

II-4597 der Beilagen zu den Stenographischen Protokollen des Nationalrates

BUNDESMINISTERIUM

XIV. Gesetzgebungsperiode

FÜR

WIEN, am 26. Dezember 1978

AUSWÄRTIGE ANGELEGENHEITEN

Zl. 806.03/86-II.7/78

Schriftliche Anfrage der Abgeordneten Dr. Ermacora, Steinbauer, Dr. Ettmayer und Genossen betreffend die Mediendeklaration der UNESCO (Nr. 2217/J)

Beilagen

2159 IAB

1979 -01- 04

zu 2217/J

An den

Herrn Präsidenten des Nationalrates

Parlament
1017 Wien

Die Abgeordneten zum Nationalrat Dr. Ermacora, Steinbauer, Dr. Ettmayer und Genossen haben am 29. November 1978 unter der Nummer 2217/J an mich eine schriftliche Anfrage betreffend die Mediendeklaration der UNESCO gerichtet, welche den folgenden Wortlaut hat:

- "1) Inwieweit weicht der mit Konsensus angenommene Text der UNESCO-Mediendeklaration von jenem Text ab, der laut Erklärungen des Aussenministers für Österreich unannehmbar gewesen sei?
- 2) Hat das österreichische Aussenministerium durch seine Delegierten eine der westlichen Auffassung bessere Formulierung oder bessere Formulierungen erreichen können und wenn ja, wie lauten diese?
- 3) Da über die Deklaration nicht formell abgestimmt wurde, erhebt sich die Frage, ob die österreichische Delegation irgendeine Votumserklärung abgegeben hat und, wenn ja, wie lautet diese?
- 4) Welche Bedeutung hat die UNESCO-Mediendeklaration für die österreichische Medienpolitik?"

Ich beehre mich, diese Anfrage wie folgt zu beantworten:

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Zu 1): In meiner Rede vor der 20. Generalkonferenz der UNESCO stellte ich fest, dass der damals vorliegende Entwurf einer Mediendeklaration (Beilage 1) nicht der in Österreich verfassungsrechtlich verankerten Meinungs- und Informationsfreiheit entsprach. Ausserdem gab ich der Überzeugung Ausdruck, dass viele der Probleme, die Anlass zur Ausarbeitung dieses Entwurfes gaben, in absehbarer Zukunft auch ohne eine solche Deklaration gelöst würden. Dennoch wollte ich nicht von vornherein Bemühungen ausschliessen, zu einem alle berechtigten Anliegen berücksichtigenden Text zu gelangen.

Die USA, unterstützt von einigen westlichen Ländern, setzten sich in der Folge intensiv für die Ausarbeitung eines solchen Textes ein. Der nach langwierigen Verhandlungen schliesslich ohne Abstimmung angenommene Deklarationstext (Beilage 2) enthält gegenüber dem früheren Entwurf so beträchtliche Verbesserungen, dass Österreich sich dem allgemeinen Konsens nicht entziehen konnte.

Allgemein ist zu bemerken, dass die textlichen Veränderungen insgesamt eine bessere Ausgewogenheit zwischen den Zielsetzungen der Entwicklungsländer, der osteuropäischen Staaten und der westlich-pluralistischen Demokratien bewirkte.

Gegenüber dem ursprünglichen Text weist jener der angenommenen Deklaration folgende wesentliche Verbesserungen auf:

1. Einbeziehung der Förderung der Menschenrechte in die Zielsetzungen der Deklaration (präambuläre Absätze 4 und 9, Titel der Deklaration, Artikel I, II Abs. 3 und VII)
2. Wegfall von Bestimmungen, die den Medien und ihren Mitarbeitern bestimmte Verpflichtungen und Verhaltensweisen auferlegt hätte (Artikel I, II Abs. 1 bis 4, III Abs. 1 und 2, IV, VIII)
3. Wegfall einer Verpflichtung der Staaten zur Durchsetzung der Zielsetzungen der Deklaration (Artikel X der Beilage 2 im Vergleich mit den Artikeln X und XI der Beilage 1)
4. Betonung des Schutzes und entsprechender Arbeitsbedingungen der Journalisten und Medienmitarbeiter (Artikel I, II Abs. 2 und 4, XI)

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5. Weitere Verbesserungen betrafen u.a.

- a) Wegfall einschränkender Qualifizierungen der Information (z.B. "vollständig, objektiv" in Artikel I)
- b) Erwähnung der notwendigen Vielfalt von Informationsquellen (Artikel II Abs. 2)
- c) Wegfall des Entgegnungsrechtes, insoweit es mit dem österreichischen Medienrecht unvereinbar ist

Zu 2): Angesichts der Entschlossenheit einer Mehrheit der westlichen Staaten, auf eine Verbesserung des ursprünglichen Entwurfes des Generaldirektors hinzuwirken, hat sich Österreich mit zahlreichen und umfassenden eigenen Vorschlägen und Bemerkungen in der westlichen Gruppe an der Ausarbeitung annehmbarer Formulierungen beteiligt.

Die mit den Vorstellungen der pluralistischen Demokratien westlicher Prägung übereinstimmenden österreichischen Anstrengungen richteten sich insbesondere auf

- Einbeziehung der Menschenrechte
- Verhinderung einer staatlichen Verpflichtung zur Einflussnahme auf die Medien
- Verhinderung der Unterstellung der Medien unter bestimmte Verpflichtungen und Zielsetzungen
- Verbesserung des Schutzes und der Arbeitsbedingungen für Medienmitarbeiter
- Sicherung eines ungehinderten Informationsflusses
- Verhinderung eines Entgegnungsrechtes, insoweit es mit dem österreichischen Medienrecht unvereinbar ist.

Die eingetretenen Verbesserungen ergeben sich aus einem Vergleich des ursprünglichen mit dem angenommenen Text, besonders hinsichtlich der unter Punkt 1) angeführten Bestimmungen.

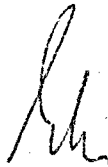
Zu 3): Die österreichische Delegation hat die als Beilage 3 angeschlossene Votumserklärung abgegeben, um unmissverständlich klarzustellen, dass bestimmte darin erwähnte Textstellen der Deklaration nicht im Widerspruch zur österreichischen Rechtsordnung ausgelegt und verstanden werden können.

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Zu 4): Die UNESCO-Mediendeklaration bringt keine rechtlichen Verpflichtungen für Österreich mit sich.

Österreich wird in seinen bisherigen Bemühungen fortfahren, durch geeignete Massnahmen - wie z.B. den österreichischen Beitrag zur Journalistenschule in Nairobi - die berechtigten Anliegen der Entwicklungsländer auf stärkere Einbeziehung in den internationalen Nachrichtenfluss gebührend in Rechnung zu stellen, jedoch auch weiterhin Bestrebungen ablehnen, die Grundsätzen der österreichischen Medienfreiheit widersprechen würden.

Der Bundesminister
für Auswärtige Angelegenheiten:



ANNEX

Beilage 1

The General Conference,

1. Recalling that by its Constitution the purpose of Unesco is "to contribute to peace and security by promoting collaboration among the nations through education, science and culture" (Article I, 1), and that to realize this purpose the Organization will strive to "promote the free flow of ideas by word and image" (Article I, 2),
2. Further recalling that under the Constitution the Member States of Unesco, "believing in full and equal opportunities for education for all, in the unrestricted pursuit of objective truth, and in the free exchange of ideas and knowledge, are agreed and determined to develop and to increase the means of communication between their peoples and to employ these means for the purposes of mutual understanding and a truer and more perfect knowledge of each other's lives" (sixth preambular paragraph),
3. Recalling the purposes and principles of the United Nations, as specified in the Charter,
4. Recalling the Universal Declaration of Human Rights, adopted by the General Assembly of the United Nations in 1948, and the International Covenant on Civil and Political Rights, adopted by the General Assembly of the United Nations in 1966,
5. Recalling the Convention concerning the Use of Broadcasting in the Cause of Peace, adopted by the League of Nations in 1936, and which is still in force,
6. Recalling Article 4 of the International Convention on the Elimination of all Forms of Racial Discrimination adopted by the General Assembly of the United Nations in 1965, and the International Convention on the Suppression and Punishment of the Crime of Apartheid adopted by the General Assembly of the United Nations in 1973, whereby the States acceding to these Conventions undertook to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, racial discrimination, and agreed to prevent any encouragement of the crime of apartheid and similar segregationist policies or their manifestations,
7. Recalling the Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples, adopted by the General Assembly of the United Nations in 1965,
8. Recalling the Declaration and Programme of Action on the Establishment of a New International Economic Order, and the Charter of Economic Rights and Duties of States, adopted by the General Assembly of the United Nations in 1974,
9. Recalling the Declaration of the Principles of International Cultural Co-operation, adopted by the General Conference of Unesco in 1966,
10. Recalling resolution 110 (II) of the General Assembly of the United Nations adopted in 1947 condemning all forms of propaganda which are designed or likely to provoke or encourage any threat to the peace, breach of the peace, or act of aggression,

11. Recalling resolution 127 (II), also adopted by the General Assembly in 1947, which invites Member States to take measures, within the limits of constitutional procedures, to combat the diffusion of false or distorted reports likely to injure friendly relations between States, and resolution 32/154, adopted by the General Assembly of the United Nations in 1977 which recognizes the need for objective dissemination of information and the role and responsibility of the mass media in this respect, thus contributing to the growth of trust and friendly relations among States,
12. Recalling resolution 9.12 adopted by the General Conference of Unesco in 1968, reiterating Unesco's objective to help to eradicate colonialism and racialism, and resolution 12.1 adopted by the General Conference of Unesco in 1976 which proclaims that colonialism, neo-colonialism and racialism in all its forms and manifestations are incompatible with the fundamental aims of Unesco,
13. Recalling resolution 4.301 adopted in 1970 by the General Conference of Unesco, in which the Conference, deeming that information media should play an important part in furthering international understanding and co-operation in the interests of peace and human welfare, invites all Member States to take the necessary steps to encourage the use of information media against propaganda on behalf of war, racialism and hatred among nations,
14. Recalling the resolutions of the General Assembly of the United Nations on the eradication of all forms of racialism and racial discrimination,
15. Proclaims on this ... day of 1978 this Declaration on Fundamental Principles governing the Contribution of the Mass Media to Strengthening Peace and International Understanding and to Combating War Propaganda, Racialism and Apartheid.

Article I

The strengthening of peace and international understanding and the combating of war propaganda, racialism and apartheid necessitate a free, reciprocal and balanced flow of accurate, complete and objective information, to which the mass media have the duty and responsibility of contributing. To this end, journalists and other agents of the mass media should enjoy a status which ensures that they are adequately protected.

Article II

1. The exercise of freedom of opinion, expression and information, recognized as an integral part of human rights and fundamental freedoms, is a vital factor, in the strengthening of peace and international understanding. It confers special responsibilities and duties on the mass media.
2. Access by the public to information should be guaranteed by the diversity of the information media available to it, thus enabling each individual to check the accuracy of facts and to appraise events objectively. Similarly it is important that the mass media should express the concerns of peoples and individuals, thus promoting the participation of the public in the elaboration of information.

3. With a view to the strengthening of peace and international understanding and to combating war propaganda, racialism and apartheid, it is essential that the mass media should contribute to promoting human rights, in particular by giving expression to those who combat colonialism, neo-colonialism and foreign occupation, apartheid and other forms of racial discrimination, and who are unable to make their voices heard within their own territories. This should be done with due respect for the sovereignty and legislation of the countries in which these media are located.
4. If the mass media are to be in a position to promote the principles of this Declaration in their activities, it is essential that journalists and other agents of the mass media exercising their activities in accordance with the principles of the present Declaration, in their own country or abroad, should enjoy professional status and be assured of protection guaranteeing them the best possible conditions for the exercise of their profession with conscientiousness and impartiality.

Article III

1. The mass media have an important part to play in the strengthening of peace and international understanding and in combating war propaganda, racialism and apartheid.
2. It is therefore incumbent on them to respect the rights and dignity of all nations, peoples and individuals, without distinction of race, sex, language, nationality or philosophical conviction. It is likewise incumbent on them to avoid any justification of, or incitement to war-mongering, violence, apartheid and other forms of hatred or of national, racial or religious discrimination, as well as all forms of colonialism and neo-colonialism. As a contribution towards the total eradication of these evils, they should also denounce all forms of related propaganda, in particular, propaganda on behalf of wars of aggression, and any threat or use of force incompatible with the aims of the United Nations.
3. By applying these principles, which are in conformity with those governing relations between States, the mass media will thus promote the establishment of a climate of confidence, mutual respect and tolerance between men and peoples of different origins and cultures.

Article IV

It is important that the mass media take part in the education of young people in a spirit of peace, justice, freedom, mutual respect and understanding, in order to promote human rights, equality of rights as between all human beings and all nations, and economic and social progress. It is also important that they should make known the views and aspirations of the younger generation.

Article V

In order that freedom of opinion, expression and information may be respected and that information may be more impartial, the mass media should make known the versions of facts presented by States, institutions and individuals who consider

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that the information published or disseminated about them has done serious harm to their efforts to strengthen peace and international understanding or to combat war propaganda, violence, apartheid and other forms of national, racial or religious discrimination, as well as all forms of colonialism and neo-colonialism.

Article VI

For the establishment of a new equilibrium and greater reciprocity in the flow of information, which will be conducive to the institution of a just and lasting peace and to the economic and political independence of the developing countries, it is necessary to correct the quantitative and qualitative inequality in the flow of information to and from developing countries, and between those countries. To this end, it is essential that their mass media should have adequate resources enabling them to gain strength and expand, and to co-operate both among themselves and with the mass media in developed countries.

Article VII

By making widely known the objectives and principles which, under the resolutions adopted by the General Assembly of the United Nations, form the basis of a new international economic order, the mass media make an effective contribution to the strengthening of peace and international understanding.

Article VIII

It is particularly incumbent on those mass media, which enjoy extensive international coverage, to act in accordance with the principles proclaimed in the present Declaration.

Article IX

It is the duty of journalists and other agents of the mass media, their professional organizations, and all those who participate in their professional training, to act in such a way that the mass media apply the principles stated in the present Declaration, thus assuming the responsibilities inherent in their role. To this end, professional organizations should lay particular emphasis on these principles in drawing up professional codes of ethics.

Article X

Action by the international community, and more especially by Unesco, is regarded as essential for the application of the present Declaration. In particular, it is the responsibility of the international community to endeavour to create a freer and more balanced flow of information, promote a professional status for journalists and other agents of the mass media, and give expression to those who, in their struggle against colonialism, neo-colonialism, foreign occupation, apartheid and other forms of racial discrimination, are unable to make their voices heard within their own territories.

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Article XI.

1. With due respect to constitutional provisions designed to guarantee freedom of information and in compliance with the relevant international instruments and agreements, it is the duty of States to facilitate the application of the present Declaration, and to ensure that those mass media which legally come under their authority act in conformity therewith.
2. It is important that States should encourage a freer, wider and better balanced flow of accurate, complete and impartial information.
3. To this end, it is necessary that States should facilitate the procurement, by the mass media in the developing countries, of adequate resources enabling them to gain strength and expand, and that they should promote co-operation by the latter, both among themselves and with the mass media in developed countries.
4. Similarly, on a basis of equality of rights, mutual advantage, non-interference in domestic affairs and respect for national sovereignty, including respect for the diversity of cultures which go to make up the common heritage of mankind, it is essential that States should encourage and develop bilateral and multilateral exchanges between the mass media in all countries, and in particular, between those of countries having different economic and social systems.
5. For this Declaration to be fully effective, it is also incumbent on States, with due respect for the legislative and administrative provisions of each country, to help to promote a professional status for journalists and other agents of the mass media, and to seek internationally acceptable standards which would enable them to exercise their profession with conscientiousness and impartiality.

ANNEX

DRAFT 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 RACIALISM, APARTHEID AND
INCITEMENT TO WAR.

Preamble

The General Conference,

1. Recalling that by its Constitution the purpose of Unesco is to "contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms" (Art. I, 1), and that to realize this purpose the Organization will strive "to promote the free flow of ideas by word and image" (Art. I, 2).
2. Further recalling that under the Constitution the Member States of Unesco, "believing in full and equal opportunities for education for all, in the unrestricted pursuit of objective truth, and in the free exchange of ideas and knowledge, are agreed and determined to develop and to increase the means of communication between their peoples and to employ these means for the purposes of mutual understanding and a truer and more perfect knowledge of each other's lives" (sixth preambular paragraph),
3. Recalling the purposes and principles of the United Nations, as specified in the Charter,
4. Recalling the Universal Declaration of Human Rights, adopted by the General Assembly of the United Nations in 1948 and particularly Article 19 which provides that "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"; and the International Covenant on Civil and Political Rights, adopted by the General Assembly of the United Nations in 1966, Article 19 of which proclaims the same principles and Article 20 of which condemns incitement to war, the advocacy of national, racial or religious hatred and any form of discrimination, hostility or violence,
5. Recalling Article 4 of the International Convention on the Elimination of all Forms of Racial Discrimination adopted by the General Assembly of the United Nations in 1965, and the International Convention on the Suppression and Punishment of the Crime of Apartheid adopted by the General Assembly

of the United Nations in 1973, whereby the States acceding to these Conventions undertook to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, racial discrimination, and agreed to prevent any encouragement of the crime of apartheid and similar segregationist policies or their manifestations,

- 6. Recalling the Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples, adopted by the General Assembly of the United Nations in 1965,
- 7. Recalling the declarations and resolutions adopted by the various organs of the United Nations concerning the establishment of a New International Economic Order and the role Unesco is called upon to play in this respect,
- 8. Recalling the Declaration of the Principles of International Cultural Co-operation, adopted by the General Conference of Unesco in 1966,
- 9. Recalling Resolution 59(I) of the General Assembly of the United Nations, adopted in 1946 and declaring

"Freedom of information is a fundamental human right and is the touchstone of all the freedoms to which the United Nations is consecrated;

.....
Freedom of information requires as an indispensable element the willingness and capacity to employ its privileges without abuse. It requires as a basic discipline the moral obligation to seek the facts without prejudice and to spread knowledge without malicious intent;

- 10. Recalling Resolution 110(II) of the General Assembly of the United Nations adopted in 1947 condemning all forms of propaganda which are designed or likely to provoke or encourage any threat to the peace, breach of the peace, or act of aggression,
- 11. Recalling Resolution 127(II), also adopted by the General Assembly in 1947, which invites Member States to take measures, within the limits of constitutional procedures, to combat the diffusion of false or distorted reports likely to injure friendly relations between States, as well as the other resolutions of the General Assembly concerning the mass media and their contribution to strengthening peace, thus contributing to the growth of trust and friendly relations among States,
- 12. Recalling resolution 9.12 adopted by the General Conference of Unesco in 1968 reiterating Unesco's objective to help to eradicate colonialism and racialism, and resolution 12.1 adopted by the General Conference of Unesco

in 1976 which proclaims that colonialism, neo-colonialism and racialism in all its forms and manifestations are incompatible with the fundamental aims of Unesco,

13. Recalling resolution 4.301 adopted in 1970 by the General Conference of Unesco on the contribution of the information media to furthering international understanding and co-operation in the interests of peace and human welfare, and to countering propaganda on behalf of war, racialism, apartheid and hatred among nations, and aware of the fundamental contribution that mass media can make to the realization of these objectives,
14. Recalling the Declaration on Race and Racial Prejudice adopted by the General Conference of Unesco at its twentieth session,
15. Conscious of the complexity of the problems of information in modern society, of the diversity of solutions which have been offered to them, as evidenced in particular by consideration given to them within Unesco as well as of the legitimate desire of all parties concerned that their aspirations, points of view and cultural identity be taken into due consideration,
16. Conscious of the aspirations of the developing countries for the establishment of a new, more just and more effective world information and communication order,
17. Proclaims on this..... day of 1978 this Declaration on Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racialism, Apartheid and Incitement to War.

Article I

The strengthening of peace and international understanding, the promotion of human rights and the countering of racialism, apartheid and incitement to war demand a free flow and a wider and better balanced dissemination of information. To this end, the mass media have a leading contribution to make. This contribution will be the more effective to the extent that the information reflects the different aspects of the subject dealt with.

Article II

1. The exercise of freedom of opinion, expression and information, recognized as an integral part of human rights and fundamental freedoms, is a vital factor in the strengthening of peace and international understanding.
2. Access by the public to information should be guaranteed by the diversity of the sources and means of information available to it, thus enabling each individual to check the accuracy of facts and to appraise events objectively.

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To this end, journalists must have freedom to report and the fullest possible facilities of access to information. Similarly, it is important that the mass media be responsive to concerns of peoples and individuals, thus promoting the participation of the public in the elaboration of information.

3. With a view to the strengthening of peace and international understanding, to promoting human rights and to countering racialism, apartheid and incitement to war, the mass media throughout the world, by reason of their role, contribute effectively to promoting human rights, in particular by giving expression to oppressed peoples who struggle against colonialism, neo-colonialism, foreign occupation and all forms of racial discrimination and oppression and who are unable to make their voices heard within their own territories.

4. If the mass media are to be in a position to promote the principles of this Declaration in their activities, it is essential that journalists and other agents of the mass media, in their own country or abroad, be assured of protection guaranteeing them the best conditions for the exercise of their profession.

Article III

1. The mass media have an important contribution to make to the strengthening of peace and international understanding and in countering racialism, apartheid and incitement to war.

2. In countering aggressive war, racialism, apartheid and other violations of human rights which are inter alia spawned by prejudice and ignorance, the mass media, by disseminating information on the aims, aspirations, cultures and needs of all people, contribute to eliminate ignorance and misunderstanding between peoples, to make nationals of a country sensitive to the needs and desires of others, to ensure the respect of the rights and dignity of all nations, all peoples and all individuals without distinction of race, sex, language, religion or nationality and to draw attention to the great evils which afflict humanity, such as poverty, malnutrition and diseases, thereby promoting the formulation by States of policies best able to promote the reduction of international tension and the peaceful and the equitable settlement of international disputes.

Article IV

The mass media have an essential part to play in the education of young people in a spirit of peace, justice, freedom, mutual respect and understanding, in order to promote human rights, equality of rights as between all human beings and all nations, and economic and social progress. Equally they have an important role to play in making known the views and aspirations of the younger generation.

Article V

In order to respect freedom of opinion, expression and information and in order that information may reflect all points of view, it is important that the points of view presented by those who consider that the information published or disseminated about them has seriously prejudiced their effort to strengthen peace and international understanding, to promote human rights or to counter racialism, apartheid and incitement to war be disseminated.

Article VI

For the establishment of a new equilibrium and greater reciprocity in the flow of information, which will be conducive to the institution of a just and lasting peace and to the economic and political independence of the developing countries, it is necessary to correct the inequalities in the flow of information to and from developing countries, and between those countries. To this end, it is essential that their mass media should have conditions and resources enabling them to gain strength and expand, and to co-operate both among themselves and with the mass media in developed countries.

Article VII

By disseminating more widely all of the information concerning the objectives and principles universally accepted which are the bases of the resolutions adopted by the different organs of the United Nations, the mass media contribute effectively to the strengthening of peace and international understanding, to the promotion of human rights, as well as to the establishment of a more just and equitable international economic order.

Article VIII

Professional organizations, and people who participate in the professional training of journalists and other agents of the mass media and who assist them in performing their functions in a responsible manner should attach special importance to the principles of this Declaration when drawing up and ensuring application of their codes of ethics.

Article IX

In the spirit of this Declaration, it is for the international community to contribute to the creation of the conditions for a free flow and wider and more balanced dissemination of information, and the conditions for the protection, in the exercise of their functions, of journalists and other agents of the mass media. Unesco is well placed to make a valuable contribution in this respect.

Article X

1. With due respect for constitutional provisions designed to guarantee freedom of information and for the applicable international instruments and agreements it is indispensable to create and maintain throughout the world the conditions

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which make it possible for the organizations and persons professionally involved in the dissemination of information to achieve the objectives of this Declaration.

2. It is important that a free flow and wider and better balanced dissemination of information be encouraged.

3. To this end, it is necessary that States should facilitate the procurement, by the mass media in the developing countries, of adequate conditions and resources enabling them to gain strength and expand, and that they should support co-operation by the latter both among themselves and with the mass media in developed countries.

4. Similarly, on a basis of equality of rights, mutual advantage, and respect for the diversity of cultures which go to make up the common heritage of mankind, it is essential that bilateral and multilateral exchanges of information among all States, and in particular between those which have different economic and social systems be encouraged and developed.

Article XI

For this Declaration to be fully effective it is necessary, with due respect for the legislative and administrative provisions and the other obligations of Member States, to guarantee the existence of favourable conditions for the operation of the mass media, in conformity with the provisions of the Universal Declaration of Human Rights and with the corresponding principles proclaimed in the International Covenant on Civil and Political Rights adopted by the General Assembly of the United Nations in 1966.

VOTUMSERKLÄRUNG

Österreich ist sich der berechtigten Bestrebungen der Entwicklungsländer auf stärkere Einbeziehung und Teilnahme am internationalen Informationsfluß voll bewußt und hat dieses Verständnis sowohl durch materielle Hilfestellung bei einschlägigen Projekten wie auch durch eine konstruktive Mitarbeit bei der Behandlung des ggstl. TOP unter Beweis gestellt.

Ich möchte bei dieser Gelegenheit besonders dem Generaldirektor, aber auch allen anderen, die so intensiv an der Formulierung eines so schwierigen Textes mitgearbeitet haben, meinen besonderen Dank dafür aussprechen.

Wiewohl Österreich zum Großteil die generellen Zielsetzungen dieser Resolution teilt, wie insbesondere Informationsfreiheit als Menschenrecht, freie Berichterstattung und Schutz der Journalisten sowie Vielfalt der Informationsquellen, müssen wir jedoch auf Grund unserer Verfassungs- und Gesetzeslage verschiedene Vorbehalte gegenüber dem Resolutionstext anmelden.

Österreich ist der Internationalen Konvention zur Unterdrückung und Bestrafung des Verbrechens der Apartheid nicht beigetreten, da diese Konvention mit unserem Rechtssystem unvereinbar ist. Dies gilt auch für die Durchführung des Deklarationstextes.

Die verfassungsrechtlich geschützte Medienfreiheit in Österreich bietet keine Möglichkeit, durch gesetzliche oder administrative Maßnahmen auf die Medien einzuwirken. Mehrere im Deklarationstext enthaltene Formulierungen wie "besser ausgewogene Verbreitung" von Informationen, ein "neues Gleichgewicht und größere Gegenseitigkeit" sind nach unserer Auffassung unterschiedlichen und unter Umständen mit unseren Grundsätzen unvereinbaren Interpretationen zugänglich. Wir werden diese Bestimmungen so auslegen, daß sie mit unserer Verfassungsrechtslage vereinbar sind. Ich verweise im besonderen auf die Artikel I, VI, IX und X, Abs.2.

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Die Hinweise auf die Rolle und den Beitrag der Massenmedien in den Artikeln I, II Abs.3, III Abs.1 und 2, IV und VII verstehen wir als Feststellung und nicht als Auftrag.

Soweit es sich um die Veröffentlichung einer Gegendarstellung zu wahrheitswidrigen Tatsachenmitteilungen über Einzelpersonen handelt, besteht in Österreich schon jetzt für den Betroffenen die gesetzliche Möglichkeit, im Sinne von Artikel V im Wege der Gerichte die Veröffentlichung einer Gegendarstellung zu erwirken. Hingegen schliesst nach unserer Rechtsordnung die Freiheit der Presse und der anderen Medien in sich, dass es den staatlichen Stellen verwehrt ist, die Veröffentlichung einer Meinungsäußerung aus eigenem oder auf Verlangen von dritter Seite zu erzwingen.

Die österreichischen Berufsorganisationen auf dem Gebiet der Massenmedien haben keine Möglichkeit, im Sinne von Artikel VIII in die Gewissensfreiheit von Journalisten und Medienmitarbeitern einzugreifen.

Artikel IX verstehen wir als Grundlage für weitere Beratungen über die besten Möglichkeiten, den Entwicklungsländern beim Ausbau ihrer Massenmedien behilflich zu sein.