



Tuesday, 7 December 1954,  
at 3.20 p.m.

New York

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**Chairman: Mr. Jiří NOSEK (Czechoslovakia).**

**AGENDA ITEM 28**

**Freedom of information: report of the Economic and Social Council (A/2705, A/2686, chapter V, section VI, A/C.3/L.447, A/C.3/L.448 and Add.1 and 2, A/C.3/L.449, A/C.3/L.450, A/C.3/L.451, A/C.3/L.452) (*continued*)**

INTERNATIONAL CONVENTION CONCERNING THE USE OF BROADCASTING IN THE CAUSE OF PEACE (GENEVA, 1936)<sup>1</sup> (A/C.3/L.447)

1. Mr. SAKSIN (Union of Soviet Socialist Republics), introducing his delegation's draft resolution (A/C.3/L.447), observed that no substantive objections had been raised to it in the general debate. Although the Turkish representative had made several attempts to question the Third Committee's competence, the statements of the representative of the Legal Department of the Secretariat and of some members of the Committee had dispelled all doubts on that score.

2. The USSR delegation had submitted the draft by the belief that the implementation of the International Convention concerning the Use of Broadcasting in the Cause of Peace<sup>1</sup> could have positive results at the current time when there was a relaxation of international tension. The Convention had been adopted some twenty years previously and only thirty-two States were parties to it. It was important that as many States as possible, both Members and non-members of the United Nations, should accede to it.

3. In view of the many changes that had taken place since the Convention had been signed, especially in connexion with the establishment of new international organizations, the USSR delegation had provided in paragraph 2 (b) of the operative part for such legal adjustments as might be necessitated by current conditions. Even as it stood, however, the Convention contained many provisions which were likely to promote the work of the United Nations in extending freedom of information. Thus, article 1 contained some stipulations which could improve international relations and article 3 was pertinent to the remarks of some representatives of under-developed countries on the occasional misuse of information media by States where

those media were highly developed. Adoption of the draft resolution would therefore help break the deadlock that the General Assembly seemed to have reached in all questions relating to freedom of information. It was to be hoped that the majority of the Committee would vote for it.

4. The USSR delegation would vote for the seven-Power draft resolution (A/C.3/L.448 and Add.1) on technical assistance in the field of information.

5. Mr. TUNCEL (Turkey) asked that the vote on the USSR draft resolution should be postponed, as several delegations intended to submit amendments at the next meeting.<sup>2</sup> The gist of those amendments would be to add three preambular paragraphs, the first stating that, in accordance with General Assembly resolution 24 (I), the custodial functions referred to in the Convention had already been assumed by the Secretary-General of the United Nations and that the Convention was still in force, the second stating that by taking over the powers and functions established by certain provisions of the Convention, the United Nations could give full effect to all the provisions of the Convention and the third stating that the Assembly desired to extend the possibilities of accession to the Convention and to propose its adaptation to current conditions. In operative paragraph 1, the sponsors of the amendments would propose the deletion of the words "or may become" on the principle that only the Contracting Parties should be allowed to submit amendments to the Convention. They also thought that the phrase "to agree to transfer" should be replaced by a provision whereby the Contracting Parties might inform the United Nations if they wished the functions concerned to be transferred to the Organization.

6. Mrs. MARZUKI (Indonesia) agreed with the USSR representative that the Committee's competence was no longer at issue. With regard to the references to the need to prohibit jamming, she drew attention to General Assembly resolution 424 (V), on interference with radio signals. Operative paragraph 4 of that resolution stressed the need to use broadcasting in the cause of peace. In view of the existence of such a General Assembly resolution, she would vote for the USSR draft resolution as it stood.

7. Mr. RODRIGUEZ FABREGAT (Uruguay) agreed with previous speakers that the question of the Committee's competence was not at issue, since several instruments concluded under the auspices of the League of Nations had already been transferred to the United Nations through the agency of the Third Committee. Nevertheless, the question of transferring the functions of the League of Nations to the United Nations was quite separate from the proposal that the Convention should be amended. That question required careful consideration by the Contracting Parties. It was

<sup>1</sup> See League of Nations Treaty Series, vol. CLXXXVI, p. 3011.

<sup>2</sup> The amendments were subsequently issued as A/C.3/L.453.

inconceivable however that a question so closely connected with that of freedom of information as a whole should be dealt with outside the United Nations. Therefore the Secretary-General should be asked to prepare a draft protocol of transfer, while the contracting parties should be allowed to decide in the final instance whether they wished the transfer to take place.

8. He agreed with the Turkish representative that the vote on the draft resolution should be postponed until the texts of the suggested amendments were before the Committee.

9. Mr. PAZHAWAK (Afghanistan) associated himself with the view that the question of the Committee's competence was not at issue and considered that a detailed discussion of the substance of the Convention was premature. He would vote for the draft resolution as it stood.

10. Mr. JOHNSON (United States of America) said that, although the motives of the States signatory to the 1936 Convention could not be questioned, they themselves agreed that the results of the Convention had been disappointing. Indeed, the Czechoslovak representative on the Economic and Social Council had stated that the Convention had not proved an effective instrument for the preservation of peace, since its adoption had been followed by six years of war. The United States delegation fully shared that view.

11. It was clear from the statements made by the representative of the Legal Department and by the Turkish representative that the transfer referred to in operative paragraph 1 of the USSR draft resolution was unnecessary and that the functions of the League of Nations had already been transferred to the United Nations under resolution 24 (I). Even if that had not been the case, it would be strange to ask States which had not yet become parties to the Convention if they would agree to such a transfer. Paragraph 2 (a) was therefore unnecessary, as there was no need for a protocol of transfer. If the contracting States decided to reopen the Convention, a protocol might be required, but that was not a question for the General Assembly to decide.

12. The Convention itself was incomplete, owing to the absence of a provision prohibiting the jamming of foreign broadcasts; if a protocol were drawn up, it would have to include such a prohibition and the draft resolution might be improved by the deletion of the word "legal" in paragraph 2 (b) and the addition of a reference to General Assembly resolution 424 (V). Despite that resolution, the USSR and its satellites made great efforts to jam any foreign broadcasts which were concerned with anything except communist propaganda. Over 1,500 radio stations in the Soviet bloc countries were devoted solely to jamming broadcasts from the free nations; more time and effort were given to blocking incoming broadcasts than the free world devoted to broadcasting to Eastern Europe. In that attempt to obstruct the information activities of the free world, the broadcasts of the Voice of America to Turkey and Iran and United Nations transmissions were also affected.

13. The United States delegation would have had no objection to the provisions of paragraph 2 (c) if only the Contracting Parties had been concerned, but considered it inappropriate to communicate the draft protocol to the Economic and Social Council in order that the Council might submit its recommendations on the draft to the General Assembly.

14. States not party to the Convention should carefully examine articles 1 to 4, which in practice constituted an open invitation to absolute censorship of broadcasts. The whole idea of such censorship was abhorrent to the American people. The criticism applied in particular to articles 3 and 4; there seemed to be no criterion for judging the correctness of statements and no uniform means whereby broadcasters could verify the accuracy of information. Moreover, the methods to be used by the Contracting Parties to implement the articles were not specified. For those reasons, the United States delegation viewed the whole proposal with scepticism.

15. Mr. SAKSIN (Union of Soviet Socialist Republics), speaking on a point of order, objected to the United States representative's references to the USSR and the peoples' democracies. It was not in keeping with United Nations practice to use such expressions as "satellites" and "Soviet bloc". In the United Nations every Member State had equal rights and should be referred to in accordance with the decorum imposed by the principles of the Charter.

16. The CHAIRMAN thought that the Committee should study the amendments outlined by the Turkish representative and proposed that the vote on the USSR draft resolution should be postponed until the amendments had been issued.

*It was so decided.*

#### TECHNICAL ASSISTANCE IN FREEDOM OF INFORMATION (A/C.3/L.448 AND ADD.1 AND 2)

17. Mr. JOHNSON (United States of America) introducing the draft resolution submitted by Chile, Ecuador, Lebanon, Mexico, the Philippines, Sweden and the United States of America (A/C.3/L.448 and Add.1), recalled that under resolutions 729 (VIII) and 730 (VIII), the General Assembly had authorized the Secretary-General to render services which did not fall within the scope of existing technical assistance programmes in two new fields, the promotion and safeguarding of the rights of women, and the prevention of discrimination and protection of minorities. The purpose of the joint draft resolution was to add a third new field, that of freedom of information. The decision, if adopted, would not be mandatory, since technical assistance could only be rendered to Member States at their request, and it was not intended that such services should involve new staff or more money. If more funds were needed, a recommendation for new appropriations could be made at the end of 1955.

18. Mr. MARZUKI (Indonesia) pointed out that the development of domestic information enterprises would help to promote the economic and social development of the under-developed countries. She supported the joint draft resolution, as it left Governments free to make their requests for technical assistance in conformity with their own development plans.

19. Mr. ROGERS (Australia) asked the representative of the Secretary-General first, whether it was possible to give an estimate of the costs which would be involved in the provision of the services mentioned in the draft resolution, and secondly, whether any technical assistance for the development of information media had been provided or was provided under the Expanded Programme of Technical Assistance.

20. Mr. HUMPHREY (Secretariat) recalled that the first question asked by the Australian representative

had been raised at the eighth session of the General Assembly in connexion with resolutions 729 (VIII) and 730 (VIII). The Secretary-General's statement on that occasion applied in the case in point: he would attempt to meet requirements from the existing establishment during the current year, and on the basis of the experience acquired, he would, if necessary, request new appropriations for the following year.

21. Mr. GOLDSCHMIDT (Secretariat) felt that, as the technical assistance programme was carried out by the specialized agencies in co-operation with the Technical Assistance Administration, a representative of one of the specialized agencies, particularly the United Nations Educational, Scientific and Cultural Organization, should be asked to reply to the Australian representative's second question. Under Economic and Social Council resolution 222 (IX) and General Assembly resolution 220 (III), technical assistance for economic development could be rendered only in agreement with the Governments concerned and on the basis of requests received from them. In co-operation with the International Telecommunication Union, assistance had been given to Lebanon and Pakistan for the development of broadcasting and in co-operation with the Food and Agriculture Organization of the United Nations, to the Philippines, Yugoslavia, Israel and some Latin American countries in connexion with pulp and paper production. Mexico had received assistance for a Government printing undertaking. A fellowship had been granted to a Pakistan national for the making of films. In each case, the Governments concerned had considered the project important to their general economic development plans.

22. Mr. TERENCE (United Nations Educational, Scientific and Cultural Organization) stated that the General Conference of UNESCO, then in progress, had given careful study to Economic and Social Council resolutions 522 J and K (XVII) in connexion with its activities under both the regular programme and the Expanded Programme of Technical Assistance. Under the latter, ten missions concerned with the educational use of mass communication media had already been organized, and more were planned for 1955 and 1956.

23. The General Conference had also decided to provide under the regular programme assistance for the development of communications services. Twenty-five requests for such assistance had been received and five missions had been sent out. Eight missions were projected for 1955 and a further eight for 1956. More than \$200,000 had been appropriated for that purpose.

24. Under the normal programme of UNESCO, the Mexican Government would receive assistance in establishing a regional film institute for Latin America. In 1955, similar assistance would be given for the establishment of a regional film library in the Middle East.

25. Eighty fellowships had been granted under both programmes for training in the use of mass communication media and a further 23 fellowships were to be made available under the regular programme in 1955 and 1956, in conformity with Economic and Social Council resolution 522 F (XVII), paragraph 2.

26. Mr. PINTO (Chile) emphasized that the draft resolution was in harmony with resolution 522 J (XVII). Its sponsors hoped that technical assistance would be sought in order to promote the independence of domestic information enterprises from monopolies which hindered the free dissemination of information.

27. Mr. PAZHWAQ (Afghanistan) supported the joint draft resolution, but suggested that, as Economic and Social Council resolution 522 J (XVII) was mentioned in the preamble, the words "in promoting freedom of information" at the end of the operative paragraph should be replaced by "in the development of information media for the purpose of promoting freedom of information". Such wording would make Governments' requests for technical assistance more consistent with the aims of the Council resolution.

28. Mr. BAROODY (Saudi Arabia) said that he was not against the draft resolution, which, as the preamble showed, was no innovation. The technical assistance programme had been established primarily to help economic development, but, owing to various General Assembly resolutions, funds had been frittered away on projects which had little to do with economic development. Some delegations had asserted that funds should be allocated for help in increasing the volume of information. The contention that an increase in the quantity of information would bring a commensurate improvement in its quality was open to serious doubt. In order to see that technical assistance funds used for such a purpose were not wasted, a percentage limit at least should be set up for them in relation to the funds used for economic development programmes. The Secretariat stated that available facilities would be used to meet requests under the draft resolutions; but if such spare facilities existed, they might perhaps be better diverted to assistance in economic development. Some countries, knowing of the existence of such facilities, might be encouraged to request assistance for projects which they might do better by themselves.

29. He agreed with the Afghan representative that the purpose of the draft resolution was essentially the development of information media, simply in the hope that freedom of information might be thereby promoted. But the development of information media could not in itself do anything towards solving the problems of freedom of information. He therefore hoped that the Afghan suggestion would be adopted by the sponsors. He would bow to the wishes of the majority and vote for the draft resolution; but he still had his doubts.

30. Mr. LOPEZ (Philippines) remarked that he was amazed to find the Saudi Arabian representative taking a position so similar to that of the more highly developed countries, the main contributors to technical assistance funds, in the Technical Assistance Committee and the Economic and Social Council. The underdeveloped countries had long been fighting for the principle embodied in the draft resolution. The Saudi Arabian representative's fears about the sacrifice of quality to quantity were unfounded. A concern for quality was commendable; but it was by no means certain that an increase in the quantity of information would be detrimental to its quality. In any case, one of the most important aspects of technical assistance in connexion with freedom of information would be the training of journalists to ensure an improvement in the quality of information. It would be absurd to contend that because so much of what was printed was trash, people should not be taught to read.

31. The fear that the Secretary-General might exhaust funds intended for economic development was equally unfounded, since the draft resolution merely authorized the Secretary-General to render services if they were requested. Governments might be trusted to know best what type of technical assistance they required. The



allocation of funds for the technical assistance programme had been so well worked out that neither the Technical Assistance Board nor the Technical Assistance Committee was likely to approve programmes so unbalanced that disproportionate funds would be used for purposes other than economic development. That the Secretary-General would undoubtedly continue to see that by far the greater amount of funds was devoted to economic development programmes was shown by the fact that not until four years after the establishment of the technical assistance programme had a draft resolution on technical assistance in connexion with freedom of information been submitted to the General Assembly.

32. Mr. BAROODY (Saudi Arabia) assured the Philippine representative that he was not opposing the draft resolution; he was simply doubtful whether it would have the desired effect of promoting freedom of information. Even if the under-developed countries sent students to learn techniques in the more highly developed countries, there was no guarantee that the skills they learned would be the most appropriate ones or that freedom of information would be thereby further advanced in the country sending them. If adopted, the resolution would not solve the problems of freedom of information, but merely further the development of information media.

33. Mr. PAZHWAK (Afghanistan) said that he feared that his suggestion had not been properly understood. The preamble to the joint draft resolution referred to Council resolution 522 J (XVII). He had wished it to be more consistent with the wording used in part I of that resolution, so that the requests made by Governments would be more in conformity with the Council resolution.

34. Mr. JOHNSON (United States of America) replied that the draft resolution had been based on part II of resolution 522 J (XVII) under which technical assistance could be given, for example, by means of seminars, fellowships and technical advice. It was resolution 522 K (XVII) which dealt with the development of information enterprises. He could not, therefore, accept the Afghan representative's suggestion.

35. In reply to Mr. GALVEZ (Argentina), Mr. GOLDSCHMIDT (Secretariat) said that the joint draft resolution could not be construed as in any way amending Council resolution 222 (IX), which had set up the Expanded Programme of Technical Assistance and had laid down principles for the guidance of the United Nations and the specialized agencies in its operation. It stipulated that technical assistance should be given to Governments only at their request and as nearly as possible in the form they requested. That should be the guiding principle, but the assistance should be given in broad fields related to economic development. Thus, no technical assistance funds had been frittered away or diverted from economic development activities. The Governments had to show that the assistance requested was related in some way to economic development programmes. The funds would not be depleted as a result of the adoption of the draft resolution; the Secretary-General would provide staff out of his establishment. Many of the anticipated requests might fit in with national programmes; but even if they did not, the draft resolution had no mandatory provision for the use of funds for anything other than economic development.

36. Mr. GALVEZ (Argentina) observed that, in the light of that explanation, the draft resolution was far too vaguely worded and might allow funds to be used for purposes not specified in Council resolution 222 (IX). He would vote against it.

37. Mr. VAKIL (Secretary of the Committee) read a statement by the Secretary-General on the financial implications of the joint draft resolution (A/C.3/L.448/Add.2).

38. The CHAIRMAN put to the vote the draft resolution submitted by Chile, Ecuador, Lebanon, Mexico, the Philippines, Sweden and the United States of America (A/C.3/L.448 and Add.1).

*The draft resolution was adopted by 47 votes to 1, with 1 abstention.*

39. Mr. ROGERS (Australia) explained that he had abstained from voting because, especially in the light of the statements made by the representatives of the Secretariat and UNESCO, the need to give the Secretary-General the authorization proposed in the joint draft resolution had not been satisfactorily demonstrated. It was apparent that valuable work on a technical level was already being carried out and it was preferable that existing channels for such assistance should be used. Furthermore, the nature of the services which were to be provided under the resolution had not been satisfactorily explained.

40. Mrs. MONTGOMERY (Canada) explained that she had supported the joint draft resolution, with the reservation that its implementation would not imply any substantial increase in expenditure under existing programmes.

#### DRAFT CONVENTION ON FREEDOM OF INFORMATION (A/C.3/L.449, A/C.3/L.451, A/C.3/L.452)

41. Mr. PAZHWAK (Afghanistan), said that his draft resolution (A/C.3/L.449) should be regarded as purely procedural and that no decision was required at that stage on the substance. It was related to freedom of information inasmuch as it sought to preserve and protect national information enterprises and national culture. It embodied a reference to the consideration of the draft convention on freedom of information by the Council at its nineteenth session; but his and other delegations had subsequently proposed a joint draft resolution (A/C.3/L.451) also dealing with the consideration of the draft convention. The joint draft resolution should be taken first, since certain changes might have to be made in the Afghan proposal if the Committee decided not to request the Council to consider the draft convention at its nineteenth session.

42. Mr. PINTO (Chile) observed that his delegation had also proposed a draft resolution (A/C.3/L.452) relating to the draft convention, which was inconsistent with the joint draft resolution inasmuch as it proposed that the Council should convene an international conference to complete the draft convention—a proposal which he would have wished to introduce in more detail.

43. Mr. NUÑEZ (Costa Rica) proposed that the sponsors of the draft resolutions should be asked to meet with the Committee's Rapporteur in an informal working group, to attempt to work out a compromise text.

*It was so agreed.*

The meeting rose at 5.45 p.m.