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Chairman: Mr. Jiří NOSEK (Czechoslovakia).

In the absence of the Chairman, Mr. Núñez (Costa Rica), Vice-Chairman, took the Chair.

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.449, A/C.3/L.450 and Add.1, A/C.3/L.451/Rev.1) (*continued*)

PHILIPPINE PROPOSAL REGARDING FUTURE WORK ON FREEDOM OF INFORMATION (A/C.3/L.450 and Add.1) (*concluded*)

1. Mr. TSAO (China) said that his delegation had voted in the Economic and Social Council for the reappointment of the Rapporteur on Freedom of Information because it had the fullest confidence in Mr. López's competence and because it had felt strongly that the questions of the coercion of information media and internal censorship could not, for obvious reasons, be entrusted to the Secretary-General of the United Nations. It found some difficulty, however, in supporting the Philippine draft resolution (A/C.3/L.450) calling for the establishment of a commission of three persons to replace the Rapporteur. The Third Committee did not know who those persons would be and from what countries, but they would certainly be from countries of differing ideologies. Either they would be unable to agree or their report, the result of compromises, would be of little value. Three trends of opinion had emerged from the debate: first, that freedom of information should promote peace; peace should, indeed, be a result of freedom of information, but should not be the sole purpose of promoting it. Secondly, the question of the quality of information had been raised; but the only important quality of information was its truth. Thirdly, the Committee had somewhat lost sight of its original purpose, the promotion of freedom of information, the stress being on the idea of freedom. The existence of those three trends showed that a commission of three persons of differing ideologies might well become a microcosm of the Third Committee and accordingly end in a similar impasse. If the Philippine representative proposed the reappointment of a Rapporteur instead of the appointment of

a committee of three, he would support him. The Economic and Social Council, had, however, asked the Secretary-General to prepare five surveys for consideration at its nineteenth session (Council resolution 522 A (XVII)). The General Assembly should not, therefore, take any substantive decisions at that stage.

2. He would accordingly abstain from voting on the Philippine draft resolution.

3. U MAUNG MAUNG SOE (Burma) said that he naturally supported the relaxation of international tension advocated by the Philippine representative and therefore favoured the Philippine draft resolution in principle. But he doubted whether a commission of three persons was the best method of achieving the desired purpose and whether the terms of reference were broad enough. The Rapporteur's own work had been excellent; a commission would not be likely to carry it much further.

4. He would therefore abstain in the vote on the Philippine draft resolution.

5. Mrs. HARMAN (Israel) said that the situation with regard to freedom of information was never static and should therefore be kept under constant review. A commission of three eminent authorities might well supplement the Secretary-General's work and suggest a badly-needed new approach to the problem of freedom of information. A fresh and comprehensive effort would not detract from the existing efforts of the United Nations organs and specialized agencies concerned. Many of the delegations opposing the establishment of the commission were, strangely, those which advocated giving the highest priority to progress in freedom of information.

6. The financial implications (A/C.3/L.450/Add.1) should not deter the Committee; if ways could be found for surmounting the difficulties, the cost of long and fruitless discussion in the Third Committee could be saved.

7. Although the terms of reference to be given to the proposed commission did not go far enough, she would support the Philippine draft resolution, in the hope that the scope of the commission's work would be expanded in due course.

8. Mr. ROY (Haiti) said that he had been disappointed in the terms of reference for the commission proposed in the Philippine draft resolution, which were virtually restricted to the world-wide survey of barriers to the free flow of news and information referred to in operative paragraph (b). It was not clear whether the study of internal censorship had been dropped by the Economic and Social Council or whether it had been entrusted to the Secretary-General.

9. Mr. HUMPHREY (Secretariat) explained that the original proposal which had led to the adoption of Council resolution 522 A (XVII) had gone further than the final text and would have called for the

preparation by the Secretary-General of a study on current internal censorship principles and practices. A motion to delete that phrase had been adopted by 13 votes to 3, with 2 abstentions, at the Council's 788th meeting.¹

10. Mr. ROY (Haiti) said that that fact would have been yet another reason for his voting for the Philippine draft resolution.

11. Mr. LOPEZ (Philippines) said that the discussion had shown that there was no unanimity about the establishment of continuing United Nations machinery to deal with the question of freedom of information. His draft resolution had been proposed to test that issue. The trend of opinion had been noteworthy, even unprecedented in the Third Committee. The Soviet Union delegation had condemned the Rapporteur as useless. The Swedish delegation had stated that the Rapporteur had done such good work that it did not believe that a commission could do better. The United Kingdom delegation had been in accord with the Venezuelan delegation, with which the Ukrainian delegation had agreed. It had been surprising to find the Ukrainian delegation depreciating the relationship between the media of mass communication and the relaxation of international tension, when the constant theme of all Soviet statements, in the First Committee and the Council no less than in the Third Committee, had been on precisely that theme, as echoed in the Soviet Union proposal (A/C.3/L.447).

12. The Venezuelan representative might have been right in implying that there was some incongruity in the representative of a Government acting as Rapporteur on Freedom of Information, but he himself did not think so. As a representative, as Rapporteur and as a former journalist, he was sure that in all those capacities he was equally devoted to the cause of freedom of information.

13. He had deeply appreciated commendations of his draft resolution and still believed that the General Assembly could not fail in its duty to promote freedom of information, but he had come to realize that the time for his draft resolution was not propitious, and he accordingly withdrew it.

14. Mrs. KRUTIKOVA (Ukrainian Soviet Socialist Republic) explained that she had implied that the Third Committee should adopt resolutions related to the fundamental problem of maintaining international peace and security rather than proposals which confounded the use of information media with tensions which no longer existed. The Ukrainian delegation, furthermore, had agreed, not with several delegations, but with only one, that of the Soviet Union.

INTERNATIONAL CONVENTION CONCERNING THE USE OF BROADCASTING IN THE CAUSE OF PEACE (GENEVA, 1936) (A/C.3/L.447) (*continued*)

15. The CHAIRMAN suggested that the Committee should resume the consideration of the USSR draft resolution (A/C.3/L.447) and the amendments to it (A/C.3/L.453).

16. Mr. FOMIN (Union of Soviet Socialist Republics) said that his delegation had proposed its draft resolution as early as 29 November 1954, in order to facilitate the Committee's work. Attempts had been

made to defer consideration of it by procedural manoeuvres. At the very last minute, amendments had been proposed. He asked for time to consider them, and proposed that the discussion should begin at 10.30 a.m. on 10 December 1954, at the latest.

17. After a brief procedural discussion, the CHAIRMAN proposed that the Committee should accede to the Soviet Union representative's request, on the understanding that he would consent to the resumption of the discussion as soon as possible and that discussion of the next item on the agenda would begin, should final action on the remainder of the proposals on freedom of information be taken in the meanwhile.

It was so agreed.

DRAFT CONVENTION ON FREEDOM OF INFORMATION (A/C.3/L.449, A/C.3/L.451/Rev.1) (*continued*)

Eight-Power draft resolution (A/C.3/L.451/Rev.1)

18. The CHAIRMAN asked the Committee to consider the draft resolution submitted by Afghanistan, Costa Rica, Egypt, India, Indonesia, the Philippines, Saudi Arabia and Yugoslavia (A/C.3/L.451/Rev.1) and the amendments to it (A/C.3/L.454).

19. Mr. PAZHAWAK (Afghanistan) suggested that the meeting should be suspended so that the sponsors of the joint draft resolution might discuss the amendments. That would save time, since a representative of the eight Powers could then explain the position of all of the sponsors towards the amendments.

20. Mr. KING (Liberia) said that he could see no point in suspension of the meeting for that purpose: it would be another matter if the suggestion had been that the sponsors of the amendments should meet to work out a compromise text.

21. Mr. BAROODY (Saudi Arabia) said that he saw little purpose in such a consultation, since he could not compromise on point 7 of the amendments. It would entirely destroy operative paragraph 2 of the draft resolution, the crux of the whole proposal, by substituting a provision dealing with the mechanics of information media for one dealing with the promotion of freedom of information *per se*. The Economic and Social Council had seen fit to disregard the General Assembly's instructions and would probably continue to do so; the Assembly should therefore keep the matter in its own hands. He could not yield on point 6 of the amendments either. He might be able to accept the remainder of the amendments, which seemed to be mainly drafting changes.

22. The CHAIRMAN, speaking as representative of COSTA RICA, said that he too could not accept any compromise on points 6 and 7 of the amendments and accordingly could see little purpose in a suspension of the meeting.

23. After a brief discussion, Mr. PAZHAWAK (Afghanistan) formally moved the suspension of the meeting.

The motion was adopted by 18 votes to 3, with 18 abstentions.

The meeting was suspended at 4.30 p.m. and resumed at 5.5 p.m.

24. Mr. OBERG (Sweden) explained that in proposing their amendments (A/C.3/L.454), Denmark, Norway and Sweden did not intend that discussion of the draft convention on freedom of information should be postponed indefinitely, but that it should be dis-

¹ See *Official Records of the Economic and Social Council, Seventeenth Session.*

cussed in a more favourable atmosphere than was possible just then. In the meantime, they hoped that efforts to promote the free exchange of information would continue. He had already said that, other things being equal, truth often, but not always, prevailed. Restrictions could not be placed on distorted information without affecting truthful information also. The democracies preferred to leave their peoples free to choose between truth and falsehood. Their confidence that their people would judge well and truth prevail was such that they felt the convention on freedom of information should be based on that concept.

25. Point 3 of the amendments drew attention to chapter IV of the report of the Rapporteur on freedom of information (E/2426),² from which it was clear that, if drafting were begun in the near future, the failure of the convention was almost certain.

26. Points 4, 5 and 6 of the amendments were prompted by the consideration that the Council should discuss the draft convention on freedom of information in the light of the decisions taken by the General Assembly at its tenth session with regard to the draft covenants on human rights.

27. Point 7 of the amendments was intended to ensure that the Council should not neglect the question of freedom of information, even if it did not consider the draft convention until its twenty-first session. It would not, as the Saudi Arabian representative had suggested, strip the joint draft resolution of all meaning. The sponsors had thought that if the flow of information were increased, greater freedom would follow.

28. Mr. RAJAN (India) stated that the sponsors of the joint draft resolution (A/C.3/L.451/Rev.1) had had in mind certain basic considerations. The first of those was that the General Assembly had not studied the draft convention on freedom of information at its past four sessions, a fact to which due weight should be given. Secondly, under resolution 631 (VII), the General Assembly had decided that it would consider the draft convention on freedom of information on the basis of the Rapporteur's report, after the report had been considered by the Economic and Social Council. That decision implied the desire of the General Assembly to consider the convention in the light of all relevant comments but with the least possible delay. Thirdly, freedom of information and the consideration of the draft convention should be given priority because freedom of information was a fundamental human right, the only one which had been considered important enough to require amplification in a separate convention.

29. In view of those considerations, the Council was asked under the draft resolution to discuss the draft convention on freedom of information at its nineteenth session, taking into account the views expressed and the proposals made on that subject at previous sessions. Operative paragraph 2 had been dictated by the necessity for action: the General Assembly could proceed in the light of any recommendations made by the Council or, if the latter body, for reasons which it considered good and sound, found itself unable to make any recommendations, the Assembly could nevertheless take action independently.

30. When presenting the amendments proposed by Denmark, Norway and Sweden (A/C.3/L.454), the Swedish representative had stated that the three delegations did not intend to delay consideration of the

draft convention indefinitely but merely to postpone it to a more propitious time. However, the amendments were so far removed from the joint draft resolution, which emphasized the urgent need for consideration of the convention, that they were not acceptable. If points 1 and 4 of the amendments were accepted, the urgency of the task would no longer be emphasized. Point 6 would postpone consideration of the draft convention for a year. Point 7 would completely alter the meaning of the joint draft resolution. Operative paragraph 2 of the draft resolution specified that the discussion of the draft convention should take place at the General Assembly's tenth session. It was open to those who felt that the agenda of the tenth session could not permit adequate discussion to suggest that discussion should take place not later than at the eleventh session. But merely to request the Council to continue its efforts on the technical level to promote freedom of information without mentioning the General Assembly, as suggested in the amendment, would give the impression that an attempt was being made to postpone the discussion indefinitely.

31. Mr. MEADE (United Kingdom) said that his delegation had originally proposed a draft convention on freedom of information at Geneva in 1948, but had since come to the conclusion that such a convention would be unlikely to serve any useful purpose at a time when the concept of freedom of information meant such different things to different nations. That view was upheld by the news personnel of many countries. The main difficulty in the adoption of the draft convention³ related to article 2, which laid down the limitations on freedom of information. Although the United Kingdom agreed that the freedom accorded to information enterprises and correspondents should be matched by a corresponding degree of responsibility, it also considered that too much insistence on responsibility would eventually lead to a negation of freedom itself. It was therefore extremely unlikely that a formula for permissible limitations could be found without leaving the door open to abuses. The Rapporteur on Freedom of Information had referred in his report (E/2426) to the requirements of national security in connexion with restrictions on freedom of information; it should be remembered, however, that those requirements were interpreted in widely different ways in different countries and might sometimes be used to justify measures to maintain the power of the Government in office, by preventing the expression of any opposition.

32. Moreover, since it was unlikely that the draft convention would be adopted by a large majority, it could not be effective. He would therefore vote against the eight-Power draft resolution as it stood.

33. The amendments submitted by the three Scandinavian Powers (A/C.3/L.454) seemed to improve the joint draft and he would vote for them.

34. Mr. TUNCEL (Turkey) pointed out that the joint draft resolution reflected the conflict between the General Assembly and the Economic and Social Council, or, rather, between certain delegations to the General Assembly and to the Council. It was noteworthy that the sponsors of the joint draft resolution included four members of the Council, one of whom had

³ See *Official Records of the General Assembly, Seventh Session, Annexes*, agenda item 29, document A/AC.42/7 and Corr.1, annex.

² *Ibid.*, Sixteenth Session, Supplement No. 12.

stated that the incapacity of the Council in the field of freedom of information should be recognized and had even gone so far as to say that the Council had adopted resolutions at random. The joint draft resolution should be viewed against that background.

35. The third and fourth paragraphs of the preamble to the joint draft resolution drew attention to the Rapporteur's recommendations and to the fact that the Council had made no recommendations for further action on the draft convention. Nevertheless, the Council had studied the Rapporteur's report and any member of the Council who wished to do so could have taken over the recommendations in that report and submitted them to the Council. The fact that no one had taken that initiative made it surprising that members of the Council should now criticize the Council for inaction.

36. With regard to operative paragraph 1, it should be borne in mind that the Council had divided the items on its agenda into two general groups. The General Assembly should take that division into account and leave it to the Council to decide whether the discussion of the draft convention should be taken up at its nineteenth session or later.

37. Finally, the question of method arose. It was hardly logical for a group which seemed to be dissatisfied with the Council's work to refer once again to the Council a matter with which, according to one member of that group, the Council was incapable of dealing. It would not be fitting for the General Assembly to adopt such a resolution.

38. Mr. FOMIN (Union of Soviet Socialist Republics) said that his delegation had no objection to the basic principles of the joint draft resolution, but that the second and third paragraphs of the preamble had no connexion with them. The USSR delegation had opposed the appointment of the Rapporteur and references to his report merely recalled the time when United Nations organs had been obliged to listen to debates on his groundless accusations, instead of proceeding with constructive work on freedom of information. He therefore asked for a separate vote on the second and third paragraphs of the preamble and also on the references to those paragraphs of the joint draft resolution in point 1 of the amendments. He would vote against point 3 of the amendments. With regard to point 7 of the amendments, it was indeed strange to propose that a paragraph so far removed from the original should be substituted for it. The proper procedure would have been to propose the deletion of the original paragraph and the addition of a new one. In view of the dangerous precedent set by such a substitution, the USSR delegation would be obliged to vote against point 7 of the amendments.

39. Mr. RIVAS (Venezuela) said that he would vote for the eight-Power draft resolution as a whole. He did not agree with the USSR representative that the references to the Rapporteur's report gave rise to any objections; the Venezuelan delegation had also opposed the appointment of a rapporteur, but had complied with the General Assembly's decision and had considered the report as it would any official United Nations document.

40. He would vote against point 1 of the amendments, as the preambular paragraphs concerned merely set forth some pertinent facts, and would vote for points 2

and 3 of the amendments. He could not support point 4 of the amendments because it proposed the deletion of an important provision emphasizing the need to give priority to the draft convention. He would vote for point 5 of the amendments. Point 6 of the amendments raised a difficulty for Venezuela which would no longer be a member of the Council at the twenty-first session: a negative vote might be construed as a wish to retain the item on the Council's agenda while it was still a member; he would therefore abstain from voting on that amendment. He agreed that the paragraph proposed in point 7 of the amendments should be added, but would vote against it if it were left in the form of a substitution.

41. Mr. EL-FARRA (Syria) said that he would vote for the eight-Power draft resolution.

42. He had not misconstrued the Swedish representative's statement. It might be true that truth had a fair chance to win in free competition between truth and falsehood; what he had pointed out had been that in many countries there was no opportunity for the free competition which gave truth its fair chance. In those countries, one point of view could not be challenged and the truth could often not become known until irreparable damage had been done.

43. He could not vote for the amendments.

44. Mr. CHAPUT (Canada) stated that the Canadian Government fully supported the principle of freedom of information, in accordance with the practice in Canada, where the entry and exit of Press dispatches was absolutely free and all journalists could criticize the Government and express their opinions. The Canadian Government did not claim any monopoly of the truth and for that very reason it had strong doubts as to the desirability of an international convention which would seek to ensure freedom of information by means of governmental regulations. It would be wiser in any case to await the reports of the Secretary-General and the specialized agencies under Council resolutions 522 A, C, D and E (XVII) before taking a decision on the matter.

45. For those reasons, the Canadian delegation could not support the eight-Power draft resolution.

46. Mr. TSAO (China) stressed the fact that the Economic and Social Council had considered the possibility of drafting a convention, but had decided, for reasons which it deemed adequate, to take no action on the matter. The effectiveness of any multilateral convention depended on the number of States acceding to it. It was true that the draft convention on freedom of information was the most important of the three instruments recommended by the United Nations Conference on Freedom of Information,⁴ as it defined the freedom and drew the line between rights and responsibilities; nevertheless, it proceeded from the unrealistic assumption that all the signatory States were of like mind on the subject and had similar ideologies. Even if a compromise draft could be agreed on, it would not receive the necessary support if one group of countries advocated freedom and another group laid more stress on the limitations. It was doubtful, as the debate had shown, whether the eight States which

⁴ See *United Nations Conference on Freedom of Information held at Geneva, Switzerland, from 23 March to 21 April 1948, Final Act* (United Nations Publications, Sales No.: 1948.XIV.2), annex A.

urged immediate attention to the draft convention could agree on an instrument acceptable to all. The Convention on the International Right of Correction (General Assembly resolution 630 (VII), annex) was a case in point. The General Assembly had decided to open that instrument for signature despite the negative vote of twenty-two countries; after nearly two years, only seven countries had signed and only one had yet ratified the Convention.

47. He would vote against the eight-Power draft resolution.

48. He considered that the first six points of the amendments (A/C.3/L.454) would improve the text of the joint draft resolution, but thought that point 7 of the amendments, referring only to technical matters, would unduly restrict the Council's sphere of action with regard to freedom of information. The Council would in any case consider the Secretary-General's reports on such questions and should be left to decide for itself what other action it might take. He would vote against point 7 of the amendments.

The meeting rose at 6.5 p.m.