

Election media monitoring body needed to fight fake news by foreign entities: Gillian Koh

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To combat fake news, a legislation-empowered independent body could be set up to monitor and flag online media content related to elections in Singapore, specifically those designed by foreign actors to influence the country's politics and policies.

Materials created by Singaporeans located outside of the country should also be construed as material generated by foreign sources.

This was suggested by Dr Gillian Koh, Institute of Policy Studies' (IPS) deputy director for research, in her written submission to the Select Committee on Deliberate Online Falsehoods (DOFs). Dr Koh also appeared before the committee at the public hearing on Friday (Mar 23).

In her written representation, which she stressed that she was submitting in a personal capacity, Dr Koh mentioned how attempts at exerting foreign influence over Singapore "are not new". "What has and can change are the foreign entities that seek to do so, their objectives, methods and the stakes involved."

Further justifications for her suggestion include the fact that elections and national referendums are occasions when all voting-age citizens engage in consequential political decision-making. "These are important exercises of popular sovereignty and self-determination that must not be undermined either by foreign entities or even by how we design our political institutions and processes."

The availability of Internet-based media also means that communication of any material can spread with much greater ease and speed than before.

"While the credibility of these materials will vary based on readers' assessment of who might have created or circulated them, the key point here is that the identities of those who do so can remain anonymous or masked behind pseudonyms.

"More critically, it is the design feature of the Internet that there is no single point of control and oversight; that there is no single source of content and no single kill-switch for the system and the material on it," said Dr Koh.

How it works

Dr Koh highlighted several ways in which the Election Media Monitoring Commission could be set up.

Firstly, it should be empowered through state legislation to monitor any media content that it deems and establishes to be election-related, as well as whether it is generated by foreign entities and individuals, she wrote in her written submission.

It will also examine the content for fabricated information or material, and whether it threatens good order and social harmony from the period that a writ of election is issued until

the final polling result is declared by the Returning Officer in the case of an election or from the time notice of a referendum is issued till its conclusion.

Secondly, it should comprise an odd number of former senior judges and professors who have no interest and have never been a member of any political party. Naturalised citizens will also not be allowed on the commission “to avoid any risk of the questioning” of judgement, said Dr Koh.

Members will be nominated and then appointed by parliamentarians six months after the start of each parliamentary term with the commission’s monitoring activities taking place during all parliamentary elections, including general elections, by-elections, presidential elections and national referendums.

Thirdly, Dr Koh recommended that the commission be empowered by legislation to tap on all the resources of the state for its monitoring of election-related material. These will include intelligence and cybersecurity agencies of the Ministry of Home Affairs, Ministry of Defence and IMDA.

The commission should be supported by a secretariat from the Elections Department, added Dr Koh.

Upon its set-up, the commission should create a body of policy to guide its activities. These will include areas such as establishing the circulation threshold for the commission to decide if any material is election-related and has gained traction enough to shape public opinion. Dr Koh suggested for this threshold, which could differ for different types of communications, be reviewed at the start of each new term of the commission.

While the commission should have mechanisms to monitor election-related media, she said it should also have a hotline that allows for the public to share material they think the commission should consider for scrutiny.

It should also establish its protocol for tapping a centralised task force for investigations, and how to make known its findings publicly and immediately.

By signalling to readers the likelihood of a foreign-sourced material, Singaporean voters can “make an informed choice” about whether they wish to take the material seriously. The commission will signal with an advisory that further circulation is prohibited with penalties for not abiding by the prohibition.

The commission will, however, stop short of suggesting that other penalties be placed upon foreign entities for such material as that may lie outside Singapore’s jurisdiction and in the realm of foreign policy, Dr Koh said.

“With the guiding principle that the monitoring system is to ensure that Singapore’s democracy and political institutions are not undermined, these protocols must also be designed and run in ways that uphold the spirit of democracy.

“This system is on allowing voters to decide what to read and how seriously to take the material with the best knowledge available at the time on whether it is an attempt at influencing public sentiment by foreign entities, and especially if it is by using fabricated information,” said Dr Koh.

“To borrow a phrase, it is important that the cure is not worse than the disease.”

Why focus on election-related, foreign-generated materials

In her written representation, Dr Koh also explained why she restricted her submission to the spread of deliberate online falsehoods by foreign actors within the context of a parliamentary or presidential election, or a referendum in Singapore.

For one, she cited the presence of “strict rules for the regulation of mass media, both Internet-based and all other platforms” that are designed to “ban and block material that can sow discord, threaten internal security in Singapore as well as material that may offend the sensibilities of citizens”.

These include the Broadcasting Act, the Newspaper and Printing Presses Act, the Films Act, the Public Meetings and Entertainment Act and the Undesirable Publications Act.

But Dr Koh also stressed the challenge to respond to the threat of DOFs “in a way that does not curb the freedom of expression much further or create an instinct of dependency by citizens on the government”.

“The default of Singapore’s governance system must be to encourage the development of informed, discerning citizens, who strive not to give offence or take offence even within the cultural diversity that we find among ourselves.”

Dr Koh also cautioned against recommending a solution that “locks ourselves in a virtual communications prison” or overreacting to the extent that it drives Singapore away from its position as an open and integral node of the global economy and community.

Committee member Dr Janil Puthuchery, who is also Senior Minister of State for Communications and Information, questioned the rationale behind Dr Koh’s decision to restrict her suggestion to election periods. He pointed out that foreign actors who want to spread deliberate online falsehoods may not constrain themselves to a specific time.

Dr Koh agreed, acknowledging that there could be issues that require the Government to act outside election periods. However, she explained that her submission was focused on dealing with what she described as a “new threat”, which is related to “foreign interference during a time when citizens are making consequential political decisions”.

During her oral submission, Dr Koh also referred to points made by others, such as Singapore Management University’s law school dean Goh Yihan, and noted that there could be gaps in the existing legal framework.

However, she maintained that there remains many tools, “which seem to be very efficiently mobilised” in dealing with the threat of fake news at the moment.

Minister of Home Affairs and Law K Shanmugam asked about Dr Koh’s suggestion for the commission to put out an advisory to a media content that it deemed to be a falsehood generated by foreign actors, instead of taking it down immediately. He questioned the rationale and purpose in allowing a deliberate online falsehood time to be circulated.

To that, Dr Koh said she was echoing a point about balance made by National University of Singapore’s (NUS) law professor Thio Li-ann.

“If you take down, it makes it even more attractive to read. People will be looking for it. In the Internet age, that’s not entirely foolproof.”

By sticking an advisory that prohibits further circulation as the commission confirms whether the material contains falsehood, it will “allow for a process of deliberation”. She added that “there will be citizens that will need to be convinced in their hearts and minds firstly that it is false” and the Government will need to provide this space.

However, she stressed that when it involves an “absolute, clear data point that is completely false”, there is “no purpose” in allowing it to be circulated.

Lastly, the analyst noted that her considerations undergird the “honest advertising” approach that global Internet and social media companies are proposing. However, Singapore should not rely on these companies, such as Twitter or Facebook, given that it has “little leverage” over them.

“We can only hope that these companies do adopt the strategy due to pressure from their larger markets but we cannot rely on it,” she said.