

NOTE
concerning a Drft-Declaration (UNO) on Freedom of Information

By letter No. SO 222/9 (5/1) dated 12th. August 1959, the Secretary-General of the United Nations has communicated a draft Declaration on freedom of information submitted by the Economic and Social Council on the 30th. July 1959. He requests the Government to comment on (a) the desirability of the adoption b the united Nations of declaration on freedom of information and (b) opinion on the draft Act of the declaration.

But it must be reminded here that a long time before the Juridical Council has been communicated a letter (688/2502) from the Department of Secretary-General of the Council of Ministers for Administrative Affairs dated on 11th. February 2502 enclosing resolutions of the United Nations 1189 A XII and 1313 C (XIII) dated 11th. December 1957 and 12th. December 1958 concerning a draft Convention on Freedom of Information in order to give opinion and statement on that Convention. Consequently, the Legislative Adviser to whom the question was entrusted, has drafted a Memorandum and Statuent dated 14th. June 1959 in which technical observation were made. Those documents have been transmitted in due time together with the documents communicated the return of which was requested. (see letter of the Secretariat of the Cabinet No. 5326/2502 dated 4th. September 2502 to the Secretary-General of the Juridical Council)

Later on other documents have been also communicated to the Juridical Council by the same way in October 1959 (see letter of the Secretariat of the Cabinet No. 6519/2502 dated 14th. October 2502). But in order to avoid confusion, discrimination must be made between two different matters as follows.

The first communication (February 1959) did concern a draft Convention prepared by UNO on Freedom of information. The second communication concerns a draft Declaration on the same subject (July 1959) prepared by the Economic and Social Council: this is not the same thing but it has been forwarded also to the Juridical Council probably because they had dealt with the draft Convention in the same matter.

Finally there has still be a further document also transmitted to the Juridical Council by letter No. 6519/2502 of the Secretariat of the Cabinet dated 14th. October 2502 which this time concerns again the Convention because it communicates the opinions of various States on the Convention.

Now concerning the work of the Juridical Council:

as far as the Convention is concerned it has been deemed that its work was finished with the Memoradum 14th. June 1959 to the legal observations of which there is nothing to change (although some enquiries might have been avoided if the work of the Economic and Social Council had been communicated before);

as far as the Declaration is concerned, it may by said, concerning the desirability of its adoption, that a document of that kind is surely desirable, but that it seems logical that it would have preceded the Conventio so to say as a preface to it, whilst it is just the reverse which has been made to the detriment of the subject matter. Besides it is not clear if the policy is to treat the matter of freedom of information in two documents (Declaration snd Convention) which necesserily may encroach one upon the other (as may be seen by compartson of the texts). But, subject to a reversing

of the order of the publication, the Declaration may be taken as a proclamation (similar to the Declaration of the Number Rights) leaving the details to the Convention provided that those details shall not contradict the principles of the Declaration.

This seems to have been sufficiently made but the drafting of the Declaration might profitably benefit by the observations previously made concerning the draft Convention (Memorandum 14th. June 1959): Especially the observations concerning the advisability to give a definition of the word information (in the Comment of article II “information” seems to refer to news only); the necessity to limit the Declaration to the informations themselves (so defined) and not to introduce therein different matters such as “ideas” (article I and III) which are comments and not facts); the establishment of nonofficial organizations enjoying if not a monopoly but at least privileges to disseminate information which may turn easily in indirect propaganda likely to defeat the policy of article III; the moral recommendations of article IV and V, have been appreciated also in the Memorandum upon article 2 and 5 of the draft-Convention.

6th. December, 1959