



Thirteenth session

FREEDOM OF INFORMATION

Views and Suggestions of Governments concerning the draft Convention
on Freedom of Information

Report by the Secretary-General

The Secretary-General has the honour to inform the General Assembly that pursuant to its resolution 1189 A (XII) the Governments of Afghanistan and Belgium have transmitted their views and suggestions concerning the draft Convention on Freedom of Information as follows:

AFGHANISTAN

"The Government of Afghanistan once again reiterates its stand to accept in principle the draft Convention on Freedom of Information. The Afghan Government is of the opinion that there is a great need felt for the adoption of such a convention as soon as possible by the General Assembly at its thirteenth session, and regrets that a final decision on the Convention has been delayed. The Afghan Government expresses the hope that with the co-operation and agreement of all Members of the United Nations the consideration of this question may be completed at the coming session of the General Assembly.

GENERAL COMMENTS

Comments on Preamble

"Paragraph 1

Government of Afghanistan agrees as it stands in the draft.

"Paragraph 2

Government of Afghanistan thinks that if this paragraph be limited to the fundamental Human Rights, and thus to the reference to freedom of information and expression, thus the paragraph shall be limited to the

national sphere. Afghanistan supports the principle of free interchange, but it seems better that the part relating to the international exchange and international necessity for it should be incorporated in a separate paragraph, to form a new third paragraph of the Preamble, and the second paragraph of the Preamble should remain as follows:

'Considering that freedom of expression, information and opinions are fundamental rights;'

and the third paragraph would be as follows:

'Considering that the free interchange of information and opinions both in the national and international spheres is essential to the cause of democracy and peace and for the achievement of political, social and economic progress.'

"It is obvious that if these views are considered, there will be no change in the basic purposes of the second paragraph of the Preamble; but, from the point of view of presentation, there will be a good connexion between the first and second paragraphs. Also, the new third paragraph will find a logical connexion with the fourth new paragraph, which is the original third paragraph of the Preamble.

"Paragraph 3 (original)

Government of Afghanistan agrees with this paragraph. (This will become the fourth paragraph.)

"Paragraph 4 (original)

Government of Afghanistan agrees with this paragraph. (This will become paragraph 5.)

COMMENTS ON ARTICLES

"Art. 1, (a) and (b). Afghanistan agrees.

"Art. 2. Afghanistan agrees.

"Art. 3. Afghanistan agrees.

"Art. 4. The wording of this article, which relates to the right of reply, is weak and obtuse. Therefore Afghanistan cannot agree with it as it stands, and reserves its right to discuss this matter in the coming session of the General Assembly.

"Art. 5. In principle Afghanistan agrees with this article. Para. (d) of this article is important because it is one of the bases of article 4. Afghanistan reserves its right for discussion on this point as well as article 4. Para. (e) is vague. In general, its connexion with the purposes of establishing non-official media is worth considering.

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"Art. 7. In principle Afghanistan agrees.

"Art. 8. Agrees.

"Art. 9, para. (a). In principle, Afghanistan agrees. In this paragraph discussion of right of States to refuse entry to particular persons is mentioned. This discussion should be extended to refuse the entry of particular publications; thus proposes that after 'any particular persons' 'or any particular publications' should be added.

Para. (b). Agrees.

"Art. 10. In principle Afghanistan agrees.

"Art. 11, paras. (a) and (b). Agrees.

"Art. 12. Agrees.

"Art. 13, para. (a). In principle Afghanistan agrees. On the question of automatic right of signature of the Convention by the countries who had been invited to the 1948 Conference, it reserves its right to make further observations on this point at the General Assembly.

Para. (b). Agrees.

"Art. 14. Para. (a) is related to para. (a), Art. 13.

Para. (b). Agrees.

"Art. 15, paras. (a) and (b). Agrees.

"Art. 16. Agrees.

"Art. 17, paras. (a) and (b). Agrees.

"Art. 18. Agrees.

"Art. 19. Agrees."

BELGIUM

"In the view of the Belgian Government, the text of the draft Convention as a whole can be considered satisfactory.

"Article 3 ensures, inter alia, that the Convention shall not affect freedom of the Press, which is guaranteed by our Constitution.

"Nevertheless, it seems doubtful whether the application of the Convention would preclude all abuses. The Belgian Government therefore wishes to make the following observations:

"1. Although the wording of article 1 is satisfactory, its scope is unfortunately limited by article 9, paragraph (a);

"2. Article 2, dealing with the limitations which may be placed on freedom of information, includes one paragraph which, because of its vagueness, opens the door to arbitrary action. This is paragraph (g), which provides for the introduction of limitations with regard to expressions about other persons which defame their reputations.

"3. Article 5 provides that each Contracting State 'shall encourage' the establishment and functioning of non-official organizations for the purpose of disseminating information and opinions to the public.

"If such 'encouragement' means the payment of subsidies, it may involve a degree of government control such as already exists in the case of radio and television in a number of countries.

"As a result, Governments might be forced to assume a greater responsibility, thus making it more difficult for the Press to put forward independent opinions and to secure their acceptance by the public."

/The Government of Belgium also transmitted the text of legal provisions relating to freedom of information in Belgium./
