



UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/762
15 January 1958

ORIGINAL: ENGLISH/
FRENCH/SPANISH

COMMISSION ON HUMAN RIGHTS
Fourteenth session
Item 6 of the provisional agenda

FREEDOM OF INFORMATION

Report of the Committee

Rapporteur: Mr. Eduardo Espinosa y Prieto (Mexico)

1. The Commission on Human Rights, by resolution IX of its thirteenth session (E/2970, pages 67-68), appointed a Committee on Freedom of Information consisting of the representatives of France, India, Lebanon, Mexico and Poland. The following persons were present at various meetings of the Committee, as indicated:

France: Mr. Barthélémy Epinat (28 May 1957, 10 June 1957)
Mr. Claude Chayet (6, 8 and 10 January 1958)

India: Mr. A.S. Lall (10 June 1957, 6, 8 and 10 January 1958)
Mr. V.R. Bhatt (10 June 1957, 6, 8 and 10 January 1958)
Mr. P.N. Kaul (10 June 1957, 6, 8 and 10 January 1958)
Mr. K.N.S. Sarma (6, 8 and 10 January 1958)
Mr. M.N. Sivaraman (28 May 1957, 10 June 1957, 6, 8 and 10 January 1958)

Lebanon: Mr. Karim Azkoul (6, 8 and 10 January 1958)
Mr. Edward Rizk (10 June 1957)

Mexico: Mr. Eduardo Espinosa y Prieto (28 May 1957, 10 June 1957,
6, 8 and 10 January 1958)

Poland: Mr. W. Ketrzynski (6, 8 and 10 January 1958)
Mr. Jacek Machowski (10 June 1957)
Mr. Antoni Czarkowski (28 May 1957, 10 June 1957, 6, 8 and
10 January 1958)

2. The Committee, at its meeting of 10 June 1957, elected Mr. Lall (India) Chairman and Mr. Espinosa (Mexico) Vice-Chairman and Rapporteur.

3. The following representatives of specialized agencies attended:

UNESCO: Mr. René Maheu
Miss Muriel Jacobson
Miss Mary Proctor

ILO: Dr. R.A. Metall
Mr. O.S. Seiersen

4. The following members of the Secretariat assisted the Committee in its work:

Mr. John P. Humphrey	Director, Division of Human Rights
Mr. Egon Schwelb	Deputy Director, Division of Human Rights
Mr. John Male	Secretary of the Committee

5. The Committee met on 28 May 1957 for a preliminary exchange of views on organizational matters. At the second meeting, on 10 June 1957, the Committee elected its officers, examined its terms of reference and the task which the Commission had asked it to perform and agreed on a procedure for work. Attached to this report are statements made in connexion with the Committee's study of its terms of reference. The Committee completed its substantive work and approved its report at meetings held at United Nations Headquarters on 6, 8 and 10 January 1958.

6. The Committee agreed, at its meeting of 10 June 1957, that members would write preparatory studies on various aspects of freedom of information, as follows:

France: The work of the United Nations and the specialized agencies, in particular UNESCO, on freedom of information

India: The development of media of information in under-developed countries

Lebanon and Poland (in two parts): The rights and responsibilities of the media of information

Mexico: The free circulation of information

The studies prepared pursuant to this arrangement were circulated to members of the Committee and to interested specialized agencies, for their information, being regarded at that stage as restricted in character. The studies are annexed to this report.

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7. In its resolution IX, the Commission on Human Rights expressed the hope that the specialized agencies concerned would co-operate with the Committee in its work. The Secretary-General accordingly invited UNESCO, ILO, FAO, ITU and UPU to transmit any information they might wish to bring to the attention of the Committee. Information thus transmitted was circulated to members, along with information forwarded by specialized agencies pursuant to Economic and Social Council resolution 643 (XXIII). The representative of France, in his preliminary report on the work of the United Nations and the specialized agencies in the field of freedom of information, took account of information from specialized agencies. Information thus transmitted is annexed to this report.
8. The Committee took note of the discussions held in the Third Committee at the twelfth session of the General Assembly under the item "Draft Convention on Freedom of Information: Report of the Economic and Social Council". The Committee took note particularly of the references which were made to its work at the 828th, 829th, 830th, 831st, 832nd, 833rd and 834th meetings of the Third Committee, and of General Assembly resolution 1189 (XII). The Committee was of opinion that, in so far as part B of the resolution was concerned, since this part had been transmitted to the Commission itself by the Economic and Social Council at its resumed twenty-fourth session, it was not appropriate to comment specifically on it.
9. The Committee wishes to draw the attention of the Commission on Human Rights to the summary presented below of the various suggestions and points contained in the preparatory studies referred to in paragraph 6 above.

The Development of Media of Information in Under-Developed Countries

(a) The question of professional training should be re-examined from the point of view of concentrating on methods and techniques most appropriate for under-developed countries. Techniques and methods followed in highly developed countries are not always wholly suitable for under-developed countries whose information media are sustained by relatively meagre finances and other resources, and therefore might not be able at present to afford a high degree of specialization. UNESCO should be recommended to examine this question in the light of the following suggestions:

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- (i) Emphasis should normally be on training to establish, run, maintain and if possible to manufacture the physical requirements including machinery of information media.
- (ii) Training in journalistic and broadcasting techniques should as far as possible be provided in countries possessing the necessary facilities and whose economic and social conditions and historic background are largely similar to those of the trainees' countries.
- (b) Appropriate organs of the United Nations should investigate the possibility of interesting paper and pulp industries in highly developed countries entering into partnership with Governments or private enterprises in under-developed countries, to set up, where raw material is available and other conditions are satisfactory, paper and pulp industries, including newsprint. That the possibility be investigated of reducing the price of newsprint to under-developed countries and for the fuller utilization of funds for the general development of information media. That, in the meantime, full encouragement be given to the work being carried out by FAO in this field.
- (c) Expeditious measures should be taken to negotiate a low and if possible a uniform international press cable rate. A beginning could be made at the United Nations Headquarters by negotiating a uniform press rate for all countries for press messages sent by information media personnel accredited to the United Nations and its specialized agencies.
- (d) An investigation should be made of the possibility of helping under-developed countries to manufacture radio receivers appropriate to their economic conditions, taking into account new developments in radio receivers (e.g., the transistor type) which may be of particular utility in countries which do not yet have electricity in rural areas.
- (e) In view of the important role information media can play in general economic development, the need for their development should be kept in mind in earmarking available funds.
- (f) Governments should be requested, in connexion with the study of the problem of developing information media in under-developed countries, being carried out under Economic and Social Council resolutions 574 D (XIX) and 643 (XXIII), to transmit specific schemes for which they may require technical or other assistance.

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The Free Circulation of Information

(g) Equality should be sought in the gathering and distributing of news - as a fundamental prerequisite for the free circulation of information - by the creation and expansion of news-gathering agencies for each of the great cultural groups, i.e. by the groups of countries, or individual countries, speaking one of the major languages of the world, in order that they may be represented in this field as others of these great linguistic groups are today, it being left to the group to decide freely on the organization of the agencies, financing, proportion of capital and personnel contributed by each country, and whether they should operate with or without government participation.

The Rights and Responsibilities of the Media of Information

(h) The Draft Convention on Freedom of Information has been brought to the attention of Members of the United Nations by part A of resolution 1189 (XII) of the General Assembly. The consideration and adoption of this draft would create a necessary basis for the future activities of the United Nations in the field in question. Therefore it would be useful that the Commission on Human Rights reiterate its view that freedom of information is one of the fundamental rights of man which needs to be spelled out in a separate convention, and request that its view be communicated to the General Assembly in order to expedite work on the Draft Convention.

(i) The Commission could also take some action regarding the other convention projects originally formulated by the Geneva Conference, and, which, with the draft Convention on Freedom of Information, are still regarded by some as a "package deal". The Commission could, for example, take steps with a view to having the Convention on the International Right of Correction brought into effect. As only two further ratifications or accessions are required the Secretary-General could be requested to circulate a reminder regarding its existence, especially to new Member States. Further the Commission could study what might be done to animate the Convention articles relating to the international transmission of news, which have been approved by the General Assembly and not yet opened for signature.

Work of the United Nations and the specialized agencies in the field of freedom of information

(j) With respect to questions of method, it would be appropriate to consider the conditions under which UNESCO might centralize the work relating to technical problems connected with freedom of information, and to recommend that UNESCO should establish, to that end, a body whose working methods would be defined by the Administrative Committee on Co-ordination and which, by establishing close co-operation between the specialized agencies and the relevant provisional organizations, would encourage the execution of the body of studies and the conclusion of technical arrangements on the problems of freedom of information. UNESCO should be invited to report to the Commission on Human Rights at each session on the progress made in the field of freedom of information as well as on any projected plans or programmes, so that the Economic and Social Council and the General Assembly may be kept regularly informed of the work which has been accomplished.

(k) As present circumstances are not conducive to the resumption of work on the draft Convention on Freedom of Information, it is proposed, with respect to questions of substance, that the Commission on Human Rights recommend:

- (i) that UNESCO should actively continue its work of research and documentation in order to facilitate renewed consideration of the draft in due course; and more particularly, in order to eliminate obstacles to the free circulation of information; and
- (ii) that the Economic and Social Council should renew its attempts to secure the accession of Member States to the Convention on the International Right of Correction (in which connexion see (i). above) and that it should consider the question whether the United Nations can take any action to promote the conclusion of regional agreements on this matter,
that it should attempt to stimulate a more active interest on the part of information enterprises and professional associations in the work being done by the United Nations in the field of freedom of information,
that it should encourage research and studies with respect to the professional training of journalists.

10. The Committee has examined and reviewed the recommendations and decisions of the United Nations and of the specialized agencies on the subject of freedom of information, and the work done in this field by the specialized agencies, particularly UNESCO, as requested in the first part of operative paragraph 1 (a) of the Commission's resolution IX. As for bringing these recommendations and decisions to the attention of Member States, as requested in the second part of operative paragraph 1 (a), the Committee believes that this has, in fact, been done through the medium of a large body of documentation on this subject, prepared by the United Nations and the specialized agencies, and particularly through document E/CN.4/732, a synoptic note prepared by the Secretary-General. The Committee recommends that the Commission take steps to ensure the widest possible dissemination among Members of the United Nations of document E/CN.4/732.

11. Bearing in mind all the considerations set forth by the Commission on Human Rights in the report of its thirteenth session (E/2970, chapter VII), the Committee feels that the most appropriate way to fulfil its mandate pursuant to operative paragraph 1 (b) of resolution IX is to recommend to the Commission's consideration the various suggestions, presented by individual members of the Committee, contained in paragraph 9 above and elaborated in the attached studies.

12. The Committee also believes that the attention of the Commission on Human Rights should be drawn to a number of general conclusions which emerge from the studies that have been made:

- (a) That the adoption of one or more international conventions on freedom of information by the Member States of the United Nations would make it possible to lay the foundation for future United Nations work in this field;
- (b) That the full exercise of the right of freedom of information depends in large measure on the possibility of making the necessary information media available to the peoples of under-developed areas in which such media are to a great extent lacking;
- (c) That effective assistance in the matter of equipment and professional training should be envisaged through the specialized agencies of the United Nations;

(d) That, in particular, the countries which enjoy a privileged position in the information field should be expected to co-operate with less privileged nations with a view to increasing the facilities required to give effect to the right of the latter nations to an independent information system adapted to their cultural and social needs.

ANNEX A

THE WORK OF THE UNITED NATIONS AND THE SPECIALIZED
AGENCIES ON FREEDOM OF INFORMATION

(Report by Mr. Fernand Terrou, Director, Service juridique de l'information à la Présidence du Conseil, Director, Press Institute of the University of Paris, pursuant to decisions taken by the Committee at its meeting of 10 June 1957; transmitted to the Secretariat by the Permanent Mission of France to the United Nations)

T.I. INTRODUCTION

(1) Freedom of information, as a fundamental human right and the pre-requisite for understanding and peaceful relations among nations, was bound to occupy a place in the forefront of United Nations activities. Since its foundation, the United Nations has in fact devoted much energy to the promotion of freedom of information. Continuous action in many forms has been undertaken and carried out by the United Nations itself and by some of its specialized agencies.

The scope and diversity of the work accomplished, the results obtained, the difficulties encountered, and indeed the failures, are most instructive. A general review of what has been done is an essential preliminary to any attempt to determine what action should be undertaken. This report is intended to furnish such a review.

After describing the nature of the previous action by the United Nations, listing the organs that have taken part in it and the methods and machinery used, we shall consider the various activities. We shall then attempt to analyse the evolution of United Nations action in this field, the trends it reflects, the difficulties and the general direction it reveals.

(2) Despite the variety of the forms it has taken, United Nations action to promote freedom of information forms a whole. It results, as it should result, from the close co-operation between each of the bodies or agencies working towards the same goal, the establishment of freedom of information.

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A good method of presenting an over-all picture would no doubt be to review the work of the various organs by subject. In this preliminary report, however, a different plan has been adopted, the work of the United Nations being summarized first, followed by that of each specialized agency in turn. This method has the advantage of enabling us to give due credit to the contribution of each agency and of bringing out the importance of their respective activities while at the same time showing to what extent their activities have been or could in future be co-ordinated, the co-ordination of activities being one of the principal problems that arise.

The first method could, of course, very usefully be adopted in the final report.

(3) Various reports or notes reviewing the work accomplished either by subject or chronologically have already been drafted, in particular, by the United Nations Secretariat. In order to keep this preliminary report within reasonable bounds, it is proposed merely to refer the reader to such reports and not to reproduce the details available in them. It will remain to be decided whether a more detailed account should be given in the final report.

(4) A complete report dealing both with the general problems of freedom of information in the world and the work of the United Nations and the specialized agencies in that field was submitted by Mr. Salvador P. Lopez to the Economic and Social Council on 6 May 1953. It was followed by a supplementary report dated 1 February 1954. It would therefore seem appropriate to refer to those reports as the principal source of information for the period prior to 1954 and to consider more particularly activities after that date.

(5) The improvement of information media in technically under-developed countries has been, and should be to an even greater extent in future years, one of the basic tasks of the United Nations. This principle is clearly expressed in the resolution adopted by the Commission on Human Rights (E/CN.4/741). A study of United Nations activities should cover all the efforts made in this field, but the question of assistance to under-developed countries will not be dealt with in detail in this report, as it is to be the subject of a special preliminary report.

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T.II. ORGANS, MACHINERY, TECHNIQUES AND ACTIVITIES

United Nations

The two principles which form the basis of international action in the field of freedom of information (development of international co-operation and human rights and fundamental freedoms) are the basic purposes laid down by the Charter for the United Nations as a whole and for its various organs (cf. Article 1 (3), Article 55 c, Article 62 (2) and Article 76 c).

Such action was therefore naturally taken as soon as the United Nations was set up and has been developed since within the framework of the principal organs established by the Charter (General Assembly and Economic and Social Council) and as a result of the creation of certain specialized organs and of the application of a number of special procedures.

(1) General Assembly and Economic and Social Council

The activities of the General Assembly and the Economic and Social Council in the field of freedom of information up to July 1956 are summarized chronologically in the document prepared by the United Nations Secretariat for the seminar of information personnel which was held in Geneva in 1956. It is dated 13 July (ST/DPI/SCA/Sem.1).

(2) The Commission on Human Rights

The Commission on Human Rights for which the ground was laid at the first session of the Economic and Social Council and the composition and functions of which were established at the second session was instructed inter alia "... to submit to the Council proposals, recommendations and reports concerning: (a) an international declaration of human rights; (b) international declarations or conventions on freedom of information ...". Its activities in this field are also summarized in the mentioned document (ST/DPI/SCA/Sem.1).

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(3) The Sub-Commission on Freedom of Information

Acting on the authorization granted it by the Economic and Social Council at its second session (June 1946), the Commission on Human Rights decided at its first session (January-February 1947) to establish a sub-commission on freedom of information composed of twelve experts elected by the Council to serve in their personal capacities with the primary function of considering what rights, obligations and practices should be included in the concept of freedom of information. In accordance with a recommendation of the Conference on Freedom of Information, the Sub-Commission's terms of reference were expanded and extended for three years by the Economic and Social Council at its eighth session (resolution 197 (VIII)). The last session of the Sub-Commission was held in March 1952.

The activities of the Sub-Commission on Freedom of Information are described in the reports of its five sessions (E/441 and Add.1, E/CN.4/80, E/1369 and Add.1, E/1672, and E/2190). It should be noted, in particular, that the Sub-Commission prepared a draft international code of ethics for journalists, taking into account the comments of information enterprises and national and international professional associations, which it transmitted to the Economic and Social Council with a recommendation that an international professional conference should be organized to draft the final text of the code. The General Assembly, at its ninth session, decided to take no further action on that recommendation and simply requested the Secretary-General to transmit the text of the draft code to information enterprises and professional associations for their information and for such action as they might deem proper. Prior to the expiration of the Sub-Commission's mandate, the Economic and Social Council had requested the Secretary-General (resolution 414 B III (XIII)) to conduct an inquiry among Member States concerning the lines along which future work in this field should be carried out. In reporting the results of this inquiry, the Secretary-General suggested that three alternatives might be considered:

- (a) establishment of a United Nations commission of inquiry on freedom of information;
- (b) annual reports by the Secretary-General on freedom of information;

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(c) establishment of an expert committee on freedom of information.

The Council adopted a fourth alternative by appointing a Special Rapporteur for one year (see below).

(4) The United Nations Conference on Freedom of Information

At the first part of the first session of the General Assembly (January-February 1946), the Philippines delegation requested the convening of an international press conference. A second resolution from the same delegation along the same lines was adopted at the second part of the first session of the Assembly (October-December 1946) instructing the Council to convene a world conference the purpose of which would be to formulate views concerning "the rights, obligations and practices which should be included in the concept of freedom of information". The agenda of the conference was prepared by the Sub-Commission on Freedom of Information at its first session. The conference was held at Geneva in March-April 1948. It was attended by 300 delegates and observers from fifty-seven States Members and non-members of the United Nations, inter-governmental organizations and international non-governmental organizations. In accordance with the resolution adopted by the General Assembly, the delegations of the various countries included "persons actually engaged or experienced in press, radio, motion pictures and other media for the dissemination of information".

The conference adopted two draft articles to be inserted in the Universal Declaration and the International Covenant on Human Rights respectively, three draft conventions and forty-three draft resolutions (see final act of the conference (E/CONF.6/79)).

(5) Committee on the Draft Convention on Freedom of Information

Owing to the difficulties involved in preparing the draft convention on freedom of information (see below), the General Assembly, at its fifth session (September-December 1950), appointed a fifteen-nation Committee to prepare the draft convention. The Committee, which met in January 1951, drew up a preamble and nineteen articles of the draft. It recommended to the Economic and Social Council to convene, if the comments of Governments on the draft allowed of it,

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a conference of plenipotentiaries with a view to the framing and opening for signature of the draft convention on freedom of information. At its thirteenth session, the Economic and Social Council, in the light of comments from Governments on the draft convention, decided not to convene a plenipotentiary conference.

(6) The Rapporteur on Freedom of Information

As stated above, the Economic and Social Council decided at its fourteenth session (May-August 1952) to appoint, for an experimental period of one year, and in a personal capacity, a rapporteur on matters relating to freedom of information. It requested the rapporteur (Mr. Salvador P. Lopez, Philippines, was appointed), "in co-operation with the Secretary-General, the specialized agencies, particularly the United Nations Educational, Scientific and Cultural Organization, and the professional organizations concerned, both national and international, to prepare, for submission to the Council in 1953, a substantive report covering major contemporary problems and developments in the field of freedom of information, together with recommendations regarding practical action which might be taken by the Council in order to surmount those obstacles to fuller enjoyment of freedom of information which can be surmounted at the present time".

At its seventeenth session, the Council considered the report and accompanying documentation (suggestions and comments of Governments, information enterprises and national and international professional associations).

However, whereas the Rapporteur had recommended the appointment of a rapporteur for a further period of one year with clearly defined terms of reference, the Council merely decided to request the Secretary-General to prepare a series of reports and studies on information problems for submission to the Council at its nineteenth session.

(7) The ad hoc Committee on Freedom of Information

Finally, reference should be made to the ad hoc Committee of five members appointed by the Commission on Human Rights at its thirteenth session.

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ACTIVITIES

United Nations activities in the field of information have assumed every conceivable form: texts of conventions, recommendations to Member States, special projects, and studies and reports prepared by the Secretariat or certain specialized bodies. Those documents vary considerably in purpose, importance, and scope; they have dealt with the basic elements of freedom of information as well as with special problems, particularly, technical problems. They aim either at the establishment of international procedures, a true international legal order in the information field, or at the adoption by every Member State, on the national level, of measures to promote the establishment or development of freedom of information.

In order to make a thorough study they would probably have to be classified according to purpose and in the case of those calling for the adoption of special measures at the national level, a description would have to be given of the action taken by Member States. In this preliminary report, and in view of the nature of the documentation, we must confine ourselves in this chapter to a formal presentation which will illustrate the scope and diversity of activities. An attempt will be made to point out their outstanding characteristics in the last chapter.

Thus, we shall consider, in turn, the draft conventions, the recommendations to Member States, the reports and studies, with special emphasis on the report of the Special Rapporteur.

A. Conventions

The conventions may be divided into two groups: the first includes the three drafts originally prepared by the Geneva Conference of 1948, and the other consists of the 1936 draft on the use of broadcasting in the cause of peace.

The subjects of the three draft conventions adopted by the Geneva Conference were as follows:

1. The first (proposed by the United States delegation) dealt with the gathering and international transmission of news;

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2. The second (proposed by the French delegation) dealt with the institution of an international right of correction;
3. The third (proposed by the United Kingdom delegation) dealt with the establishment of the basic elements of freedom of information.

The history of the three drafts is as follows. The first two, after various amendments, were first amalgamated into a single text and approved by the General Assembly in that form. At the same time, the Assembly decided not to open the new single convention for signature by States until it had taken a final decision regarding the third draft convention on freedom of information. Some States had considered that the provisions of the convention relating to the gathering and transmission of news which had been approved were closely related to the provisions of the draft convention on freedom of information. However, in view of the difficulties which had arisen in the course of the discussion of the text on freedom of information, the General Assembly, at its seventh session, again split the text of the convention, made the provisions relating to the right of correction a separate convention and opened that convention for signature (resolution 630 (VII)).

Up to the present time, that convention has been signed by Argentina, Chile, Cuba, Egypt, Ecuador, Ethiopia, France, Paraguay and Yugoslavia. It can only come into force when six States have ratified it or acceded to it. At present, only three States (Cuba, Egypt and Yugoslavia) have decided to accede to it or ratify it.

The provisions relating to the gathering and international transmission of news are still in the form of a draft convention approved by the General Assembly, but not opened for signature by States.

This is due, at least in large part, to the fact that it has hitherto proved impossible to reach a decision concerning the draft convention on freedom of information. A review of the organs which have dealt with it and the procedures applied indicates how great an effort has been made in this matter. The draft has been considered in turn by the General Assembly, the Economic and Social Council, the Commission on Human Rights, the Sub-Commission on Freedom of Information and of the Press, an ad hoc committee, and the Special Rapporteur. The difficulties arising from the basic provision, article 2, which sets forth

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the restrictions to which freedom of information may be subject, in the end halted further work on the draft convention. The Assembly had decided at its ninth session to discuss the draft not later than at its eleventh session. However, the Council, at its nineteenth session, "reluctantly" concluded that further action at that stage on the draft convention on freedom of information would be unprofitable, and recommended to the General Assembly to consider the draft convention at its twelfth session in the hope that conditions would be more favourable at that time. At its eleventh session, the Assembly decided to postpone consideration of the draft.

The International Convention concerning the Use of Broadcasting in the Cause of Peace

One of the main concerns of the United Nations was to be, and has been, to promote the use of information media to develop peaceful relations among nations and mutual understanding among peoples. The Geneva Conference and the principal organs of the United Nations have adopted many resolutions along those lines.

At its ninth session, the General Assembly adopted a resolution (841 (IX)) in which it decided to request the twenty-six States Parties to the International Convention concerning the Use of Broadcasting in the Cause of Peace adopted at Geneva in 1936 to state whether they wished to transfer to the United Nations the functions which were performed, under the terms of that Convention, by the League of Nations. The Secretary-General was instructed to prepare a draft protocol concerning the transfer of those functions providing for the accession of Members and non-members of the United Nations which were not Parties or signatories to the Convention. The protocol was also to provide for such legal or other adjustments as might be necessitated by new conditions, including new articles based on General Assembly resolution 424 (V) adopted at the fifth session. The draft protocol was prepared and circulated to the States Parties to the Convention.

To date, twelve States^{1/} have approved the transfer of functions, three of them^{2/} have also approved the text of the protocol, one of them^{3/} has said it would sign the protocol subject to the reservation that it does not consider itself bound by the new articles based on resolution 424 (V).

B. Recommendations

There have been a great many recommendations adopted by the General Assembly or the Economic and Social Council. They are listed in document E/CN.4/732 for the period prior to 7 December 1956. They deal with the most varied subject and may be classified in four main groups:

- (a) adoption or implementation of conventions. Assembly: resolutions 277 G (III), 426 (V), 630 (VII), 841 (IX). Council: 522 I (XVII);
- (b) action recommended to Member States either in general terms to promote the development of peaceful relations or for the adoption of measures to prevent or eliminate obstacles to such relations (e.g., dissemination of false news). Assembly: resolutions 110 (II), 127 (II);
- (c) request to Member States either to furnish information or to expedite the circulation of substantive resolutions. Assembly: resolution 636 (VII). Council: resolutions 74 (V), 240 B (IX), 506 F (XI), 522 (XVII), 575 D (XIX);
- (d) request to take certain measures (1) to facilitate the production and equitable distribution of newsprint: Council resolutions 306 D (XI), 374 (XIII); (2) to encourage the development of independent information enterprises particularly in under-developed countries: Council resolution 522 K (XVII); or to refrain from certain practices: interference with radio signals (Assembly resolution 424 (V)); limitations of freedom of information in exceptional circumstances: Assembly resolution 425 (V);

^{1/} Burma, Ceylon, Chile, Denmark, Finland, Ireland, Lebanon, Luxembourg, Norway, Pakistan, Sweden and Switzerland.

^{2/} Burma, Denmark, Ireland.

^{3/} Switzerland.

censorship during peacetime (Council resolution 574 B (XIX)); (3) to facilitate the exercise of the profession of journalist or to improve the situation of new personnel: access to meetings of the United Nations and the specialized agencies (Assembly resolution 314 (IV)); extension of the advantages of social security: Council resolution 241 K (IX); status and work of foreign correspondents: Council resolutions 387 B (XIII) and 522 G (XVII); professional training: Council resolution 522 F (XVII).

In this connexion, the important thing is to know what action has been taken by Member States on each of these recommendations. A special study should be made of this question.

C. Studies and reports

A very large number of reports and studies have been prepared by the Secretariat for the various organs of the United Nations. A "selected list" appears in the document entitled "Freedom of Information" (E/CN.4/732). They deal with the main aspects of freedom of information, in particular, with its legal aspects. They are either general surveys (e.g., "Legal aspects of the rights and responsibilities of media of information", 14 March 1955, E/2698 and Add.1) or documentary notes on specific problems or drafts (status of news personnel, international code of ethics for information personnel, International Convention concerning the Use of Broadcasting in the Cause of Peace, etc. ...). While they undoubtedly contribute valuable information on the subject in question, these reports and studies are fragmentary and ad hoc in character, concerned with the work being done at the time by the organs for which they were prepared. It is regrettable that the general documentation assembled for the 1948 Geneva Conference has not been regularly kept up-to-date - a task which has been resumed by UNESCO - it was to give special emphasis to legal documentation (legislation, regulations and practice relating to information media) in the various countries, the lack of which has often in the past prevented the study of problems.

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D. Report of the Special Rapporteur

As an indication of the importance and value of the report of Mr. Salvador P. Lopez, it is sufficient to say that it is, after the Geneva Conference, one of the most important steps in United Nations action to promote freedom of information. Because of its extensive documentation, the accuracy and value of its analysis of facts and its judgements and the nature of its recommendations, the report furnished all the basic material necessary for further constructive action. It is true that it required certain additions. For example, owing to the absence of valid documentation from certain countries, the Rapporteur was unable to report on the individual situation in those countries. Again, certain declarations of principle advocated by the Rapporteur might be open to question.

However, on many essential points, the report contained a series of suggestions of the greatest value. No analysis can take the place of a full reading of a document so rich in material. We shall merely mention here the suggestion concerning procedures for the annual appointment of a rapporteur assisted by a co-ordinating body. Whatever the difficulties that might be encountered in establishing such a body, the experiment was worth trying. While developments will probably make it impossible to take up the suggestion in its original form, it might usefully be borne in mind in seeking a solution to the problem of the co-ordination of activities of a technical character, which will in the near future constitute the principal field of United Nations action.

Lastly, a special document listing the action that has been taken in respect of each of the other suggestions of the Special Rapporteur would be highly instructive.

(2). Specialized agencies

United Nations action to promote freedom of information is the result of a co-operative effort in which certain specialized agencies are called upon to play an increasingly important part as that action develops at the technical level. Because of the division of responsibilities, UNESCO occupies first place in this field. ITU has given it extremely valuable assistance in respect of

telecommunications. Similarly, UPU, in respect of postal relations and FAO, in respect of the production and distribution of newsprint has contributed to the work undertaken. Finally it is understood that the ILO will in the near future study the fundamental problems relating to the profession of journalist and to the professional training of new personnel.

I. UNESCO

Freedom of information is a primary responsibility of UNESCO by virtue of its constitutional undertaking "to promote the free flow of ideas by word and image" (Article 1) and its dedication to the defence of human rights.

Activities of UNESCO^{1/}

The organization's work has followed three major channels:

- I. The removal of obstacles to the free flow of information;
- II. The encouragement or development of information media and techniques in under-developed countries;
- III. The preparation of studies and reports designed to focus attention on measures to facilitate the flow of information across frontiers.

The activities of UNESCO in this field are described below under these three headings:

1. Removal of Obstacles to the Flow of Information. Among the many technical obstacles to the flow of information across frontiers are high telecommunication charges, anomalies in telecommunication rates and the inadequacy of physical facilities for the transmission of news; excessive postal and transport costs for the dispatch of educational, scientific and cultural materials; tariff and trade restrictions on the circulation of such materials; copyright problems affecting literary, artistic and scientific works, as well as news

^{1/} The section dealing with the activities of UNESCO reproduces a note transmitted by the secretariat of UNESCO.

media; and administrative obstacles to the movement of journalists and educational travellers.

Facilities for the Transmission of News. UNESCO's efforts to facilitate the international transmission of news date back to 1949, when the organization submitted proposals to the International Telegraph and Telephone Conference in Paris. The Conference showed that effective remedial action would require further examination of the many technical factors affecting the dispatch of press messages. UNESCO accordingly commissioned a distinguished journalist, Mr. Francis Williams (United Kingdom), to make a study of this problem, which was published under the title "Transmitting World News".

On the basis of this study and of consultation with other press and telecommunication experts, UNESCO drew up a series of fourteen proposals for possible submission by its member States to the next international Telegraph and Telephone Conference, scheduled to meet at Geneva on 29 September 1958. At the same time the Economic and Social Council adopted a resolution "recognizing that the transmission of press messages on telecommunication channels at low rates and with increased priority would facilitate the free flow of information between countries" and requesting ITU and UNESCO to make a joint study of the problems involved.^{1/}

Data on press rates and communication facilities were collected by ITU from over ninety countries throughout the world and analysed by UNESCO. The resulting study, "The Problems of Transmitting Press Messages", which also contained UNESCO's proposals, was submitted to the Economic and Social Council at its nineteenth session. In response to a Council resolution,^{2/} the Secretary-General of ITU circulated UNESCO's recommendations to the Administrations of members of ITU for study, in order to assist them in considering such proposals as they might decide to present to the next Telegraph and Telephone Conference.

The UNESCO proposals are designed to secure cheaper, faster and more extensive press communication facilities through revision of the Telegraph and

^{1/} Economic and Social Council resolution 522 G (XVII).

^{2/} Economic and Social Council resolution 574 B (XIX).

Telephone Regulations of the International Telecommunication Convention. Specifically, they seek greater rate reductions for press telegrams; extended facilities and lower charges for radio communications to several destinations; the removal of discrepancies in rates for leased teleprinter lines; reduced rates for press telephone calls; and the abolition of surcharges on radio channels booked for news broadcasts. Under a final proposal, ITU would set up a permanent study group to examine press communication problems and make recommendations for their solution to the competent organs of member States in September 1957 for possible submission to the Conference. Many press organizations, such as the International Federation of Newspaper Publishers, the International Press Institute, the Commonwealth Press Union, the European Technical Conference of News Agencies and the International Federation of Journalists, have already endorsed these proposals as measures which would greatly facilitate the flow of news through telecommunication channels.

Further possibilities for action in this field are offered by the forthcoming Plenipotentiary Conference of ITU to be held in October 1959. The previous Plenipotentiary Conference (Buenos Aires, 1952) adopted a recommendation urging members of the Union to "facilitate the unrestricted transmission of news by telecommunications services" (recommendation No. 2 of the Conference).

UNESCO had invited its member States to support the adoption of this recommendation and of proposals to liberalize the provisions of the convention relating to freedom of telecommunications, the stoppage of telecommunications and suspension of services (articles 29 and 30 of the International Telecommunication Convention).^{1/} At the next Plenipotentiary Conference the Director-General of UNESCO intends to make proposals for the incorporation in the Convention of provisions giving practical effect to the 1952 recommendation.

Another opportunity for action is presented by the forthcoming ITU Administrative Radio Conference (July 1959), which will discuss the allocation of high frequencies and other matters relating to the flow of information

^{1/} UNESCO CL/701, November 1952.

through radio channels. At the ITU International High Frequency Conference (Mexico City, 1948-1949), UNESCO urged the adoption of a plan for the equitable distribution of frequencies and subsequently invited its member States to support the efforts of the ITU to achieve such a distribution.^{1/} In 1958, UNESCO will publish a study on the use of radio for the free flow of ideas and for international understanding. The study will be the basis of proposals which UNESCO will circulate to its member States for possible submission to the 1959 Radio Conference.

Postal and Transport Facilities for Information Material. UNESCO has worked closely with the Universal Postal Union in efforts to facilitate the flow of information through the wider use of postal services. On the basis of UNESCO's suggestions, the Universal Postal Congress revised the Universal Postal Convention in 1952 to permit the mailing of books, newspapers and other publications at half the ordinary rate for printed matter. As the result of other suggestions, the Congress broadened the arrangement under which subscriptions to foreign newspapers and periodicals may be paid in national currency at local post offices.

UNESCO has circulated a series of twenty-one proposals to its member States for the Universal Postal Congress opening at Ottawa on 14 August 1957.^{2/} Under these proposals, the 50 per cent reduction for printed matter would be mandatory and would be extended to press correspondents' dispatches and educational films. The proposals would also extend to books the special airmail rate now applicable to newspapers, liberalize mailing arrangements for packages of books, reduce customs clearance fees on information materials and further broaden the newspaper subscription arrangement.

At the time of writing most of these proposals had been presented to the Congress by various member States. In addition, the Postal Union of the Americas and Spain and the Arab Postal Union, on the basis of other suggestions by UNESCO, had recommended their member Administrations to grant further rate reductions for publications. After the Ottawa Congress, UNESCO will submit to its member States

^{1/} UNESCO, CL/727, February 1953 and CL/1199, May 1957.

^{2/} UNESCO, CL/1128, annex, September 1956.

an analysis of the Congress decisions and recommendations concerning their application as a means of effectively promoting a greater flow of information.

UNESCO has also made efforts to obtain similar results in the case of air and surface transport. In 1953 it urged the International Air Transport Association to reduce air freight rates on information materials. In response, the Association granted books a 50 per cent reduction in the normal freight rate in extra-European areas, and a 33 1/5 per cent reduction within Europe.

Tariff Reduction. UNESCO has sponsored two international agreements granting customs exemptions and other advantages in connexion with the importation of educational, scientific and cultural materials, including books, newspapers and other publications, works of art, newsreels, educational films, sound recordings and scientific instruments. In addition, the contracting States undertake to grant the necessary licences and foreign exchange for the importation of publications consigned to public libraries. This Agreement is now being applied by twenty-four countries.^{1/}

The Economic and Social Council and the Council of Europe have recommended Governments to apply the Agreement, which has also been endorsed by a large number of international non-governmental organizations. In October 1957 UNESCO convened a meeting of government experts at Geneva to review the application of the Agreement and to encourage more countries to accede to it.

The second agreement relates more specifically to films, sound recordings and other audio-visual material, providing for customs exemption and also the abolition of import licences. This instrument, the Agreement for Facilitating the International Circulation of Visual and Auditory Materials, is now being applied by twelve countries.^{2/}

^{1/} Belgium, Cambodia, Ceylon, Cuba, Egypt, El Salvador, Finland, France, Greece, Haiti, Israel, Laos, Luxembourg, Monaco, Netherlands, Pakistan, Philippines, Apain, Sweden, Switzerland, Thailand, United Kingdom, Viet-Nam, Yugoslavia. Belgium and the United Kingdom have extended the Agreement to their Non-Self-Governing Territories.

^{2/} Cambodia, Canada, Denmark, El Salvador, Greece, Haiti, Iraq, Norway, Pakistan, Philippines, Syria, Yugoslavia.

UNESCO also takes advantage of the opportunities offered by international trade conferences to facilitate the international circulation of educational, scientific and cultural material. Thus in 1956, UNESCO submitted proposals for the reduction of duties on thirty-four categories of information materials to the Tariff Negotiating Conference convened at Geneva by the Contracting Parties to the General Agreement on Tariffs and Trade (GATT). As a result of this action, fourteen countries lowered their customs duty on various materials included in the UNESCO list.

The two agreements are supplemented by the UNESCO's International Coupon Scheme, under which organizations and individuals in soft currency areas can obtain publications, educational films and scientific equipment from hard currency countries, despite shortages of foreign exchange. By July 1957, coupons to the value of \$15.3 million had been issued in over forty countries.

Copyright. In order to overcome the main obstacles in the field of copyright, UNESCO has sponsored the Universal Copyright Convention. Its basic feature is the extension, subject to certain conditions, to foreign literary and artistic works of the protection afforded to works of nationals of the country concerned. The Convention also eliminates registration formalities. Twenty-seven countries have become parties to this Convention.^{1/}

UNESCO is also participating in international efforts to protect the interest of performers, manufacturers of phonograph records and owners of broadcasting stations (rights "neighbouring on copyrights"). In March 1957, a joint meeting - convened at Monaco by the Director-General of UNESCO, the Director-General of the International Labour Organisation and the Director of the Bureau of the Berne Union considered a draft convention on this question. The draft has been circulated to Governments for comment.^{2/}

^{1/} Andorra, Austria, Cambodia, Chile, Costa Rica, Cuba, Ecuador, Federal Republic of Germany, France, Haiti, Holy See, Iceland, Israel, Italy, Japan, Laos, Liberia, Luxembourg, Mexico, Monaco, Pakistan, Philippines, Portugal, Spain, Switzerland, United Kingdom, United States of America.

^{2/} CL/-- July 1957.

In another neighbouring field, copyright in respect of news and information media, UNESCO has undertaken a study at the invitation of the Economic and Social Council,^{1/} which also requested UNESCO to formulate recommendations on this question. The matter was considered at Rome in October 1956 by the European Technical Conference of News Agencies, which evinced keen interest and expressed its desire to work with UNESCO in this matter. An exhaustive study of the legislation in force in the various countries and the results of a survey of news agencies, broadcasting and television stations and newsreel organizations will be submitted in October 1957 to the Inter-governmental Copyright Committee, set up under the Universal Convention. In the light of the Committee's comments, UNESCO will submit a report, with recommendations, to a future session of the Economic and Social Council.

Facilities for Educational Travel. In 1954 the General Conference of UNESCO invited member States to grant the widest possible facilities to all persons travelling for educational, scientific and cultural purposes.^{2/} By mid-1957, thirty-one member States had furnished information to the Director-General concerning the facilities thus granted.

In addition, UNESCO has recommended the International Air Transport Association (IATA) to study the possibility of granting reduced rates to students and similar categories of persons. The Association will consider this matter at its Traffic Conference at Miami, USA, in September 1957.

UNESCO is keeping under study the possibility of preparing an international instrument for the free movement of journalists, teachers, scientists, artists and other persons engaged in educational, scientific and cultural activities.

II. Development of Information Media and Techniques

As part of its programme to encourage the development of information media and techniques, UNESCO has provided expert missions to help with the expansion of communication facilities, promoted the education and training

^{1/} Economic and Social Council resolution 522 D (XVII).

^{2/} General Conference resolution IV.1.5.365.

of news personnel, stimulated research in the use and effects of information media, co-operated with the Food and Agriculture Organization and other specialized agencies in their efforts to increase the production of newsprint, and collaborated with the United Nations in the formulation of a long-term international programme for the expansion of information media.

Expansion of Communication Facilities. Governments wishing to promote the development of information techniques and media in their countries have been furnished with direct assistance by UNESCO in the form of expert missions under its regular programme of technical assistance and the Expanded Programme. By the end of 1954, UNESCO had organized twenty-five missions to promote the development of the press, radio and cinema in various countries. In 1954 the Economic and Social Council recommended that UNESCO increase such assistance for the development of information media and for the training of news personnel.^{1/} In response to this resolution, UNESCO furnished assistance to seventeen countries^{2/} during 1955/1956 for the development of news agencies, broadcasting services, educational film institutes and television services for mass education. Similar assistance is being provided under UNESCO's 1957/1958 programme.

Training of News Personnel. Following a conference of experts in 1956, UNESCO launched a major campaign to encourage the development of national training facilities and the establishment of regional centres to raise standards in journalism. The first of these centres, to be inaugurated at the University of Strasbourg, France, in October 1957, will serve as a European centre for training teachers of journalism. UNESCO is considering the possibility of establishing similar centres in other regions.

This effort, which has already stimulated co-operation between universities and professional organizations in the information field, follows upon UNESCO's earlier work to encourage the training of news personnel. Between 1947 and 1954 UNESCO awarded ninety-seven fellowships for further training in the field of the press, radio and film. Most of the fellowships were awarded to nationals of

^{1/} Economic and Social Council resolution 522 J, K, E, F (XVII).

^{2/} Afghanistan, Colombia, Costa Rica, Ecuador, France, Haiti, Israel, Italy, Jamaica, Lebanon, Libya, Mexico, Norway, Pakistan, Spain, Thailand, Yugoslavia.

under-developed countries. The press fellowships provided training in newspaper and news agency offices; the radio fellowships covered script writing, programme production and technical operations; and the film fellowships offered training in audio-visual techniques. During 1955/1956, fourteen additional fellowships were awarded directly by UNESCO, and seven others under the Technical Assistance Programme.

At its 1956 session, the General Conference of UNESCO invited member States to support an expansion of facilities for the training of information personnel. In addition, it authorized the Director-General to organize seminars and pilot projects and provide fellowships to improve facilities for education in journalism.^{1/}

Mass Communication Research. In order to co-ordinate research in the use and effects of information media, UNESCO has helped to establish an International Association for Mass Communication Research which should be fully established by the end of 1957. The Association will complete the work which UNESCO has conducted over a number of years in promoting the exchange of information between mass communication research institutes. UNESCO will continue to disseminate data on the fuller use of communication media for the advancement of education, science and culture. The information thus distributed to member States and mass communication specialists relates to such question as the publication of periodicals for new literates, low-cost printing facilities, the use of visual and auditory media in fundamental and adult education, school television and the influence of mass media on children.

Production of Newsprint. With the rapid development of literacy and the expansion of the press in many under-developed countries, the demand for newsprint is substantially increasing. Production is, however, largely concentrated in a few technically advanced areas. Consequently, whenever an international shortage of newsprint occurs, the main sufferers are the under-developed countries.

^{1/} General Conference resolutions 5.51 and 5.52.

When a world shortage became acute in 1951, UNESCO invited its member States to examine the problem and requested the Economic and Social Council to draw the attention of the United Nations and its specialized agencies to the importance of research on substitute raw materials, the increased production of wood pulp and related economic and financial questions. The Economic and Social Council recommended concerted action by producers, consumers, Governments and United Nations agencies.^{1/}

In 1952, the ECOSOC noted that the newsprint situation had improved. Nevertheless, it requested the United Nations, together with the Food and Agriculture Organization, UNESCO and the International Bank, to continue their efforts with regard to long-term action.^{2/} The Food and Agriculture Organization accordingly undertook a three-phase programme based on a world survey of the possibility of increasing raw materials, advice in planning new mills, and technical assistance in building and operating them. UNESCO, for its part, prepared three reports on world trends in newsprint production and consumption, which assisted the Food and Agriculture Organization in implementing its programme.

Co-operation with the United Nations. The possibility of developing a general, long-term programme for the expansion of information media in under-developed countries was considered by the Economic and Social Council at its nineteenth session in 1955. The Council requested UNESCO to assist the United Nations in the preparation of a "programme of concrete action and measures on the international plane which could be undertaken for the development of information enterprises of under-developed countries, with an evaluation of the material, financial and professional requirements and resources for the implementation of this programme".^{3/}

^{1/} Economic and Social Council resolution 374 (XIII).

^{2/} Economic and Social Council resolution 423 (XIV).

^{3/} Economic and Social Council resolution 574 D (XIX).

In accordance with this resolution, UNESCO, with the Secretary-General of the United Nations, prepared a joint report^{1/} which was approved by the Council at its twenty-third session in 1957. UNESCO's particular contribution was a summary of information concerning existing media of information in under-developed countries. The Council invited the Secretary-General to prepare a further report for its twenty-seventh session in 1959, in co-operation with the specialized agencies concerned.^{2/} UNESCO will continue to lend the United Nations any assistance which may be required.

The Council at its nineteenth session requested the Secretary-General, in collaboration with UNESCO, to put into operation a programme to promote freedom of information by providing such services as experts, fellowships and seminars.^{3/} Under this programme a United Nations seminar for news personnel was held at Geneva in 1956, special attention being given to the development of information media in under-developed countries. UNESCO assisted the United Nations Secretariat in organizing the seminar and prepared special documentation.^{4/}

III. Studies and Reports

A major feature of UNESCO's programme for freedom of information is its efforts to focus official and public attention on measures to reduce obstacles to the free flow of ideas and to assist in the development of information media. These efforts consist mainly in the publication of studies and reports on questions of freedom of information, and the periodic submission to member States of suggestions on measures they might take in support of UNESCO's activities.

^{1/} Economic and Social Council document E/2947: Freedom of Information; Media of Information in Under-developed Countries.

^{2/} Economic and Social Council resolution 643 (XXIII).

^{3/} Economic and Social Council resolution 574 A (XIX).

^{4/} Economic and Social Council documents ST/DPI/SOA/SEM.5, The Status of Information Enterprises in Under-developed Countries and ST/DPI/SOA/SEM.4, The Work of the United Nations and the Specialized Agencies for the Development of Information Media in Under-developed Countries.

UNESCO has published some fifty studies and reports in this field. They cover a wide range of questions, as will be seen from the attached list.

UNESCO's studies are designed, in particular, to focus public attention on the issues being dealt with in the organization's programme for the free flow of information. Thus, the two studies, "Transmitting World News" and "The Problems of Transmitting Press Messages", are linked to UNESCO's proposals for the forthcoming ITU Telegraph and Telephone Conference (Geneva, September 1958); "Trade Barriers to Knowledge" is related to the two agreements on the duty-free importation of information materials and "Books for All", to UNESCO's efforts to promote the circulation of books. "World Communications", to cite another example, calls attention to the inadequacy of information media in the under-developed countries and to the assistance which can be provided in this field by the United Nations and the specialized agencies. "Paper for Printing Today and Tomorrow", published jointly by the FAO and UNESCO, highlights the world paper problem while "Professional Training for Journalists" was a prelude to UNESCO's efforts to encourage education in journalism.

Suggestions to Member States. The success of UNESCO's programme for freedom of information depends largely on the degree of support of Governments and the general public. To enlist such support, the General Conference of UNESCO from time to time invites member States to take measures to promote the flow of information and ideas. Suggestions submitted to member States in 1950 and 1953^{1/} dealt, inter alia, with the application of the UNESCO Agreements on the duty-free importation of information materials, facilities for educational travel, postal and transport rates, and adherence to the Universal Copyright Convention. The response of Governments to their suggestions has been encouraging.

A third series of suggestions, transmitted to member States in May 1957,^{2/} covered these and additional questions such as UNESCO's proposals for the forthcoming UPU and ITU conferences, the allocation of broadcasting frequencies,

^{1/} UNESCO CL/412, September 1950; and CL/727, February 1953.

^{2/} UNESCO CL/1199, May 1957.

the development of information media and the professional training of news personnel. Member States were invited to report to the General Conference of UNESCO at its tenth session in 1958 on measures they had taken in accordance with these suggestions.

UNESCO Studies on Freedom of Information Questions

Select List

Obstacles to the Flow of Information

Transmitting World News: Francis Williams, 1953

The Problems of Transmitting Press Messages: ITU and UNESCO, 1956

One Week's News: Jacques Kayser, 1953

Comparative Law of Press, Film and Radio: Fernand Terrou and Lucien Solal, 1951

Trade Barriers to Knowledge: UNESCO and the Intelligence Unit of
The Economist, (London) 1956

Books for All: R.E. Barker, 1956

Development of Information Media

World Communications: UNESCO, 1956

Press, Film, Radio (Volumes I-V): UNESCO, 1947-52

News Agencies, Their Structure and Operation: UNESCO, 1953

The Problem of Newsprint and Other Printing Paper: UNESCO and the
Intelligence Unit of The Economist (London) 1949

Paper for Printing Today and Tomorrow: " " 1953

Paper for Printing and Writing: " " 1954

The Daily Press: A Survey of the World Situation in 1952: UNESCO 1953

Low-Cost Radio Reception: Claude Mercier, 1951

The Film Industry in Six European Countries: The Film Centre (London) 1951

Newsreels Across the World: Peter Baechlin and A. Muller-Strauss, 1952

Television, A World Survey: UNESCO, 1953: Supplement, 1955

Training of News Personnel

Professional Training of Journalists: Robert W. Desmond, 1949

Education for Journalism: UNESCO, 1954

Training for Radio: Maurice Gorham, 1949

Professional Training of Film Technicians: Jean Lods, 1951

Education by Radio, Film and Television

Education by Radio: School Broadcasting: Roger Clausse, 1949

Broadcasting to Schools: UNESCO, 1949

Radio in Fundamental Education: J. Grenfell Williams, 1951

The Use of Mobile Cinema and Radio Vans in Fundamental Education: The Film
Centre (London) 1949

Visual Aids in Fundamental Education: UNESCO, 1952

The Child Audience: Press, Film and Radio for Children: Philippe Bauchard
1952

Canada's Farm Radio Forum: J. Nicol, A. Shea and G. Simmins, 1954

Cultural Radio Broadcasts: UNESCO, 1956

Television and Education in the United States: Charles Siepmann, 1952

Television and Rural Adult Education: Joffre Dumazedier, 1955

(II) ITU

The importance of ITU's co-operation in this field is clearly from the summary of UNESCO's activities.

In particular, the summary indicates the value of the joint ITU-UNESCO study, undertaken pursuant to the resolution adopted by the Economic and Social Council at its seventeenth session (April 1954) and published by UNESCO in 1956 under the title "The Problems of Transmitting Press Messages". In connexion with this study, ITU collected and classified information on the transmission of press messages in over ninety States and territories.

This study sets out, in Annex I, the various proposals recommended by the Director-General to member States for possible submission to the ITU International Telegraph and Telephone Conference to be convened on 29 September 1958. In accordance with the General Regulations annexed to the International Telecommunications Convention, members of the Union will be invited twelve months before that date to submit any proposals they wish to lay before the Conference. ITU's earlier activities in this field are described in detail in the Telegraph and Telephone Division's circular No. 1,283 of 29 June 1954, and in the Union's annual reports.

(III) UPU

Co-operation between UNESCO and UPU has been equally productive.

UPU's interest is reflected in the provisions laid down to ensure the inviolability of correspondence and to improve the dissemination of publications and printed matter of various kinds. As was noted in the summary of UNESCO's activities, following the revision of the Universal Postal Convention at the 1952 UPU Congress, a fifty per cent reduction in the rate for ordinary printed matter is applicable to newspapers and periodicals, regardless of the sender.

Finally the series of twenty-one proposals transmitted by UNESCO to its member States for submission to the UPU Congress at Ottawa were prepared in agreement with UPU.

(IV) FAO

The development of information media in a great many countries has been severely handicapped in recent years by the shortage of newsprint and rising newsprint costs. Following the appeal by the General Conference of UNESCO in 1951

and the resolutions adopted by the Economic and Social Council calling for concerted action in this matter, a comprehensive programme was undertaken by FAO. The results of a survey on world pulp and paper resources and prospects, carried out by FAO, in association with UNESCO and the Economic Commissions for Europe and Latin America, were published in 1954 and in late 1954 a meeting of experts on the pulp and paper industry was organized at Buenos Aires by FAO, ECLA and UNCTAD. Seventy-two reports were submitted to the experts dealing with the current situation and with the various economic and technical aspects of the production and consumption of, and trade in, pulp and paper, research on the use of new raw materials, etc. The final report of the meeting was published in New York under the title "Pulp and Paper Prospects in Latin America".

In accordance with the recommendations of the meeting of experts, FAO, in association with ECLA and TAA, established an advisory committee on pulp and paper at Santiago to furnish advice to Governments of the region at their request. Important reports have been submitted to the Governments of Chile and Argentina and the committee is now working on similar reports for the Governments of Brazil, Colombia, Mexico and Peru.

In view of the interest shown in the meeting of experts FAO proposes to organize a similar meeting in the Far East in 1959.

Finally, as is stated in a note submitted by FAO, "FAO has continued its efforts both in its regular programme and through the Expanded Technical Assistance Programme, to bring to the attention of member Governments information relating to technical developments, forest resources and other raw materials, and consumption and supply trends for pulp and paper. This information facilitates the task of Governments, public authorities, private individuals and companies concerned with the development of pulp and paper programmes. As examples may be instanced: commodity reports and special articles published from time to time in Unasylva, the statistics contained in the annual Forest Products Yearbook, and recent monographs on "Eucalypts for planting" (1955) and "Poplars in wood production and land utilization" (1956). Direct assistance to member Governments under the technical assistance programme also continues, and a number of pulp and paper experts are currently in the field in different parts of the world.

"It should be pointed out that much of FAO's general forest programme in the less developed regions, even though not directed specifically to the extension of pulp and paper capacity, indirectly contributes to this end. By promoting the assessment of existing resources, the development of sound forest policies and the rational utilization of the forest drop, it facilitates the future mobilization of forest resources for pulp and paper."

(V) The ILO

At its fourth session in April 1957, the ILO Advisory Committee on Salaried Employees and Professional Workers adopted a resolution inviting the Governing Body "to request the Director-General, acting jointly with the specialized agencies, in particular with the United Nations Educational, Scientific and Cultural Organization, in consultation with the professional and trade union organizations, to prepare and to present to the Governing Body within the shortest possible time:

- (a) a concrete programme of study concerning journalists and all the problems connected with that profession;
- (b) a concrete programme of action for the purpose of promoting vocational training of journalists, as well as their economic and social independence, based on uniform principles within a universal setting."

At its 137th meeting the Governing Body considered the Advisory Committee's request and authorized the Director-General of the ILO to take such measures as he might deem feasible, having regard to the office's general programme of work, to comply with the request made in the Advisory Committee's resolution.

An improvement in both the status and training of journalists is essential to the freedom of information. Close co-ordination between any action which the ILO might propose to take in this respect and the programme already undertaken by UNESCO, particularly with regard to training, is, however, desirable.

A review of the work of the various specialized agencies shows that the substantial results already achieved are largely due in many sectors to the close co-operation between the agencies concerned and to the initiative consistently taken by UNESCO. The study on "press messages" is a particularly enlightening example of the value of such co-operation. It undoubtedly indicates the lines on which future work should be directed.

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T. CHARACTERISTICS, AND LINES FOR FUTURE ACTION

A. Chacracteristics

The characteristics of the work of the United Nations in the field of freedom of information and the trends that have developed are described below.

After a period of preparation and tentative efforts, the attempt to establish an international legal order governing information activities gained considerable impetus with the Geneva Conference in 1948. Because of the number and qualifications of the participants, the wide range of the subjects discussed, and the variety and nature of the texts adopted, the Conference appeared to open the door to a series of substantial achievements.

Nevertheless, the Conferences finding and the solutions it envisaged or proposed did not, and could not, overcome the difficulties inherent in the fundamental differences of approach. On the contrary, those differences were brought out and were even accentuated by the character of some of the discussions. At the same time, the scope of the regulations contemplated in certain of the drafts, the diversity of approaches which they embodied, each a subject of misgiving in some quarters and of satisfaction in others, and the uncertain or even improvised nature of some of the solutions proposed inevitably led to objections and opposition which, whether openly expressed or not, were bound to slow down or even frustrates further progress. International political developments naturally strengthened these negative factors. Nevertheless, the latter only affected the preparation of legal instruments with a political background or implications; they did not block technical measures to promote the improvement of information média or facilitate the free flow of information.

As a result two trends have deloped since the Geneva Conference.

(a) On the one hand, increasing difficulty has been encountered in the case of major projects involving the legal formulation of the basic elements of freedom of information or the preparation of instruments giving effect to them and the results achieved in this field have been extremely meagre. They have in fact been limited to the inclusion in the Universal Declaration of Human Rights of an article on freedom of opinion and expression (article 19), the adoption of the Convention on the International

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Right of Correction and the revival of the International Convention concerning the Use of Broadcasting in the Cause of Peace. Even so, only three States have so far ratified or acceded to the Convention on the International Right of Correction and only twelve of the twenty-six States parties to the 1936 Convention concerning the Use of Broadcasting in the Cause of Peace have agreed to the transfer to the United Nations of the functions performed by the League of Nations. The vicissitudes of the draft Convention on Freedom of Information and the results achieved by the Sub-Commission on Freedom of Information are particularly enlightening.

(b) On the other hand, action at the technical level has steadily developed and has already yielded encouraging results. Here, there have been positive achievements, whether in the matter of measures to reduce obstacles to the free flow of information, technical assistance to Member States for the purpose of developing and improving information techniques and media, or studies, research and experiments to advance knowledge of techniques and media and thus to improve the use made of them. While activities of this kind have in many cases been undertaken at the request of the principal organs of the United Nations and have in any case been carried out in co-operation with them, the main results have been achieved in UNESCO's field of activity, frequently by joint action of UNESCO and the other specialized agencies. There is no sign of any falling off in these activities and interest in them is undiminished. Recently they have been particularly directed towards assistance to the technically under-developed countries.

B. Trends and difficulties with regard to methods

In the selection of methods and machinery a process of trial and errors was inevitable. In the case of the draft Convention on Freedom of Information, for instance, virtually every conceivable procedure was used. The choice of methods does not, however, reveal any really firm policy or determined course of action. Thus, the Sub-Commission on Freedom of Information was disbanded without, perhaps, adequate consideration of the conditions under which it performed its functions or the means of action at its disposal. The appointment of a Special Rapporteur might have proved a useful method but the experiment was too short, although the

results obtained and the quality of the report submitted were such as to have warranted its continuance. The absence since that time of any permanent institution, except in the technical sector where the gap has been successfully filled by UNESCO, is a clear indication of a collapse of international action in this field.

Events have also shown the difficulty of co-ordinating the work of the various organs and agencies. Without such co-ordination, which implies the delimitation of spheres of action and the precise definition of functions, effective action is, however, impossible. The measures which have been taken to deal with this problem (see above) - the major procedural problem - are often considered inadequate. The delimitation of activities applies only to the relationship between the United Nations and UNESCO and although the principle is clearly stated, it is not easy to apply in practice. The problem has been eased by close inter-Secretariat co-operation and the emphasis on technical questions and action by UNESCO, but an area of uncertainty remains, necessitating the continuous review of projects in order to avoid overlapping and duplication of effort. It is also clear that close collaboration with journalists is required in the solution of problems of freedom of information. The need for such co-operation is evident in the case of the formulation of rules of professional conduct or the determination of the status of the profession, and the solution of such professional problems largely depends on the concept of freedom of information that is accepted and the measures envisaged to give effect to it.

The principle of co-operation was applied at the Geneva Conference where a substantial proportion of the delegates were information personnel. This explains the scope of the Conference's work and the interest it aroused. The subsequent rapid dwindling of interest cannot be attributed solely to the generally unfavourable conditions and dissatisfaction with the restrictive tendencies apparent in some of the proposals. The fact that the profession as such did not play any direct part in the proceedings following the Geneva decisions is also a factor. As a result, the natural suspicion with which journalists in a great many countries view any governmental or inter-governmental action in the information field was inevitably strengthened. In the nature of things, however, freedom exists only where it is protected by law and this protection implies

action by the State. The hostility of journalists to any form of State action or their lack of interest in it may prove dangerous to them in many cases. However, their suspicions will not be removed until it is clearly established that United Nations action in this field tends to promote the free exercise of the profession by helping, for instance, to develop the exchange of information at the international level. But this implies continuing action by the organs of the United Nations of a kind that will make it possible to keep members of the profession fully informed on every aspect of the problems considered and the proposed solutions, stimulate initiatives on their part, encourage them to take action in their own fields, and associate them as closely as possible in the formulation of projects which it is beyond the power of the profession to carry out.

Here again recent developments point to a double trend. Action by the principal organs of the United Nations aimed at establishing an international legal order governing information, particularly by means of conventions, is still viewed with suspicion or lack of interest and journalists in general are holding aloof from such action. The increased effort, through fellowships and seminars, to enable information personnel to know more about the work of the United Nations constitutes the only positive action recently taken by the United Nations in this field.

In the technical sector, on the other hand, recent developments are marked both by a concern to associate journalists more closely with the action taken and by signs of growing interest on their part. For example, UNESCO's consultations with professional organizations regarding the protection of "news", the improvement of transmission facilities and other technical matters, and the encouragement given by major professional organizations to some of UNESCO's projects for the training of journalists and scientific research on information are of particular significance. In a similar connexion, the interest being taken in the significant trend in many countries towards the scientific study of information problems is also encouraging. Developments in this respect have followed the pattern already noted. As early as 1947 UNESCO, acting in accordance with the recommendations of its expert committees, had laid the groundwork for the establishment of an international institute to promote the co-ordination and

development of the work of bodies concerned with the professional training of journalists and studies and research in the information field. No further action was taken on this project. However, the development of such studies in many countries, the growing number of national institutions concerned with such problems and the evident need for exchanges between experts in the various countries led the General Conference of UNESCO in 1954 to recommend that consideration should be given to measures to promote such exchanges. UNESCO's investigations and consultations with experts indicated that the establishment of an international association for this purpose would be valuable and at its most recent session (New Delhi, November-December 1956) the General Conference of UNESCO asked that the formation of such an association should be encouraged. The association is now being set up. There can be no doubt that the development of such research, while not necessarily undertaken for utilitarian purposes, will further action to promote freedom of information by providing the organs responsible for taking such action with documentary information that has been lacking in all too many cases.

C. Basic factors

The methods used, the difficulties they reveal and the incertainties and hesitations they reflect stem mainly from certain basic factors. Analysis of these factors strengthens the impression gained from a study of the methods used and provides a basis for outlining a provisional approach.

The fundamental obstacles to United Nations efforts to promote freedom of information are in fact the result of the unfavourable general circumstances mentioned earlier, of which a detailed analysis is furnished by Mr. Salvador P. Lopez in his report. His comments on the effects of the cold war, "the tension between East and West", "the mutual distrust between the developed and the less-developed countries" and the resulting fundamental differences in concepts and needs have lost none of their force. It does not seem, therefore, that circumstances are any more favourable now than they were in 1954 for the early adoption of major legal instruments designed to lay down universally valid provisions for the protection of freedom of information. This does not mean that such projects must be abandoned in principle or that the

obstacles should be considered permanent or unsurmountable, but it would be unprofitable for the United Nations to concentrate its efforts on such projects at the present stage. While the work of education and preparation should continue, it would be pointless and, in so far as it might jeopardize the principle itself, dangerous to try to resume work on the draft Convention on Freedom of Information with a view to its early adoption and entry into force. At the same time, the Secretary-General should continue his efforts to secure the entry into effect of the Convention on the International Right of Correction and the International Convention concerning the Use of Broadcasting in the Cause of Peace.

But it is principally at the technical level that United Nations activities should be intensified. The most recent development in so far as they point to the possibility of progress at the technical level, make this the logical approach. As the summary of UNESCO's recent activities shows, positive action is being taken at the technical level and will, if encouraged, produce fruitful results. Moreover, it is only at this level that close co-operation with member States and professional organizations is in evidence. Finally, it is at this level that assistance must be furnished to the less-developed countries.

D. Principles of possible recommendations

The recommendations suggested by the preceding analysis lie, of course, outside the scope of this preliminary report and it is therefore proposed merely to indicate that these recommendations might relate to:

(a) Methods

The main problem is that of co-ordination. Co-ordination must be improved along the lines indicated in the conclusions of the Economic and Social Council's Ad Hoc Committee on the Organization and Operation of the Council and its Commissions, bearing in mind the priority which must be given to technical problems at the present stage and consequently the dominant role which must be played by the agencies concerned with such problems.

The establishment of a permanent body specifically responsible for all problems related to freedom of information has been recommended on several occasions. It may, however, reasonably be asked whether such a body - which obviously could not, even in this field, take the place of the principal organs of the United Nations, or the specialized agencies, having regard to the

interdependence of technical information questions and the other matters with which those agencies are concerned - might not prove to be merely an additional piece of machinery with no other function than the facilitation of co-ordination. There is no need for a mere co-ordination committee if co-operation between the competent departments of the different bodies can be strengthened. At the same time the co-operation must be such as to ensure the full effectiveness of the action to be undertaken. It is scarcely necessary to say that political considerations inevitably colour and frequently distort the work of the United Nations in the field of information, which is a particularly sensitive area. Moreover, as Mr. Salvador P. Lopez pointed out in his report, the technical specialized agencies tend to forget, when adopting technical regulations, some of the repercussions or effects of these regulations on the free flow of information. One agency, UNESCO, because of the nature of its mission and the diversity of its interests, is in a position to synthesize and co-ordinate activities effectively in this field. In view of its field of activity and the work it has already done, UNESCO would seem to be the best body for this purpose. The summary of UNESCO's activities indicates the importance of the work it has undertaken, in collaboration with such agencies as ITU, UPU and FAO. It would therefore be advisable to establish some machinery, centred on UNESCO, through which all studies and technical activities related to freedom of information could be promoted through close co-operation between the various specialized agencies. The practical arrangements would be defined by the Administrative Committee on Co-ordination, of which the Secretary-General and the heads of the specialized agencies are members.

UNESCO, in co-operation with the other specialized agencies and without trespassing on their respective fields of activity would serve as a clearing house for technical problems connected with information. In all matters within the jurisdiction of the other agencies, it would be UNESCO's role to spark activities and serve as a guide.

It would remain to be considered whether, in view of its increased role in the field of freedom of information, UNESCO should establish new bodies, for instance, an advisory committee of experts including representatives of the United Nations Secretariat (in particular the Division of Human Rights), the various specialized agencies and, if possible, the professional information organizations.

The Professional organizations, which should be consulted on all projects and kept interested in them by means of frequent explanations, and non-governmental organizations, such as study and research associations, which might be entrusted with some of the documentation essential to effective action, should be increasingly associated with work in this field.

It is also desirable that the General Assembly should be regularly informed of the action taken and enabled to express its opinion on it. The report of the Director-General of UNESCO on the progress made and the programmes envisaged or recommended would first be communicated to the Commission on Human Rights for its comments and, transmitted, with the Commission's comments, to the Economic and Social Council at its summer session. The Economic and Social Council would then report to the regular session of the General Assembly. Any other method by which the General Assembly could be kept regularly informed every year and which would respect the competence of the various United Nations bodies might equally well be envisaged.

(b) Substance

It is clear from the suggestions with regard to methods outlined above that, in the immediate future, United Nations action to promote freedom of information should be mainly, if not entirely, directed towards the study and solution of technical problems.

At present, circumstances do not seem to be favourable for the resumption of work on the draft Convention on Freedom of Information. It would seem appropriate merely to recommend to UNESCO that it continue actively with research and documentation with a view to facilitating the resumption of work on the draft at an appropriate time. In particular, UNESCO should, in co-operation with the competent research associations, regularly collect and classify in a readily available form, full information concerning information activities and the status of information media in the various countries.

Renewed efforts should also be made to secure the accession of Member States to the Convention on the International Right of Correction and the International Convention concerning the Use of Broadcasting in the Cause of Peace. It remains to be seen whether the United Nations can do anything to encourage the conclusion of regional agreements in these two sectors.

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Finally, every effort should be made to increase the interest of journalists in the activities of the United Nations, particularly in the field of information. It should be possible to link the action taken in 1956 in the form of seminars closely to the UNESCO activities concerned with the training of journalists (international centres of advanced studies in journalism).

Apart from technical assistance to the under-developed countries, which is the subject of a separate report it would seem that the immediate activities of the United Nations should be concentrated on these tasks.

On the other hand, an increase in UNESCO's activities is to be strongly recommended, particularly if it is agreed that UNESCO should be the central body for the study of technical problems related to freedom of information. It is not necessary to enumerate here all the sectors in which these activities might be increased. The summary^{1/} of the activities of UNESCO and the other specialized agencies co-operating with it is not only a report but a programme of action and there should be recommendation on each of the items in the programme. It would seem that special stress should be laid on the reduction of obstacles to the free flow of information, on study and research, and, the professional training of journalists. The latter is of considerable importance. By raising professional standards through the encouragement of meetings and exchanges, activities of this kind should create the conditions and "the climate" in which measures to promote freedom of information can be formulated and successfully applied.

The foregoing suggestions could be translated into specific recommendations without difficulty if they are acceptable to the Committee in principle.

Whatever the formulas which may finally be decided upon, the essential point is that they should reflect the need for increased United Nations action in this field. Neither the unfavourable general situation nor the meagre results so far obtained can obscure the capital importance of such action. Nor should they lead us to underestimate what has been achieved at the technical level and the slow but substantial growth of interest, particularly on the part of journalists, in the idea of international co-operation in this field.

^{1/} See Part II.

ANNEX B

DEVELOPMENT OF INFORMATION MEDIA IN
UNDER-DEVELOPED COUNTRIES

(Preparatory Report by the delegation of India, written pursuant to decisions taken by the Committee at its meeting of 10 June 1957)

Since the United Nations Conference on Freedom of Information in 1948, a number of studies and surveys have been undertaken into the question of information media in under-developed countries. A considerable volume of information on the present position in various under-developed regions of the world exists, and a series of recommendations have been made. These are summarized in the annexure.

2. Any further collection of the facts would therefore be unnecessary for a fresh consideration of the problem, but certain factors not fully discussed, though undoubtedly taken note of, need special consideration.

3. The development of the physical media, in the first place, is inextricably linked with the historical background of the countries or regions in question and their present economic and social conditions. It is not, as has sometimes been stated, solely a technical or even an economic problem; it is also frequently a social and political problem.

4. The bulk of the under-developed peoples of the world live in the continents of Asia and Africa. The recent UNESCO survey on "World Communications" termed this vast region, except in two or three countries, inadequate in information media.

5. The majority of the countries in these regions have a more or less common background arising out of their recent history. As the Final Communique of the Bandung Conference pointed out, their political subjugation in the last 200 years interrupted contacts which existed between them. However, the development of information media, in particular the Press, was inhibited by the limits set by the ruling powers on the freedom of information. The only financially stable newspapers at one time were newspapers run by and mainly for the ruling classes. Restricted educational opportunities or the conscious neglect of native languages

in some areas prevented, on the one hand, the growth of a native intelligentsia able to run information media and, on the other, the growth of literate populations able to create an effective demand.

6. Fortunately most of the countries in this region no longer suffer these conditions. There are however many non-self-governing regions where political considerations still prevent even the normal growth, relative to economic conditions, of information media. The UNESCO Survey mentions a number of such territories completely lacking in newspapers and broadcasting facilities.

7. Apart from the special political conditions in some areas, the problem of development by and large is economic. Whatever technical assistance may be available, full development of information media must ultimately depend on the economic growth of the country concerned - on the standards of living, on the ability of the populations and the country's economy to sustain adequate information media defined by the UNESCO to be a minimum of ten copies of daily newspapers, five radio receivers and two cinema seats per 100 inhabitants. The economic immensity of this criteria can be gauged from the fact that, based on the present populations, there would have to be 129,000,000 copies of daily newspapers for Asia and 21,400,000 copies for Africa; 64,500,000 radio receivers in Asia and 10,700,000 in Africa, not to mention 25,800,000 cinema seats in Asia and 4,280,000 in Africa.

8. The other important consideration is the question of literacy. Though the radio offers a medium capable of surmounting this handicap, real progress is unimaginable without a rapid growth in literacy. The UNESCO Survey gave Africa a level of 20 per cent literacy and Asia 30 per cent. Here again the growth in literacy is mainly conditioned by a parallel economic growth. Eradication of illiteracy involves the establishment of schools, training of teachers, production of text books etc., all involving vast outlays of money.

9. While the full growth of information media must therefore depend on general economic progress, it is obvious that these media in themselves are important aids to such progress. Many of the countries in this region have undertaken or plan to undertake economic development plans of varying degrees of intensity and scope. In almost all these plans a prerequisite for success is the willing if not the enthusiastic co-operation of the masses, a desire to associate in the work

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of building and reconstruction, a sense of pride in achievement and above all, a willingness to change and to experiment in order to achieve a better way of life. These have to be inculcated in the populations - largely illiterate or conservative - and development of information media could assist in this process.

10. Many of the countries of these continents have consequently placed emphasis on the growth of communications, including information media, in their development plans. Some have already made considerable progress.

11. In the case of the countries termed as under-developed in Latin America, the problems are not as acute as in Asia and Africa. The UNESCO Survey considers this region as having reached the middle stage of development in mass communication. Only eleven countries representing about 11 per cent of the populations are reported to be lacking in respect of press, radio and films. Their needs naturally should be considered along with the needs of Asia and Africa.

WHAT HAS BEEN DONE SO FAR

12. Since this is a working paper, it is not proposed to consider suggestions and recommendations made so far in detail. The United Nations and Specialized Agencies since 1948 have dealt with this problem exhaustively and considered almost all aspects. It would be useful to examine what has been done so far.

13. One of the most useful contributions has been the Secretary-General's Report in conjunction with UNESCO (Document E/2534). The Economic and Social Council, as a result of the examination of this report and of certain portions of the report prepared by the Rapporteur on Freedom of Information (E/2426 and Add.1 and 2).

- (1) drew the attention of Governments to the "suggestions for action" contained in chapter VIII of the Secretary-General's report;
- (2) invited the Governments of under-developed countries, separately or jointly to study the possibility of encouraging the development of existing, and the establishment of new or additional independent radio broadcasting facilities, news agencies and other information enterprises,

suggesting that for this purpose they should consult, as appropriate, with national, regional or international professional associations and information enterprises;

(3) drew the attention of these Governments to the possibility of seeking assistance for these purposes from the United Nations, the specialized agencies and other inter-governmental organizations and, specifically, to Council resolutions 522 F (XVII) and 522 J (XVII) on the subject of professional training and technical assistance in freedom of information respectively; and

(4) recommended that UNESCO, to the extent that available resources and existing priorities permitted, (a) intensify its activities with a view to increasing its aid to governments desiring to encourage the development of independent domestic information enterprises; (b) provide, at the request of governments and upon approval of plans for the establishment or development of independent domestic information enterprises, the services of experts to assist (i) in the development of such enterprises; (ii) in the training of technicians and professional workers for information, press, radio and cinema enterprises, according to the particular needs of each country; (c) continue its work of research and documentation in order to enable under-developed countries to profit by the experience of countries with a high level of technical advancement, and to undertake and promote research likely to encourage the development and raise the efficiency of independent domestic information enterprises.

14. Of these recommendations, some implementation has been done on point (4) above. UNESCO has stated (ST/DPI/SOA/SEM.4, p.8) that in 1955 it had approved requests from seventeen Governments (Afghanistan, Colombia, Costa Rica, Ecuador, France, Haiti, Israel, Italy, Jamaica, Lebanon, Libya, Mexico, Norway, Pakistan, Spain, Thailand and Uruguay) calling for the provision of seventeen experts, fourteen fellowships and a certain amount of equipment.

15. The following examples were offered to show how this aid was utilized in developing the various media:

"Press. Yugoslavia is receiving aid in the expansion of its news agency service, and Afghanistan in the development of its publications programme and in training for printers.

"Radio. In consultation with the ITU, UNESCO is helping Libya to develop a national broadcasting service under a five-year plan. UNESCO's contribution includes advice on equipment needed, the training of technicians, and the training of programme staff in the first years of operation. Aid is likewise being given to All-India Radio in applying Canada's 'Farm Radio Forum' technique as a means of fundamental education. Some 150 village forums are being established in the State of Bombay and 20 special radio programmes are being organized for them.

"Film. UNESCO and the Government of Mexico have jointly arranged to found a Latin American Educational Film Institute. A non-profit organization devoted to social service, the Institute will aid educational development in Latin American countries and promote cultural exchange among them.

"Television. Costa Rica is being helped in establishing a television service for mass education, and Italy is organizing community reception through 'tele-clubs' in its southern rural areas. In Japan, the 'tele-club' technique is to be used for the first time in an Asian country. Some 40 village-viewing will be formed to test the validity of applying to Japanese conditions the experience which UNESCO has gained in helping to promote 'tele-clubs' in French rural areas. The Japanese authorities will produce special programmes on local agricultural problems and ways of solving them through modern techniques. A sociological survey of this experiment will be made later with a view to applying the 'tele-club' technique to other countries."

16. In regard to current aid to Member States, UNESCO adds that under its programme for 1957-1958, it is organizing expert missions to a number of additional countries, including Australia, Finland and Indonesia, to assist in the development of mass communication media. By mid-1957, nine fellowships for training abroad in journalism, television and film had been granted to news personnel from Egypt, Finland, Hungary, Indonesia and the USSR. In addition, group study courses for the training of teachers in journalism were being organized at the University of Strasbourg, where the first regional centre for higher education in journalism came into being in 1957 with the assistance of UNESCO. This centre serves the whole of Europe, North Africa and the Middle East. Ten fellowships for the courses were awarded to ten countries in Europe and the Middle East in 1957, and an additional ten are being allocated to other countries for 1958.

17. It is not possible to ascertain precisely the extent to which governments have taken into account the suggestions for action contained in Chapter VIII of the Secretary-General's Report (E/2534) or the extent to which governments, separately or jointly, have studied the possibility of "encouraging the development of existing, and the establishment of new and independent radio broadcasting facilities, news agencies and other information enterprise", or, indeed, the extent to which governments have been stimulated by the Council. One is tempted to question the value of such exhortations where provision is not made for intensive implementation or "follow through".

18. The International Telecommunication Union has for many years been giving technical assistance to its member countries in organizing their telecommunication departments. To quote from the UNESCO paper on "Work of the United Nations and the Specialized Agencies for the Development of Information Media in Under-Developed Countries", ST/DPI/SOA/SEM.4.

"Since 1952, the ITU has intensified this effort (construction, operation and maintenance of telegraph, telephone (and radio) systems; assistance and training of personnel in all branches of telecommunications) through participation in the United Nations Expanded Programme of Technical Assistance. Under this programme, the Union is helping to reorganize and improve existing telecommunication systems and build new networks in under-developed countries requesting aid.

"During 1955, for example, the ITU co-operated with the United Nations Technical Assistance Board in recruiting experts to help develop telegraph, telephone or radio services in Iraq, Iran, Jordan, Lebanon, Malaya, Pakistan, Syria and Turkey. Other experts trained local personnel in Ethiopia. In addition, seventeen scholars or fellows from China, Greece, Iran, Israel, Japan, Malaya, Nepal, Syria and Yugoslavia studied operating methods or systems in technically advanced countries.

"A major ITU project is a scheme to connect countries in the Middle East and South Asia with the international communication network in Europe and the mediterranean basin. This scheme will initiate a new era of telecommunications in Asia by combining new and existing systems in a broad network to meet the needs of expanded telegraph and telephone services and broadcast programme relays."

19. The Food and Agricultural Organization, through its studies of the problems of the supply of newsprint and wood pulp, has also initiated some useful work. In 1952, on a request from the Economic and Social Council, FAO undertook a three-phase programme based on a world survey of potentialities for increasing pulp and paper output, advice in planning new mills and technical assistance in building and operating them. Through FAO, a group of technical assistance experts was assigned to the Latin American region to help countries co-ordinate pulp and paper production on sound and economic lines. FAO has sent expert missions to some thirty countries in Africa, Asia, North and South America and Europe to study problems of forestry and forest products. FAO fellowships have also been awarded for the study of paper production.

20. Tangible if indirect assistance to information media, particularly in under-developed countries, was given during 1956 as a result of the implementation of operative paragraph one of Economic and Social Council resolution 605 (XXI) on advisory services in the field of human rights. By this operative paragraph, the Council approved the suggestion for a news personnel project along the lines which had been set forth in a report by the Secretary-General on a programme for news personnel (E/2854). This report suggested among other things that possible lines of action in developing among news personnel a wider knowledge of the work of the United Nations, of foreign countries and of international affairs, might include the holding of seminars and the awarding of fellowships. The Council approved the suggestion on the understanding that, in the development of the project, due emphasis would be given to the promotion of freedom of information. Pursuant to this resolution, the Secretary-General organized a news personnel seminar in Geneva from 23 July to 8 August 1956. Using the criteria of equitable geographical distribution, qualifications and special consideration for countries with less developed communication media, participants were selected from the following twenty countries: Argentina, Brazil, Chile, Czechoslovakia, Denmark, Egypt, France, India, Indonesia, Iran, Iraq, Israel, Netherlands, New Zealand, Pakistan, Spain, Thailand, USSR, USA and Yugoslavia. The participants, who were chosen as individuals and not as representatives of their countries or even of their news media, were senior news personnel of high professional standing. The seminar met concurrently with the twenty-second session of the Economic and Social Council and its programme included a study of the work of the Council.

21. Later in 1956, under the same news personnel programme, news fellowships were awarded to candidates from Turkey, Ceylon, Sweden, Burma, the Philippines and Italy (countries which had not been represented at the seminar mentioned above) and the Fellows arrived at United Nations Headquarters early in January, 1957, for a stay of two months. They studied most aspects of the work of the United Nations, with particular attention to the final stages of the Eleventh General Assembly.

22. Pursuant to Economic and Social Council resolution 574 D (XIX) of 26 May 1955, on media of information in under-developed countries, the Secretary-General, in a note verbale dated 29 June 1955, requested the Governments of States Members of the United Nations or those non-member States which are members of a specialized agency, to transmit, in so far as they had not already done so:

- "(a) Information on the media of information existing in their territories;
- (b) Information on existing measures and plans, including any based on the recommendations made in Council resolution 522 K (XVII), for the development of information media, on the measures undertaken towards the implementation of such plans and on difficulties which they are meeting in implementing them;
- (c) Recommendations and suggestions regarding possible action on the international plane for the development of media of information of under-developed countries."

23. A number of countries which replied (including Afghanistan, Burma, Ceylon and Viet-Nam) included specific statements concerning assistance which these Governments required to develop one or more aspects of their domestic information media.

24. An examination of the work so far done leads to the conclusion that the resolutions of the Economic and Social Council and of the General Assembly on the subject of the development of information media in under-developed countries, have not had too great an impact, possibly because of lack of sufficient organization and co-ordination of effort. There are a number of main factors affecting the situation:

- (1) The funds available for aid through the United Nations technical assistance are limited;

- (2) United Nations technical assistance is based broadly on the principle of requests from governments;
- (3) There is perhaps a natural reluctance to stimulate requests from governments in the field of development of information media to a point where other aspects of technical assistance to under-developed countries would suffer.

SOME SUGGESTIONS AND COMMENTS

25. While it is evident that a great deal of thought has been devoted to this question and some results achieved, it is for consideration whether there has not been a dispersal of effort by trying to undertake too many things at the same time. A system of priorities and a concentration on measures likely to have the greatest and quickest impact in under-developed countries seems to be called for.
26. In considering, for instance, the question of training, it would seem essential to make a distinction between countries already having well-developed, though not adequate population-wise, information media, and those where media are in elementary stage of growth. The training required in the first category of countries would largely be confined to technical training in running, expanding and manufacturing wherever possible, the physical paraphernalia including machinery, required for the media. These countries would have a pool of educated persons capable of being trained at home in profession techniques of journalism and broadcasting. The projection, choice and presentation of information itself should normally be adapted to the genius of the country concerned and cannot be copied wholesale from other countries, particularly from highly developed countries. It is only the second category of countries which would require both technical training and training in journalistic or broadcasting techniques. Such professional training would be useful only if made available in countries of the region with similar historic and economic backgrounds, possessing comparatively well-developed, though perhaps not statistically adequate information media.

27. Fellowships or training in journalistic and broadcasting techniques in highly industrialized countries would be unreal and impracticable, if not positively harmful for these countries. The theory that something abnormal in human behaviour, crime, violence, emotional upsets, etc. is the most acceptable material for information media, seems to be frequently applied by the Press and radio of industrialized countries. Such values, harmless perhaps in highly sophisticated communities, will be positively dangerous as models for the information media of under-developed countries.

28. Again, an important aspect in training is the question of specialization. The information media of highly developed countries have reached a stage of a very high degree of specialization. This would not normally be possible in lesser developed countries whose information media have smaller financial support and resources. In other words, the possibility of specialization is in direct proportion to the degree of development of the country. Training schemes should therefore take this into account, particularly the fact that high specialization would inhibit rather than encourage the development of information media in their early stages.

29. It therefore seems necessary to re-examine the question of training. It is of course true that specialization is an essential ingredient of expansion, particularly in the matter of machinery, etc. But the general belief that training in all aspects of information media should be in highly developed countries, is not borne out by the requirements. UNESCO may perhaps examine this question in the light of the following suggestions:

- (i) emphasis should normally be on the training, to establish, run, maintain and, if possible, to manufacture the physical requirements, including machinery, of information media.
- (ii) training in journalistic and broadcasting techniques should as far as possible be in countries possessing necessary facilities, whose economic and social conditions are largely similar to those of the trainees' country.

30. The widest scope for international co-operation seems to lie in the provision of material and technical assistance for the expansion of information media. As has been pointed out, several countries in the region may have the personnel but not the equipment and material for expansion. The Secretary-General in his report and various resolutions on the subject have paid attention to this aspect but it seems necessary to give the highest priority to certain recommendations.

31. One of the most serious problems of the Press in under-developed countries at the present moment is the high cost of newsprint. Few countries in these regions produce newsprint and none are self-sufficient. Unless measures are taken to produce or supply newsprint at prices which can be sustained by the economies of these countries, expansion of this medium will be very difficult.

32. FAO, as already noted, has already undertaken surveys and done some work in the expansion of production and equitable distribution of newsprint. There are also recommendations to encourage this by tariff measures, etc. It would seem that even more positive measures are necessary.

The largest producers and consumers of newsprint are the highly developed countries. Their co-operation must be sought in two directions. Firstly, by considering ways of making available newsprint at prices economic to under-developed countries, and secondly, by trying to build up paper and pulp industries in the countries possessing raw material and able to sustain such industries.

33. No concrete suggestions can be made at this stage. But appropriate organs of the United Nations may look into the possibilities of interesting paper and pulp industries in highly developed countries entering into partnership with governments or private enterprises in under-developed countries, to set up where raw material is available and other conditions are satisfactory, paper and pulp industries on a mutually agreed and profitable basis. A more direct form of assistance which highly developed countries could render, would be perhaps an agreement for some form of cess at the point of newsprint production, the proceeds to be applied to reducing the price of newsprint to under-developed countries, or for the creation of a fund for general development of information media. In the meantime, full encouragement should be given to the work already undertaken by FAO.

34. It may be mentioned that, taking into consideration the growing needs of Asia and Africa, the immediate future does not hold any possibility of over-production. The Press in these continents, taken as a whole, is in its infancy in the matter of newsprint requirements.

35. An important step to assist, not only the under-developed countries but international understanding, can be taken by proceeding to finalize arrangements for a cheap international Press cable rate. This matter has been discussed before but no agreement has been reached. At present, Press cable rates vary from country to country and, except for the penny rates prevalent in the Commonwealth countries, are prohibitively costly for information media of under-developed countries. A uniform cheap Press rate for all Press messages from one country to any other would be of great value in promoting and developing international understanding. A **beginning** could be made at the United Nations Headquarters by negotiating a cheap uniform Press rate to all countries for Press messages sent by information media personnel accredited to the United Nations.

36. The radio, along with the film, is the most useful medium of mass communication in countries with low literacy rates. Radio also affords possibilities of rapid expansion.

37. Several recommendations have already been made in previous resolutions in regard to development of this media. It seems, however, important to concentrate on helping under-developed countries, wherever possible, to manufacture radio receivers suitable for their economic conditions. The new development in radio receivers - the transistor type - seems to hold out possibilities for countries which do not yet have electricity in rural areas. Such production centres could serve the needs of other countries in the regions which may be unable to sustain an industry of this type.

38. As regards the other recommendations made by the United Nations and specialized agencies, it seems evident that progress is dependent on the one hand on the availability of funds, and on the other on the interest taken by the governments of under-developed countries and territories.

39. In view of the important role information media can play in general economic development, the need for their development may be kept in mind in earmarking available funds. The establishment of SUNFED may assist in this direction.

40. As regards arousing interest, it has been noted that the response to the Secretary-General's note verbale of 29 June 1955 has not been very encouraging. It might be useful to request once again governments concerned to transmit specific schemes for which they would require technical or other assistance. On the receipt of this information, United Nations agencies concerned could, taking into account available resources, work out a system of priorities keeping in mind recommendations and suggestions made so far.

This report is based on the material available and will be supplemented, if considered necessary, at a later stage.

In the recently published survey, "World Communications", UNESCO has dealt with conditions obtaining in under-developed countries of Africa, Latin America, the Middle East and South-East Asia, with particular emphasis on shortages in each region. The position in each of the above regions with regard to the major problems in the fields of Press, radio, film and television which, in varying degrees affect them all, is examined briefly below. A summary of conditions in the Middle East is also given on page 6 of the report by the Secretary-General on the Development of Media of Information in Under-Developed Countries (E/2947).

Africa

With the lowest level of literacy, which is 20 per cent of the total population of 214 million, Africa is the region which is poorest in information facilities. 70 per cent of the circulation of Africa's 200 daily newspapers is concentrated in five countries - Algeria, Egypt, Morocco, Tunisia and the Union of South Africa, representing barely 30 per cent of Africa's population. The remaining forty countries have no daily newspapers worth the name. In the French Cameroons and Togoland, Gambia, Portuguese and Spanish Guinea and the Seychelles, an official daily bulletin takes the place of a newspaper.

A notable development has been the expansion of the daily Press in Ghana, Nigeria and Sierra Leone, where literacy is spreading fairly rapidly.

Africa produces no newsprint and relies on Canada or Europe for its supplies.

Although radio communication is being increasingly used to transmit news internally and abroad, many gaps remain in Africa's telecommunication system. The development of domestic news agencies depends in turn on the continued expansion of telecommunications and the Press. At present only Ghana, Sudan and Union of South Africa maintain national news agencies. Other African countries rely on the world agencies or in the case of dependent territories, on the national agencies of the administering States.

Radio has advanced more rapidly than the Press in Africa. Community sets are being increasingly used in many areas. Consequently the actual diffusion of radio in Africa is considerably greater than the total individual receivers would indicate. In most African countries, broadcasting is publicly controlled.

Throughout the region there is great diversity in the stages of development reached. Algeria, Egypt, Morocco, Tunisia and Union of South Africa have fairly well developed systems and together possess 86 per cent of all the receivers in Africa and countries without any broadcasting service are Gambia, Swaziland and French Somaliland. There are some countries which, though they do not produce programmes, are served by other comparatively better developed countries. Transmitters and receiving sets are imported.

Newsreels are fairly regularly produced in about seven countries and newsreels and feature films from the United States of America, the United Kingdom and France are shown widely throughout the continent. Only Egypt and Morocco make features regularly. Locally produced educational or documentary films are exhibited in all African countries. Permanent cinemas are limited in number but all African administrations use mobile units for outlying areas and on an increasing scale.

The only countries to develop television are Algeria and Morocco.

Latin America

This region may be regarded as having reached the middle stage of development in mass communication. The Latin American countries have an average literacy level of between 50 and 60 per cent. Seven countries are

relatively well-supplied with press, radio and film facilities and an additional seventeen countries are adequately equipped with regard to film and radio. A third group of eleven countries are lacking with respect to press and radio as well as films which represent 11 per cent of the Latin American population.

Twenty-seven countries in the region have no national news agency and Venezuela maintains a purely local service.

Radio networks are also fairly well-developed, both public and private operated. Except in the British territories, community receivers are not widely used. Among the eleven less developed countries, only Guatemala maintains an international broadcasting service. Transmitters and receivers are imported.

Film industry has not developed much in this region. Features and newsreels from the United States of America, the United Kingdom and France are widely shown throughout the group as well as features from Argentina and Mexico.

Television has spread rapidly throughout Latin America.

Community receivers are being increasingly used in Colombia. Nearly all the equipment required in Latin America comes from the United States of America; the only producer in the region being Mexico.

South and East Asia

In this vast region only Japan and Singapore have attained a general standard of adequacy in information media. Most of the countries are lacking in all the media. With a combined population of 1,290 millions or 92 per cent of the regional total, they have a general literacy level of 30 per cent.

A characteristic of the Asian Press is the large number of daily newspapers published in the larger countries: China, India, Indonesia, Pakistan, etc. Yet these newspapers barely average 10,000 in circulation. With the spread of literacy, daily newspapers have nevertheless expanded in numbers and circulation.

The major obstacles to press expansion are inadequate transport and telecommunications, newsprint problems and low individual purchasing power. Asia is almost entirely dependent on Canada and Europe for newsprint. The

only producers in this region are China, India, South Korea and Japan. India is preparing to increase its output and Indonesia and Pakistan plan to establish mills. Most of the larger countries possess national news agencies and maintain schools of journalism.

Most of the countries have made considerable efforts to develop broadcasting and their total of 3.5 million receivers is some 60 per cent greater than five years ago. However, the number of sets per 100 people is barely three. To increase diffusion, community receivers are widely used in some of the countries.

Broadcasting is publicly controlled in most of the countries. Educational programmes are also popular and almost all the independent States maintain international broadcasting services.

With the exception of China and India, all the countries import all their radio equipment.

Film production is considerable. Newsreels and documentary or educational films are made in China, India, Indonesia, Malaya, Mongolia and Pakistan. India and Japan are among the world's largest producers of feature films. U.K., French, U.S., and Soviet films also circulate.

China (mainland), India, Pakistan and the Philippines have facilities for professional and technical training.

The only countries with regular television services are Hong Kong (closed circuit), Japan, Philippines, Republic of Korea and Thailand. India is operating experimental services.

ANNEX C

THE RIGHTS AND RESPONSIBILITIES OF THE MEDIA OF INFORMATION

Part I - prepared by the Delegation of Poland

Part II - prepared by the Delegation of Lebanon

(Preparatory report by the Delegations of Lebanon
and Poland, written pursuant to decisions taken
by the Committee at its meeting of 10 June 1957)

PART I

We have been charged to draft a working paper on the question of the rights and responsibilities of media of information, in order to assist the Committee on Freedom of Information, set up by the Commission on Human Rights at its thirteenth session, in its task defined in the resolution of the Commission, (E/2970, resolution IX), as "examining and reviewing the recommendations and decisions on the subject of freedom of information already made in the various organs of the United Nations and the work done in this field by the specialized agencies, particularly UNESCO, and, when necessary, recommending what steps should be taken with a view to bringing those recommendations and decisions, and the work already accomplished, to the attention of members of the United Nations, and particularly the new members..."

This resolution clearly defines the limits of this working paper. We do not intend to enter into the substance and the merits of the question. We shall merely enumerate and, if necessary, evaluate the draft conventions, resolutions and documents on the subject, which contain recommendations for action. This should help the Committee in reporting to the Commission what action should be taken to promote the implementation of recommendations and decisions on the problem of freedom of information.

I. The Universal Declaration of Human Rights

Article 19 of the Universal Declaration of Human Rights, voted by the General Assembly of the United Nations on 10 December 1948, reads as follows:

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to see, receive and impart information and ideas through any media and regardless of frontiers."

This article defines what amounts to the one basic and essential right of media of information, a right which comprehends in itself many distinct rights, which are embodied in national laws. It also forms the basic idea of the work done by the United Nations in the field of rights and responsibilities of information media. The Declaration was voted unanimously and forms a solemn obligation of Member States.

II. International Conventions

A. Convention on the International Right of Correction. Of the three draft conventions, adopted by the United Nations Conference on Freedom of Information, held in Geneva in March-April 1948, each containing provisions which relate to the question of rights and responsibilities of the media of information, only one has passed the final stage of consideration by the General Assembly of the United Nations. At its seventh session on 16 December 1952, the Assembly took definite action on the draft of the Convention on the international right of correction, and opened it for signature (resolution 630 (VII)).

As of 31 December 1957, the Convention had been signed by Argentina, Chile, Cuba, Ecuador, Egypt, Ethiopia, France, Guatemala, Paraguay and Yugoslavia. It had been ratified or acceded to by Cuba, Egypt, Guatemala and Yugoslavia. Six ratifications or accessions being required to bring the Convention into force, two more would bring into being the first United Nations international convention in the field of freedom of information.

The Convention gives States directly affected by what they consider to be a false news dispatch, disseminated abroad by overseas information media, the possibility of securing a correction.

The Convention deals both with the right to demand correction and the obligation to give satisfaction to the requesting party. Under the Convention, the contracting parties agree that when a contracting State contends that a news dispatch capable of injuring its relations with other States or its national prestige or dignity, transmitted from one country to another by correspondents or information agencies of another State and published or disseminated abroad, is false or distorted, it may submit its version of the facts to the contracting States within whose territories the dispatch complained of has been published or disseminated. This State shall release the correction to information media through channels used for the diffusion of news concerning international affairs. In the event of not fulfilling this obligation, the State exercising the right of correction may submit it to the Secretary-General of the United Nations, who is required to give promptly publicity to the communique through information channels at his disposal.

B. Articles of the Draft Convention on the International Transmission of News.

The draft convention on the International Transmission of News, adopted by the

1948 Conference on Freedom of Information, was revised by the Economic and Social Council at its seventh session and transmitted to the General Assembly. After being amalgated with and then separated from the draft convention concerning the institution of an International Right of Correction, it emerged from the General Assembly in the form of nine articles relating to international transmission of news, approved by the Assembly, but not opened for signature.

The articles of this draft contain obligations of the contracting States to facilitate the entry, residence and travel from their countries of correspondents of other contracting parties; to give correspondents access to sources of news and on an equal basis with their own nationals; to facilitate transmission of all news materials without censorship or delay, subject to requirements relating directly to national defence.

In its present form this draft is no more than a moral obligation of United Nations Member States to act in accordance with its provisions. Short of being opened for signature, it could be embodied in a resolution, recommending its provisions to Member States. (Certain provisions have indeed been included in various resolutions of the Economic and Social Council: see part III.)

C. International Convention Concerning the Use of Broadcasting in the Cause of Peace (Geneva 1936). At its ninth session (resolution 841 (IX)) the General Assembly decided to request States which are parties to this Convention to state whether they wished to transfer to the United Nations the functions which were performed under the terms of the Convention by the League of Nations. The Secretary-General was instructed to prepare for the purpose of transfer a draft protocol and to provide in it for the accession of Members and non-members of the United Nations who are not parties to the Convention. New articles were suggested, obliging contracting parties to refrain from radio broadcasts that would mean unfair attacks or slander against other people and not to interfere with the reception in their territories of foreign radio broadcasts. The Secretary-General transmitted a draft protocol to the twenty-six State Parties to the Convention and as of 7 December 1956, received replies from twelve States, all of whom indicated approval of the transfer to the United Nations of the functions assigned under the Convention to the League of Nations.

A small proportion of States Members of the United Nations are parties to the Convention, and only eleven Members replied to the Secretary-General's request. It remains to be decided whether to renew efforts for obtaining more accessions to the Convention in its revised form, or to embody its provisions in other, more general, conventions concerning the free transmission and circulation of information.

III. Recommendations to Governments by the General Assembly and the Economic and Social Council of the United Nations

A. Legal aspects of the rights and responsibilities of media of information. No action has yet been taken by either the General Assembly or the Economic and Social Council to specify in a single convention or resolution the rights and responsibilities of information media. The Economic and Social Council, at its nineteenth session, merely requested the Secretary-General to transmit to appropriate information enterprises and professional organizations for their information the study on the legal aspects of the rights and responsibilities of the media of information, prepared by the Secretary-General and submitted to the Council at its nineteenth session (document E/2698).

This study was prepared at the request of the Council by its resolution 522 A (XVII) of 29 April 1954, and examines from a comparative point of view various legal techniques which have been employed in national legal systems to define the rights and responsibilities of information media and to provide for a control of the exercise of the rights and the fulfilment of responsibilities. It deals predominantly with what may be regarded as being "the enduring rights and responsibilities" of information media.

No other action has been taken on that exhaustive study, except to circulate it, as stated above, to "appropriate information enterprises and professional associations for their information".

B. Rights of News Personnel. In this field, the General Assembly has voted a resolution at its fourth session, on 21 October 1949 (resolution 314 (IV)) under the heading: "Access of news personnel to meetings of United Nations and the Specialized Agencies". The Assembly, "considering that the United Nations should be prepared to grant all the necessary facilities for enabling media of information to function with full freedom and responsibility in following the course

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of its work and that of the conferences called by it and its specialized agencies" - urged Member States to grant news personnel of all countries who had been accredited to the United Nations or the specialized agencies, free access to countries, where meetings of the United Nations or of the agencies might take place and to all public information sources and services of the United Nations and the specialized agencies.

This resolution deals, of course, with a small fragment of the right to free access to information sources, unhampered travel of news personnel and transmission of information. A wider field is covered by the resolution on freedom of information adopted by the Economic and Social Council at its thirteenth session (387 B (XIII)). The resolution, in paragraph B, referring to the Universal Declaration of Human Rights, stresses the right to seek, receive and impart information and ideas through any medium, regardless of frontiers. It says, that desiring to implement the right of all peoples to be fully informed, and conscious of the need of continually stressing the vital importance of safeguarding and developing this essential freedom, in order that all peoples may be freely exchanging information and ideas - the Council views with extreme concern all governmental action aimed at a systematic exclusion of bona fide correspondents, the imposition of arbitrary personal restraints and the infliction of punishments upon such correspondents, solely because of their attempt faithfully to perform their duties in gathering and transmitting news. It urges strongly "that personal restraint be removed and sentences imposing arbitrary punishment be revoked and appeals to governments to do all within their power to safeguard the right of correspondents freely and faithfully to gather and transfer news".

Furthermore, at its seventeenth session, the Council in its resolution 522 (XVII), under heading C, "Status and Movement of Foreign Correspondents", requested the Secretary-General to transmit to Member and non-member States two papers: "Study of the Law and Practice Governing the Status and Work of Foreign News Personnel" and "Study relating to the definition and identification of foreign correspondents". The studies deal with practical problems raised by the status and work of foreign correspondents - such as their identification, professional travel, tax status, remuneration in foreign currencies, administrative and technical facilities which may be granted them. The studies contain a number

of suggestions, and the resolution requests examination of the possibility of implementing the administrative measures contemplated in these studies with a view to facilitating the professional activities of foreign correspondents.

Related to this question is the part of the resolution headed "professional training", which urges Governments, particularly those with highly-developed mass communications, to co-operate to the fullest possible extent in offering facilities for foreign information personnel and students of journalism, including the granting of visas and currency facilities.

The Economic and Social Council has also dealt with the rights of news personnel to social and economic security. At its ninth session "considering that news personnel should be guaranteed social security for the proper exercise of their functions", and be assured freedom from want in their old age or in the case of disability, sickness or unemployment - the Council invited Governments which have not already done so, to adopt proper measures to meet these purposes (resolution 241 K (IX)).

At its nineteenth session the Council invited the International Labour Organization to consider the problem of the economic security of news personnel and its bearing on their ability to withstand pressure which would be prejudicial to proper exercise of their profession.

C. Free Flow of Information. This question is dealt with fully in the nine articles, separated from the amalgamated convention on the International Transmission of News and the Right of Correction approved by the General Assembly, but not opened for signature (see I B). Prior to this action, the General Assembly expressed its opinion on this subject in its resolution 277 C (III) of 13 May 1949, urging States to sign or accede to the amalgamated convention, when opened for signature. (This has not yet been done.) The Assembly also urged contracting parties to extend the application of the convention to territories for which they had international responsibilities.

By resolution 425 (V) of 14 December 1950, the Assembly, reasserting that "freedom of information and of the Press is one of the fundamental freedoms and should be advanced and safeguarded" - recommends to all Member States that when they are compelled to declare a state of emergency, "measures to limit freedom of information and of the press shall be taken only in the most exceptional circumstances and then only to the extent strictly required by the situation".

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The Council reiterated its views at its nineteenth session, in part B of resolution 574 (XIX), urging all States "to cease the practice of censoring outgoing news dispatches during peacetime in order to provide a free flow of information throughout the world". It also urged them to "facilitate the unrestricted transmission of news by telecommunication services as recommended by the Buenos Aires Telecommunication Conference".

D. Radio Problems. "Freedom to listen to radio broadcasts regardless of source" was declared by the General Assembly in its resolution 424 (V), which deals with the question of interference with radio signals. It concerns the right of all persons to be fully informed concerning news, opinions and ideas regardless of frontier and invites the Governments of all Member States to refrain from interference with the right of their peoples to freedom of information.

It also invites States to refrain from radio broadcasts that would mean unfair attacks or slanders against other peoples anywhere, and, in so doing, to conform strictly to an ethical conduct in the interest of world peace by reporting facts truly and objectively.

At its ninth session the General Assembly recalled this resolution in its request to States parties to the International Convention Concerning the Use of Broadcasting in the Cause of Peace (see I C).

E. Problems of Safeguards and Abuses. This, of course, is specifically dealt with in the Convention on the International Right of Correction (see II B). Prior to the adoption of the convention, the General Assembly at its second session, in resolution 110 (II) of 3 November 1947, on "measures to be taken against propaganda and the inciters of a new war" expressed its views on the subject. It "condemns all forms of propaganda which is either designed or likely to provoke or encourage any threat to the peace, breach of the peace or act of aggression", and requested Governments to "promote by means of publicity and propaganda available to them, friendly relations among nations based upon the purposes and principles of the Charter and to encourage the dissemination of information designed to give expression to the undoubted desire of all peoples for peace".

At the same session, the Assembly, considering that progress in developing friendly relations among nations and international co-operation can be achieved

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only if measures are taken to combat the publication of false or distorted reports likely to injure friendly relations between States, invited governments to study the measures which might be taken on the national plane to combat the diffusion of such reports (resolution 127 (II)). The resolution also invited the governments of Member States to submit material on the subject to the Conference on Freedom of Information to assist it in its work.

The Conference acted on the recommendation of the Assembly, adopting the draft convention on the international right of correction. It also adopted two resolutions on the subject of propaganda for war and false or distorted reports.

IV. Reports and studies

This paper would not be complete without reference to the work begun by various organs of the United Nations on certain aspects of the problem of freedom of information - including that of rights and responsibilities of the media of information - on which no definite action has been taken.

A. In the first place, one should mention the Draft Convention on Freedom of Information, drawn up by the 1948 Conference on Freedom of Information. Considering that the free interchange of information and opinions, both in the national and in the international sphere, is a fundamental human right, it contains provisions to safeguard this right, to secure freedom to transmit and to receive information through all available means of communication. It obliges contracting States not to regulate or control the use of availability of means of communication in a discriminating manner, to encourage and facilitate interchange and dissemination of information.

At its nineteenth session the Economic and Social Council, "bearing in mind that in the absence of a wide measure of agreement on the basic problems involved, an international convention would be unlikely to prove an effective instrument" - concluded "reluctantly that further action at this stage on the draft Convention on Freedom of Information would be unprofitable."

B. The report of Mr. Salvador P. Lopez, the special rapporteur on freedom of information appointed by the Economic and Social Council at its fourteenth session (document E/2426, May 1953) contains observations on the questions of rights and responsibilities of the media of information, as these were defined in the draft Convention on Freedom of Information, and suggestions as regards the text of relevant articles of the future Convention.

C. A number of useful studies on various aspects of the problem of freedom of information have been prepared by the Secretary-General to meet the requests of various organs of the United Nations. One of the studies deals specifically with the legal aspects of the rights and responsibilities of information media (see III A for action taken on that study).

Other studies also deal with certain aspects of the rights and responsibilities of media of information. Action has been taken on some of these studies, mainly confined to requests for transmission to governments or non-governmental organizations for information.

A list of studies is included in the Official Records of the nineteenth session of the Economic and Social Council, annexes to agenda item 15. The full text of studies on "Current principles and practices involved in the censorship of outgoing news dispatches (E/2683 and add.), on "The problem of protecting sources of information of news personnel" (E/2693 and add.) and on "Legal aspects of the rights and responsibilities of media of information" (E/2698 and add.) is given in the document. The draft international code of ethics (document E/2190, p. 13) should also be mentioned as containing certain provisions relating to the question of rights and responsibilities.

PART II

It is not the purpose of this section to attempt a philosophical dissertation. Much has been written and spoken, on the subject under review, by many people, inside and outside the United Nations. It would no doubt be interesting once again to evaluate what might be described as the spectrum presentation of the differences between the various concepts of the rights and responsibilities of the media of information, or to examine the validity of a recent breakdown of this spectrum into "four theories of the press"^{1/} ("the authoritarian theory", "the libertarian theory", "the social responsibility theory", and "the Soviet Communist theory").

Our immediate need is to examine certain aspects of the work of the United Nations from the point of view of the relationship of these aspects, on the one hand, to the rights of the media of information, and on the other hand to their responsibilities. Implicit in the latter is, of course, the question of the rights of the consumer; we need not at the moment elaborate on the nuances of this.

Our immediate need is also, it goes without saying, to see whether the Committee on Freedom of Information of the Commission on Human Rights can make any constructive recommendations as to the directions this part of the work of the United Nations on freedom of information can take.

This study of the rights and responsibilities of the media of information is nothing new, from the point of view of the work of the United Nations in freedom of information. Any contemporary evaluation of the question must begin by a reference to the past, for in a sense a great part of the work of the United Nations in this field, however frustrating the effort and however meagre the results, constitutes in fact a study of this very question.

The terms of reference of the defunct Sub-Commission on Freedom of Information and of the Press were to examine the rights, obligations and practices which should be included in the concept of freedom of information. This also was precisely the broad task entrusted to the Geneva Conference on Freedom of Information of 1948. And, if one examines them at all closely, many of the projects which the United Nations has undertaken have demonstrated, quite apart from the inevitable clash of points of view and political philosophies, point and counterpoint of rights and responsibilities.

^{1/} "Four Theories of the Press" by Fred S. Siebert, Theodore Peterson and Wilbert Schramm; University of Illinois Press, Urbana 1956.

The Sub-Commission in fact devoted a great part of its second session, early in 1948, to drawing up a statement of what it considered to be, at that time, the rights, obligations and practices to be included in the concept of freedom of information. It is significant that early in 1948 it was possible for a majority of members of the Sub-Commission to agree on such a statement. It might be interesting, as an academic exercise, to attempt to draft one today, in any organ of the United Nations, if only for the purpose of gauging the progress or lack of progress made in ten years.

The Geneva Conference on Freedom of Information, which also took place early in 1948, has generally been regarded as a high point in the work of the United Nations in freedom of information. It demonstrated for one thing the existence of a small but measurable area of agreement between opposing philosophies and points of view; unfortunately, in the years which followed, this area shrank rather than increased in size. It is particularly interesting that in two aspects of the responsibilities of the media of information, there was unanimous agreement - in the first place that war propaganda and false and distorted reports are problems of the first importance, calling for urgent correctional action on the national and international planes; secondly there was unanimous agreement as to steps which should be taken under the auspices of the United Nations in the way of such correctional action.

The Final Act of the Conference (E/CONF.6/79), embodying the three draft conventions and more than forty resolutions which the Conference approved, demonstrates dramatically the point and counterpoint which has been referred to. Attention was paid to the rights of the media of information in the Draft Convention on the Gathering and International Transmission of News, which aimed at facilitating the entry of foreign correspondents to countries, their access to news, and the dispatch of their reports without censorship in peacetime; and in a series of resolutions grouped under the headings "Measures to facilitate the gathering and international transmission of information" and "Measures concerning the free publication and reception of information".

Apart from two unanimously adopted resolutions referred to above, the question of the responsibility of the media of information was inherent in the draft Convention on the International Right of Correction prepared by the Conference,

which envisaged a means of offsetting the damage done to friendly relations between peoples by false or distorted reports transmitted abroad by correspondents. (Later when the Third Committee of the General Assembly was redrafting this convention, and in the process of amalgamating it with the draft Convention on the International Gathering and Transmission of News, there were lengthy and significant discussions as to just what degree of enforcement of responsibility is permissible. A number of delegations argued forcefully that Contracting States should agree to compel their information agencies and their correspondents to distribute corrections of false or distorted reports. This point of view prevailed temporarily, but in the end a majority of members of the Third Committee agreed on a compromise formula which referred in a preambular form of language to the obligations of media of information to publish corrections, but did not envisage any "measures of enforcement".)

The problem of responsibility was also referred to in a number of resolutions adopted by the Geneva Conference, notably one concerning the possibility of drafting an "International Code of Honour" and establishing an international court of honour. It is a matter of history that the court of honour proposal never took root; possibly the idea never had a chance in the fact of the history of failure of the old International Court of Honour which was established at The Hague early in the 1930's by the former International Organisation of Journalists, but which never functioned. An International Code of Ethics for information personnel was however drafted by the Sub-Commission on Freedom of Information and of the Press, and after being redrafted in the light of comments by the profession, ended (not with a bang but a whimper) by being referred by the General Assembly to information enterprises "for such action as they may deem proper".

The most important thread in the complex warp and woof of freedom and responsibility which the Conference attempted to weave is, however, the draft Convention on Freedom of Information, which is still before the General Assembly. Without prejudice to the action which the General Assembly may eventually take, after these many years of postponed consideration of the draft Convention, it is worthwhile pausing to consider the elements of this instrument which make up its approach to the point and counterpoint of freedom and responsibility, some of the difficulties which have attended its drafting, and the action which might be taken

by the Commission on Human Rights (again it must be emphasized this is without prejudice to what the General Assembly may see fit to decide at its thirteenth session concerning the draft Convention) to further this project.

It must be recalled that the Commission on Human Rights, at its sixth session, after having included an article on freedom of information in the draft Covenants on Human Rights, nevertheless went clearly on record as being of the opinion that freedom of information was one of the fundamental human rights which justified elaboration in a separate and distinct convention.

It is this fact that, together with the uncertainties attending the future of the draft covenants on human rights which, in our opinion, justifies the Commission on Human Rights maintaining a watching brief, as it were, on the development of the draft Convention on Freedom of Information. And this notwithstanding the view expressed at the thirteenth session of the Commission that its Committee on Freedom of Information should not "trespass on the prerogatives of other organs of the United Nations".

The representative of France on this Committee has given his opinion in his preparatory study on the work of the United Nations and the specialized agencies in freedom of information, that the time is not opportune to press forward vigorously any attempt to complete work on the draft convention. This observation may indeed be valid as regards the prospects of immediately proceeding in the Third Committee of the General Assembly to an article-by-article study of the draft convention, in a similar manner to the Assembly's current article-by-article examination of the draft covenants on human rights.

The discussions in the Third Committee at the recently concluded twelfth session of the General Assembly showed, however, that there is still a very lively interest in this project together with a feeling that steps should be taken to ensure an informed discussion of it, with the views of Member States clearly expressed, at the Assembly's thirteenth session.

It should also be recalled that the last time a significant vote was taken on the question in the Third Committee, at the seventh session of the General Assembly (A/C.3/SR.430), twenty-three countries expressed themselves in favour of "proceeding to a detailed consideration of the draft convention with a view to reaching agreement on the contentious part thereof". These countries were: Afghanistan,

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Burma, Ecuador, Egypt, Ethiopia, Guatemala, Haiti, Honduras, India, Indonesia, Iraq, Lebanon, Liberia, Mexico, Nicaragua, Pakistan, Philippines, Saudi Arabia, Syria, Thailand, Uruguay, Yemen and Yugoslavia. An examination of the list of new Members and of the recent discussions in the Third Committee suggests that today this group might well be larger.

To revert for a moment to the substance of the draft convention:

Article 1 deals with the obligation of Contracting States to establish standard of freedom of information, in the first place by guaranteeing freedom to seek, receive and import information, and secondly by prohibiting any form of discrimination in the regulation and control of means of communication.

Article 2 recognizes that the rights and freedoms dealt with in the first article carry with them certain obligations, and lists permissible restrictions to the freedom of information.

Article 3 states that the provisions of the convention cannot be interpreted as limiting or derogating from the rights and freedoms guaranteed by a Contracting State, or by any conventions to which it is a party.

Article 5 obliges parties to the Convention to encourage the setting up of non-official organizations aimed at stimulating high professional standards.

What, then, have been the main difficulties which have attended the drafting of this convention? There have been a number of presentations of them. A quite clear picture emerges from the discussions at the Geneva Conference, in the Third Committee of the General Assembly, and particularly, perhaps, in the Assembly's ad hoc Committee on the Draft Convention on Freedom of Information.

The main difficulties, it is a matter of record, have centred around the drafting of Article 2, which lists the permissible restrictions which may be imposed on freedom of information, as it is defined in the first article.

In the first place, there is the question of which restrictions should be included. There seems to have been agreement that certain matters should be dealt with, such as obscenity, national security (though here there has been a difference of opinion regarding just how broad the concept of national security should be), incitement to commit criminal acts, and so on.

Those who believe that the article should list permissible restrictions in detail have proceeded further to insist on the enumeration of provisions which they maintain are necessary to mention because of the legislative situation in their countries or because of special considerations. Among such provisions might be included reports likely to affect friendly relations between peoples, blasphemy, reports likely to prejudice judicial trial processes, reports which are likely to incite or lead to discrimination of any type, etc.

Linked with the question of which restrictions should be referred to is the question, an over-riding one in some respects, of whether article 2 should employ a broad or an enumerative formula; whether it should be written in rather general language, or should list permissible restrictions in precise legal language. It is not necessary here to examine in detail the arguments for and against either formula. Suffice it to say that this is one question which must be resolved in the process of arriving at a final text of the draft convention. The suggestion has been made by the Economic and Social Council's former Rapporteur on Freedom of Information, Mr. Salvador P. Lopez, that agreement should be reached on a compromise formula for the article, and that Contracting Parties should meet together after five years to review their experience of the convention and the utility of the formula employed for article 2.

What can this Committee recommend to the Commission on Human Rights regarding the draft convention? The General Assembly, at its twelfth session, has requested the Secretary-General to circulate the text of the convention articles (as drafted early in 1951 by the ad hoc Committee of the Assembly) to Member States, together with a brief history of the project for their comments and suggestions. The Secretary-General will report to the Assembly's thirteenth session on this consultation.

Notwithstanding the fact that the final decision must, accordingly, rest with the Assembly, there is nothing to prevent the Commission from reiterating its view, and requesting that this view be communicated to the General Assembly, that freedom of information is one of the fundamental rights of man which needs to be spelled out in a separate international instrument.

It might also be possible for the Commission to take some action regarding the other convention projects originally formulated by the Geneva Conference, and which, with the draft Convention on Freedom of Information, are still regarded by some as a "package deal". The Commission could, for example, take steps with a view to having the Convention on the International Right of Correction brought into effect; only two further ratifications or accessions are required; the Secretary-General could be requested to circulate some kind of reminder of its existence, especially to new Member States. Further the Commission could study what might be done to breathe some life into the Convention articles relating to the international transmission of news, which have been approved by the General Assembly and not open for signature.

ANNEX D

THE FREE CIRCULATION OF INFORMATION

(Preparatory report by the Delegation of Mexico,
written pursuant to decisions taken by the
Committee at its meeting of 10 June 1957)

1. A very comprehensive review of the work of the United Nations in the field of freedom of information is contained in the Secretary-General's survey of 7 December 1956 (E/CN.4/732) to which the attention of Member States has been duly drawn. Moreover it would seem inappropriate to put forward formal recommendations in this report on the specific matter of "the free circulation of information" since we have been asked not to trespass on the prerogatives of higher organs and the General Assembly at its eleventh session, will within a few days discuss the most important document that has been prepared on this subject, a draft convention on freedom of information that is the product of at least three exhaustive and representative debates.
2. However, in conformity with our terms of reference, the following comments and suggestions are offered.
3. The problem of achieving agreement on this vital subject has engaged the attention of numerous organs, and many documents have been produced. The variety of bodies that have considered the problem, and the fact that work and research seem to be at a standstill in every field in which action has been attempted, reflect the formidable difficulties encountered in endeavouring to embody in practical instruments the human right to freedom of information enunciated in the Universal Declaration of Human Rights and other documents.
4. Although the repeated postponements and the many minor and sterile attempts that have been made to deal with individual aspects of the problem are at times discouraging, the net result of this endeavour has been a positive appraisal of the importance and wide scope of our subject; valuable documents have been produced and we have heard broadly representative views firmly expressed on matters in which intransigence and perhaps ignorance had confused the issues. It is now clear that the obstacles that have halted and frustrated this work in every field stem from a single fundamental situation, which is of very great dimensions but the remedy to which undoubtedly lies within the purview of the Economic and Social Council of the United Nations. What is more, study of freedom of information and of the conditions in which it can be fairly ensured has performed the invaluable service of drawing attention to facts and considerations that apply to a great many of the other basic problems of the world community.

5. The subject has in fact been considered by:

The General Assembly
The Economic and Social Council
UNESCO
ILO
FAO
ITU
UPU

In the case of the Economic and Social Council and the General Assembly it is also necessary to detail the various stages in the consideration of the question and the various subordinate bodies to which it has been referred.

6. The Council's role has been important and direct. It was the Council's Commission on Human Rights which originally drafted the relevant articles of the Universal Declaration of Human Rights and of the Covenants on Human Rights which are to be discussed by the Third Committee of the General Assembly. The Commission on Human Rights has taken other action in this field, including the establishment of our Committee by resolution IX of 26 April 1957. The Economic and Social Council has taken other measures of obvious importance in this connexion. Thus it was the Council that established the Sub-Commission on Freedom of Information and of the Press, which held five sessions between 1947 and 1952. It was also the Council that appointed, for an experimental term of one year, a Rapporteur on Freedom of Information, Mr. Salvador P. Lopez of the Philippines, whose invaluable report was issued in 1953.

7. The Council was also entrusted by the General Assembly with the responsibility of convening the United Nations Conference on Freedom of Information, which was held at Geneva from 23 March to 21 April 1948 under the chairmanship of Ambassador Carlos P. Romulo of the Philippines and attended by the representatives of fifty-four States, observers from three other countries and representatives of specialized agencies. We will consider below to what extent this meeting provides a key to our study.

8. In the General Assembly work in this field has been the responsibility of the Third Committee. Of particular importance in this respect is the memorable Universal Declaration of Human Rights, adopted and proclaimed by the General Assembly on 10 December 1948, article 19 of which states:

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

9. Finally, it was the General Assembly which directly appointed a special Committee to prepare a Draft Convention on Freedom of Information. This fifteen-member Committee under the chairmanship of the Mexican representative, Dr. Raúl Noriega, held twenty-seven meetings between 15 January and 7 February 1951 at Lake Success and produced the text now before the General Assembly.
10. UNESCO, by virtue of its constitution, is directly interested in this subject. The delimitation of its activities and those of the other United Nations organs mentioned above has been the subject of various reports. In any event its work in this field and some of its reports are of fundamental interest.
11. The ILO, FAO, ITU and UPU are interested in this matter to the extent that it impinges on problems connected with professional matters, newsprint, and telegraphic and postal communications.
12. Examination of the proposed draft conventions will enable us to appreciate more clearly the nature of our difficulties.
13. A definition of our subject was provided at the outset by General Assembly resolution 59 (I), in which it is stated that:

"Freedom of information implies the right to gather, transmit and publish news anywhere and everywhere without fetters. As such it is an essential factor in any serious effort to promote the peace and progress of the world."
14. Similar definitions were included in the instruments on human rights referred to earlier and in the drafts of the Convention on Freedom of Information.
15. Any illusions that the problem of the free circulation of information could be solved by declarations of this type were dispelled in 1948 for it soon became clear at the Geneva Conference that such provisions could not be binding without restriction at the present stage of international development.
16. The following points emerged clearly from the Geneva Conference and the ensuing discussions:

(a) The business of providing news to the modern world is certainly not in the hands of private individuals; it necessitates the formation of large undertakings with an expert organization and highly specialized, able and experienced staff, plus the prestige and reliability required to gain the confidence of newspapers and the general public, and heavy capital investments.

(b) Those engaged in gathering, transmitting and publishing news anywhere and everywhere without fetters are thus given "great power to influence public opinion".

(c) Who is to wield this great power, which the United Nations is under an obligation to guarantee to all?

(d) Is it sufficient to declare that freedom of information is a universal right, or should effective steps be taken by the United Nations to ensure that the right is in fact enjoyed by all members of the world community?

(e) What facilities for and limitations on, those engaged in this work can properly be laid down?

17. In the United Nations there have been fundamental differences of opinion, particularly with regard to the type of press which truly represents the people. In some quarters there has been strong opposition to governmental interference in this field, while others maintain that the principal news organizations, working on a commercial basis and with close ties to other enterprises, in fact have much greater power than was originally thought and are a means of perpetuating the privileged position of certain financial and political interests.

18. It proved possible to draft a convention on freedom of information generally, but when the question of its practical implementation arose some delegations at the Geneva Conference and at subsequent meetings expressed support for a Convention on the Gathering and International Transmission of News, concerned with the provision of facilities for journalists, while others laid greater stress on a Convention on the International Right of Correction, so that Governments would at least have a safeguard against the publication by international agencies of reports that might be considered detrimental by the

State concerned. In addition the idea of an International Code of Ethics for information personnel, intended to establish principles and limitations for the guidance of news personnel, grew out of one of the Geneva Conference's resolutions.

19. The subsequent history of these four documents throws considerable light on the nature of our problem.

20. The Draft Convention on Freedom of Information which emerged from the Geneva Conference of 1948 was laid before the General Assembly, where it was partly redrafted by the Third Committee at the second part of the third session. After the fifth session of the General Assembly, however, the Ad Hoc Committee on the Draft Convention on Freedom of Information, referred to in paragraph 9, produced another draft, the discussion of which has been postponed for a number of years, but which is at the time of writing scheduled to be considered by the Third Committee at the General Assembly's twelfth session.

21. The fate of the related conventions is equally significant. The General Assembly in resolution 277 C (III) amalgamated the draft Convention on the Gathering and International Transmission of News and the draft Convention on the International Right of Correction in a single instrument, on the understanding that the amalgamated text would not be opened for signature until definite action had been taken on the Convention on Freedom of Information. At its seventh session the General Assembly again separated the drafts. Only the Convention on the International Right of Correction was opened for signature and has in fact been signed by a number of States. The International Code of Ethics for information personnel appears to be frozen at a much less advanced stage.

22. With regard to resolutions, the Geneva Conference alone adopted forty-three, some of which would be most valuable if Governments demonstrated their readiness to take the action recommended in them. The most important of the other known recommendations, ten by the General Assembly and fourteen by the Economic and Social Council are listed in the Secretary-General's report (E/CN.4/732).

23. We propose to offer our comments and suggestions on the basis of the points mentioned in sub-paragraphs (c) and (d) of paragraph 16 above.

/...

24. From the point of view of the logical development of a world society it would seem necessary to guarantee to everyone the means as well as the right to make himself heard. Our approach to this problem must, however, be governed by the fact that we are concerned with a society of some two and a half thousand million people.

25. Granted that it is physically impossible for each one of the world's inhabitants to make his views known at any given time, or to be personally active in the field of gathering and publishing news, the essential thing, in this, as in so many other aspects of democracy, is to ensure the fully representative participation of all sectors of society.

26. Regardless of whether it may eventually be necessary to decide on the expansion of the media of information, what today disturbs people in many countries is not the lack of media, but the great inequality in the distribution and control of these instruments of common world interest.

27. The problems of the free circulation of information are not the same in all parts of the world. In some countries hopes are centred on the possibility of creating or developing vehicles of information, whereas in others people might well view with real concern any serious effort to expand the media of information.

28. In the world generally, as a result of the continual increase in the number of individuals and organizations legitimately anxious to make their views known, contrasted with the few media of information available to them and the steadily dwindling number of independent organs, there is in fact a striking discrepancy between the volume of constructive ideas, news dispatches, articles etc. worthy of publication and the volume actually published.

29. But this is only a part of the truth. While many nations have no news service worthy of the name, the problem in other countries is the reverse. In highly advanced countries the reader is literally crushed beneath the appalling volume of material with which he is bombarded from all sides every day. If a survey of public opinion on this point was taken today it would probably show that the under-developed countries simply wanted a quiet, reasonable service that would keep them abreast of what is happening in the world, while in the highly developed countries the answer might well come in the form of a general outcry

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for measures to check the tremendous flood of reading matter which day after day tries the nerves of the public.

30. One fact that seems unquestionable with regard to this industry is that the distribution is so unbalanced that the publication of books and the furnishing of news at present operate to the advantage of a very few nations, with great injustice to the rest of the world. Not only is it obvious that in many countries there are valuable ideas and excellent works which have no hope of publication - whereas an unending stream of works of inferior quality pours out to the readers of all countries, thanks to assiduous advertising campaigns, translation services and the sales facilities of the large publishing organizations - but the right of correction cannot be freely and fairly exercised by persons injured by reports published. The extent of the opposition to the institution of a governmental right of correction can be seen from the documents before us and if this is what has happened in the case of powerful sovereign States, it is easy to see that private individuals are in a hopelessly weak position. The power placed in the hands of journalists in this situation is undeniably very great, and, notwithstanding all that can be said to the credit of many distinguished and honourable publishers, it would seem impossible to prevent misuse of that power. It is abundantly obvious that there is growing resentment of the inequality, irresponsibility and flagrant injustice that are the inevitable outcome of such a situation, particularly at the international level.

31. It may well be that for reasons with which we are not at present concerned only a small proportion of the world's thinking can be expected to be published and that only a limited number of people can engage in the business of gathering and distributing news. But it is manifestly improper that this small proportion should be the exclusive property of a small group of nations, and that other countries should be expected merely to provide facilities for the representatives of foreign services.

32. We acknowledge and respect the work of the outstanding organizations that have won a place for themselves as news services in the face of completion, and it is no doubt generally recognized that many of them have maintained a high standard of fairness and objectivity and have made their structure more democratic and representative by broadening their staffs to include men of different nationalities. But it is the very nature of the situation as it exists today that

explains the vehement charges of irresponsibility, sensationalism and economic or political bias made in the documents submitted to the United Nations. When such bias is expressed across international frontiers, as may easily happen in the present situation, the problem is extremely serious and a major source of friction.

33. Resentment in this field goes even deeper. Experienced translators know that the product of one culture, as distinct from the product of another culture, is not only expressed in a different language but may also reflect different attitudes and different ways of thought, using special expressions and other devices characteristic of the cultural group concerned. Even the best translation into Spanish of a typically English or French conception is bound to betray expressions, points of view or ways of looking at things that are innate in the French or English cultures and alien to the Spanish. Where this is done without no reciprocity - and this is the case in the modern world, to an extent that would not be contemplated in any international agreement - it must be unhesitatingly denounced as an illegitimate encroachment by one cultural group on another, rather than as a constructive inter-cultural effort intended to level international differences.

34. What is more, the excessive use of translated foreign news dispatches may have an extremely adverse effect on the training of journalists, a point to which the attention of the United Nations has rightly been drawn. It has been remarked that whereas the great news agencies have trained some of the world's outstanding journalists today in many countries which only a few years ago could pride themselves on their great newspapermen less able men are engaged in the mechanical task of writing headlines for news dispatches which are received from abroad and which are likely to carry, in addition to statements of fact, interpretations or ideas that may not be fully shared by the people of the country. It is said that this has resulted in gross and unfortunate errors, in which newspapers, in dealing with matters directly affecting their country's prestige and international position, have presented to their local public not a national point of view but a poor translation of a foreign commentary received in the regular batch of news dispatches.

35. One of the most disturbing developments in recent years has been the efforts of great news organizations in some countries to introduce their publications in

countries of a different cultural group in the language of that group and in competition with local publications. As the publications in question are printed in their country of origin, in an environment far removed from that in which the language concerned is used, it is a very dubious product that is offered to respectable members of the United Nations, purportedly in their own national culture and language. The fact that the same language is spoken by a number of countries is used in this case as basis for a mass market not by one of the members of the group but by organizations outside it.

36. Nevertheless, it should be borne in mind that where a disequilibrium of this kind exists any criticism which may be directed against one of the parties for excessive activity must be coupled with an equal measure of criticism of the other party for its withdrawal or abstention.

37. In offering a mere suggestion at this stage for the consideration of higher bodies, we realize that no suggestion can be of real value if it ignored the fact that any honest and effective attempt to correct the situation to which we have referred will demand a determined effort and the investment of substantial funds by national organizations, or by the Governments of the countries which are not as yet active in this field.

38. Study of our subject in fact reveals a further instance of an unbalanced world economy, in other words of what is probably the gravest problem confronting the United Nations, but with regard to which real progress is already being made in many fields. A mere recommendation that the media of information should be increased may not achieve the desired goal at this stage for it is obvious that, far from there being any hope for improvement, the situation will tend steadily to deteriorate so long as the circumstances which give rise to it remain unchanged. The object must be to achieve equality at the source, the gathering and distribution of news. The major cultural groups which at present play no part in the gathering and distribution of news must participate in it by making the necessary economic effort which, although substantial, is surely within their capacity and is obviously essential to their cultural survival. They must now enter this field in the same way as some nations in Latin America, Asia and other regions have openly entered other fields of first-rate importance, such as the steel industry, shipping, air transport and the motion picture industry, in some cases in the face of the bitter - and understandable - opposition on the part of interests which had hitherto held a monopoly in those fields.

39. While it is possible that all countries can take part in this effort the situation would perhaps be improved if all the main cultural groups or languages were represented.

40. We are indebted to the Rapporteur on Freedom of Information, Mr. Salvador P. Lopez, for, among many other things, his very clear study of the position with regard to news agencies in the chapter of his report dealing with monopolies. The high degree of concentration in this field is perhaps most vividly indicated by the Rapporteur's statement that the war ended with only six major agencies in this field, a statement which the reader should examine in its full context.

41. Closer study will show that the six agencies represent only four nationalities, those of the four great powers.

42. Our superior organs might wish first to consider whether this activity, which is of such vital importance to the exercise of freedom of information, is really one that can only be effectively carried on by the great Powers. For our part, we will merely state our personal impression that this is surely not the case, however true it may be that the work requires great organization and substantial expense.

43. In this matter, the guiding principle should clearly be that which applies to the International Court of Justice and so many other United Nations activities: the representation of the various world cultures should be fully assured.

44. Twenty countries with a population of many millions speak Spanish. Four countries, also with a very large population, have German as their national language or as one of their languages, and German is very widely taught throughout Central Europe. Eleven Members of the United Nations, also with a population of many millions, are of Arabic language and culture. Chinese, Hindi and Japanese are spoken by great nations. This list is not, of course, exhaustive. But if these cultural groups were to be served as well as the English, French and Russian groups are now served, the world community could be very broadly represented by not more than a dozen agencies. Countries sharing a common language surely owe it to the world community to combine their efforts in a joint agency which might well be started by any one of them, provided that the door was left open for the equitable participation of capital and personnel from all the other members of the group. Several Latin American and countries of other groups have remarkable joint economic undertakings to their credit. Mexico recently sponsored a successful meeting of

the academies of the Spanish-speaking countries. If the great advantages offered by the fact that many countries in a group speak the same language have proved attractive, even to foreign interests, it is surely consistent with the purposes of the United Nations to encourage the groups themselves to make the fullest possible use of such constructive and far-reaching potentialities.

45. If the world press service were made fully representative, it would undoubtedly not be difficult to secure inter-group co-operation at a later stage.

46. There is one point that should be made clear. Mr. Lopez's study points out that three of the six agencies to which he refers either have or have had government participation. It must be left to each cultural group to decide whether it wishes to have government participation in this matter or not. There are many ways in which such joint undertakings can be organized. Mr. Lopez quotes a most constructive case of two foremost agencies which are co-operatively owned by the newspapers they serve. This should be an inspiring example. But it would seem obvious that nothing should be done to discourage Governments from participating in this effort in whatever manner may seem appropriate if they deem it necessary for the essential purpose of defending their cultural heritage, as may well have been the case in some of the agencies to which Mr. Lopez's report refers.

47. The establishment of a more broadly representative news agencies service might well help to ease the tensions that have made themselves felt in connexion with this problem in recent years, and in a friendlier atmosphere the many problems concerning the free circulation of information which are under consideration in the United Nations might be solved more easily.

ANNEX E

INFORMATION TRANSMITTED BY SPECIALIZED AGENCIES

I. INTERNATIONAL LABOUR ORGANISATION

Letter from Assistant Director-General

In connexion with relevant information to be brought to the attention of the Committee established pursuant to the resolution concerning freedom of information, which the Commission on Human Rights adopted on 18 April 1957, I should like to draw your attention to a resolution (No. 48) concerning the problems related to the profession of journalist and to the vocational training of journalists adopted by the ILO Advisory Committee on Salaried Employees and Professional Workers at its Fourth Session (Geneva, 1-13 April 1957).

The resolution may be found on pages 60-61 of the Note on the Proceedings of the Fourth Session of the Advisory Committee on Salaried Employees and Professional Workers (CCETI/4/19). I enclose herewith a copy of the text of the resolution as adopted.

Resolution (No. 48) concerning the Problems related to the Profession of Journalist and to the Vocational Training of Journalists 1/

The Advisory Committee on Salaried Employees and Professional Workers of the International Labour Organisation,

Having been convened by the Governing Body of the International Labour Office,
and

Having met at Geneva in its Fourth Session from 1 to 13 April 1957,

1/ The original text of this resolution was submitted by Mr. PIRIZ COELHO and Mr. POMES, Government delegates, Uruguay. The resolution was amended by the Committee, and adopted, in the above form, at the Tenth Plenary Sitting, on 12 April 1957, by 56 votes to 29, with 18 abstentions (Committee Document CCETI/4/14).

Taking into account the decisions adopted by the Economic and Social Council of the United Nations at its 17th and 19th Sessions on the subject of freedom of information and on various aspects, legal and economic as well as social, of the profession of journalist,

Bearing in mind the studies undertaken by the International Labour Office and the suggestions formulated by the Advisory Committee itself at previous sessions,

Considering that journalists not only need great abilities to enable the profession to fulfil its mission of influencing the mind and behaviour of modern man, but that they should also enjoy economic and social independence in order that they may be able to carry out under the best possible conditions and in accordance with the principles of professional ethics their work of education and information in the service of international understanding amongst all the peoples, and

Taking into account the efforts which are being made in various countries to arrive at systematic standards for journalism as well as of the general wish to have a clear and fair status drawn up for this profession,

Adopts this twelfth day of April 1957 the following resolution:

The Governing Body of the International Labour Office is invited to request the Director-General, acting jointly with the specialized agencies, in particular with the United Nations Educational, Scientific and Cultural Organization, and in consultation with the professional and trade union organizations, to prepare and to present to the Governing Body within the shortest possible time:

(a) a concrete programme of study concerning journalists and all the problems connected with that profession;

(b) A concrete programme of action for the purpose of promoting vocational training of journalists, as well as their economic and social independence based on uniform principles within a universal setting.

II. FOOD AND AGRICULTURE ORGANIZATION

Letter from Director-General

"You invited FAO to provide information relevant to the various points of a resolution on freedom of information, adopted 18 April 1957 by the Commission on Human Rights.

"The matters mentioned in paragraph (a) of the resolution, dealing specifically with 'freedom of information', appear to be outside the terms of reference of FAO, as an agency specialized in problems of food and agriculture.

"In respect of paragraph (b) '... what action should be undertaken to develop information media and to improve their utilization...', FAO's work has led it to perceive certain needs. Whatever steps, national or international, which governments can take to meet these needs would accelerate the attainment of FAO's objectives and contribute to the general welfare of rural populations.

"As might be expected, the media of mass communication serving rural people with information are usually most inadequate in under-developed countries. Moreover, since these media are likely to develop even more slowly in rural areas than in urban, they may require special encouragement if rural populations are not to remain peculiarly disadvantaged.

"It is difficult, by governmental measures, to develop a free rural press except in proportion to a general rise in literacy and purchasing power of rural people. But in the improvement of other media of communication, especially useful in rural situations, governmental encouragement may be more readily applied.

"Particular mention might be made of the need, in many under-developed countries, to enlarge radio services to rural audiences. This may require a combination of more suitable programs, more adequate time, and allotment of the most suitable hours, together with provisions for group listening, as through village receivers where receiving sets are scarce. Mobile units combining equipment for projecting films and still-picture slides with suitable exhibits also can contribute greatly to rural communication, through the official rural extension services. Visual aids, in general, play an important role in rural areas in less developed countries.

"The expansion and improvement of such services also requires the training of qualified personnel, and not simply in the technical or mechanical aspects of the use of equipment. Neither will training simply in the general field of journalism be sufficient, for this usually tends to emphasize urban interests. Provision should be made for training of journalists (including, in this sense, radio, film, and other specialists) having rural backgrounds and experience, to select and present information suitable to rural needs.

"To a limited extent, FAO has been able to assist indirectly in the improvement of rural communications through its association with the efforts of member governments to improve their rural extension services. In the main, however, its efforts have had to deal with the employment of such rural communication media as exist, for the purpose of conveying to cultivators, etc..., information leading to the improvement of agricultural practices. The increase and improvement of the communication media reaching rural people would contribute greatly to the effectiveness of such work, and therefore play its part in community development and general increase in well-being and prosperity."

III. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

Letter from Director, Department of Mass Communications

"I have pleasure in sending you herewith a report on the activities of Unesco in the field of freedom of information.

"As the Director-General has also received a request from the Delegate of France on the Committee to send him information on the activities of Unesco in this field for use in connexion with the report he is preparing for the Committee, I am taking the liberty of sending him a copy of the attached document.

"May I take this opportunity to reply as well to your letter of 5 June in which you kindly invited the Director-General to send you any suggestions which might be of assistance to the Secretary General in carrying out the task which the Economic and Social Council has requested him to perform under the terms of Resolution 643 (XXIII) on media of information in under-developed countries. As we understand that the Delegate of India is preparing a report for the Committee on Freedom of Information on the subject of development of media of information in under-developed countries, the Director-General proposes to await the consideration of this report by the Committee before availing himself of the opportunity to submit suggestions concerning the Council resolution on the same subject."

(The above-mentioned report on the activities of UNESCO in the field of freedom of information was reproduced by the representative of France on the Committee in his preparatory report. See pp. of Annex A).

IV. INTERNATIONAL TELECOMMUNICATIONS UNION

Letter from Secretary-General

"The International Telecommunication Union has invariably done all in its power, within its sphere of activity, to give effect to the recommendations and decisions of the various organs of the United Nations in the matter of Freedom of Information.

"Probably the best example is afforded by the collaboration of the Union with UNESCO in the study on the problems of transmitting press messages which was requested by the Economic and Social Council in its resolution 522 G (XVII).

"This joint study was issued as ECOSOC document E/2686 dated 10 February 1955 and I mention this case first not only because of the magnitude of the study but because it reflects the limitations of the role of the Union in the field of Freedom of Information. In this connexion I would invite attention to the Introduction to the study which describes how the work was shared between the Union and UNESCO and to the section entitled 'Historical background' which stresses the distinction between the establishment of the means of telecommunication and the use which is made of them. This distinction, like most others, may become a little ragged round the edges, but it is fundamental. Broadly speaking, the interest of the Union is in the establishment and operation of telecommunication services as distinct from the use made of these services. If I stress this point, it is because it is essential in the interest of coordination of effort and elimination of overlapping between the Governments, the United Nations and other Specialized Agencies, to keep in mind the limited role of the Union. Such matters as the creation of national information services and the training of journalists, to cite but two examples of activities in the field of Freedom of Information, are clearly outside the scope of the Union and this explains what might appear to be the somewhat negative character of my reply of 18 July to your letter of 5 June, which you mention, regarding ECOSOC resolution 643 (XXIII).

"To revert to action on ECOSOC resolution 522 G (XVII), I should mention that the Union collaborated with UNESCO in the adaptation of the study of the problems of transmitting press messages to form a brochure issued by UNESCO

in 1956. We published a review of this brochure in the August 1956 number of the Telecommunication Journal. I mention later one or two other examples of similar collaboration with UNESCO.

"The plenipotentiary conference of the Union held at Buenos Aires in 1952 had before it certain proposals for the amendment of Articles 29 and 30 of the International Telecommunication Convention, dealing respectively with stoppage of telecommunication and suspension of service. These articles have a significance which transcends the question of transmission of news and as an example I may perhaps mention the interest which was manifested by the former League of Nations in the possible abuse of telecommunication in connexion with illicit traffic in narcotics. In any event the governments represented at the plenipotentiary conference decided to maintain the two articles of the Convention mentioned above, but, conscious of the importance of Freedom of Information, adopted a Recommendation to Members and Associate Members of the Union to facilitate the unrestricted transmission of news by telecommunication services. In its resolution 522 B (XVII), ECOSOC asked the Union to report on action taken by governments in response to this recommendation. The report of the Union was issued as ECOSOC document E/2681 dated 26 January 1955.

"It is customary for us to devote a sub-section of our Annual Report to questions of direct and marginal interest to the Union in the matter of Freedom of Information. I believe that I have covered the principal points in what precedes but in case these reports suggest any points upon which you might wish to ask me for further information, I give the following references to the English text of the relative sub-sections in the reports for recent years:

<u>1952</u>	p. 28
<u>1953</u>	p. 20
<u>1954</u>	pp. 24 - 25
<u>1955</u>	pp. 30 - 31

"There was nothing significant to mention in the report for 1956, but as I have said in my letter of 18 July, I propose to include a statement on Freedom of Information in the report for 1957.

"I referred above to further examples of collaboration with UNESCO. In addition to the close contacts which are regularly mentioned between our two

Secretariats, I may mention the following reviews of works published by UNESCO which have appeared in the Telecommunication Journal.

Transmitting World News - August 1953

News Agencies, Their Structure and Operation - February 1954

World Communications: Press, Radio, Film, Television - June 1956

"Finally, I should perhaps mention that we recently received a request from Mr. F. Terrou, Conseiller juridique of the Service juridique et technique de l'Information of the Présidence du Conseil, Paris, in his capacity of French Government expert in the special committee set up in virtue of the resolution of the XIIIth session of the Human Rights Commission, and entrusted with preparing a preliminary report on work already accomplished by the United Nations and specialized agencies in the field of Freedom of Information. Mr. Terrou asked for information on work performed by the Union since the completion of the report by Mr. Salvador P. Lopez. I replied to him on the broad lines of the present letter, which, I trust, will prove adequate for your purpose. I need hardly say that I shall be only too pleased to furnish any further material you may desire."

V. UNIVERSAL POSTAL UNION

Letter from Deputy-Director

"You have drawn the attention of the Universal Postal Union to the text of the resolution on freedom of information adopted by the Commission on Human Rights on 18 April 1957 appointing a Committee to examine the recommendations and decisions on this subject which have been made in the various organs of the United Nations. In that connexion you request me to make available to you any information which might be useful in the preparation of the report to be submitted by the Committee to the fourteenth session of the Commission on Human Rights and state that you will inform me of the date of the Committee's meeting in order to give me an opportunity of attending.

"I thank you for your communication and have the honour to inform you that so far as the role of the Universal Postal Union in the matter of freedom of information is concerned I can only repeat the information already given in my letters No. C 1199 of 11 May 1953, No. C 3155 of 29 October 1956 and No. C 3192 of 1 November 1956. In order to spare your staff the trouble of referring to those letters, their contents are summarized below:

"First, in the belief that the idea of freedom of information can be considered to be related to that of the inviolability of correspondence to which article 12 of the Universal Declaration of Human Rights refers, I would point out that the principle of the inviolability of correspondence is embodied, at least indirectly, in the Universal Postal Convention. Article 32 of the Convention states: 'Freedom of transit is guaranteed throughout the entire territory of the Union...'; according to the authoritative interpretation of this text by the Postal Congresses, freedom of transit implies the inviolability of correspondence. In accordance with this principle, mail in transit may not be subject either to seizure or to censorship.

"For practical purposes, none of the principles set out in the Universal Declaration of Human Rights other than that relating to the inviolability of correspondence directly concerns our Union.

"Secondly, the Postal Union has since its foundation consistently sought to improve the facilities for the dissemination of information and of publications and printed matter of all kinds (newspapers, pamphlets, books...). In the

/...

post-war period in particular, the Paris and Brussels Congresses in 1947 and in 1952 took a number of important decisions tending to facilitate the dissemination of such material. As a result of these decisions a 50 per cent reduction in the ordinary printed matter rate is applicable to newspapers and periodicals posted by any person, while a special arrangement concerning subscriptions to newspapers and periodicals, which has been ratified by a great many countries, provides for a number of measures likely to encourage the international dissemination of newspapers and periodicals, and thus of thought and information.

"In this matter the Universal Postal Union works in close collaboration with UNESCO, and the latter has, in agreement with the Union, prepared a number of proposals which it has submitted to its member countries with a view to their presentation at the Union's next Congress, which will be convened at Ottawa on 14 August 1957.

"I trust that the foregoing information will be of assistance in drawing up the report of the Committee on freedom of information appointed by the Commission on Human Rights. I should be obliged if you would inform me when the Committee meets to examine the substance of its work. I am not certain that I shall be able to attend its meetings but I should be grateful if you would arrange for me to receive the records of the proceedings, for which I thank you in advance."

Mr. Barthélemy Epinat (France)

If we try to go back over ground which has already been covered, like experts trying at the last minute to find what their predecessors have missed, our task will be a difficult one. It seems to me that our Committee could perhaps be used to define the objectives to be pursued more clearly. It was with that possibility in mind that we supported the resolution, although it is, I am afraid, rather poorly balanced. The first part is concerned with what has already happened. I do not think our Committee can do much in that respect. The second part concerns the development of information media. I have the impression that a stalemate has been reached because of the lack of international financing and also the lack of personnel properly qualified to develop information media. I think that our Committee, without passing from the practical to the advanced technical level, can make a contribution in this field if it can define the objectives, within the limits, of course, of the means at its disposal and with the aid of the Secretariat and the specialized agencies. We might consider a brief but comprehensive inventory of what has already been done in the matter of freedom of information. But if we do so, there is a risk that we may merely duplicate the excellent documents mentioned by the Vice-Chairman, in which the Secretariat has reviewed the efforts already made. Perhaps we could try to define, to narrow down the area from which we might draw lessons of value. It is with that idea in mind that we propose to submit to the Committee a suggestion concerning the division of the work, to be done under the guidance of the Rapporteur, that would enable us to cover a number of subjects fairly rapidly after a preliminary meeting.

ANNEX F

INFORMATION TRANSMITTED BY SPECIALIZED AGENCIES
PURSUANT TO ECONOMIC AND SOCIAL COUNCIL
RESOLUTION 643 (XXIII)

I. INTERNATIONAL LABOUR ORGANISATION

Letter from Assistant Director-General

"You direct our attention to resolution 643 (XXIII) of the Economic and Social Council regarding media of information in underdeveloped countries.

"We have particularly noted paragraph 3 of this resolution concerning co-operation between the Secretary-General and the specialized agencies as appropriate in the preparation of the analysis requested in paragraph 2 of resolution 574 D (XIX).

"At the present time, the ILO has no concrete suggestions to make by way of assistance to the Secretary-General. We have, however, forwarded information relating to recent ILO activities concerning freedom of information to you and also to the Committee established by the Commission on Human Rights, in response to requests received by us in connection with the resolution adopted by the Commission on 18 April 1957.

"We shall follow the progress of this project with great interest and will be happy to comment whenever we believe we can make a genuine contribution."

II. FOCD AND AGRICULTURE ORGANIZATION

Letter from Director-General

"You invited FAO to make suggestions which might assist the Secretary-General in carrying out the task which the Economic and Social Council has requested him to perform in resolutions relating to action on the international plane which could be undertaken for the development of information enterprises of under-developed countries.

"In another letter... relating to freedom of information, I have set forth certain needs which FAO's work for the improvement of agriculture and raising of levels of wellbeing of rural people has led it to perceive. The third and following paragraphs of that letter are very relevant to the following suggestions. I refer especially to the need for training of suitably selected people, particularly in under-developed countries, to organize and man an expanding network of rural communication enterprises, facilities and services.

"The organization and manning of such a network, comprising rural press, radio, visual and general extension services for rural people, is clearly a national responsibility, to be carried on within the country's constitutional and cultural framework.

"At the same time, there are 'measures on the international plane' through which such countries may draw upon the experience of their neighbors, and in which they may be assisted by the international agencies, such as FAO in respect especially of rural populations. To a considerable extent, the Expanded Technical Assistance Program may provide the means for doing so.

"This requires first, of course, that countries should be well aware of the needs and opportunities which I set forth in the letter cited, and themselves seriously undertake to meet the needs. I am not convinced that in all cases due importance is being attached to the part which improvement of rural communications must play in the accelerated development of agriculture, rural communities, and rural life in general. This must, of course, be in pace with the general development of rural institutions and services, with which communications development is interdependent. An awakened awareness of the importance of adequate communication media in general, and rural communications in particular,

should lead to inclusion in country programs for Technical Assistance of a greater number of well-considered requests for assistance in establishing suitable training facilities. In its recommendations to governments, the FAO Conference has brought this to attention of Member Governments. No doubt, 'action on the international plane' might include re-emphasis of these points.

"Second, as growing awareness of these important needs leads to increasing requests for technical assistance in this field, the relevant services of appropriate international agencies must be in position to meet the requests. In FAO, we believe that it is not enough simply to act as 'employment agency' in finding an expert to send on a technical assistance mission. We believe that fully to discharge our responsibility, we must put the full resources of the Organization behind the expert. Even to act simply as an 'employment agency', to find and send experts, a continuing organization competent in the subject matter field is indispensable.

"The subject matter field here is mass communication media. In FAO's case, the emphasis is upon the employment of mass communication media, methods, techniques, in rural communication, and especially in extension work; i.e., imparting practical information to cultivators, home-makers, etc. This is a field in which we believe that the public information officer specialized in the rural press, radio and visual media is an essential collaborator with the specialist in agricultural and related subject-matter, and in rural extension organization and methods.

"If, however, this collaboration is to take place, it must be recognized that the allowance of resources for 'public information' services must be adequate to cover this function, as well as the other normal functions of providing information desired by the general press, etc., about the problems and programs of the agency. Recognition of this 'on the international plane' in our various governing bodies would enable the international agencies to contribute more effectively to accomplishment of the objectives which the resolutions of the Economic and Social Council had in mind."

III. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

(See letter from Director, Department of Mass Communications, Annex E, III).

IV. INTERNATIONAL TELECOMMUNICATION UNION

Letter from Secretary-General

"You were good enough to invite my attention to resolution 643 (XXIII) of the Economic and Social Council relative to media of information in under-developed countries.

"While I am, of course, most anxious to do anything in my power to assist the Secretary-General of the United Nations in discharging the task laid upon him in para. 2 of Resolution 574 D (XIX), it is evident that (as is recognized in Resolution 643 (XXIII)) much more information must be furnished by the countries concerned before the problem can be envisaged in all its aspects.

"As regards the telecommunication aspect of the problem, the media of information which come within the purview of the International Telecommunication Union are the normal telegraph and telephone services; the service known as 'radio-communications to several destinations'; radio broadcasting; and television. As is well known, the provision of plant and the operation of services is the responsibility of the governments which are Members and Associate Members of the Union and the private operating agencies which they recognize. The objects of the Union, as set out in Article 3 of the International Telecommunications Convention are, in particular, to harmonize the actions of nations in developing and increasing the usefulness and availability of telecommunication services and in fostering collaboration among its Members and Associate Members with a view to establishment of rates at the lowest economic level.

"The extent to which telecommunication services are used for the diffusion of information, as distinct from the exchange, for example, of diplomatic, commercial or private correspondence, is not a telecommunication matter properly so called. Nevertheless press telegrams enjoy preferential rates by virtue of provisions of the Telegraph Regulations annexed to the Convention and of special arrangements made under the Convention between particular countries and groups of countries.

"You will appreciate from the foregoing that while the development of telecommunication services in under-developed countries is an important preoccupation of the International Telecommunication Union, the use which is made of these services as media of information is at the most purely marginal to its attributions.

"The Union is of course fully conscious of the importance of telecommunication services as a media of information and you are familiar with Recommendation No. 2 of the Buenos Aires Conference which recommends Members and Associate Members of the Union to facilitate the unrestricted transmission of news by telecommunication services.

"The development of the services in accordance with modern technique and experience of the best operating practices is promoted in a general manner by the studies of the Consultative Committees of the Union and in particular by the aid furnished to individual countries through the participation of the Union in the Expanded Programme of Technical Assistance. But it remains a national responsibility.

"In all the circumstances, I think that the most useful action which I can take on Resolution 643 (XXIII) is to draw attention to it in the Annual Report of the Union for the year 1957, in which current developments in the field of Freedom of Information can be mentioned. This reference could advert to the section devoted to this question, in which resolution 574 (XIX) was mentioned at page 30 of the Annual Report for 1957."

ANNEX G

STATEMENTS BY MEMBERS CONCERNING TERMS OF REFERENCE OF THE COMMITTEE
(MEETING OF 10 JUNE 1957)

Mr. Eduardo Espinosa y Prieto (Mexico):

When we met for the first time I did not hesitate to express my concern with the programme that had been laid out for this Committee and I requested the distinguished Delegates of India and France to be good enough to give us their views, knowing that they had taken an active part in the issue at the thirteenth session of the Commission on Human Rights, barely two months ago.

I do not want to conceal the apprehensions that we have felt in examining our Agenda.

The Commission's Resolution IX laid down two points as our precise terms of reference.

In the first place we have been asked to examine and review the recommendations and decisions on the subject of freedom of information already made in the various organs of the United Nations and the work done in this field by the specialized agencies, particularly UNESCO and, where necessary, to recommend what steps should be taken with a view to bringing those recommendations and decisions, and the work already accomplished, to the attention of Members of the United Nations, and particularly the new Members.

But, apart from the fact that those recommendations and decisions have been made, that they have been most formally made and this clearly with the intention - and the pertinent steps - that they come to the attention of Member States, apart from the fact that we should not assume that recommendations formally made in the United Nations do not reach Members or do not call their attention, beside all of this we begin our work with the perusal of a magnificent document by the Secretariat, which in an expert manner covers the study referred to in the first part of the point mentioned above, and it may be said that in so far as bringing recommendations and the work done to the attention of Members, it is difficult to conceive that this could be done with a better piece of work than E/CN.4/732.

It is perplexing that we should begin this part of our work having before us a document that has solved it beforehand.

But what is infinitely more perplexing is that this document, issued on 7 December, was on the desks of the distinguished members of the Commission on Human Rights at the time they drafted our terms of reference and indeed, being a document marked for general distribution, it obviously has reached Members of the United Nations, both old and new, and has also gone out to those sections of public opinion that are liable to watch our work and might be critical of it.

In direct contrast with this situation, the second point in our terms of reference is not vague in all of its parts. We are asked specifically to make a report - and I hasten to say that I feel we will send in a good one. We are asked to report what action should be undertaken to develop information media and to improve their utilization. Although we will find in our review and examination that recommendations have already been made on the precise goals now referred to us, indeed the door seems open to make more recommendations, going as far in this field as our consciousness of the jurisdiction and of the weight of a committee of five might choose to take us.

We must halt for a minute to examine this point with all the consideration due to it.

In the first place it will be good to note that whereas the first point in our terms of reference went unopposed - even if with no indications of enthusiasm on the part of members of the Commission on Human Rights - the point I now ask to review "to report what action should be taken to develop information media and to improve their utilization" did meet with the opposition of a distinguished Delegate and, when put to vote, saw one half of Members at the Commission abstain.

I cannot help noting the substantial objection that was expressed then against this point in our terms of reference, i.e. in the terms of the record of the corresponding meeting "that it would give the Committee a competence it should not have and the possibility of making broad recommendations in regard to a problem which was being studied, at that very moment, by the Economic and Social Council."

In fact, it will be seen by the records that we are a Committee of five distinguished nations, acting upon instructions of a Commission - the Commission on Human Rights - which is subordinated to the Economic and Social Council, the relation of which to the General Assembly is clear to all of us in the terms of the Charter.

We are told clearly that this Committee is not a permanent organ or even a semi-permanent one. But what is more, we are cautioned in the discussion of this matter that our committee is in no sense intended as a technical organ, or as replacing a body - the defunct (and this term should be underlined) Sub-Commission on Freedom of Information and of the Press - the life of which all of us have studied.

Finally we are warned precisely that we are not expected to trespass on the prerogatives of other organs of the United Nations.

Merely to refer to this latter part of our legacy let us recall that not only the Commission on Human Rights, but indeed the Economic and Social Council, and the General Assembly by means of its distinguished Third Committee, are directly and actively concerned with the matter that has now been entrusted to us, to say nothing of those organs who have served this cause and are no longer active in the field, such as our distinguished Rapporteur on Freedom of Information - to whose work we are all so indebted - or the Sub-Commission on Freedom of Information and of the Press. No clash of competence is expected with such organs as UNESCO, with whose distinguished Representative we are called upon to collaborate and whose views and co-operation my Delegation is eager to have.

I have stopped at this half of our second point because it is in it that we are given a specific field of work, because it is here that we are in danger of colliding with the jurisdiction of other organs, because whatever we do in this item must be weighed considering on one hand the great breadth of the field laid before us and on the other hand the very restricted character of our Committee because of the number of its members and because of all the other limitations to which I have already referred.

Let us say, for instance, that the mere title of Resolution IX of the Commission on Human Rights, which has created us, is "Freedom of Information", that is to say that very vast subject which has been the stumbling block of our senior organs during the last eleven years. It is not only that title but the width that could be given to the task of "action to be undertaken to develop information media and to improve their utilization" that could lead us very far in the task that has been entrusted to us, as has already been feared when this matter was discussed in April. What is more, the very harmonious and agreeable composition of our

Committee ensures that very enlightened recommendations could surely obtain the unanimous approval of our five countries and this would be still another temptation were it not for the fact that we are all conscious that a problem in which general conferences, and meetings of the Council, of the Commission on Human Rights and of the General Assembly have failed so far, cannot be tackled by very daring recommendations of a committee of five.

I am aware that I have cut the second point in our terms of reference in two halves and have dwelt very long on the first of it as the one containing more substance. A second half of this second point directs that our report should also deal on the action that should be undertaken to promote the widest possible implementation of the above-mentioned recommendations and decisions, including those relating to under-developed countries and territories.

It is here that I wish to express the most serious apprehensions of my Delegation. When the creation of our Committee was discussed obviously Delegates were aware that a very limited body would be asked to study matters on which great bodies have failed. We must draw attention especially to paragraph 197 of the Report of the session of the Commission on Human Rights, according to which a note of pessimism was expressed by several Delegates.

It may be said - and I hope this is the case - that all were agreed in the end that our Committee must confine its actions to a very limited scope in which recommendations not too ambitious and dealing rather on a technical aspect of the development of media of information and improvement of their utilization might be submitted. Still in this point we are again limited by the warning that our Committee has in no sense been intended as a technical organ.

It will be seen that it is in no way clear just what the distinguished members of the Commission on Human Rights had in mind when they decided to give birth to our Committee. Let us assume, knowing only too deeply, too bitterly, all of the fundamental obstacles that have been met in eleven years of study of what each one of us understand as the freedom of information and of how we can agree on one general formula and work actively in promoting our co-operation on the basis of such general understanding, let us assume that persons who are conscious of our failure and are nevertheless moved by the ideal of attaining a world understanding on this fundamental matter, in creating our Committee at a moment of deadlock in other organs have been guided especially by the spirit of keeping a flame alive. I do not doubt that this very respectable motive has guided several Delegates.

But keeping a flame alive requires two elements. It requires blowing. But it also requires that there be a fire. And nobody likes his Delegation to be seen blowing out of its proportions.

To persons connected with this Organization as permanently as all of us here are, it is no secret that outsiders are more fond of criticizing the United Nations for their failures than of giving credit to them for their many actual gains. For these critics, whose very legitimate right to scrutinize the World Organization I do not for one moment contest, a favourite point is to deride our lengthy talks that do not lead to a positive result, and especially the series of passes of thorny issues from one organ to another.

In all of the documents we have before us it will be easy to read that one organ recommends to another that it recommend that a committee be created to study the recommendations that have already been made and recommend the means by which a study of the matter may lead to the most recommendable action.

To outside critics, who may be wrong but who are many, this type of action is a subject of amusement and it leaves with them a segment of pessimism and a negative impression that does great damage to the prestige of our Organization. They are wrong, they are very wrong, because they usually do not bear in mind that a World Organization can only exist on the basis that agreement is not imposed but negotiated in painstaking and time consuming efforts. They are wrong because they ignore that the Organization has to its credit an imposing number of positive attainments. They are wrong above all because they do not realize that in the present case the elusiveness to which I have referred does not account for a spirit of wasting peoples' time but is the direct result of the fact that our matter is stagnant because of a clash of fundamental differences of views in a matter of vital importance to the world.

The Delegation of Mexico, bowing in this case not only to public opinion but to its own conscience, will not take part in a display that might be considered as merely killing time, and it is sure that no other Delegate here present is willing to take upon the good name of his country such a responsibility. It would be extremely unfair to lay this burden on a limited committee after the failure of the great organs in the matter, and mainly if we are convinced, as Mexico is, that a world understanding on the matter is not only possible but imperative, and that it is sure to come.

It is our point of view, then, that in our report we should make it clear that obviously the best means to attain the goals that have been set before us is that the countries of the world, in a broad and fully representative meeting, should show their sincerity and their true spirit of co-operation by abandoning any attitude of intransigence and going forward to understand the other part's viewpoint. We should make it clear in our report that it is this fundamental understanding of the main points in this issue that will facilitate the operation of the machinery we should like to implement, and that without this full understanding, without this show of good faith, of good will, of spirit of true and sincere world harmony, little if anything can be attained in matters of detail.

Upon that basis, and to be obedient with our terms of reference, I believe we should take up within a limited and non-controversial scope - which I do not dare call technical because that word has been barred to us in our terms of reference - certain practical measures which my Delegation is prepared to study with our fellow delegates. But we should make it clear, for the dignity of our committee, that we are conscious of what has been happening fundamentally, that our countries are as willing as they have always been to help in the solution of this matter, and that if we do not go farther ahead it is not because of lack of ability, or of lack of ideas or of the firmest of beliefs, but because we know that the solution sought is of a fundamental character and may only be expected when nations are quite ready to show all of their sincerity and good faith in a world-wide understanding. I firmly believe that a statement to this effect must be contained in our report.

On the positive matters we may study, after the exchange of views we may have today, my Delegation will be ready to study our recommendations and would endeavour to make this aspect of our work truly fruitful. On this point I would like to hear the views with which our fellow delegates might wish to enlighten us. I am particularly eager to hear the distinguished Representative of UNESCO on whose positive work in several fields we have already been apprised, and whose co-operation with our Committee we sincerely welcome.

ANNEX H

STATEMENTS MADE BY MEMBERS AT MEETING OF THE COMMITTEE
ON 10 JANUARY 1958

Mr. V.R. Bhatt (India)

The study presented by India represented by no means an exhaustive documentation of the subject of the development of media of information in under-developed countries. We are aware of the importance of visual media, which have been referred to only indirectly in the study. We concentrated, however, on certain aspects, since we are anxious there should not be a dispersal of efforts. Projects should be undertaken in a short period of time, which countries would be able to absorb in their own economic systems and sustain by their own efforts. As regards the suggestions made about the training of professional workers, in the past there has been a tendency to provide training, for people from under-developed countries, in highly developed countries. The intentions have been good, but the results not in the best interests of the under-developed countries. I would also like to say a word about uniform press cable rates. We are thinking, of course, of the overall problem of rates between various countries. Nevertheless, a beginning might be made, it is suggested in the Indian study, at the United Nations. This is a very interesting proposal from the point of view of international understanding of the United Nations. Rates vary considerably at present and very few under-developed countries can afford to pay as much as they now have to, to receive information from the United Nations. That is why we would like something to be done in the United Nations to this end. The Indian delegation reserves its right to pursue these ideas at the next session of the Commission on Human Rights, since they have been advanced in what was a preparatory study, and only as suggestions.

Mr. W. Ketrzynski (Poland)

I feel that the Commission on Human Rights, to which our report is addressed, should be informed not only of the conclusions reached by the Committee but also of the views of each of its members. I myself should like to refer to two ideas mentioned in the annexed preparatory reports.

At one point the Indian delegation's report on the development of information media in under-developed countries refers to the "dispersal of effort by trying to undertake too many things at the same time". That is the feeling of my delegation with regard to the problems dealt with as a whole. We continue to believe that the development of freedom of information offers one of the surest means of promoting coexistence and confidence, and, thus, peace throughout the world. In addressing the Commission, therefore, my delegation will stress the need for specific measures based on the central idea of strengthening freedom of information and information media throughout the world in a spirit of understanding and peace.

In our view, the most effective way to promote these aims in the under-developed countries would be to adopt the convention on freedom of information.

I must now, to my great regret, express some disappointment at the pessimism shown in the conclusions of Mr. Terrou's very interesting report. I cannot agree with his conclusion that circumstances do not appear to be any more favourable now than they were in 1954 for the adoption of a convention on freedom of information. In Mr. Terrou's absence I will not argue the point with him at this stage. I shall merely ask Mr. Chayet to inform him of my concern and my hope that the French delegation in the Commission on Human Rights will at least approve the idea that since 1954 the world situation has indeed changed and that in the field of information in particular a considerable effort should be made to open the way to agreement, mutual understanding and peaceful coexistence.
