

Written Representation 52

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Dear Chairman

Submission to Select Committee on Fake News

Fake news exists on a spectrum. Although there would be egregious cases of obviously fake news - for example, claiming that there is a fire when there was none - most instances of fake news lie on a spectrum between news that is falsifiable, and news that is hyperpartisan but not falsifiable. In some of the countries used as examples in the Green Paper, political actors have taken to calling hyperpartisan news fake news. Because fake news exists on a spectrum, it will be very challenging for the committee to attempt to define fake news, in order to regulate it.

In my opinion, defining fake news is not the issue. The whole point of trying to regulate fake news is to regulate misinformation and disinformation that could be harmful to Singapore and Singaporeans. How to approach this is also not new - education and laws.

Firstly, there is education, as no doubt many submissions will advocate. Media literacy can and should be taught, but as I have argued, apart from the most egregious cases which can be falsified, there would be many instances that even the most redoubtable researches would still have grounds to disagree with each other, even if an assertion is backed up by citations and research.

Secondly, existing laws would be able to catch most of the instances of 'fake news' - misinformation and disinformation - that the elected Government of Singapore decide would be harmful to Singapore and Singaporeans. We have laws on sedition, slander laws, the protection from harassment act, laws against political advertising or interference by foreign actors, all of which have been successfully applied throughout Singapore's history. Fake news, disinformation, and misinformation are not new inventions or phenomena; it is the medium on which they are disseminated - the Internet - which is relatively new. The problem then is not defining what is as old as mankind itself - lies and falsehoods - but for each country to enforce their own norms (through media literacy) and laws (through regulation) on a medium that transcends national boundaries.

Almost all the global social media platforms were started in Western nations, especially America. Google, Twitter, Facebook, and Wikipedia have become the go-to sources for information globally, with the notable exception of China. They operate on Western social norms. One of the greatest lies of the Internet is the democratisation of information - instead, we have a few American social media companies dominating the internet, and thus the gateway to information, and the dissemination of news. How often have we done an internet search on a search

engine other than Google? Shared news or information on social media platforms apart from Facebook, Instagram or Twitter? Or looked up information on an internet encyclopaedia apart from Wikipedia?

Because of this throttle-hold of the internet by Western social media companies, any discussion about the regulation of fake news has to start and end with how a sovereign nation like Singapore can regulate these supra-national social media companies.

Firstly, we cannot leave the definition and regulation of fake news to these companies, even if some of them are now at the forefront of this at the moment. Facebook has been reported to be under pressure to deal with fake news on its news feed - but this is from pressure by American activists, many who were on the losing side of a highly-fractious Presidential elections. It is not through a sudden prick of the conscience that these social media companies are now reacting to this problem. If we leave the definition and regulation to these companies, it would be to Western norms and pressures that these new regulations are formulated. Our own social norms would be a poor mistress to the rules that these Western social media companies form as a result of pressure from Western politicians and politics. This should not be allowed to happen.

Secondly, Western social media cannot help but be a reflection of Western social and political values, which may not be the same as Singapore's. Their ideas of freedom of speech, freedom of the press and other normative values are starkly different from ours, and would thus inform the way they define the rules of operation for their companies. For example, Wikipedia's editors - primarily Western - decide which sources of information are 'credible' as sources. Recently, I was alerted to the fact that on Wikipedia pages about Singapore, alternative hyperpartisan websites such as The Online Citizen, The Independent Singapore and so on have been accepted as credible news sources, because it has been argued that our mainstream media is not credible, since Singapore ranks lowly in press freedom indexes compiled by Western press bodies. This is completely at odds with Singapore's own surveys which consistently have Singaporeans ranking mainstream media such as The Straits Times highly in credibility, whilst understanding that many of these alternate media sites are the ones responsible for misinformation and disinformation. The RULES that Wikipedia enforces thus encourages 'fake news', misinformation and disinformation in Singapore's context, since the values that underpin Wikipedia and strongly-held by its editing community are the same Western ones that underpin the bodies that rank Singapore lowly in press credibility.

We thus cannot leave these social media companies to define media literacy and fake-news regulation for Singaporeans, or be the arbiters of truth.

The important question then for the Select Committee is how to regulate and enforce our laws and norms on social media companies, that have for a long time operated as supra-national bodies.

Firstly, one common method that these media companies have used to avoid rules and regulations, even in Western countries, is their assertion that they are merely

platforms and not publishers. This has allowed them to shirk responsibility for misinformation, disinformation and fake news.

We know this to be false. In the case of Wikipedia, as I have argued, they have allowed their editors to create arcane rules that decide what is 'encyclopaedic' and what is not, what are credible sources and what isn't. In the case of Facebook, much research is put into their algorithms that feed news to users. Facebook also bans and censors content according to THEIR OWN corporate rules - on a whole variety of online behaviour. Twitter also proactively bans and censors content according to their own terms of usage, including users that offend other Twitter users, even if they haven't broken any laws.

They are publishers and have to be treated as such.

If we treat social media companies as publishers, then the logic of what to do with them is not new: before the internet age, Singapore regularly dealt with foreign publishers of news and information that failed to conform to its laws and rules. For example, the distribution of foreign newspapers have been stopped or restricted in the past. Newspapers and publishers of false news pre-internet days have been asked to retract, to be censored and to be subject to local laws.

The problem thus is one of enforcement.

If social media/Internet companies are publishers and not mere platforms like they pretend to be, they ought to obey local media laws despite them being on the internet. They claim not to be the arbiters of truth, and thus will not remove pages that sovereign Governments tell them to; at the same time, they regularly remove pages that do not conform to their own rules and regulations.

They know where most of their advertising dollars come from, but still allow advertised content to be displayed in countries where it is illegal. For example, like in Singapore, it is illegal in the UK for foreigners to fund political campaigns. But social media companies have avoided the responsibility for this by again claiming that they are merely platforms, and that they are not responsible for stopping such advertisements. At the same time, they sometimes refuse to share information about advertising sources.

Wikipedia intentionally moved to https to avoid page censorship by Governments a few years ago, but again claims to be merely a platform.

It is however not impossible to get these companies to work with Governments in enforcement. Google complied with the EU courts in implementing the 'right to be forgotten' - censoring and removing links of individuals who want their past buried. Facebook is working with the US government regarding Russian interference in politics. To my knowledge, Facebook also works with Singapore police regularly.

However, more must be done to take these social media companies to task and make sure they comply with Singaporean laws and norms. This will also have to be the way to deal with fake news in Singapore - what is fake news is to be decided

by Singaporeans and their elected Government, not by the values or policies of other countries, and certainly not by supra-national corporations.

The challenge for us is that in the internet age, things are more difficult. We cannot restrict distribution in the same way we restricted the printed press. It is however not impossible, as China has shown.

As a small country, we will probably not be able to go down the China route of enacting a Great Firewall but there are concrete steps we must not be afraid to take :

- A) The Select Committee must call the local representatives of these social media companies up for discussion. They are the gateway to news and information. No inquiry can be done without them.
- B) Impress upon them that they are publishers and not platforms. They will insist they are platforms but their hypocrisy must be called out.
- C) Impress upon them that because they are publishers of news and content, they must adhere to local laws and censorship. WE decide what is fake news, not them.
- D) They must take down pages and remove content that our authorities deem to be harmful or fake or both.
- E) If they do not, and this is the most difficult, they must be taken to task.
- F) In order to do so, all of these companies must register a local subsidiary since they are marketing their business services to Singaporeans. Their local representatives must be held legally responsible.
- G) Hard as it may, Singapore must stand up to these supranational companies. When I was on the Media Literacy Council, the representative of Google threatened to pull out of Singapore if we implemented the new internet licensing laws for news websites. I dared him to. They are still here.
- H) We must not be afraid and be more willing to wield the stick of censorship if these companies still refuse to obey our laws, by pretending to be platforms.

Last but not least, we must remember that Facebook, Twitter, Google, Wikipedia are not the Internet. They may make up the largest companies on the internet, and they might have a throttle hold on news and information on the internet, but they are not the internet. There are alternatives. Singapore isn't going to suddenly lose access to the internet, or be slung into the Dark Ages if these companies were to block us instead.

Singapore, like all sovereign nations, must never let our laws and norms be subservient to others', and least of all corporations. If we are truly serious in our fight against fake news, the first matter at hand is not to discuss definitions, what freedom of expression is, what media literacy is - if the Select Committee focuses on these things, they will spend fruitless hours chasing its tail and engaging in frustrating debates. These are all matters-after-the fact. The fact is that the arbiters of truth and the gateway of information is at the moment controlled by a cartel of western social media-companies. If we cannot get them to conform to our laws, any and all discussions on what fake news is, and how to enforce regulations, would be an exercise in futility.