treaties.

96. Hence the only action open to the Commission on Human Rights, where freedom of information was concerned, was to follow the method it had already adopted of drafting one or two clauses which were necessarily in conformity with the spirit in which the covenant was drawn up and therefore of a general, vague and indefinite nature. The Assembly could then proceed to solve the difficulties encountered and draw up the convention.

97. Mr. Azkoul did not propose to examine the intentions of the authors or supporters of the draft resolution submitted by the Third Committee. He sincerely believed that their intentions were good and that their sole aim was the best possible solution of the problem. It was, however, a question of method, a sphere in which mistakes were possible and in which opinions might differ.

98. Even assuming that the Commission on Human Rights should end its work and submit one or two clauses on freedom of information by a given date, it still appeared to be contradictory that the drafting of those clauses should not be based on a much more detailed text, namely, on the convention drawn up by the General Assembly and which the Commission on Human Rights would simply have condensed and reduced to one or two formulae. The contrary was in fact envisaged, namely, that the General Assembly

should await the drafting of those vague and general clauses before drawing up a detailed convention containing precise and definite stipulations, whereas the Commission on Human Rights had clearly appreciated the impossibility of including those principles in one or two formulae until the General Assembly had adopted the detailed and precise text of a convention on freedom of information.

99. Hence all the difficulties could not be overcome by postponing the matter to a later session of the Assembly, unless the clause or clauses to be included in the covenant on human rights were to be a substitute for the convention on freedom of information. Mr. Azkoul felt sure that no one wished for that.

100. In the circumstances, the Lebanese delegation was prepared to agree that a further debate—even a general debate—in the Commission on Human Rights might be of assistance to the General Assembly in the future. It would therefore agree that the question should be referred back to the Commission, while suggesting a change in the text of the draft resolution which it considered to be an improvement.

101. That change would be beneficial for the following reason: the Assembly would be assured of the help and co-operation of the Commission on Human Rights, and there would be no danger that, as a result of its work, the draft convention on freedom of information could at some future time be set aside. It would prevent anyone from being able to say that since the covenant already contained several clauses on the subject, that was sufficient and there was no need for the convention.

102. The draft resolution of the Third Committee did not even contain the promise that, should the difficulties be resolved by the Commission on Human Rights or by the efforts of various Governments, the convention would be considered and its final text elaborated at the fifth session of the General Assembly. There should be at least some assurance that the draft convention would not disappear altogether, that it would not be replaced by one or two clauses in the draft covenant on human rights, and that it would come before the General Assembly again for final elaboration.

103. For that reason, the Lebanese delegation suggested—and was prepared to propose formally—that paragraph 2 of the operative part should read as follows:

“Decides to establish at its fifth session, in the light of the draft international covenant on human rights or a progress report thereon submitted by the Commission on Human Rights, the final text of a convention on freedom of information.”

104. By accepting that improvement of the text, the authors of the draft resolution and its supporters would clearly indicate that they were as anxious as its opponents to safeguard the convention on freedom of information. They would also show their desire to make possible the ratification of the first Convention which could not, unfortunately, be open for signature until definite action had been taken on the draft convention on freedom of information, owing to the close connexion between them. They would thus prove their desire to protect the first Convention as well as the second. A large number of States would certainly never sign the first Convention, even if

it were open for signature, if the second convention, which was to counter-balance it, were not adopted and, in its turn, open for signature.

105. It was in the light of those considerations that the Lebanese delegation made its suggestion, and it was prepared, should that suggestion meet with a favourable reception, to submit it as a formal proposal.

106. Mr. ICHASO (Cuba) said his delegation would vote for the draft resolution because, although it bore testimony to an attitude of timidity and procrastination, it constituted an attempt to establish freedom of information as one of the principal pillars of democracy.

107. The Cuban delegation was nevertheless reluctant to vote for a draft resolution that postponed that question unnecessarily. The method of postponing action, instead of facing facts resolutely, was detrimental to the United Nations. Cuba had voted in favour of the question being settled in the Third Committee, and it was not its fault if it had failed.

108. The ideal solution would be for the General Assembly to decide to refer the question back to the Third Committee with instructions to deal with it thoroughly. As that was unlikely to happen, however, Cuba would have to vote for the draft resolution so as to place on record that it supported any step likely to strengthen freedom of information throughout the world.

109. Mr. PANYUSHKIN (Union of Soviet Socialist Republics) said the representative of France had attempted to misrepresent the position of the USSR on the draft convention on freedom of information; he had done so by placing his own interpretation on the proposals submitted by the Soviet Union during the discussion of that draft during the second part of the third session of the General Assembly.¹ By interpreting the position of the USSR delegation in that manner, the French representative had intended to confuse the issue, to cast doubt on the position of the Soviet Union and to mislead the General Assembly.

110. Mr. Panyushkin wished to explain to the Assembly the position which his country had really adopted regarding the draft convention on freedom of information.

111. His delegation considered that, if the convention was to be satisfactory and applicable, it should provide that real freedom of information and the Press could be ensured only if the Press and news agencies were free from all pressure from private monopolies, trusts and news cartels. Press and information agencies contributed powerful means of influencing public opinion and were answerable to the people for the information they disseminated. They should therefore consider it as their main function to ensure the dissemination of truthful and objective information, designed to maintain and strengthen international peace and security, and to implement the General Assembly resolutions on measures against the inciters of a new war and against all those engaging in propaganda for aggression. Moreover, it was their duty to try to contribute to the development of friendly relations between States on the basis of respect for the independence and sovereign equality of all peoples. They should counteract the expression of nazi and

¹ See document A/C.3/505.

fascist opinions in all their forms, and also any propaganda for racial or national discrimination or any campaigns of hatred and denigration.

112. In the opinion of the USSR delegation, the convention must provide that, in order to promote and strengthen international co-operation, all signatory States should take the necessary measures, including legislative measures, which would ensure the dissemination of truthful and objective information, independently of the influence of editorial trusts and cartels and which would contribute to the maintenance and strengthening of international peace and security.

113. The convention should also mention that, in the interest of democracy, the law should guarantee everyone freedom of expression and especially freedom of speech and of the Press, provided that that freedom was not used for war propaganda, for the incitement to hatred between nations, for racial propaganda or for the dissemination of slanderous rumours. That had been the position adopted by the Soviet Union at the second part of the third session of the General Assembly; that was still its position and that would continue to be its position at the fifth session, to which it was proposed to refer the discussion of the convention.

114. Those explanations proved the fallacy of the French representative's allegation that there had been some collusion between the USSR and certain unspecified monopolies with regard to the convention.

115. Mr. TEJERA (Uruguay) said his delegation wished to introduce a formal proposal that the draft resolution submitted to the Assembly by the Third Committee should be replaced by the following text: "The General Assembly resolves to refer the question under discussion to the Third Committee for further study."

116. Mr. MENDOZA (Guatemala) could not support the draft resolution transmitted by the Third Committee because his delegation felt that the only result of that proposal would be to defer the study of one of the most important problems on the Assembly's agenda. The fundamental object of the draft resolution was to disregard at the current session the draft convention on freedom of information on which so much work had been done at the Conference on Freedom of Information and during the second part of the third session.

117. He was sure that the Commission on Human Rights would include the principle of freedom of information among the fundamental principles of human rights; it needed no express recommendation in the form of a draft resolution which in any case was likely only to postpone study of that important matter. The Guatemalan delegation was prepared strongly to support the proposal just submitted by the representative of Uruguay.

118. Mrs. ROOSEVELT (United States of America) thought that it had been clearly understood in the Third Committee that the Commission on Human Rights was to be given the benefit of all that had been done in the Committee in order to enable it to work out provisions bearing mainly on the principles of freedom of information. If the question of the draft convention were referred back to the Third Committee, it would encounter the same difficulties which had

convinced twenty-eight members of that Committee that, until the matter had been studied further and until agreement had been reached, it would be impossible to draft a detailed convention on freedom of information. It should be borne in mind that the exceptions enumerated in the Committee had been so numerous that they would have eliminated freedom of information entirely. The matter had been retained on the agenda in order to leave the General Assembly free at its fifth session to determine whether it had been adequately dealt with by the Commission on Human Rights or whether it was still necessary to draft a convention.

119. The United States delegation could not, however, support the amendment submitted by the representative of Lebanon because it felt that an attempt to prejudge the issue for the next session was not consistent with the procedure outlined by the Third Committee in the draft resolution before the Assembly. It would be tantamount to binding the fifth session of the Assembly and it could not but hamper the current discussion and any subsequent discussion of the matter in the Commission on Human Rights. That Commission should attempt to deal with the problem in as satisfactory a manner as possible. After completion of the Commission's work, the Assembly would still be free to decide that it should be supplemented by a convention. The United States representative continued to support the draft resolution before the Assembly.

120. Mr. KAYSER (France) recalled that his delegation had advocated the rejection of the draft resolution. But of course, if a proposal such as that of Uruguay made it possible for the French delegation to express its attitude in a positive form, it would vote for that proposal.

121. Mr. Kayser wished to ask the United States representative a question. Mrs. Roosevelt had just said that it would serve no useful purpose to refer back to the Third Committee a question which it had postponed by a majority decision of twenty-eight members. It might be difficult to ask a Committee to reconsider such a decision. But how could the United States representative, who was also Chairman of the Commission on Human Rights, reconcile her suggestion that the matter should be referred to that Commission with the fact that the latter, composed of eighteen members, had decided by 12 votes to 3 to postpone the discussion of article 17 until the Assembly had come to a decision concerning the draft convention on freedom of information? If the rule of the majority was to be respected, it should be respected at all times. There could therefore be no question of referring article 17 to the Commission on Human Rights.

122. The PRESIDENT proposed to put the Lebanese amendment to the vote first and following that, the draft resolution itself. If the draft resolution were approved, the Uruguayan proposal would automatically fall; if it were rejected, he would then put that proposal to the vote.

123. Mr. AZKOUL (Lebanon), while expressing all due respect for the President's ruling on the procedure governing the order of voting, wished to suggest a different order of voting more in conformity with the intentions of his delegation.

124. The Lebanese amendment to the Third Committee's draft resolution was based on the

assumption that a decision would previously have been taken not to refer the question back to the Third Committee during the current session. If, however, the Assembly decided to refer the matter to that Committee, as proposed by the representative of Uruguay, there would be little point in introducing an amendment to the Third Committee's draft resolution.

125. Hence the Lebanese delegation asked that the Uruguayan proposal should be voted on first, as being a mere procedural proposal.

126. The PRESIDENT disagreed with the representative of Lebanon, since the Uruguayan proposal had been drafted as a substitute proposal. According to the rules of procedure, the draft resolution submitted to the Assembly by the Third Committee should have precedence over the proposal submitted by the delegation of Uruguay. He maintained his original ruling.

127. Mr. MENDOZA (Guatemala) said that, while he did not wish to challenge the President's ruling, if the procedure indicated by the President were to be followed, there would be little opportunity for delegations which desired to support the proposal submitted by the Uruguayan representative to do so. On the other hand, if the Uruguayan proposal did not obtain the required majority, those delegations which were prepared to support it, might be able to vote in favour of the Lebanese amendment and the draft resolution thus amended. He added that, if the President's suggestion were to be followed, there would be virtually no opportunity to test the favourable response which the Uruguayan proposal might evoke. Moreover, the Uruguayan proposal was the furthest removed from the original draft and the Guatemalan delegation considered it logical and proper to start by eliminating the proposals which departed furthest from the basic proposal, that of the Third Committee. Mr. Mendoza asked the President to put to the vote first the proposal furthest removed from the draft resolution, namely, the Uruguayan proposal.

128. The PRESIDENT pointed out that rule 83 of the rules of procedure stated clearly and specifically that proposals should be voted upon in the order in which they had been submitted unless the General Assembly decided otherwise. The draft resolution of the Third Committee had been submitted before that of Uruguay and would therefore normally be voted on first.

129. Mr. TEJERA (Uruguay) shared the President's view that when there were two or more proposals, they should be voted upon in the order in which they had been submitted in accordance with rule 83 of the rules of procedure of the General Assembly. But he added that when a proposal postponed consideration of a matter, it had priority.

130. The representative of Uruguay was a member of the House of Representatives of his country, where that procedure applied and had been set down in the rules of procedure. While his delegation did not want a resolution to be adopted on the substance of the question and thought the entire matter should be referred back to the Commission, he did request that his proposal should be put to the vote first.

131. The PRESIDENT, replying to the representative of Uruguay, said that rule 70 of the rules of procedure enumerated the motions which took

precedence over all other proposals. Nevertheless, he would prefer to avoid procedural difficulties and proposed, in accordance with rule 83, to put to the vote the proposal that the Uruguayan text should be voted upon before the draft resolution recommended by the Third Committee.

The proposal was adopted by 22 votes to 18, with 9 abstentions.

132. Mr. KYROU (Greece), in explanation of his vote, said that, in voting for the proposal that the text submitted by the Uruguayan delegation should be put to the vote first, he had not for a single moment thought that the President had not been perfectly right in his ruling on the procedural point. He had voted for the proposal only because he had thought that fair play should be given to the Uruguayan delegation.

133. He added that his delegation would vote against the Uruguayan proposal and the amendment proposed by Lebanon, not only for substantive but also for purely technical reasons. Everybody desired, first, that the Assembly should end on the target date fixed by the Assembly (224th meeting) and, next, that there should not be a second part of the session. The representative of France had stressed the fact that the Third Committee did not have a large agenda. He had not, however, taken into consideration the fact that meetings were scheduled for all the Committees. If the item were sent back to the Third Committee, the President would be obliged to schedule fewer meetings for the other Committees and hence the session might be prolonged indefinitely.

134. The PRESIDENT put the Uruguayan proposal to the vote.

The proposal was rejected by 32 votes to 17, with 7 abstentions.

135. The PRESIDENT put to the vote the Lebanese amendment to paragraph 2 of the draft resolution submitted by the Third Committee.

The amendment was rejected by 26 votes to 17, with 9 abstentions.

136. The PRESIDENT put the draft resolution submitted by the Third Committee to the vote. He noted that a vote by roll-call had been requested.

A vote was taken by roll-call.

Iran, having been drawn by lot by the President, was called upon to vote first.

In favour: Iran, Israel, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Poland, Sweden, Syria, Thailand, Turkey, Ukrainian Soviet Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Argentina, Australia, Belgium, Bolivia, Byelorussian Soviet Socialist Republic, Canada, Chile, China, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, Greece, Honduras.

Against: Lebanon, Union of South Africa, Uruguay, Yugoslavia, Brazil, Colombia, Costa Rica, France, Guatemala, Haiti.

Abstaining: Iraq, Pakistan, Saudi Arabia, Yemen, Afghanistan, Burma, Cuba, El Salvador, Ethiopia, India.

The resolution was adopted by 38 votes to 10, with 10 abstentions.

The meeting rose at 5.55 p.m.