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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON FREEDOM OF INFORMATION AND OF THE PRESS

SECOND SESSION

STATEMENT BY MR. A.R.K. MACKENZIE (UNITED KINGDOM)

REGARDING MONOPOLIES DELIVERED ON 26 JANUARY 1948

It has been said more than once at this table that some people seem to be afraid to have a discussion of the problem of monopolies in the field of Freedom of Information. I would like to make clear, Mr. Chairman, that I for one have no fear of such a discussion. In fact I would relish it - at the right time. For so much fog hangs over this subject at present that I would like to try to blow even a few puffs of clear air on to the scene.

Let me say at the outset that I am not defending monopoly, neither private nor governmental monopoly. The fact that we have a special Commission investigating this very situation in my country at present should be proof of this. Other things being equal, I myself prefer competition every time. I made that clear in replying to the Soviet representative last week. I said that one of the advantages of the free democratic system was that if one newspaper went wrong, it would be corrected by a competitor, and I asked him who corrected Pravda when Pravda went wrong. Moreover, Sir, where there are monopolies or near-monopolies, I regard it as important that they should operate within clearly defined limits and with clearly understood responsibilities. But I do want to ask whether we shall find an answer to this problem which Monsieur Geraud expounded so eloquently on Friday merely by delivering broadsides against the existence of monopolies as such. Our French and Soviet colleagues have complained of the abstractions of some of our discussions and of the frequency of the allusions to the eighteenth or nineteenth centuries. They want us to be more up-to-date. But Sir, in their approach to this problem it has sounded to me at times as if they themselves were harking back mentally not to the eighteenth or even the nineteenth century but to that more ancient time when King Canute tried to hold the tides back.

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For what are the facts of history? In every single field of human activity, not in the field of news and information alone, there is now and there has been for a long time a general trend to larger and larger organizations. And I scarcely believe that this sub-commission will stop this trend.

Of course this trend to larger organizations creates problems. And of course the resultant monopolies and cartels contain dangers that require watching. But is it suggested that we reverse the march of history and split up these large concerns into the small localized units with which the nineteenth century was familiar? Is that realistic? If we are to be effective in our deliberations, I repeat that I think we must look in other directions for a remedy.

It is easy to talk glibly of monopolies and cartels. But we have to remember that there are many different forms of ownership in the world today. This is true of the ownership of the organs of mass communications as well as in other fields. When we talk of monopolies, we have to remember that there are private monopolies and state monopolies. When we talk of corporations, we have to remember that there are private corporations and public corporations. And again within the concept of public corporations, there are various types of management.

We cannot standardize these types of ownership throughout the world. We cannot legislate one type out of existence. But we can, and we should, and we must, ensure that all of them are used in the right way, are operated with due regard to public welfare.

That seems to me a more fruitful approach to our problem. The test is not simply the type of ownership but the availability of the organs of opinion to different points of view.

If a privately owned newspaper or a radio station opens its columns or its programmes fairly to both sides of every important question, then Freedom of expression exists - whatever the ownership. On the other hand, if a state-owned newspaper or radio station allows only one side of an important question to be heard, then freedom of expression perishes - despite the ownership. The test is availability. If we can do something to ensure that in all countries that test shall be applied, then we shall have indeed advanced the cause of Freedom of Information - whatever we are able to do about the forms of ownership.

Here I must turn to some remarks by our distinguished French colleague Monsieur Geraud made about our country on Friday. In his warnings of the evils of monopoly, Monsieur Geraud chose to make several references to Britain. Now Monsieur Geraud is, I know, a friend of my
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country and is respected highly there, and so I was a little surprised at his choice of an illustration. I do not know whether he feels that the monopolistic menace to Freedom of Information is worse in Britain than in other countries, or whether he was trying to show that even in Britain, that citadel of liberalism, the menace of monopoly hangs over us.

Let me say two things by way of replying to Monsieur Geraud. I suggest that if Monsieur Geraud takes a poll of all the journalists in Britain, including all the foreign correspondents working there, and asks them whether freedom of expression exists in Britain today and how conditions there compare with other countries, there will be virtually 100 percent agreement that freedom of expression does exist in Britain today - whatever the ownership of the organs of information may be - and that conditions in Britain in this respect compare extremely favourably with any other country in the civilized world.

Secondly, even though I am a cautious Scotsman, I will wager Mr. Geraud five pounds - or whatever the equivalent in the devalued franc will be - that if he returns to Britain twenty years from now he will still find that freedom of expression prevails in the British Isles.

Why am I sure of that? Because I know how the love of these liberties burns in the hearts of the British people. This is something bigger than questions of ownership. And this will ensure that whatever changing forms of ownership develop the basic liberties of thought and expression will be maintained in my country. We have, after all, fought more than once to defend these liberties, for ourselves and for others, and we will not allow them easily to be filched away from us in time of peace.

I do not claim that these freedoms are perfectly realized in Britain today. I do not know any country where they are perfectly realized - unless Mr. Lomakin thinks that they are perfectly realized in his country. But the British people are awake to the threats to these freedoms both from within and from without. That is why we have, for example, a Royal Commission on the Press now studying these very problems - and working, I would remind members, wholly independently of the government in power and of the individuals and groups who own the organs of communication. That is also why our present government have promised to set up another independent committee to review the whole question of broadcasting in Britain before the Charter of the British Broadcasting Corporation comes up for renewal in 1951.

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Now let me say a word about the British Broadcasting Corporation. Is it a monopoly? Yes. Is it a state monopoly? No. It is a public corporation. Its employees are not government officials. They are responsible to the Governors of the British Broadcasting Corporation. But does the government not run the British Broadcasting Corporation? No. The government does not interfere with the day-to-day operations of the British Broadcasting Corporation at all. The British Broadcasting Corporation exists, of course, with the approval of the government and the government does have certain powers over it - but they are very rarely exercised. For example, the Postmaster General may require the British Broadcasting Corporation to refrain from broadcasting any matter - but this power has never once been invoked in the history of the British Broadcasting Corporation. It is a veto power that has never been used and I doubt if it ever will.

The British Broadcasting Corporation was set up and developed in years when we had a Conservative government in Britain. Today we have a Socialist government. But here is what the Socialist government said in their White Paper after investigating the British Broadcasting Corporation.

"The Government are satisfied that the present system is best suited to the circumstances of the United Kingdom. Where only a limited number of suitable wave-lengths is available to cover comparatively small and densely populated areas, an integrated broadcasting system operated by a public corporation is in their opinion the only satisfactory means of ensuring that the wave-lengths available are used in the best interests of the community and that, as far as possible, every listener has a properly balanced choice of programmes. * * * * * The Government are satisfied that the record of the British Broadcasting Corporation during the twenty years of its existence fully justified its continuance. The corporation has no doubt been open to fair criticism from time to time, and indeed criticism and constructive suggestions from Parliament, the public and the press are desirable. But taken as a whole, the achievements of British Broadcasting since 1926 will compare with those of any other country."

I make this statement in order to try to clear up many vague ideas about British Broadcasting. I do not claim that the British Broadcasting Corporation is perfect. I know very few members of the British Broadcasting Corporation itself who claim that it is perfect. But I think its record stands up well and proves that, though it is a monopoly, it has been in no sense opposed to the basic freedom of expression because of that.

Once again therefore we see here that more than one question is involved: not only (1) whether monopolies should exist, but also (2) how monopolies are being operated and (3) how they can be operated more equitably.

I believe that no monopoly should be exempt from such a salutary check-up system. And it may be that the World Conference on Freedom of Information at Geneva will discover ways by which not only national but international criticism and pressure of this kind can be brought to bear on the operation of monopolies - whether private, public, or state - and other large-scale concerns in the field of mass communication, to make sure that they live up to their responsibilities. Perhaps we can develop a code of practice by which to judge whether these responsibilities are being carried out. And perhaps we can get agreement that every country will report from time to time to the United Nations on both the ownership, the control and the availability of the means of mass communication inside their borders.
