



## **Submission the Irish media commission**

My name is Joseph O' Connor, I am currently the Operations Director of AtlanticThai Internet Co Ltd. in Bangkok, Thailand, which has a subsidiary Irish company.

Our firm is concerned with the development of database technology solutions for both government, finance and media combined with the use of robotics and artificial intelligence.

My company has an interest in developing as an international media operator in the future. I had an independent media background in Ireland before I emigrated to Thailand in 2005.

### **Background in Ireland**

I was the Chief Executive of the pirate radio station ERI in Cork from 1982 to 1988 and thereafter, I ran a book publishing house, a short-lived Cork Sunday newspaper, Cork on Sunday followed by a local newspaper in East Cork called the East Cork Express from 2002 to 2005.

My experience and interest in the media business has led me back to media publishing.

Since 2015, our company publishes a successful Thai online newspaper in English which has hundreds of thousands of regular users and generates strong income and gives employment in Bangkok alongside our main business.

### **US and Irish Constitution**

I am an admirer of both the free speech declaration in the US Constitution and Bunreacht na hÉireann 1937:

*'Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances'*

I think the Irish provision is equally admirable but it does suggest more government oversight.

*'The education of public opinion being, however, a matter of such grave import to the common good, the State shall endeavour to ensure that organs of public opinion, such as the radio, the press, the cinema, while preserving their rightful liberty of expression, including criticism of*

*Government policy, shall not be used to undermine public order or morality or the authority of the State.*

*The publication or utterance of seditious or indecent matter is an offence which shall be punishable in accordance with law.'*

I respectfully suggest that the lightest touch be used to preserve the full extent and meaning of free speech in the modern era so that it includes entrepreneurship, innovation and a striving for excellence in the new digital and information age that is opening up before us. I think this is already implicit in the Irish Constitution.

### **Irish radio industry since 1988**

I have strong feelings and thoughts about the Irish media environment since the introduction of Independent Radio and Television Act in 1988 and the subsequent success and flourishing nature of independent commercial radio in Ireland which was largely initiated on the development of the industry by larger pirate radio services from 1982 to 1988.

I view this industry as a success in that it has given extensive employment and for a long time, remained commercially viable.

### **Local newspapers are the heart of democracy**

In my experience running a local newspaper from 2002 to 2005 in East Cork, I discovered the vital nature and healthy influence that a local news service has on a community making political, administrative and legal affairs more engaging to the public thereby strengthening local democracy.

Local newspapers should be at the heart of democracy as it is here that new politicians begin to cut their teeth and the level of government is closest to the people. Recent local government reform in Ireland including the elimination of town and urban district councils I personally believe was a step backwards for democracy in the country.

Similarly with the streamlining of the court's service.

### **Newspaper industry in Ireland decimated**

I have watched from afar as the Irish national newspaper industry has been decimated by the advent of more effective advertising online and the growing power of internet giants such as Google and Facebook.

I believe this force is now threatening the TV sector beginning with young audiences and although radio has been more resilient, it will happen here too.

I also see online radio as a potential media development for the future although for now, this is constrained by national copyright agencies and the ability to generate audiences of critical mass. This is also about to change with new technological developments.

## **Nature of journalism has changed and it has not improved**

However, before this, as an independent entrepreneur with a keen sense of public service and policy, I also have begun to develop concerns about the nature of journalism in Ireland which has moved from essentially being what was a white-collared trade with casual entry criteria and a craft that was honed and sharpened by local reporting, skilful engagement with politicians and the public, to one that has now become an artificial career after attaining a university degree.

## **Lack of old fashioned reporting in Irish newspapers**

For example, there is currently a dearth of in-depth and incisive coverage of the workings of local authorities and local government in Ireland. The same can be said for old fashioned court reporting and local authority meetings on the ground.

News reporting has become less factual and more to do with storytelling or creating political narratives based on what are becoming worn stereotypes based on identity politics.

Newspapers have become Viewpapers and this has been a huge step backwards. It is the road to the alienation of key audiences and ultimately polarisation when alternative media takes up the slack as they will in a market-driven world which is as it should be.

## **Ireland will follow the US and UK on polarisation unless action is taken**

Ireland will follow this road also as we have seen it happening in the United States and the United Kingdom. What is holding it back is the strong core of the nation that still exists but this cannot be taken for granted.

I quite understand that something has to be done by the government to preserve the viability of local newspapers, national newspapers and the country's broadcast network so that Ireland maintains a strong, critical and independent press.

My concern is that the press must remain free from government influence and that includes preserving an unlimited agenda for reporting within all relevant laws and the constitution.

## **Threat of censorship by big tech**

I see the greatest threat to the Irish press or media in carrying out this critical democratic role as undoubtedly coming from large internet firms such as Google, Facebook and other social media platforms who are regulating and beginning to determine the breadth and scope of what is acceptable news commentary and what is not.

This is wrong.

## **Lobbying groups curtailing media freedoms**

Behind these come lobbying groups and special interest concerns who increasingly are advocating limits on media reporting under such guises as privacy, cultural sensitivity or sensitivity to some other issue being driven by them.

I believe that the law already provides adequate protection against hate speech, defamation or acts that would constitute undermining public order or sedition.

### **An old philosophy but a good and healthy one**

*‘News is what somebody does not want you to print’.*

This is a phrase attributed to many people at the outset of the pioneering, mass-market age of newspapers in the early 20th century, such as Randolph Hearst, Alfred Harmsworth, George Orwell and a range of other publishing icons. It is one that should be respected.

It will continue to serve democracy and the country well, if so.

Some of the greatest and bravest feats of broadcasting and news reporting in Ireland, in their time, caused outrage and jarred certain sensitivities that then existed but went on to encourage debate and create a healthier and more open society that benefited all Irish people.

Intolerance is a two-way street that must always be avoided.

This is what a real republic is built on.

### **No room for fake news or even biased reporting**

I am certainly not suggesting the publication of fake news or biased reporting of conspiracy theories or narratives that inspire hatred.

The law already provides for this and if not, the commercial marketplace has its own sanctions.

That is why I think all media should have a commercial basis no matter how small or large. The market, while imperfect and transient, is a healthy thing just as society itself is if it is left to find its natural bounds.

The problem begins when sections of the media are either alienated or not dependent on the mainstream marketplace and must depend on either appealing to extremities and provocation to survive on one hand, or censorship and the stifling of opposing voices, on the other.

### **Doctrine of fairness should be the goal**



In fact, I would like to see all media become more objective and move back to a self-imposed doctrine of fairness based on what is fact and what is not, with all points of view being questioned. There should be no room for Holy Cows.

I see an opportunity for Ireland which is why I am addressing this commission.

### **Commission's proposals should not limit well-meaning enterprise**

I plan, at some point, to establish an international fact-based news media company using our own developed technology perhaps partly based in Ireland as well as other parts of the world.

I am conscious that any outcome or proposal emerging from this commission does not place entry barriers or non-essential controls on the Irish media market.

### **Advertising industry's association with the media is by and a large a positive one**

I am also concerned that all media should have a relationship with the country's advertising industry and its advertisers at all levels.

A country's advertising industry plays a very important role in its sense of knowledge about itself or its sense of identity. This is as an idea or notion lost to the younger generation who view advertising and its acolytes with suspicion.

I am depressed to see print editions of Irish national newspapers lately with an absence or shortage of advertisements or local colour. I think this must raise questions.

### **Principles that the commission should consider:**

Therefore I would propose that the following principles be borne in mind when considering any outcome for the future:

1. Entrants into the media sphere should not be limited or controlled. Diversity of opinion and ownership in the media must be encouraged no matter how messy or complicated that may be. Real democracy is often like this.
2. Competition should be encouraged and media concerns should sink or swim based on commercial success through imagination, innovation and audience engagement in the marketplace.
3. Government subsidies or supports are not excluded from the above. The media and particularly news and current affairs media, should not be solely concerned with advertising. The media should never be for sale to the highest bidder, even indirectly.
4. Newspapers in the past generated the bulk of their income from paid for or once-off copy sales by traders on the streets. This was before the 1950s when the situation began to become reversed with new styles of reporting so income came more from advertising. Now both have been undermined with circulation income all but wiped out. I suggest that there should be a link between viewers, readers or listeners and any support offered. These metrics can today be easily clarified and certified

through various online techniques. These supports should ideally be limited and perhaps short term or kept under review. They may be like the government supports for political parties and those running in elections, something which I question and do not support in the long term.

5. All government support must be universally available to all media players. The government must not be in the business of selecting winners or losers in the media sphere or influencing the Fourth Estate. This will lead to corruption and is not healthy for either politics or the media. We have seen, in the past, from decades of tribunals in Ireland what this produces.
6. The government should act to protect the public space and preserve it for healthy debate and critical analysis. This may well lead it to confront international internet giants about the rights to free speech under the Irish Constitution. I understand that this takes the opposite direction to many political thinkers in the Dáil right now but, respectfully, I see great danger in limiting free speech and narrowing the extent of debate if the media market is controlled or regulated or if a select few are artificially supported ahead of market-led competition. This is all, of course, subject to respect for proper boundaries such as the protection of the rights of the individual and the need to avoid and counter hate speech as well as destructive commentary.
7. The commission or the government should act as the protector of the rights of each Irish citizen to the space of public debate. Such a move would inspire confidence in Irish democracy. The media has a constructive and positive role to play in encouraging debate based on fact and all valid opinion. This should be protected.
8. I believe that an abundant, competitive and robust media environment is needed to engage Irish audiences and even to work towards diminishing the threat of polarisation that Ireland, like other countries, is currently facing. The commission has a unique opportunity to take an inclusive view of the subject and this must mean upholding free speech rights. This is a vital and critical protection towards upholding republican principles.

### **How is the public best served?**

I understand that there may be a myriad of other competing aims and directions proposed to the commission but I would ask that the members consider a legal principle. That of the reasonable man.

What would a reasonable Irish citizen from Cabra in Dublin or Mullingar or Glanmire in Cork think of the proposals before it? How would he or she be best served?

### **Polarisation of public debate and politics is the danger**

The increasing polarisation of politics in the United States and even in the United Kingdom, of course, is a matter of concern to Ireland which is also an English speaking country still very much influenced by political developments in both of these countries.

It should go without saying that the ideal situation for Ireland and any country, is for the media to encourage diversity of opinion and an exchange of opinion between those of opposing views.

## **High levels of confidence in Irish media**

Various surveys conducted last year showed a high level of confidence in media outlets such as the Irish Times and RTE.

One study was conducted by Reuters in association with Oxford University. It is certainly true to say that the Irish public has more trust in its government agencies. This has been shown in the public's response to this year's coronavirus crisis.

The response by the Irish public to the 2008 financial crisis also points to the resilience of the country's population.

## **There will be challenges ahead**

However, this may change as Ireland will undoubtedly face many political challenges in the future with an emerging young population and the country now finding itself as the only English speaking nation within the European community.

I believe that Ireland faces many political tests in the years ahead linked with many of the issues that have polarised people in the UK and the United States. I firmly believe that a free and open media, accessible to the public and acting responsibly, is the key to avoiding such polarisation by encouraging those with alternative viewpoints both to express their views and see them engaged with the mainstream.

## **Disturbing public reaction to media coverage after last year's General Election in Ireland**

I was particularly disturbed at the outcome of Ireland's last General Election, to see large swathes of the population feel sceptical and alienated by the editorial coverage emanating from RTE, the Irish Independent and the Irish Times over the entirely logical and appropriate political moves which ensued when a grand coalition government was formed.

It showed a more volatile electorate which needed to be catered for by more in-depth coverage of how the political process works and simultaneously listened to at the grassroots level with all sides of the spectrum having their views aired.

Both did not happen.

The media lost the faith of a large segment of the electorate at that time and I would not count on an opinion poll to divine it accurately either.

## **Opinion polls may be limited**

This is another key point. As we saw in the United States, the public or the man from Cabra or Glanmire in Cork is less likely now to reveal his or her true opinions to pollsters.

This is because there is a narrower agenda of what is acceptable or seen to be 'politically correct' and an echo chamber effect within most of the national Irish media at present at the top.



I would encourage this commission to rise above this divide albeit a sometimes hidden one, and produce a solution that does not exacerbate the problem but solves it by encouraging a more diverse and fearless media that engages divergent opinion actively but responsibly. A tall order but one that can be achieved and will ultimately have to be achieved if democracy and the concept of a real republic are to be upheld.

### **Wide breadth and diversity of opinion shaped not only be tolerated but engaged**

I believe similar tests lie ahead concerning the country's relationship with the European Union, a highly complex issue which would be best served by balanced and more critical reporting on both sides of this future and ongoing debate.

At present, the Irish public is, undeniably, the most ardent in Europe in its support for the Union and with good reason due to the economic benefits it has brought thus far as well as positive social change. However, alternative voices should be heard whether they be conservative, nationalistic, 'right-wing' or 'left-wing' within the bounds of the law.

This divide also extends to social policy, the thorny issue of immigration and questions such as government taxation and the size of government in Ireland.

We must have a questioning press and one willing to explore a diversity of opinion while respecting all. Reporters should be less opinionated and more willing to report views and facts that may not conform to their own agenda. Indeed, objective reporters should not have any agenda at all. This sort of engagement will help avoid polarisation and should, if approached correctly, create a more informed audience.

### **Diversity of opinion should be encouraged**

I think the government and those responsible for ensuring a healthy media environment in Ireland must see their role as protecting the rights of media within the republic to flourish and help create this diversity of opinion though always based on the law as set forth in the acts of the Oireachtas and the Constitution.

To this end, I believe that the Freedom of Information Acts (1998–2014) have been a tremendous step forward.

### **Government must protect Irish media from arbitrary censorship by the growing might of internet media giants**

I believe that the government must also act to protect the rights of Irish media operators and publishers against censorship and the arbitrary actions of internet media giants which may limit or impinge on the breadth and scope of freedom of expression in Ireland

One of the first media enterprises in the United States was created by one of the most famous founding fathers, Benjamin Franklin, whose *Philadelphia Gazette* managed to use franchising, the postal network and a range of fictional characters to create the first



nationwide media conglomerate in the mid 18th century, decades before the American Constitution was created and the United States itself.

### **Reasoned and rational opinions across the spectrum**

The importance of an open and free press is directly related to the ability of rational and reasoned viewpoints to emerge. Its limitation and control, in my opinion, produces the opposite effect leading to more polarisation, anger and ultimately hatred which in turn, leads to violence and war.

I believe that there should be a commercial basis for any media concern with the goal that it should be mindful of the population it serves which is the basis for its income. I view this as a positive thing, in the same way as I view market forces, in themselves, as entirely positive.

### **Modern Irish media can be traced back to 18th century Britain**

The history of the media in Ireland can be traced back to the influences of the British press from the 18th century as Ireland developed its newspapers based on the UK model.

In the 19th century, many publications were established to promote Irish political causes, culture and local communities. The UK press still has influence within the Irish media marketplace and many Irish people still read UK based news websites and American ones. The common denominator is the language.

After the country received its independence, Ireland's struggle was assisted by American Irish sponsors who were galvanised through US newspaper coverage of the Irish War of Independence.

### **Competition between the Irish Independent and the Irish Press**

The main newspaper was the Irish Independent, now owned by Belgian firm Mediahuis, which was later joined by the Irish Press Group, a media enterprise established to support the Fianna Fail Party in 1931 through a De Valera family trust.

The ability and right of political forces, and indeed foes, to express their opinions within the law has a long tradition in Ireland and this could well be seen as bolstering stability throughout the history of the state particularly in the years following the establishment of Fianna Fail. Both sides of the civil war divide had a voice and champion, both were equally legitimate. It should also be noted that this was also achieved with the support of the advertising industry.

Commercial interest by its nature will go out of its way not to offend or alienate swathes of public opinion. The success of the Irish Press Group in the 1930s, 40s, 50s and 60s shows how Irish politics succeeded and the competition between that newspaper and its rival, the Irish Independent, should be viewed in a positive light as should the history of the state during that time.

Ireland did not see boycotts of elections nor media outlets being closed or limited during its post-civil political struggles. Both are red lights for democracy, ones that are flashing the world over today and increasingly, openly advocated by activists.

### **1926 Wireless and Telegraphy Act**

The 1926 Wireless and Telegraphy Act essentially allowed the government to control radio and television in Ireland. It still does through the country's Broadcasting Authority.

In principle, I disagree with this but it has been argued that radio and TV waves and frequencies were limited and therefore could be treated as something akin to natural resources.

In my view, the internet now represents a dramatic new challenge to this state of affairs. It is one which I welcome.

### **Unimaginable change is coming to the media industry**

A combination of the internet, still advancing new technology such as 5G, database automation, blockchain technology and artificial intelligence is going to gradually change the complete spectrum of the media industry over the coming years.

This will see changes in not only in how media is created but what the end product or service will represent. News reporting will be more automated and at the same time more immediate while new formats of news presentation and even types of news will be created and amalgamated.

New online communities will soon even challenge today's internet giants with new concepts and innovations.

### **Open mind and spirit of adventure required**

A key requirement here, for now, is an open mind and a spirit of adventure combined with pragmatism to keep such efforts viable.

Audiences under the age of 34 years are also changing their listening, reading and viewing habits. Surveys in the United States and even in Asia conducted by media advertising specialist firms now show less loyalty to popular TV channels and brands and more sceptical younger generations with a shorter attention span.

Many old fashioned TV firms, still the dominant players in fragmented markets, are being kept alive by the viewing habits of older demographics.

This is a challenge to anyone considering a career, at the moment, in the media industry and certainly now also for those already in it. Many media professionals are being made redundant by advanced technology, robotics and artificial intelligence. This trend has just begun.

To put this in perspective, technology is now being trialled that uses artificial intelligence to do online research and write news reports. For now, the quality of writing is substandard but this will be improved, the quality of research is actually quite high.

### **Competition from new players is guaranteed with lower entry costs**

Capital costs and entry costs for competitors are also decreasing.

We will see more automatic broadcast production techniques being used by commercial broadcasters to streamline costs while the cost of news gathering is similarly reduced.

However, the opportunity will always remain for innovative and talented people to focus on what is authentic and genuine. The problem will be that large broadcast and media organisations will have to become more nimble and flexible to compete with lower-cost entrants into the market.

### **No media owners represented in the commission**

I have noted the makeup of this commission and apart from Mark Little and the late inclusion of Siobhan Holliman of the Tuam Herald, I think it should have more professionals working at the coalface within the media industry itself and a representative of the advertising industry. In particular, it lacks a media owner or representative of one of the media firms that operate the media in Ireland.

My strong fear is that the Irish government may produce some sort of new authority or artificial quango to pick winners or losers in the media sphere. This would be a dreadful mistake and the biggest loser would be Irish democracy and the body politic itself.

### **Minimal licensing system that encourages enterprise**

Media companies in the future may move to Ireland offering products and services as yet not conceived and it would be wrong to erect barriers to new entrants or seek to ring-fence the national domestic media market into a government-controlled zone.

What is required is a minimal licencing system, adherence to the state's laws and a media regulatory regime that encourages factual and on the ground news reporting, openness and diversity of opinion. I believe that is possible.

### **RTE - the National Broadcaster**

I believe that RTE should remain a state-owned enterprise fulfilling the valuable role it has played in Ireland since its inception.

It should be subsidised to provide services in respect of promoting the Irish language, Irish culture and the arts.



I also believe that it is important that it also remains a commercial operator given my earlier comments on the importance of following market dynamics and allowing this influence into the state-owned broadcaster.

I think RTE's commercial operations have strengthened its involvement in the wider Irish community and created a more competitive marketplace. Competition between RTE channels and independent operators with regular JNLR reports encouraging all players to even higher standards of audience engagement is a wonderful success.

I believe that the current oversight of RTE through the Broadcast Authority of Ireland works well as does the authority itself.

I further believe that the state broadcaster should be subject to as much competition as possible, on a level playing pitch, in all areas of its remit.

### **Irish history and culture online and publishing houses**

I believe that there is a tremendous demand and thirst among the Irish public, at present, to know more about Irish history including the roots of Irish culture.

This can be seen in new awards winning online websites, apps and increased publishing output in this area.

The importance of supporting this area of media activity should also be recognised and in particular, where it opens opportunities for new entrants into the media arena and new Irish publishing houses.

### **Area which could spawn games and movie enterprises**

This area has the potential to develop into animated movies, games and other products which will help strengthen Irish identity and culture and in so doing, foster a greater sense of unity and purpose in the country.

This corner of the Irish media industry should be supported by the same means as RTE, independent broadcasters or news publishing concerns.

As I have already mentioned, the internet now provides new ways to measure audiences and metrics and these outlets should be treated as media enterprises and not simply as 'the arts' subject to handouts on a project by project basis.

### **Only English speaking country in the European Union on the Atlantic**

I also believe that Ireland as an island on the Atlantic shore, the only English speaking nation within European Union with strong and productive ties to both the United Kingdom and the United States, is ideally placed to become a new world beacon for free media enterprise and expression.

Just like Riverdance captured the imagination of the world from Dublin some decades ago, Ireland's media outlets of the future can succeed in informing and engaging both its population at home in Ireland and abroad with spirited and potent news reporting as well as entertainment.

**Call for diverse, robust and imaginative media environment where all voices are heard**

In summary, it is wrong to silence alternative voices across the media spectrum.

Only through robust and fact based news coverage can the media help to produce a progressive, stimulated and ultimately fully engaged society where every citizen feels that his or her voice is being heard and heard fairly.

A society where everyone's voice is heard and treated equally is, at the end of the day, is a more peaceful society. It may, at times, be challenging to control and to repeat myself, be 'messy' but that is a price we pay for inclusivity which also works both ways

I would welcome an opportunity to expand on these quick notes that I have sent you or to answer any questions.

I thank you for the opportunity to make this submission and most especially, that it was open also to Irish people outside the state. That meant a lot to me.

Mise le meas,

Joseph O' Connor

[REDACTED], Monday 4th January 2021  
[REDACTED]