

Committee, but I consider it my duty to make a few comments on the individual articles of the draft.

Article 1 which defines the right of freedom of information, met with the general approval of the ad hoc committee. It seems to us a satisfactory definition as applied to most media of information but isn't it inconsistent with the practice prevailing in most countries in regard to broadcasting, which is normally regulated in varying degrees by governments?

Article 2 is designed to set forth the limitations on freedom of information (as defined in Article 1) which governments may properly impose. Throughout the various attempts to draft a convention on freedom of information, the greatest difficulty has been met in trying to arrive at an acceptable formula for the limitations article which would meet the dual requirement of preventing abuse of freedom of information while holding governmental interference to a minimum. Apart from the many and varied opinions on details of the text of a suitable limitations article, two main lines of approach have emerged.

Some countries have urged that the limitations be restricted to a minimum, that they apply to the general fields where governmental control is accepted, and that wherever possible such limitations should operate after the fact as a means of punishing proven offences and not as a prior curb on freedom of expression. They maintain that the method of detailed and specific enumeration, as employed in Article 2 of the present draft convention, is completely impractical, could only too easily lead to censorship, and is an open invitation for the addition of still more objectionable limitations.

Other countries consider that limitations expressed in general terms are open to differing interpretations and could therefore more easily lead to abuse by governmental authority. Their view is that only by enumerating specific limitations in precise terms can freedom of information be properly restrained without being unduly controlled. Persuasive arguments can be adduced in support of both approaches, but we believe that the basic weakness of the specific enumeration method is that it invites additional restrictions from all sides and that a detailed list of limitations could not hope to be comprehensive but at the same time would tend to restrict freedom of information.

In any event, the fact that there exists an apparently irreconcilable divergence of opinion on such a fundamental aspect of the convention gives a sad demonstration of how poor the chances are of working out a generally acceptable text of a convention.

Article 4. The precise meaning of this article is not clear, but it might be interpreted as implying the right of governments to force information agencies to publish corrections. Canadian newspapers and information agencies recognise in practice, if not in law, the right of an individual to have a correction published of any incorrect or misleading statement which relates to him. The exercise in Canada of governmental control in this respect, however, would be an invasion of private rights, and our Supreme Court has already decided in this sense.

Acceptance by Canada of the principle contained