



Eleventh session

DRAFT CONVENTION ON FREEDOM OF INFORMATION

Note by the Secretary-General

1. The General Assembly, at its ninth session, adopted resolution 840 (IX), the operative part of which reads as follows:

"1. Requests the Economic and Social Council to continue its efforts on the technical level to promote freedom of information;

"2. Further requests the Economic and Social Council to discuss, at its nineteenth session, the draft Convention on Freedom of Information and to formulate recommendations for the consideration of the General Assembly, taking into account the views expressed and the proposals made on this subject at the ninth and previous sessions of the General Assembly;

"3. Decides to discuss the draft Convention on Freedom of Information not later than at its eleventh session, including such recommendations as the Economic and Social Council may make."

2. At its nineteenth session, the Economic and Social Council discussed the draft Convention.^{1/} Considering the divergent views expressed on the draft Convention, regretting that discussions in various bodies had failed to produce agreement on a formula to describe permissible limitations on freedom of information, and bearing in mind that in the absence of a wide measure of agreement a Convention would be unlikely to prove effective, the Council adopted resolution 574 C (XIX), the operative paragraphs of which read as follows:

1/ Official Records of the General Assembly, Tenth Session, Supplement No.3 (A/2943), chapter VI, section VI, paras. 674-675.

"1. Concludes reluctantly that further action at this stage on the draft Convention on Freedom of Information would be unprofitable;

"2. Recommends to the General Assembly to consider the draft Convention at its twelfth session in the hope that conditions will be more favourable at that time."

3. The text of a preamble and nineteen articles of a draft Convention on Freedom of Information will be found in the annex of the report drawn up in 1951 by the Committee on the Draft Convention on Freedom of Information^{2/} which the General Assembly appointed by resolution 426 (V).

4. Background information concerning the draft Convention will be found in memoranda which the Secretary-General presented to the Assembly at its fifth and seventh sessions.^{3/} Since then developments concerning the draft Convention may be summarized as follows:

- (a) The Rapporteur on Freedom of Information appointed by the Economic and Social Council under its resolution 442 C (XIV) proposed, in his report to the Council (E/2426, pp. 15-17, 52), that the Council should recommend to the General Assembly to proceed with the detailed consideration of the draft Convention on the basis of a general formula which he suggested for the drafting of the article concerning permissible limitations on freedom of information;
- (b) The Council did not take any action on the Rapporteur's proposal;
- (c) The General Assembly adopted resolutions 631 (VII), 736 (VIII) and 840 (IX) all of which relate to, among other things, the draft Convention on Freedom of Information; and
- (d) The Economic and Social Council adopted resolution 574 C (XIX) (see para. 2 above).

^{2/} Ibid., Seventh Session, Annexes, agenda item 29, documents E/AC.42/7 and Corr.1.

^{3/} Ibid., Fifth Session, Annexes, agenda item 30(a), documents A/1380 and Corr.1; Seventh Session, Annexes, agenda item 29, document A/2181.

5. In the field of freedom of information, Members attending the General Assembly may also like to have the following information concerning the application of General Assembly resolution 841 (IX) on the International Convention concerning the Use of Broadcasting in the Cause of Peace (Geneva 1936).^{4/}

6. In the operative part of this resolution, the Assembly decided:

"1. To request States which are Parties to the International Convention concerning the Use of Broadcasting in the Cause of Peace (Geneva, 1936) to state whether they wish to transfer to the United Nations the functions which were performed, under the terms of that Convention, by the League of Nations;

"2. To instruct the Secretary-General:

"(a) To prepare for this purpose a draft protocol concerning the transfer to the United Nations of the functions assigned to the League of Nations under the International Convention concerning the Use of Broadcasting in the Cause of Peace;

"(b) To provide in the draft protocol for the accession of Members and non-Members of the United Nations which are not Parties or signatories to the Convention, and also for such legal or other adjustments as may be necessitated by current conditions; including new articles, based on General Assembly resolution 424 (V) of 14 December 1950, to provide that each High Contracting Party shall refrain from radio broadcasts that would mean unfair attacks or slanders against other peoples anywhere and in so doing conform strictly to an ethical conduct in the interest of world peace by reporting facts truly and objectively, and to provide that each High Contracting Party shall not interfere with the reception, within its territory, of foreign radio broadcasts;

"(c) To circulate the draft protocol to the International Convention concerning the Use of Broadcasting in the Cause of Peace to the States Parties to that Convention."

7. In application of this resolution, the Secretary-General prepared a draft protocol to the 1936 Convention and transmitted it to the States Parties to the Convention by verbal notes dated 1 and 19 August 1955, requesting them to intimate whether they wished the functions assigned to the League of Nations under the Convention to be transferred to the United Nations.

^{4/} For the text of this Convention, see League of Nations Treaty Series, vol. CLXXXVI, 1938, and document E/CN.4/Sub.1/104: Memorandum by the Secretary-General to the Sub-Commission on Freedom of Information and the Press.

8. The following twenty-six States are Parties to the 1936 Convention: Australia, Brazil, Burma, Ceylon, Chile, Denmark, Egypt, El Salvador, Finland, France, Guatemala, India, Indonesia, Ireland, Hashemite Kingdom of Jordan, Lebanon, Luxembourg, Netherlands, New Zealand, Norway, Pakistan, Sweden, Switzerland, Syria, Union of South Africa, and United Kingdom of Great Britain and Northern Ireland.

9. The Secretary-General has so far received replies from the following nine States: Burma, Ceylon, Chile, Denmark, Finland, Ireland, Luxembourg, Norway and Pakistan. All these States have intimated their approval of the transfer to the United Nations of the functions assigned to the League of Nations under the 1936 Convention. Burma, Denmark and Ireland also stated that they approved the text of the draft protocol.

10. The Secretary-General has communicated this information to the States Parties to the 1936 Convention.
