

1982

Human Rights and the Free Flow of Information

Lung-chu Chen

New York Law School, lungchu.chen@nyls.edu

Follow this and additional works at: http://digitalcommons.nyls.edu/fac_articles_chapters

 Part of the [Communications Law Commons](#), [Human Rights Law Commons](#), and the [International Law Commons](#)

Recommended Citation

4 *New York Law School Journal of International and Comparative Law* 37–49 (1982)

This Article is brought to you for free and open access by the Faculty Scholarship at DigitalCommons@NYLS. It has been accepted for inclusion in Articles & Chapters by an authorized administrator of DigitalCommons@NYLS.

HUMAN RIGHTS AND THE FREE FLOW OF INFORMATION

LUNG-CHU CHEN*

“Human Rights and the Free Flow of Information.” This topic immediately raises three key questions: the appropriate conception of human rights; the scope and reach of freedom of information; and finally, the bearing of one upon the other.

Delimitation of the Problem

The contemporary literature exhibits a great deal of confusion about what is meant by human rights.¹ Little effort has been made to create a comprehensive map of the totality regarded as human rights, and there has been little discussion of the detailed content of particular rights in the light of the whole. Often, even the very basic notion of human rights is left obscure. When specification is attempted, the effort commonly exhibits a broad range of obscurities and confusions. In some conceptions, human rights are defined as only those rights which the state actually protects;² in others, they are thought of as arising from heavenly font, wholly outside the protection of states.³ Still again, human rights are sometimes confined to the demands which particular peoples make at a particular time in their particular unique communities.⁴

From a comprehensive policy-oriented perspective, human rights are best understood by reference to the empirical facts of human interaction in the shaping and sharing of values.⁵ Values are preferred events—what people cherish. The peoples of the world, whatever their differences in cultural traditions and institutional practices, are increasingly demanding to participate in the shaping and sharing of all basic values. They demand respect, power, enlightenment, well-being,

* Professor of Law, New York Law School. LL.B., National Taiwan University, 1958; LL.M., Northwestern University School of Law, 1961; J.S.D., Yale Law School, 1964.

The author wishes to thank the Journal staff for adding the footnotes.

1. For a discussion of this problem, see, e.g., M. McDUGAL, H. LASSWELL & L. CHEN, HUMAN RIGHTS AND WORLD PUBLIC ORDER 64 (1980) [hereinafter cited as HUMAN RIGHTS].

2. *Id.* at 65.

3. *Id.*

4. *Id.*

5. *Id.* at 85.

wealth, skill, affection and rectitude.⁶ In relation to *respect*, they demand a fundamental freedom of choice for participation in different value processes, for equality in both the positive and negative sense and for a large domain of personal autonomy. In relation to *power*, they demand full participation as persons in the process both of authoritative decision and of effective power. In relation to *enlightenment*, they seek freedom to acquire, use and communicate information and knowledge. In relation to *well-being*, they seek health, safety and comfort. In relation to *wealth*, they seek access to the production and sharing of goods and services. In relation to *skill*, they demand the freedom to discover, mature and exercise latent talents. In relation to *affection*, they seek establishment and enjoyment of congenial personal relationships. And in relation to *rectitude*, they demand freedom to form, maintain and express norms of responsible conduct. Thus, by human rights we make reference to the degree to which these demands are met and to the quality of participation and enjoyment in each of the different value processes.

These eight values are chosen to facilitate study transcending cultural and community boundaries, to underscore the interdependence of all values (of one human right with another) and to undermine the mystical dichotomy of "the civil and political rights" of "the West" and "the economic, social and cultural rights" of "the East."⁸

By reference to these value categories, the importance of enlightenment, that is, freedom of information in the most comprehensive sense, is obvious. Enlightenment, in the sense of freedom to acquire, use and communicate information and knowledge, is crucial to the shaping and sharing of all other values. Accurate knowledge and information of other peoples' demands, identifications and expectations, and a clear understanding of global interdependences are indispensable to rational decisions about security, power and other values. Without

6. *Id.*

7. See International Covenant on Civil and Political Rights, G.A. Res. 2200A Annex, 21 U.N. GAOR Supp. (No. 16) at 52-60, U.N. Doc. A/6316 (1966).

8. See International Covenant on Economic, Social and Cultural Rights, G.A. Res. 2200A Annex, 21 U.N. GAOR Supp. (No. 16) at 49-52, U.N. Doc. A/6316 (1966).

This Covenant and the Covenant on Civil and Political Rights, *supra* note 7, were the result of 17 years of work by the Commission on Human Rights and the Third Committee of the General Assembly of the United Nations. They were enacted at a plenary session of the Assembly in 1966. As originally conceived, there was to be only one document, but the "insistence by some states that the covenant include provisions for economic, social and cultural rights resulted in a decision by the General Assembly while the draft covenant was still under consideration by the commission that two covenants be drafted, one dealing with those rights and the other with civil and political rights." N. LEECH, C. OLIVER & J. SWEENEY, *THE INTERNATIONAL LEGAL SYSTEM* 626-27 (1973).

access to a flow of comprehensive, dependable and pertinent knowledge and information, rational decision-making cannot be achieved in the power process or in other value processes.

Indeed, access to a flow of comprehensive, dependable and pertinent knowledge and information is a key to political, economic, social and cultural developments. It is essential to the enhancement of the quality of life in every value sector.

The dynamics of the flow of information that entails the gathering, processing and dissemination of information, both internally and transnationally, can be fully understood only in the total context of the comprehensive and continuing process of communication. The communication model pioneered by the late Professor Harold Lasswell more than three decades ago remains a classic formulation.⁹ In his words: "Who says what to whom through what channel with what effect?"¹⁰ This formulation, underscoring the interactive nature of communication, has stimulated several generations of research in the field of human communication.¹¹ In an amplified fashion, an appropriate inquiry would thus extend to the following aspects:

Who is the communicator initiating a message?

What is the content of the message?

With what objectives are messages initiated?

Under what situations do communications occur? In other words, what relevant geographical, temporal, institutional and crisis features are involved?

What channels of communication and other resources and technologies are available to communicators?

What strategies are employed to achieve a communicator's objective?

What audiences, both intended and unintended, are reached?

With what outcomes and effects?

Time will not permit further elaboration on this. Suffice it to say that the necessity of studying the contemporary problems of the flow of information in the total context of human communication was clearly underscored in the task of the MacBride Commission,¹² and

9. Lasswell, *The Structure and Function of Communication in Society*, in *THE COMMUNICATION OF IDEAS* 37-51 (L. Bryson ed. 1948).

10. *Id.* at 37.

11. See Schramm, *The Effects of Mass Media in an Information Era*, in *3 PROPAGANDA AND COMMUNICATION IN WORLD HISTORY* 295-345 (H. Lasswell, D. Lerner & H. Speier eds. 1980).

12. The Commission was established in December 1977 under a mandate which spec-

vidently reflected in its report to UNESCO.¹³ I will also call your attention to the monumental, three-volume work, "Propaganda and Communication in World History," edited by Professors Harold Lasswell, Daniel Lerner and Hans Speier, which was published in 1980.¹⁴

The history of humankind has been accelerated by communication technology. From sole reliance on oral communication to the invention of writing and printing, from movable type to a penny press, from the visual dimension of camera and film through the audio dimension of radio to the complete audiovisual mass communication symbolized by television, humankind is entering a new epoch of information-rich civilization. Recent developments such as broadcasting satellites, computers, data processing and teleinformatics are simply amazing. Modern technology has made it possible for almost instantaneous transmission of messages around the globe; it has overcome the natural barriers of time and space. The size and pace of information flow are staggering. In the words of Wilbur Schramm: "More information is coming, faster, at cheaper rates per unit, from farther away and from more sources, through more channels, including multimedia channels, with more varied subject matter, and with focus and content that are even briefer and more rapidly shifting."¹⁵ The contributions, both existing and potential, that modern communications can make in enhancing the people's perceptions of the intimate interdependences of humanity and the world community are indeed enormous.

While electronic communications and information technologies have created and promised tremendous beneficial effects, they also raise more and more complex questions. Advances in communications and information technologies and services open up new frontiers: the outer space, terrestrial and undersea communications, with the practi-

ified four main lines of inquiry: (1) study the current situation in the field of communication and identify problems at both national and international levels; (2) study the problem of providing a free and balanced flow of information with specific emphasis upon the needs of developing nations; (3) analyze communication problems from the perspective of the new international economic order and measures to be taken to foster a New World Information Order; (4) define the role to be played by communication in promoting increased awareness of world problems and solutions at both national and international levels. See UNESCO, Report by the International Commission for the Study of Communications Problems, *MANY VOICES, ONE WORLD* 40-41 (1980) [hereinafter cited as *MACBRIDE REPORT*].

13. Although the *MACBRIDE REPORT* was commended at UNESCO's Twenty-First General Conference in Belgrade in October 1980, the conference refused to endorse its specific recommendations. See *Belgrade 1980: Breakdown or Breakthrough?*, 1 *CHRON. INT'L COM.* 2 (1980).

14. *PROPAGANDA AND COMMUNICATION IN WORLD HISTORY* (H. Lasswell, D. Lerner & H. Speier eds. 1980).

15. Schramm, *supra* note 11, at 297.

cal global linkage of information flows.

As modern technologies overcome the barriers of time and space in communication, the problem of the flow of information across national boundaries becomes ever more pressing.

More and more barriers to the free flow of information (both transnationally and internally) are erected by an increasing number of countries.¹⁶ A wide range of governmental measures based upon varying degrees of formal or effective power, are employed to interfere with the flow of information, operating directly on the content of communication itself, or on the reporters of information, or through imposition of undue economic burdens.¹⁷ The MacBride Commission report gives this inventory: "physical violence and intimidation; repressive legislation; censorship; blacklisting of journalists; banning of books; monopolies established by political action; bureaucratic obstructions; judicial obstructions such as closed hearings and contempt of court rules; parliamentary privileges; and restrictive professional practices."¹⁸ Other obstacles include "economic and social constraints and pressures; de facto monopolies (public, private, or transnational); inadequate infrastructures; narrow definitions of what is news, what should be published, and what issues should be debated; and a shortage of professional training and experience"¹⁹ as well as "entrenched cultural attitudes and taboos"²⁰ and "an unquestioning reverence for authority, whether secular or religious."²¹

Such unilateral, national measures of restrictions are increasingly sought to be justified in terms of "national sovereignty," "national security," "national interest," "cultural heritage," "internal order," "development need," "privacy interest," and so on.²²

The trend toward assertions of greater national controls over the transfrontier flow of information occurs at a time when nation-states, both developed and developing, are becoming more sensitive and manifesting divergent perspectives about the nature and role of communication and information in the global process of decision and in the nation building processes. The imbalances in the transnational flow of information (one-way rather than two-way flow) and the great disparities in the distributions of communication technologies and resources are keenly perceived and felt in a world of ever increasing interdepen-

16. MACBRIDE REPORT, *supra* note 12, at 137.

17. *Id.* at 138-44.

18. *Id.* at 138.

19. *Id.*

20. *Id.*

21. *Id.*

22. *See id.* at 137-44.

dences. Hence, in addition to unilateral national measures, the developing nations have united in demanding the establishment of a "new world information and communication order."²³

While the precise demands made in the name of the new world information order remain somewhat elusive and uncertain, the thrust of these has been propagated with increasing intensity. Notable among the constellation of these demands are:

- Demands for freedom from distorted communications;
- Demands for freedom from external domination and monopoly of the media of communication;
- Demands for effective participation in the transnational process of communication;
- Demands for an aggregate, balanced flow of information;
- Demands for access to communication technology and resources;
- Demands for special assistance in acquiring and developing communication capacities to overcome handicaps;
- Demands for national control of the flow of information;
- Demands for responsible journalism; and
- Demands for freedom to initiate and constitute institutions specialized in the gathering, processing and dissemination of information at all community levels.²⁴

The demand for a new world information and communication order is obviously inspired by, and patterned after, a demand for a new international economic order.²⁵ In a fundamental sense, the demand involves more than just information and communication, but entails an attempt to modify in a significant way the functioning of the global processes of decision and to achieve reallocation of power, wealth, skill and so on. The demand for a new world information order has injected a new dimension in considering the right to information. The predominant demand for the new order has shifted the traditional concern for individual freedom in the gathering, processing and dissemination of

23. See Bortnick, *International Information Flow: The Developing World Perspective*, 14 CORNELL INT'L L. J. 333, 344 (1981); Masmoudi, *The New World Information Order*, 29 J. COM. 172, 178-79 (Spring 1979).

24. See generally MACBRIDE REPORT, *supra* note 12, at 137-99. See also Hudson, *Implications for Development Communications*, 29 J. COM. 179, 180 (Winter 1979), where the author discusses Third World concerns over access to, and control over, information and communication technology.

25. See MACBRIDE REPORT, *supra* note 12, at 35-39. See also Masmoudi, *supra* note 23, at 185.

information to the concern of particular states about the overall flow and content of information across national boundaries. Increasingly, claims are made not in the name of the individual person, but in the name of the nation-state as a participant in the global process of communication and decision.²⁶

Facilitating the flow of information across community boundaries in ways that would promote the common interest of all is clearly paramount in considering those proposals relating to a new world information order. How can communication between people and groups be freed from the fetters which inhibit and impair the making of rational decisions and choices in relation to different value processes?

Basic Community Policy

In an interdependent world, the inescapable question for every decision-maker or other evaluator is to what basic goals he, as a representative of the larger community or humankind and of its various component communities, is willing to commit himself as the primary postulates of public order for inspiring and fashioning the particular choices he has to make.

Our recommended postulate is that of human dignity. The contemporary image of man as capable of respecting himself and others, and of constructively participating in the shaping and sharing of all human dignity values, is the culmination of many different trends in thought. These trends are secular as well as religious, with origins extending far back into antiquity and coming down through the centuries with vast cultural and geographic reach. The postulate of human dignity²⁷ can no longer be regarded as the eccentric doctrine of lonely philosophers and peculiar sects. This postulate, in the sense of demands for the greater production and wider sharing of all values and a preference for persuasion over coercion, has been incorporated, with varying degrees of completeness and precision, into a great cluster of global and regional prescriptions, both conventional and customary, and into the constitutional and legislative codes of many national communities.²⁸ Our emphasis is on the postulation and clarification of public order goals rather than their derivation by the exercise of logical, syntactic skill. Those of us who take this perspective welcome all who

26. See Novotny, *Transborder Data Flows and International Law: A Framework for Policy Oriented Inquiry*, 16 STAN. J. INT'L L. 141 (1980). According to the author, "[S]tates are and will remain the most significant actors in transborder data flows." *Id.* at 151.

27. See HUMAN RIGHTS, *supra* note 1, at 376.

28. *Id.* at 378. See, e.g., U.S. CONST. amend. XV, § 1.

share the basic commitment for human dignity to join in the common enterprise of human dignity. But we do not think it fruitful to engage in the syntactic exercises in infinite regress.

This overriding commitment for the wide shaping and sharing of values extends to each of the basic values. With regard to each value, we favor a basic share of participation and enjoyment for all persons; positive opportunity for further participation and enjoyment, free from discrimination for reasons irrelevant to capabilities; further recognition or reward for actual contributions to the common interest; and for the largest possible aggregate shaping and sharing.

In relation to enlightenment, we favor the basic freedom to acquire, use and communicate information and knowledge. Such freedom is indispensable to securing a flow of dependable, comprehensive and pertinent information and knowledge that will permit the making of rational decisions and choices, enable the individual person to develop his latent capabilities to the fullest and sustain democratic processes in communities.

We favor achievement of an optimum aggregate in the shaping and sharing of enlightenment, i.e., in the gathering, processing and dissemination of knowledge and information. We also favor affording individuals and groups opportunities to acquire and employ the knowledge and information necessary to contribute creatively to the aggregate common interest through the understanding of different social processes and their conditioning factors.

We favor freedom to acquire the demand for enlightenment, freedom from distorted communications and freedom from coerced deprivations of enlightenment. Above all, our preferences are for freedom to initiate and constitute institutions specialized in the acquisition, processing and communication of knowledge and information, with maintenance of an appropriate balance between governmental and non-governmental institutions and of a vigorous, pluralistic network of communication. In the same vein, our preferences are for maintenance of the utmost freedom of access to institutions specialized in the gathering, processing and dissemination of information.

Towards these goals, it would appear that both negative and positive efforts are required. Negatively, all barriers to the free flow of information, internally and transnationally, must be removed and minimized so that the freedom to acquire, use and communicate knowledge and information can be secured. Positively, affirmative efforts should be made, through technological and other assistance, to facilitate and enhance the communication capabilities of all those communities in special need so that an optimum aggregate in the shaping and sharing of enlightenment around the globe can be achieved.

Trends in Decision

The fundamental policy in defense of the freedom to acquire, use and communicate information and knowledge has been eloquently projected in both the Universal Declaration of Human Rights²⁹ and the International Covenant on Civil and Political Rights and other documents. The Universal Declaration and the Covenant are two key components of the emerging global Bill of Human Rights.³⁰

The Universal Declaration of Human Rights, in article 19, provides:

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.³¹

The generic right to freedom of expression is rather broad. It includes freedom to seek, receive and impart information and ideas through any media and regardless of frontiers. This freedom of information, as formulated, encompasses all activities relating to the gathering, processing and dissemination of information and knowledge. It protects communication activities through any media and extends to both internal and transnational communications. In its broadest reach, this freedom is indeed a functional equivalent of the "right to communicate," or "freedom to communicate," as recently proposed by some specialists.³²

Similarly, the International Covenant on Civil and Political Rights, in Article 19 (1) and (2), stipulates:

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, ei-

29. Universal Declaration of Human Rights, adopted Dec. 10, 1948, G.A. Res. 217, U.N. Doc. A/810, at 71 (1948) [hereinafter cited as Universal Declaration].

30. The Universal Declaration, *supra* note 29, the Covenant on Economic, Social and Cultural Rights, *supra* note 8, and the Covenant on Civil and Political Rights, *supra* note 7, "taken together, are widely regarded . . . as an International Bill of Human Rights." HUMAN RIGHTS, *supra* note 1, at 180. The three documents and a brief history of them are conveniently reprinted in THE INTERNATIONAL BILL OF HUMAN RIGHTS (J. Williams ed. 1981). For further elaboration, see HUMAN RIGHTS, *supra* note 1, at 313-63.

31. Universal Declaration, *supra* note 29, art. 19.

32. See, e.g., D'arcy, *The Right to Communicate*, in CRISIS IN INTERNATIONAL NEWS: POLICIES AND PROSPECTS 117-36 (J. Richstad & M. Anderson eds. 1981).

ther orally, in writing or in print, in the form of art, or through any other media of his choice.³³

The addition of "either orally, in writing or in print, in the form of art, or through any other media of his choice" is meant to be all inclusive, making more explicit what is meant by "through any media" in the Universal Declaration. The third paragraph of Article 19 of the Covenant adds:

The exercise of the rights provided for in paragraph 2 of this Article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

- (a) For respect of the rights or reputations of others;
- (b) For the protection of national security or of public order (ordre public), or of public health or morals.³⁴

In relation to the Universal Declaration, a comparable general limitation clause is found in Article 29(2) which states:

In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.³⁵

Comparable provisions can also be found in European and American regional human rights conventions.³⁶

From the foregoing, it appears important in relation to enlightenment outcomes, as to other value outcomes, to recognize the critical need for, and to make appropriate provision for, the rational accommodation of any particular individual's right with the comparable rights of others and with the aggregate common interest.

How to apply such complementary, general prescriptions in concrete cases is an overriding concern in the area of human rights protection. In our collaborative work on "Human Rights and World Public Order,"³⁷ Professors McDougall, Lasswell and I have recommended rel-

33. Covenant on Civil and Political Rights, *supra* note 7, arts. 19(1), 19(2).

34. *Id.* art. 19(3).

35. Universal Declaration, *supra* note 29, art. 29(2).

36. *See, e.g.*, Convention for the Protection of Human Rights and Fundamental Freedoms, adopted Nov. 4, 1950, 213 U.N.T.S. 221, art. 10 (entered into force Sept. 3, 1953); American Convention on Human Rights, Nov. 22, 1969, Art. 45 O.A.S., Official Records of O.E.A./ser. K/XVI/1.1, Doc. 65, Rev. 1, Corr. 1, art. 13 (1970), reprinted in 9 I.L.M. 99 (1970).

37. HUMAN RIGHTS, *supra* note 1.

evant intellectual skills in terms of the principles of content and procedure to guide such applying tasks in order to minimize the element of arbitrariness and to enhance the degree of rationality in decision-making.³⁸ Obviously, we have no time to go into that now. I would only like to underscore that the fundamental community policy of freedom of information must be given a strong presumption and not be diluted or taken away through loose applications of the limitation accommodation provisions. This is especially so when the derogation provision is invoked to cope with an alleged crisis.

Shortly after the United Nations came into being, the General Assembly, in 1946, characterized freedom of information as "a fundamental human right and the touchstone of all freedoms to which the United Nations is consecrated."³⁹

Subsequently, the United Nations organs concerned have experienced considerable difficulty in their attempts to formulate a more detailed content to freedom of information and related measures of implementation. While the Convention on the International Right of Correction entered into force in 1962,⁴⁰ the General Assembly has continued to postpone consideration of its agenda item on "Draft Convention on Freedom of Information"⁴¹ from year to year. This is due in no small part to the expanding membership and the changing dynamics within the United Nations.

To fill the vacuum, UNESCO has emerged in recent years as the focal organization where the action is in the field of transnational information and communication. As the specialized agency responsible for promoting "the free flow of ideas" and knowledge⁴² through the use of the mass media, UNESCO has undertaken a wide range of activities dealing with human rights in the field of communication.⁴³

38. *Id.* at 248-56.

39. Calling of an International Conference on Freedom of Information, G.A. Res. 59(I), U.N. Doc. A/64 Add. 1, at 95 (1946).

40. Convention on the International Right of Correction, G.A. Res. 630 Annex, 7 U.N. GAOR Supp. (No. 20) at 22, U.N. Doc. A/2361 (1952), *opened for signature* March 31, 1953 (entered into force Aug. 24, 1962). The Convention is *reprinted in* 435 U.N.T.S. 191 (1962).

41. *See, e.g.*, G.A. Res. 2722, 25 U.N. GAOR Supp. (No. 28) at 86, U.N. Doc. A/8028 (1970), and G.A. Res. 2844, 26 U.N. GAOR Supp. (No. 29) at 90, U.N. Doc. A/8429 (1971), the latter being the final resolution passed by the General Assembly putting the matter over for consideration in a subsequent session. The last time that even informal action putting the matter over was recorded was in 1973. 27 U.N.Y.B. 569 (1973). A draft of the convention was originally formulated in 1948. *See* Committee on the Draft Convention on Freedom of Information Documents, U.N. Doc. A/AC.41/7 Annex (1950).

42. UNESCO CONST. art. 1, para. 2.

43. *See* MACBRIDE REPORT, *supra* note 12, at 265-67. According to the MacBride Commission, the defense of human rights is "one of the media's most vital tasks." *Id.* at 265.

Over the years, UNESCO has sought to meet the challenge of the vastly increased volume of international communication and flow of information and to develop the means and structures for the gathering, processing and dissemination of information and knowledge in all countries. Its approach has moved progressively toward the concept that a truly free flow of information must be "balanced" as well as "free."

Among its notable recent achievements are the adoption of the Mass Media Declaration of 1978 (Declaration on Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, the Promotion of Human Rights and to Countering Racism, Apartheid and Incitement to War),⁴⁴ the work of the International Commission for the Study of Communication Problems (the MacBride Commission),⁴⁵ and the establishment of a formal International Program for the Development of Communication (IPDC).⁴⁶ Thanks to these efforts, the complex and interlocking problems involved in communication and information have been seriously studied from the most comprehensive global context. A long international agenda has been projected for years to come.⁴⁷ While the agenda is long, these documents have strongly reaffirmed the crucial importance of the freedom of information in the world community today.

Appraisal and Recommendations

Looking toward the future, it is crucial from human rights perspectives that amid the rising debate about the shape of "order" to come in the field of world information and communication, the fundamental community policy of protecting the freedom of information, the freedom to acquire, use and communicate information and knowledge, must be sustained and fortified. The increasing concern for the inter-

44. UNESCO Res. 4/9.3/2, 1 Records of the General Conference, Twentieth Session, Paris, 24 Oct.—28 Nov. 1978 (Resolutions) at 100-04, UNESCO Doc. 20c.

45. MACBRIDE REPORT, *supra* note 12.

46. See UNESCO Report of the Director-General: Questions Relating to Information, 35 U.N. GAOR Annex 1 (Agenda Item 59), U.N. Doc. A/35/362/Add. 1 (1980). See also Bortnick, *supra* note 23, at 347, where IPDC was described as a separate entity within UNESCO designed to improve the information infrastructure and training of personnel in less developed nations. *Id.*

47. See MACBRIDE REPORT, *supra* note 12, at 253-75. The goals recommended by the Commission include: the strengthening of independence and self-reliance; the integration of communication into the process of development; the promotion of journalistic responsibility; the democratization of communication; and the fostering of international communication. *Id.*

ests of particular states must not be at the expense of the classic concern for individual freedom.

The way to foster a more efficient and equitable world order of information and communication is not to erode, dilute or hamper this fundamental policy. The key, rather, is positive facilitation by making pertinent technology, knowledge and resources available to all and by increasing the capacity for communication at every community level. More channels of communication, more voices, not stifling the existing channels and voices, are the answer.

Wisely applied in a spirit of cooperation for the common interest, the new technologies can generate an unprecedented abundance of communication channels, more diversified message flows and greater citizen participation. Concerted community efforts at positive facilitation, within a framework fostering the free flow of information, would contribute mightily to the aggregate enlightenment and ultimately toward a world community of human dignity.

