INSTITUTE FOR DEMOCRATIC GOVERNANCE WEBINAR

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Webinar Topic:
THE BALANCE BETWEEN FREEDOM AND REGULATION IN THE VIRTUAL PUBLIC SPACE:
WHAT DO WE DO?

*Presentation Theme***:**
How are Ghana's independent broadcasters responding to the irresponsible use of
the virtual public space in the run-up to the 2020 elections?

Presented by:
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I welcome the invitation to participate in this webinar with pleasure, and it is an honour to join my colleague panelists in this all-important discussion on how the media, particularly the broadcast media, should position itself as professionals and carriers of fact-checked and authentic news and events as they happen. A broadcast media that provides reliable information that the nation can trust, in the midst of untamed and unregulated new media, birthed by the internet through the unceasing endeavours, ingenuity and breakthrough technologies of humanity, in our ever changing world.

I would like to thank the Institute for Democratic Governance – IDEG and DANIDA for sponsoring this webinar and for the opportunity given to reflect upon this topic; **the balance between freedom and regulation in the virtual public space: what do we do?** I do hope that at the end of the program, it will be clear "HOW" the Ghana Independent Broadcasters will be responding to the irresponsible use of the virtual public space in the run-up to the 2020 elections and how to protect citizens from violation of their rights.

The media play an indispensable role in the proper functioning of democracy. The media's functions within the contexts of elections often focuses on their "watchdog" role by unfettered scrutiny and discussion of the successes and failures of candidates, governments, and electoral management bodies. The media can inform the public of how effectively they have performed and help to hold them to account.

Over the last twenty seven years or so, political campaigns and mammoth rallies constituted a good chunk of the overall communication plan, dominating the media mix of many political parties ahead of major elections in Ghana. Large crowds at political rallies have been used to showcase the political might and popularity of flagbearers and candidates of various political parties.

This year, the 2020 general elections may not be witnessing the kinds of rallies held in the past, as the global public health crisis caused by the novel coronavirus (COVID-19) continues to impact our societies in unprecedented ways.

Nevertheless, it is expected that relatively smaller sized rallies, with the observance of the COVID-19 protocols, will continue to be a quintessential part of the election carnival. Indeed rallies are central to the communication plans, as they help in generating content for use in the traditional media, i.e. television, radio, newspapers, journals and even outdoor billboards, including social media in recent times, helping to generate the necessary buzz. The absence of huge rallies in the run-up to the December 2020 Elections, will certainly leave a void, to be replaced as we embrace the new normal in the days ahead.

So what will party hierarchies, leaders, general secretaries and poll strategists of various political parties do to fill in that void? A paradigm shift is expected to happen in the manner in which political campaigns will be carried out. Indeed many Communications experts will go further to analyze the dependence on the various media platforms to find out more about their impact and reach, with concentration on the demographics, in terms of penetration and usability of the varied Virtual technologies available to the different sections of society, as a strategy to plan what messages are best suited for the many targeted communities across the country.

The shift to digital and virtual public spaces, like in other works of life, will be accelerated. Parties which were unable to use the new media in previous elections, will now spend more money on social media campaigns driven by big data analytics. Parties which already had been using the social media space, will invest more into it. Politicians will spend monies saved from organizing rallies, to create interesting, themed and hyped-up virtual programs that will be televised on TV channels.

Television as an audio-visual medium stands to gain significantly from this paradigm shift. Free-to-Air Television Broadcasting in particular, otherwise known as the media for the Masses, is crucial in this regard because of its capacity to address all and sundry including the literate and illiterates alike, with vivid audiovisual graphic contents and events as it happens. It is verily the most patronised medium as an on-screen press, with over 99% of households exclusively reliant on it in Ghana.

Having known of the politician's inability to reach the public through physical rallies this year, news channels will create specialized programmes to cater for them. It will also become easier to engage with the populace through their smartphones where a lot of bulk campaign messaging will be delivered directly to the phones on messengers such as WhatsApp, SMS, and even voice calls using virtual meeting apps. Radio programmes, Live Presenter Mentions and Short Documentaries will be used to talk to citizens around the country directly on several issues. Other parties, will need to participate in interviews and group discussions on radio, especially using private radio channels.

This sets the tone for my presentation on the vulnerabilities these virtual public spaces can present and particularly on how Ghana's independent broadcasters should respond to the irresponsible use of the virtual public space in the run-up to the 2020 elections.

The Ghana Independent Broadcasters Association – GIBA, an industry body of authorized and operational private broadcasting entities, who provide television and radio broadcasting, and also webcasting and new media services in Ghana, strongly promotes ethical journalism which is at the heart of its various training initiatives and programs. Towards the 2012 elections in Ghana, the Ghana Independent Broadcasters Association (GIBA), developed a Code of Conduct for its members to ensure responsible reportage, before, during and after the elections. The Code of Conduct, which was a voluntary self-regulatory initiative, was blessed with a FORWARD written by the then Electoral Commissioner, in the person of Dr. K. Afari-Gyan, who stated that, GIBA's self-regulatory initiative was the acknowledgement of the peoples' right to credible and peaceful elections, seeking an environment conducive to its realization. The Code which was adopted for the 2016 general elections, also rekindled the professionalism and awareness of our responsibilities as the nation's gate-keepers. The Code, to a large extent helped addressed the excesses and infractions, by curtailing the evil effects of some errant, unpatriotic broadcast industry players who ignored ethical journalism.

But what does ethical journalism look like in the Digital Age? The media in general can shape government and politics in many ways and it is incumbent on us, especially the private media, who are in the greater majority of providing media for mass communication, to ensure that, we carry out our duties as the fourth estate of the realm, devoid of biased media coverage and disinformation. Voters need reliable information to make educated decisions, and it is the journalists' job to give it to the people particularly in this era of extended plural media? The overall media landscape in Ghana has changed over the past decades; presenting some worrying developments. The question is; Can the irresponsible use of the media, really alter the outcome of an elections?

Just like a badly-skilled pilot can crash a fully operational aircraft, poor reporting and bad journalism can have irreversible damages. Every word or phrase used has a resonating effect. Propaganda, malinformation, misinformation and disinformation also known as "fake news" have the potential to polarise public opinion, to promote election-related violence, hate speech, undermine democracies and reduce trust in the democratic processes. Rather than using digital tools to inform people and elevate civic discussion, some individuals take advantage of social and digital platforms to deceive, mislead, or harm others through the creation or dissemination of fake news.

Fake news is most often generated by outlets that pose as genuine media establishments but promulgate false or misleading accounts designed to deceive the public. What disinformation seeks, particularly during an election, is not necessarily to convince the public to believe that its content is true, but to impact on agenda setting and to muddy the informational waters in order to weaken rationality factors in people's voting choices. Disinformation can distort election campaigns, affect public perceptions, or shape human emotions. The purveyors of disinformation prey on the vulnerability or partisan potential of recipients whom they hope to enlist to disseminate, share or make viral their disingenuous content.

In 2018, a video of former President Barrack Obama surfaced on YouTube explaining how easily technology could be used to manipulate video and create fake news. It got more than 7.2 million views. In the video, Obama explains how we live in dangerous times when "enemies" can make anyone say anything at any point in time. Moments later, it was revealed that the video was itself faked.

The viral effect of user-generated contents that propagate falsehood and the use of modern technologies such as assisted, autonomous and artificial intelligence have exacerbated the phenomena of spreading fake news, especially in this age of social media. But though technology has helped spread fake news, it can also help mitigate its effects by the use of blockchain technology to track and authenticate news, as well as the use of machine learning to detect behavioral or data anomalies for assets, information and activities that feed into the blockchain.

Poor quality journalism sometimes allow disinformation and misinformation to originate in or leak into the factual news system. It is evident that strong ethical journalism is needed as an alternative and antidote, to the contamination of the information environment and the spill-over effect of sensationalism that exaggerates hyper-partisan selection of facts at the expense of fairness.

We have also seen situations in the past that suggest that, one way journalists get involved in elections is by choosing which candidates to cover or not to cover. Those choices alone can have a huge effect on voter perceptions. Some candidates can be literally left invisible because they can't win enough interest from the media. But for the media, this disproportionate coverage is propelled more by the economics of commercial airtime than political bias, and so, in a competitive broadcasting sector such as ours, news producers publish stories that will drive traffic and increase their audience ratings.

Unfortunately, the media's growing political schism seem to be encouraging polarisation in the populace as well. Aside from ideological bias, some journalists also propagate biased views by refining complex campaigns and issues into simplified scripts. Some go as far as developing character-based scripts; for example, a script that touts one candidate as incorruptible and another as king of peace.

The media also influences the public's perception on the viability of a candidate. If data crunches from polls or reports say a certain candidate is ahead in an election, the public will come to accept that evaluation, which can greatly influence how voters cast their ballots. For the most part, people do not want to waste time on candidates they believe do not have a chance to win.

Just as the media can help to shape the political agenda, the government can equally influence the media's coverage. The government can dictate political media coverage to a certain extent, because the media regularly uses government officials as sources in news stories and they are able to express their views and set their agenda on a regular basis.

Another grievous misuse of the media is when Governments can be allowed to block information by using their control over the relay infrastructure, i.e., attempts to install conditional access systems in monopolized platforms such the national free-to-air digital terrestrial television setup and in its corresponding set top boxes, closure of some radio stations, control over the internet as typified by the Great Firewall of China, etc.

The worries of civil society towards the abuse of the media space has increased to the extent that, naturally liberal minded people are contemplating amendments to the Constitution in order to scale down some of the freedoms that the media enjoys because they think there are no laws to check the excesses. Let me say without any equivocation that this shall bring the end to our democracy and rule of law in Ghana, if the people cannot freely express themselves. I think that we should discontinue the self-limiting believes that there are no laws to tackle ethical violations and media infractions. The freedoms and independence as guaranteed by the 1992 Constitution does not eliminate taking the responsibility for any improper or illegal broadcast or publications.

Blackstone, the great English lawyer, renowned worldwide as the Oracle of the common law wrote in 1765 that: "The Liberty of the press is indeed essential to the nature of a free state; but this consist in laying no previous restraints upon publications, and not in freedom from censure from criminal matter when published. Every freedom has an undoubted right to lay what sentiments he pleases before the public: to forbid this, is to destroy the freedom of the press: but he who publishes what is improper, mischievous, or illegal, he must take the consequences of his own temerity".

According to the dictum of Blackstone, anyone involved in this kind of irresponsible and bad journalism will face the consequences of his or her own recklessness. Indeed we have existing laws that forbids certain programming or deeds, stating what is sensitive and non-permissible, such as unethical press, promoting falsehood or any deceptive and misleading information, or content that contravene the rights of people and viewers' rights and privacies, instigate sectarian conflicts, violence, differences, social disorder, disturbs tranquility or disunite viewers or those that boarders on National Security, etc.

I believe some of these issues can be addressed by self-regulation structures. Journalism needs to proactively detect and uncover new cases and forms of disinformation. This is mission critical for the news media, and it represents an alternative to regulatory approaches to 'fake news'. It is even now more crucial in the run-up to December 7 elections, for media watch agencies such as the Media Foundation for West Africa and the National Media Commission to upscale their media monitoring and evaluation functions to ensure that, irresponsible use of the media is curbed. It is equally important to hasten process of enacting the broadcasting bill and other such regulations into law, through proper and all-inclusive engagements, to help regulate the industry but without stifling free speech and free expression.

Building trust in reporting that is accurate, accountable and independent, is essential to winning over audiences and enabling a common public sphere in which debate can occur on the basis of shared facts. Informed audiences who engage with, and share, credible content are essential antidotes to the spread of disinformation and misinformation. To embed and enforce these core values in a changing media environment, newsrooms and media organisations must adopt and adapt codes of conduct and create mechanisms for the public to hold them to account.

The role of the media in enabling full public participation in elections must include:
- Affording fair opportunities and providing a platform for political parties and candidates to communicate their message to the electorate and to debate with each other;
- Providing a platform for educating voters on how to exercise their democratic rights and for the public to communicate their concerns, opinions, and needs, to the parties or candidates, the government, to other voters, and to interact on these issues;
- Playing the role of monitoring vote counting and reporting accurate results.

Let us practice responsible journalism and ensure to maintain highest journalistic standards in the mass media by providing information that, as far as possible, avoids inflammatory language, thus helping to prevent election-related violence.

Democracy requires that the media be inclusive and supervise public policy in order to be considered as universal vehicles of information.

Thank you all.