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Chairman: Mrs. Lina P. TSALDARIS (Greece).

AGENDA ITEM 35

Freedom of information: report of the Secretary-General on consultations concerning the draft Convention on Freedom of Information (A/3868 and Add. 1-7, A/C.3/L.706-707) (continued)

1. Mrs. LEFLEROVA (Czechoslovakia) said that as her Government had stated its position fully at the twelfth session,^{1/} and had replied (A/3868/Add.4) to the Secretary-General's request for its views and suggestions on the draft Convention on Freedom of Information (A/AC.42/7, annex), its attitude to the draft Convention was well known. She regretted that the Committee had not seen fit to adopt the Liberian-Philippine procedural proposal (A/C.3/L.704), for she was convinced that it was possible to draft a convention which would reflect the spirit of the Charter and ensure the use of information in the cause of peace and understanding between peoples. The existing draft was not perfect—for instance, it contained no clear prohibition of war propaganda or incitement to hate—but it could serve as a basis for debate. The argument that delegations were too divided in their views to make any understanding possible did not justify the repeated postponement of the discussion of the text. She therefore supported the seven-Power draft resolution (A/C.3/L.707).

2. The United States draft resolutions (A/C.3/L.706) were an attempt to divert attention from the draft Convention. In draft resolution A, the invitation in operative paragraph 1 could lead only to sterile discussion of points of merely academic interest, and the formulation of operative paragraph 2 was too vague. Draft resolution B introduced nothing new. The public information activities of the United Nations (agenda item 55) had already been very thoroughly discussed in the Fifth Committee during the current session (682nd to 689th and 691st to 693rd meetings), and the United States text merely reiterated well-known facts. The barriers which denied peoples the right to freedom of information could not be removed without the adoption of a convention. She was therefore unable to support either of the United States draft resolutions.

3. Mr. GAGLIOTTI (United Nations Educational, Scientific and Cultural Organization) said that, under

its mandate to recommend international agreements which would promote the free flow of ideas, UNESCO had worked consistently with the United Nations on the broad issues of freedom of information, giving special attention to problems of raising professional standards and improving the techniques of mass communication.

4. At the tenth session of the UNESCO General Conference, which was just then concluding its work, two resolutions dealing with the free flow of information had been adopted, one authorizing the Director-General to seek the removal of obstacles to the free flow of information and ideas and the other renewing invitations to Member States to grant the widest possible facilities to persons engaged in educational, scientific and cultural activities who wished to travel for purposes connected with their work.

5. Two related agreements, one on the importation of scientific and cultural materials and the other designed to facilitate the international circulation of visual and auditory materials, had been adopted at earlier sessions of the General Conference and had proved to be valuable and effective instruments. Under those agreements, more than thirty Governments had proposed measures to facilitate the international transmission of news by cable and radio. Pursuing the same aim, UNESCO had recently submitted to its member States a series of proposals designed to increase the flow of world news, particularly into and out of the under-developed countries. The proposals dealt with the rapid transmission of news and the reduction of obstacles to its communication, and provided for the establishment of a study group to examine press communication problems and recommend solutions to the International Telecommunication Union.

6. The United Nations Educational, Scientific and Cultural Organization had also concerned itself with the training of journalists, and with attempting to remedy the lack of statistical information. As the result of a meeting of international experts convened by UNESCO in 1956, the International Centre for Advanced Studies in Journalism had been founded at Strasbourg. In September 1958, UNESCO had organized a Latin American seminar on education for journalism at Quito, Ecuador.

7. Through its publication *World Communications*, UNESCO had made a survey of press, film and radio facilities throughout the world which threw light on existing inequalities and made recommendations for their removal. The work was being continued under the current programme of UNESCO and a study exploring the better use of radio was currently under preparation. The organization had also published a series of reports and papers on mass communications, covering a very wide range of subjects, for the use of

^{1/} See Official Records of the General Assembly, Twelfth Session, Third Committee, 831st meeting.

adult education groups. One report in that series showed that lack of information media often went hand in hand with other types of poverty and that the Press had made its greatest gains in countries where literacy campaigns had stimulated the reading of newspapers, and brought into evidence the problem of inadequate technical facilities in many areas.

8. In its report, the Committee on Freedom of Information established by the Commission on Human Rights had given a favourable account of the work of UNESCO (E/CN.4/762 and Corr.1, annex). The Commission had requested UNESCO and other specialized agencies concerned to initiate action designed to assist the under-developed countries to build up adequate information media and to report on the work undertaken.

9. In view of the continuing nature of its task and its limited resources, the work of UNESCO in regard to freedom of information was mainly directed at stimulating and facilitating action by national press, film, radio and television organizations. Work on the free flow of information would be continued, with special emphasis on the improvement of information media in the under-developed countries. Just under half a million dollars would be available for such work under the UNESCO budget for 1959/1960. In co-operation with a member State, UNESCO was to convene a technical conference in 1960 to draw up a plan for the development of information media in Latin America. The report of that conference would be brought to the attention of the Economic and Social Council. The organization would continue to co-operate in that field with the General Assembly and the Council to the fullest extent of its resources.

10. Mr. AGUIRRE (Uruguay) said that his country attached the greatest importance to freedom of information, which was essential to the proper functioning of a democratic régime and to good international relations. In Uruguay, freedom of the Press was guaranteed by the Constitution and respected in practice. Consequently, Uruguay had always championed freedom of information in the United Nations.

11. His delegation would have liked the General Assembly to adopt a convention on freedom of information in the form of a binding legal instrument; that would have achieved one of the purposes of the Charter and given expression to one of the fundamental principles of the Universal Declaration of Human Rights. It regretted that so little had been accomplished since the item had first been put on the Committee's agenda, and that so little could be done at the current session. Unfortunately, there was not enough time for the proper consideration of a draft convention. Furthermore, the existing draft Convention (A/AC.42/7, annex) contained a number of provisions which were totally unacceptable to his delegation—for example, articles 2, 6 and 9, which laid down limitations on freedom of information and allowed Governments too much latitude to impose restrictions. The perils that involved were obvious; a convention which imposed restrictions would be worse than useless. His delegation was therefore prepared to support the United States draft resolutions (A/C.3/L.706), while, however, affirming its willingness to consider, at a later date, a draft convention which did not have the defects of the existing text.

12. Mr. YAPOU (Israel) said the vote on the two procedural proposals (A/C.3/L.704 and A/C.3/L.705) at the 898th meeting had shown that unfortunately the Committee was equally divided on what measures should be taken to promote freedom of information. He had voted against the Liberian-Philippine proposal (A/C.3/L.704) not because he did not support the principle of freedom of information, but because he had felt that progress must be made simultaneously on all fronts.

13. Under General Assembly resolution 1189 A (XII), paragraph (a), Member States had been invited to submit their views and suggestions on the draft Convention. The Secretary-General's report on his consultations (A/3868 and Add.1-7) was before the Committee; it was obvious that the Committee could not refuse to discuss it. His delegation had regarded the report as the basis for a discussion which might have had its outcome in any study the Committee thought appropriate; it did not think it should be taken for granted that the procedure which had been followed for the consideration of the draft International Covenants on Human Rights was necessarily the right one for the consideration of the draft Convention on Freedom of Information. If the General Assembly had wished the Committee to proceed in that manner, it would have given it instructions under paragraph 14 of annex I to the rules of procedure. Moreover, paragraph (c) of resolution 1189 A (XII) did not specifically require the Committee to initiate a detailed study of the text of the draft Convention.

14. The fact that only twenty-six Governments had communicated their views and suggestions to the Secretary-General was seen in its full importance only when it was considered in that context. It would seem only logical that the Committee should take note of the answers received and call on Governments which had not already done so to communicate their views as soon as possible, so that they could be considered at the next session.

15. The answers received revealed very great differences of view, reflecting the varying traditions, political and legal structures and media of information of the different countries. Some of the views were even diametrically opposed. That was particularly the case with regard to the advisability and prospect of the early conclusion of a useful instrument commanding general support, the merits of the existing draft Convention, or the proposed permissible restrictions, on freedom of information. It would probably be unadvisable to attempt to draw conclusions from such a small number of replies, but one thing was perfectly obvious: that there was still a long way to go before general agreement was reached on the definitions and principles to be set forth in the draft Convention and on the content of its basic provisions. The approach must therefore be gradual. The next report of the Secretary-General on his consultations would doubtless shed more light on the problem.

16. In Israel, freedom of information was a living reality. There were twenty-one daily papers, fourteen of which were published in Hebrew and seven in various other languages, and 320 periodicals, of which fifty were published by the Government.

17. The problem of freedom of information did not exist in a void. In some countries, the main problem was how to limit the influence of economic and other

interests on information media, in others, how to reduce or eliminate government control; in others again, the primary task was the elimination of illiteracy. Moreover, freedom of information was necessarily affected by the type of political régime of the country concerned; a democratic régime was inconceivable without it. Such matters as freedom of access to sources of information and to the profession of journalist and freedom to publish newspapers and periodicals must all be tackled before there could be any possibility of general agreement on a convention. Freedom from fear was another and overwhelming factor which, obviously, went beyond the limits of freedom of information as such.

18. Mr. DUMITRU (Romania) deplored the attempts that had been going on for ten years to delay the adoption of the draft Convention. Various pretexts, such as the lack of information media, illiteracy, shortage of newsprint, and the fundamental differences of opinion that existed on the subject, had been put forward to justify those delaying tactics; and now, as a result of the adoption of the Spanish proposal (A/C.3/L.705), the Committee was once again being called on to consider the measures best calculated to promote freedom of information.

19. The Romanian delegation was convinced that the dissemination of accurate and objective information could contribute greatly to the maintenance of international peace and security and to the relaxation of tension; in that connexion, he drew attention to General Assembly resolution 1236 (XII) and the earlier resolutions 110 (II) and 127 (II). Those texts, the principles of which were applied in Romania, must not remain a dead letter, but should be reflected in the measures taken internationally to regulate freedom of information.

20. In line with those considerations, and on the basis of its interpretation of the documents of the twelfth session, the Romanian delegation believed that the Committee should have adopted an international convention on freedom of information at the current session. Although that was now unfortunately impossible, it was to be hoped that the draft Convention would be discussed at the fourteenth session.

21. It had been argued that there were fundamentally divergent views on the problem, and that there was consequently no prospect of the adoption of an international instrument. It had also been maintained that the United Nations should confine its efforts to recommendations, studies and the solution of technical problems. But the Romanian delegation did not believe that the difficulties alleged were insurmountable. The Committee's task was not to decide on the merits of ideas or systems, but to agree on international laws to be respected by all countries. There was no denying that some information systems were founded on the principles of international peace and security, and therefore served the purposes of the United Nations and the cause of peaceful coexistence, while others tended to incite hatred among nations, were tainted with distortions and war propaganda, and were consequently contrary to the principles of the United Nations. The prohibition of false information of that kind would provide a solid basis for an international settlement of the question of freedom of information.

22. In view of the importance of the problem, United Nations action on it should not be confined to the work

of the Third Committee. The two possible methods, that of preparing an international instrument and that of studying the solution of technical problems, for example, by means of assistance to under-developed countries, should be used simultaneously, for they were complementary. But technical measures would yield no satisfactory results unless their application was governed by principles set forth in an international instrument.

23. The Romanian delegation could not agree that a convention on freedom of information would fail to obtain the support of many States. According to the Secretary-General's report (A/3868 and Add.1-7), only nine of the twenty-six Governments which had sent replies had opposed the draft Convention, and about one-half of those Governments had made suggestions for improving the text.

24. Turning to the draft resolutions before the Committee, he observed that draft resolution A submitted by the United States (A/C.3/L.706) merely repeated the provisions of General Assembly resolution 1189 (XII). Draft resolution B, however, would tend to oblige States to open their doors to foreign propaganda. While his delegation was in favour of real freedom of information, it also insisted on the right of peoples to be correctly informed. He therefore felt obliged to point out that certain radio stations were daily spreading slanderous and hostile allegations against his country, with incitement to rebellion. Furthermore, the United States draft resolution made no allusion to prohibiting the use of information media for war propaganda, incitement to hatred and hostility among people and the dissemination of fascist and racist ideas. Accordingly he would be unable to vote for the United States draft resolutions. He would vote in favour of the seven-Power draft resolution (A/C.3/L.707), which provided for a full discussion of the draft Convention at the fourteenth session.

25. Mr. THIERRY (France) thought that, in considering the possibility of adopting a convention on freedom of information, delegations should be guided by their answers to two questions: whether they approved of the content of the existing draft Convention (A/AC.42/7, annex) and whether they believed that the application of such an instrument would be possible and useful.

26. The French delegation approved of the draft in principle, and, indeed, had participated in its preparation. It particularly applauded the fact that the draft Convention introduced the notion of responsibility, for freedom without responsibility was equivalent to anarchy, which was perhaps even less desirable than totalitarianism. On the other hand, he agreed with the view expressed by the Italian representative (898th meeting) that to lay down too many restrictions would be undesirable. In any event, his delegation was prepared to accept the draft, including the controversial article 2, as a basis for discussion. But it was not enough merely to point out the good features of the draft Convention; the instrument would eventually have to be signed and ratified, and the prospects in that respect were not encouraging. The countries with the most highly developed media of information were the ones which did not favour the draft Convention; and the Special Rapporteur had warned in his report (E/2426, chap. IV) that the less-developed countries must realize that no convention or freedom of information could have much value lacking the signature of the

countries which actually had the largest and most powerful information media in the world. On the other hand, the less developed countries, somewhat paradoxically, favoured the adoption of the Convention, although they themselves had no adequate means of implementing it. It was strange that the point urged by some of their representatives was that abuses of freedom of information should be corrected, and not that information media should be developed in all countries. Lastly, the adherence of the totalitarian States to the idea of a convention was based on considerations which, in his delegation's view, had nothing to do with freedom of information.

27. The debate had shown that a number of delegations had good reasons for not wishing to discuss the draft Convention just then, and there were no grounds for prejudging the Committee's decision on the subject at the fourteenth session, as was done in the seven-Power draft resolution (A/C.3/L.707). He therefore felt more inclined to vote for the United States draft (A/C.3/L.706), which provided for interim measures for developing information media in under-developed countries and abolishing barriers to international information. If that could be done, political conditions might eventually be improved sufficiently to make the signature of a convention feasible.

28. Miss BERNARDINO (Dominican Republic) observed that her delegation, and she herself in her personal capacity, had had reason to deplore the deliberate attacks, against which the victims had no right of correction or reply, which were published by some journalists and press organs under the guise of so-called freedom of information. Such slanderous outbursts had the pernicious effect of reducing freedom to licence; the abuse of freedom of information had become a powerful weapon, and had reached such proportions that not even private life could escape the attentions of the Pharisees of journalism. Facts were distorted in order to create sensational stories which would bring in greater profits for the newspaper-owners. It was alarming, moreover, that even journalists reporting on United Nations activities did not always abide by the truth, but falsified the facts, thus adding to the discord which already existed in the world.

29. The deliberate distortion and falsification of facts connected with the social and political life of individuals and nations could not be regarded as freedom of information; and it was a source of incalculable harm. A Press inspired by high purposes and dedicated to the truth could indeed do useful work in building the foundations of mutual understanding; but certain vast press monopolies took it upon themselves to choose arbitrarily between truth and lies; no slander or falsehood was beneath them, no facts were left undistorted and no personal reputation left unsullied.

30. The United Nations must spare no effort to find a solution to the problem of promoting freedom of information in the broadest sense. She was not sure whether the adoption of a convention was the most suitable measure at the current stage, since many countries would feel unable to sign such an instrument; but a discussion of the draft Convention could certainly lead to a better understanding of freedom of information in all its aspects. She would vote for any measure which would safeguard freedom of in-

formation while at the same time helping to abolish abuses and injustice. In that connexion, she strongly endorsed the remarks made by the Brazilian representative at the preceding meeting. It had been alleged during the debate that those who were complaining against abuses of freedom of information were in fact asking for further restrictions. That was not the case, however; interpreted in its widest possible sense, freedom of information itself would help to do away with the distortion of facts.

31. Mr. FOMIN (Union of Soviet Socialist Republics) remarked that although the Committee had decided (898th meeting) to discuss the Secretary-General's report (A/3868 and Add.1-7), the great majority of speakers had instead commented on the draft Convention on Freedom of Information and the two draft resolutions (A/C.3/L.706 and A/C.3/L.707). He would follow their example.

32. He could not accept the view expressed by several representatives that the delegations opposing the draft Convention were champions of freedom of information while those supporting it wanted to restrict freedom of information. On the contrary, the latter took a broad liberal approach to the issue of freedom of information, since they were willing to consider all other possible measures to promote it, in addition to the preparation of the draft Convention.

33. It had also been said that the time had not yet come to consider the draft Convention, because political tensions made agreement unlikely. That argument too was invalid. The United Nations was discussing much more controversial questions, precisely in the hope of reaching agreement and thereby lessening international tension, and a full discussion of the draft Convention would be a step in the same direction.

34. The view had been put forward that the draft Convention should not be discussed because its text would restrict rather than promote freedom of information. But if the Committee was agreed in principle that a convention on the subject was needed, it should consider the existing draft, with a view to changing and amending it until it was completely satisfactory. Furthermore, some of the very delegations which were protesting against any restrictions on freedom of information had favoured such restrictions when article 19 of the draft Covenant on Civil and Political Rights had been discussed in the Commission on Human Rights. If those or other delegations had now decided that they did not want a convention and were unwilling to seek agreement on a text, they should allow others to make the effort without them. As the example of the draft Covenants showed, such a procedure was entirely feasible.

35. Turning to the United States' draft resolutions (A/C.3/L.706), he said that as both the sponsor and the supporters of that text were opposed to the consideration of the draft Convention, the inescapable inference was that the action proposed was intended to take the place of a convention. In draft resolution A, the request to the Commission on Human Rights to report annually on freedom of information anticipated the report on the subject which the Commission was to submit to the General Assembly under resolution 1189 B (XII). For practical reasons, as well as for reasons of courtesy, the Committee should wait

until it had received that report before deciding whether annual reports of the same kind were desirable. Operative paragraph 2 of draft resolution A might appear unexceptionable; but in fact that paragraph also conflicted with General Assembly resolution 1189 B (XII), under which the Commission on Human Rights was asked to deal with the same matter. The Committee could not take it out of the hands of the Commission and transmit it to the specialized agencies before receiving and considering the Commission's report.

36. The United States representative himself had said that he might reconsider the text of draft resolution B. The USSR delegation would have been able to accept the third preambular paragraph of draft resolution B if it had been made clear that the "freedom of communications" referred to in it meant freedom to disseminate precise and accurate information, and not, for example, reports on the activities of warmongers. Unfortunately, although the General Assembly in its resolution 1189 C (XII) had spoken of "the free flow of accurate and undistorted news and information", the United States draft resolutions mentioned merely "the free flow of news and information", disregarding the General Assembly's decision, reached after a prolonged debate, that news must be "accurate and undistorted". Draft resolution B also mentioned United Nations information activities; but it was not for the Third Committee to pronounce itself lightly, without having previously considered the matter, on a subject which had just been very seriously and thoroughly debated by the Fifth Committee. Another provision called casually for the elimination of censorship—as if that was something that could be achieved by a stroke of the pen. Sub-paragraph (d) of the operative part was extremely vague, and its adoption would reflect no credit on the Committee. The United States draft resolutions, particularly draft resolution B, were not in his view serious proposals, and he would vote against them.

37. He supported the seven-Power draft resolution (A/C.3/L.707), which proposed the only course the Committee could usefully follow. He regretted that at the current session the Committee had wasted the time it had allotted to the item on freedom of information,

and hoped that at the next session it would do constructive work by discussing the draft Convention.

38. Mr. MAHMUD (Ceylon) said that while he was aware of the different conceptions of freedom of information held among Member States, he did not think the differences were so great that they could not be removed by frank and full debate, as had been done in the United Nations in the case of even more controversial subjects. The Committee should not jump to such a conclusion without first making an honest effort to reach agreement.

39. Like many other small countries, Ceylon had suffered because its political and other developments were not reported internationally until some unusual event occurred, so that they were not seen abroad in their true perspective. Another problem was that of the comprehensive reports written by travelling correspondents who spent very little time in the country, and whose stories were therefore frequently inaccurate and misleading. Such coverage did not make for better international relations, and his Government accordingly believed that the exercise of freedom of information must be subject to certain limitations.

40. He supported the seven-Power draft resolution (A/C.3/L.707) because a convention on freedom of information was badly needed. To argue that to consider such a convention was useless until there was a large measure of agreement was to put the cart before the horse; the very purpose of debate was to bring to light the various differences of opinion and to work towards the achievement of agreement. His own delegation was on the whole satisfied with the existing draft Convention, since both the freedom it proclaimed and the restrictions it imposed were largely in agreement with his country's legislation. Freedom of information was recognized in all systems of national law, and it was most important that the principle should be given international recognition. He regretted that the Committee had been unable to consider the draft Convention at the current session and earnestly hoped that the omission would be rectified at the fourteenth session.

The meeting rose at 1 p.m.