

Time for Some Political Backbone

In any healthy democracy there should be an open and diverse media. A media that holds those in powerful positions to account. One that helps to shape the public discourse. That seeks to find the truth and ensure the public have access to that truth.

In March 2016, an EU funded report published by the European Centre for Media Pluralism and Media Freedom found that Ireland was in the 'high risk' category for concentration of media ownership. This was the first time Ireland's media ownership was assessed alongside 18 other EU countries.

A legal report that I commissioned on the Concentration of Media Ownership in Ireland has found that we have one of the most concentrated media markets of any democracy. With the two most controlling entities being the national State Broadcaster, RTE and one individual businessman in the private media sphere. This individual enjoys a dominant position in the print sector and a significant position in the commercial radio sector.

The findings of both the EU report and my legal report will have come as no surprise to many who work in the media industry. As far back as the 1970's there were calls for the government to intervene to curb the growth of a dominant media monopoly.

Instead in Ireland we have created a perfect storm that threatens news plurality and the media's ability to be the sword arm of democracy.

In December 2014, the Irish Government brought forward media merger guidelines as part of the Competition and Consumer Protection Act. The problem is that by bringing forward weak guidelines with no retrospective powers, they not only failed to address the problem but they actually made it worse.

The new media merger rules copper-fastened the majority hold of the individual with the largest percentage of private media while simultaneously setting up new thresholds and barriers for anyone seeking to challenge his position.

Then add to the mix, the fact that the individual in question is a prolific business man with many business interests and we start to see the potential problems.

A study carried out by Dr Flynn of DCU found that media ownership can and does have a major influence on tone and content.

In his study of 140 articles it found that coverage of the business interests of this media tycoon was less likely to be negative in his own publications and was more likely to focus on other individuals. Although it does not conclude that Denis O'Brien has sought to influence editorial decisions, this is disturbing for any democracy.

This then places a greater onus on other media outlets including the national broadcaster to bridge the gap and provide the balance that society deserves.

However, this is where the final pieces of the nightmare media jigsaw come together. The individual in question is a 'serial litigator' who, since 2010 has taken out 12 cases against media organisations alone. In 2012, Transparency International Ireland expressed their concerns about the legal threats against journalists with the UN Special Rapporteur on the Situation of Human Rights Defenders.

The litigious situation is further compounded by the fact that Ireland has deeply flawed defamation laws which are out of kilter with the rest of the EU. Many publications will simply choose not to run a story for fear of large settlements and long dragged out court proceedings.

It is not just media outlets who are afraid. Politicians seem to balk at the thought of effectively dealing with the issue. It seems not much has changed in Irish politics since 1973 when the late Minister Justin Keating said “No politician is willing to pick a fight with a newspaper owner”

This is simply not good enough. Decent, civic minded politicians should have nothing to fear from a robust free media, in fact they should embrace it.

It is not ok for politicians to hide behind so called property rights of the Constitution. Those elected to public office, including myself have an obligation to balance those property rights with the constitutional rights to freedom of expression and freedom of the organs of public opinion.

My legal report argues that there is no such bar under Irish Constitutional law, European Court of Human Rights or EU law. On the contrary, it argues that urgent action is required in order for Ireland to fulfil its legal obligations.

The NUJ have called for a multi-disciplinary Commission of Inquiry to look at the media landscape in Ireland, I believe it is time that we had that Commission.

Minister of Communications, Denis Naughton should seize this opportunity to be the politician courageous enough to take on the thorny issue of media ownership once and for all. To deliver the fourth pillar of democracy that Ireland deserves.

Politicians of every party and none should come together to support the minister in this challenge.

The ball is now in the court of all Irish politicians to show that they have the political mettle and back-bone that is required to take on those in dominant positions.