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Fake News Circulation and Regulation in Anglophone West Africa

Patrick E. Okon*[1], Jusufu H. T. Musa[2] & Kehinde Oyesomi[3]

[1]Department of Mass Communication, University of Calabar, Calabar, Nigeria
[2]Department of Mass Communication, University of Sierra Leone, Sierra Leone
[3]Department of Mass Communication, Covenant University, Ota, Nigeria

Abstract: *This paper examines how Ghana, Nigeria and Sierra Leone regulate, through their distinctive cyber policies, the circulation of fake news so as to minimize its attendant dangers. The study draws on the benefits of mixed methods (documentary studies and written interviews) and Draft and Lengel's media richness theory to generate and make sense of empirical data. Findings show that there are a number of regulatory policies that caters for the management of falsehood in news processing and distributions. These regulatory initiatives are only part and parcel of the conventional rules meant to regulate the mainstream media industries. The availability of cyber policies meant to manage fake news that now spread mostly online is thin. Also, because of the perceived weaknesses associated with the available conventional rules, the government of each legislative country now wants more stringent rules to control the spread of fake news. For a more effective control of fake news to happen in the region, the paper recommends the need for a better and sustained partnership with civil society organizations; a careful balancing between citizens' right to communicate and government's responsibility to regulate fake news through national regulatory statements, as well as the formation of an integrative regional/continental cyber regulatory frameworks to assist national regulatory bodies in clearly defining/redefining their national cyberspace regulatory frameworks. Equally necessary is the need to integrate the macro socio-political, economic, and technological trends as background information into any anti-fake news regulations debates.*

Keywords: *Fake news, fake news regulation, cyber regulatory policy, ethical codes of professionalism, Anglophone West Africa, Ghana, Nigeria, Sierra Leone.*

INTRODUCTION

Internet, digital and social media, as Information Communication Technologies (ICTs)-enabled devices, have now provided "a free-for-all opinion market" (Lewandowsky *et al.*, 2017: 1). Sharing information online is now the constant and regular activity of most people skilled in online communication. Some of what are shared are true and correct. Others are incorrect and misinformed. A few stand in-between: partly correct and partly incorrect. Fake news, often regarded as what is untrue or misleading about information, constitutes one of the dark sides of online communication through New Media. The worst scenarios of online fake news circulation are recorded in the fields of political, health and global supply chains communications.

Considered against the backdrop of these overarching trends, fake news processing can no longer be seen solely as an isolated failure of individual's cognitive or moral behavior that can be corrected simply with the appropriation of appropriate communication technologies (Lewandowsky *et al.*, 2017). Rather, it is now considered, firstly, as a matter that should be understood within the context of the broader debates about the optimism and pessimism of the ICTs (Thierer, 2010; Szoka & Marcus, 2010); secondly, it requires control measures that are broad and integrative; that in some ways defy the conventional regulatory standards known to communication history (Hulin & Stone, 2013; Otumu, 2018; Tarpael, 2018; Endert, 2018); and that integrate macro socio-political and, economic trends as background information into the national or regional debates about anti-fake news regulations (Lewandowsky *et al.*, 2017); and, thirdly, such new regulatory initiatives would require a careful balancing between citizens' right to communicate freely and government's duty to regulate abuses (Treton & Posetti, 2018; African Charter, 1981).

Situating these issues, for example, within the context of the broader debates about the optimism and pessimism surrounding ICTs-enabled technologies, Thierer (2010) made a case for internet optimism. The author argues strongly that the pessimism surrounding the impacts of the new information technologies on culture, economy and politics is unwarranted; that humans are very resilient and can adapt the new information tools to improve life and society over time; and that regardless of the challenges the new technologies bring, the information abundance that they have enabled is still far better a dilemma to face than the information poverty that characterized the pre-ICTs age (Thierer, 2010).

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*Corresponding Author: Patrick E. Okon

The author, nevertheless, warns societies against belittling the potential disruptive impacts associated with the New Media; including fake news processing and hate speech communication. He argues that governments' agencies must continue to find dynamic ways to better manage the turbulent impacts associated with the New Media and the information revolution they have brought about. For the author, a proactive regulatory management is far better than continuing to reminisce about the good technological old days that were not even as good as it has been presented.

Coping with the rising tide of fake news and its disruptive situation particularly in Africa is, therefore, one of the critical areas of debates among scholars, government regulators and even activists' organizations in Anglophone Sub-Saharan Africa. A number of management schemas (media literacy, statutory regulation, self-regulation and technology application) have been considered or adopted. While some of the regulatory frameworks, such as technological application for fact checking, fall within the cyber security or internet governance arrangements of governments and organizations, majority particularly in Anglophone West Africa exist and function within the broader conventional regulatory frameworks of governments.

Mapping and interpreting these regulatory trajectories particularly with reference to Ghana, Nigeria and Sierra Leone is the central concern of this paper. The study does not interrogate all issues about fake news regulation in Africa. Rather it is concerned with the efforts, challenges and the incapacity of the governments of the selected countries to regulate fake news through dynamic cyberspace policies. This, the study does by highlighting what kinds of national regulatory policies on fake news are currently available and their contents; some of the missing gaps in the regulatory policies and what could be done to fill up the gaps; as well as the challenges in sustaining the national regulatory processes.

The overarching objectives of the paper, therefore, include the following: understanding and mapping the distinctive regulatory efforts of each selected country meant for the effective management of fake news circulation, identifying some of the missing gaps in the regulatory efforts of the governments, suggesting alternative ways forward where these regulatory policies are unavailable or ineffective, identifying the key challenges to governments' online fake news regulatory efforts, and comparing findings.

While the control of fake news circulation through a number of regulatory strategies is necessary, this paper however argues that introducing more stringent punitive measures to deter would-be-offenders is not enough; that self-regulation through respect for the provisions of national constitutions and regional declarations as well as the exercise of responsible citizenship in information processing and distribution is necessary; that the employment of fact-checking and information verification as part of a technology-driven model might, perhaps, serve as one of the most effective risk management strategies in the regulation of fake news; that the adoption of integrative regional or continental regulatory frameworks could help better resolve some of the problems faced by national governments in regulating fake news through national cyber policy frameworks; and that the analyses of the larger social, political, economic and technological contexts that provide the necessary environments for ferment in fake news processing and their integration into national policy statements is necessary. These arguments are made against the backdrop of the increasing concern for research on regulatory frameworks in relation to misinformation, disinformation and fake news in Africa.

In using the words 'misinformation' and 'disinformation' in this study, the authors are, however, conscious of the fact that the two terms do not mean exactly the same thing. While the word 'misinformation' has generally been associated with information circulated in public and meant to mislead the people, the word 'disinformation' indicates any official campaigns initiated (sometimes through counter-fabricated stories or propaganda) to amend false information circulated publicly (Irenton & Posetti, 2018). While the former is not intentionally meant to cause harm to the public, the latter is generally processed with intent to harm (Irenton & Posetti, 2018). Though the two words are distinctive, they simply function as dimensions of the same problem of fake news making and have common links to the veracity and credibility of the information the public is made to consume (Irenton & Posetti, 2018).

Structurally, the paper is divided into the following broad units: theoretical framework, conceptualizing fake news, strategies of fake news regulations, methods of the study, comparative data organization on fake news regulations in the selected three Anglophone West Africa countries, and conclusion.

THEORETICAL FRAMEWORK

Draft and Lengel's (1984/1986) media richness theory offers a basis for unfolding a communication channel's capacity to replicate the information sent over it without loss, falsehood and misrepresentation. According to the theory, media richness is a function of four things in relation to a channel of communication: the medium's capacity for instant feedback, the number of signals and channels available, language diversity, and the extent to which communication intent is focused on the recipient. The social media platforms have the capacity for immediate feedback. They

Corresponding Author: Patrick E. Okon

encompass the digital ways of passing information and messages from one individual to another and they afford instant, instructive, quick and interactive platforms where signals and channels are available with language diversity.

The advent of miniature technologies such as mobile gadgets that are well equipped with cameras, sound recordings, internet access and instant messaging features has brought about an increase in mobile journalism or User Generated Contents (UGCs) around the globe. While these technologies have provided the means for connecting with diversity of audiences, media richness theory envisions a situation whereby only richer media will be able to convey information that is complex, ambiguous and unfamiliar to recipients more effectively than less rich media (Gambarato & Alzamora, 2018).

The digital and social media that are endowed with the features for instant messaging and for video and audio processing capacities and uploads could be considered as rich media by virtue of the complex and unfamiliar digital codes that drive them. While the usage of these technologies for news reporting is a plus for our African societies in terms of their communication and social connection capabilities, their uses is also raising serious concerns about the authenticity and credibility of the information contents they help circulate.

The richness of information through any communication channel must be conditioned by lack of any form of falsehood, misrepresentation and misinformation. Fake news has found unfettered expression especially in the social and online media (Tandoc *et al.,* 2018; Farkas & Schou, 2018). Fake news is sprouting at alarming proportion across the globe through these channels. In Anglophone West Africa, what seemed like a passing fad has since developed to a full-blown industry sometimes with a malicious intent (Endert, 2018; Dwyer & Hitchen, 2018). Disguise and subterfuge appear to be the trademarks of fake news hawkers.

Draft & Lengel (1986) are also of the view that for information sharing to be well guided, mechanisms should be put in place to reduce uncertainty and equivocality (cf. Thierer, 2010; Szoka & Marcus, 2010). In the context of fake news regulation especially in Anglophone West Africa, diversity of policies and procedures devoted to fact checking, exposing and debunking fake news and misrepresentation are being put in place by governments and non-governmental organizations in order to monitor and manage how information dissemination is done through "rich media", both by journalists and ordinary citizens (Obi, 2019; NAN, 2019). But, generally, the drive has been to ensure that these policies and procedures assist, not only in the management of misinformation and misrepresentation, but also in authenticating the veracity, objectivity and credibility of the information the public is made to consume. How these policies work to effectively dissect what constitutes fake news and help minimize its processing and circulation particularly in Anglophone West Africa is, indeed, worthy of study.

Though criticized for its wrongful assumption that the level of richness of a medium would remain the same irrespective of it being used by different people and for its inability to recognize the fact that matching the richness of a medium to task equivocality did not necessarily imply that improved communication satisfaction would be achieved (Dennies & Valacich, 1999; Dennis & Kinney, 1998), Draft and Lengel's theory still has relevance for this paper on the following grounds: its specific focus on the strengths and limitations of rich media of communication (in terms of its capacity for personal focus, two-way communication, and the possibility of communicating several different meanings through variety of language symbols); its postulation that uncertainty and equivocality define the two forces that influence information processing through rich media; and the fact that the kind of internal systems of communication adopted by users determine both the amount and richness of information they can provide. The theory is also relevant for its recognition of the need to design and adopt regulatory models that could help institutions and individuals effectively manage information systems, so as to reduce uncertainty and resolve equivocality in information contents.

Though a review of the diverse applications and validity of the rich media theory in relation to the recent communication channels and within different communication contexts has recently been provided by Ishii, Lyons and Carr (2019), there is little scholarly evidence, beyond what was provided by Draft and Lengel (1984/1986), to suggest how this theory applies to explain the significance of national or regional cyber regulatory policies in directly assisting the effective management of uncertainty and equivocality through rich media. This is one of the areas that define the unique contribution of this study to scholarship.

CONCEPTUALIZING 'FAKE NEWS'

In this sub-unit, 'fake news' is considered from a journalistic perspective, bearing in mind the different categories of fake news making in journalism. Farkas and Schou, (2018), for instance, assert that the term 'fake news' has come to mean different things to different people, guided by differences in political and ideological positioning. For the purpose of this paper, we understand 'fake news' to mean misleading, false and outrageous stories published online to misinform and confuse the general public in order to influence their judgments (Tandoc et al, 2018; Farkas & Schou,

*Corresponding Author: Patrick E. Okon

2018; Kalsnes, 2018). In this context, 'fake news' making is concerned with inaccuracies in news, disinformation and misinformation or what is 'untrue' about news circulating through social media. This conception is relevant because it allows 'fake news' to be approached from a journalistic perspective. The expression has, however, been employed in other contexts synonymously with such other terms as "post-truth" (Peters, 2017), "post-fact" (Lewandowsky *et al.,* 2017), and "alternative facts" (Brennen, 2017; Lavorgna *et al.,* 2018), etc. The tendency to use 'fake news' in relation to 'media bias' in news coverage is, however, unacceptable (Holan, 2017). Though the circulation of fake news about a person or an institution could be sustained by media bias, the meaning of fake news in itself is not synonymous with the meaning of media bias.

Historically, the circulation of false information is not new. It is as old as the beginning of the world itself. The biblical story of the "crafty serpent" that deceived Adam and Eve in the Garden of Eden has been offered by Pope Francis as the first instance of false information spread in human history (Kuruvilla, 2018). This assertion revokes the earlier claim by Marcus (1993; cited in Tandoc *et al.,* 2018) which tied the evolution of false information to the emergence of the earliest radio reporting systems of the 1930s. Studies (Farkas & Schou, 2018; Peters, 2017) further show that the appropriation of the team 'fake news' is, however, very recent. Its origin has been traced to President Donald Trump's broader appropriation of the phrase to critique unfavourable media reportage against his person and government. The widespread use of the term since 2016 is, however, amplified by the availability of digital and social media across the globe and their connection with the phenomenon of misinformation or disinformation carried out online (Lewandowsky *et al.,* 2017).

That notwithstanding, fake news processing today comes in different formats. These formats include satire, news parody, content fabrication, content manipulation, advertising clickbait and political propaganda (Tandoc *et al.,* 2018; Kalsnes, 2018). It is these different forms that generally provide the different operationalization of fake news in scholarship and within different socio-political contexts (Tandoc *et al.,* 2018). The specific characterization of each format could, however, be evaluated in terms of its content *facticity* (the degree to which fake news relies on facts) and the *intention* of the author (the degree to which the creator of fake news intends to mislead his or her audience) (Tandoc *et al.* (2018). Kalsnes's (2018) analysis of fake news, however, reveals that fake news has typically been studied along four distinctive but interrelated lines: *creation motivation* (political, financial, social); *content characterization* (facticity and intention); *channels of circulation* (online, offline, written texts, videos, audio recordings, cartoons,

advertorials or other artistic designs); and *countering* (i.e. approaches to detect and combat fake news at different levels – legal, financial, technical, media literacy and fact-checking services, etc.).

Scholars, in varying contexts, have tied the reasons for the phenomenal explosion in false information with a number of factors. These include the change in media dynamics; whereby information that used to be sent out to the public through a tightly controlled traditional modern media is now being disseminated through totally uncontrolled social media that have been installed in mobile gadgets (Dinki, 2019). Aldwairi and Awahedi (2018) offer increase in readership or the need to engage in psychological warfare as part of the reasons for explosion in fake news making. Kanoh (2018) attributes the increase to its appeal to human emotion and personal belief system. Donath (2016), in turn, observes that fake news thrives online precisely because its processing and distribution has become part and parcel of a modern form of identity politics, whereby individuals and groups seek to proclaim an affinity for a particular community.

That notwithstanding, fake news making is now receiving boost particularly in the fields of political propaganda, health communication and communication in the global products supply chains. From the political perspective, the highest circulation of fake news globally and its negative impacts occurs, most often, during election campaigns and the periods immediately after (Figueira & Oliviera, 2017). These periods are often ripe with diversity of conspiracy theories, stereotypes, hate speeches and fake news making that play off on these other realities. By appealing to stereotypes and prejudices and exploiting people's anxieties and frustrations, fake news productions in the political arena grab people's attentions and unconsciously impact on their belief systems and judgments, either collectively or individually (Kuruvilla, 2018).

From the perspective of health communication, the circulation of myths, legends, half-truths and hoaxes online about health issues in different world regions, especially during the outbreak of contagious or deadly diseases, is rampant (Sarmah, 2014; Krenn, 2018). From vaccines to simple malaria pills or even cancer drugs, study (McFarlane, 2018) shows that there is a misinformation online under the guise of legitimate reporting **(**Lavorgna el al., 2018). The circulation of fake images through social media during the 2013-2015 Ebola crises in Sierra Leone, Liberia and Guinea, for example, show how lies, half-truths and even rumours can spread like true news. A good number of persons were misled about the sources and transmission of the virus (Sarmah, 2014; Jin *et al.,* 2014).

Aldwairi and Alwahedi's (2018) study, however, shows how publishers that publish for supply

industries now use advertisement "clickbaits" - that is, phrases designed to lure viewers to click on an internet link and upon clicking are redirected to an advertisement web page that offers information that could be far below expectation – to deceive vulnerable viewers. The authors note that, generally, the aim of those that draw on the clickbait model is to increase profitability to the detriment of their viewers. Aldwairi and Alwahedi's (2018) study simply illustrates the advertisement dimension of fake news reporting online. While genuine advertisements generally offer true information (though sometimes colourfully presented to persuade), the fake ones generally circulate misleading information with the intention of deceiving and exploiting the unsuspecting consumers.

There is also the media angle to the problem of fake news processing. Generally, the spread of propaganda and false information through any media channel could heighten the level of mistrust people have towards the media industry. Raj's (2017) study of the mistrust of the media is closely linked with the occasional abuse of the gate keeping and agenda setting roles of the media. The big media empires like the CNN and Fox News, for example, are increasingly being entangled in and smeared by allegations of obnoxious mediations of fake news which leave these media giants open to increasing public scrutiny. The author observes that, while agenda setting role of the media is inviolable, the ethical codes of conduct for the media must be held as sacrosanct. He concludes that only a conscious endeavor towards voluntary self-governance as well as free and fair representation of realities "can bring back the nobility that media has shed in its rat race to be an unquestionable voice" (2017).

Strategies of Fake News Regulations
Because of the dangers that the rising tide in fake news processing now bear for individuals, organizations and political communities, most national governments, working either singly or in collaboration with regional bodies, now seek more stringent measures that could allow a more effective control of the circulation of false information through online media within their territories (Obi, 2019; NAN, 2019). Governments' agencies now want those regulatory measures that could, in some ways, defy the conventional regulatory standards already available to them (Hulin & Stones, 2013). This approach aligns well with Draft and Lengel's (1986) support for the adoption of measures to manage uncertainty and equivocality in media contents. Some governments' agencies, however, operate in a way that disregards Thierer's (2010) warning that any unwarranted and obnoxious regulation based purely on a pessimistic understanding of online media could further derail its positive values to citizenship. Yet, combating the circulation of false stories across national contexts, though important, is still very difficult.

Three strategies have been employed across nation-states for the control of fake news spread. Sowa's (2016) regulatory model definition identifies *statutory* and *self-regulatory* models as the dominant strategies. The third strategy, not mentioned by the author, is the *technological application* model (Hulin & Stone, 2013; Oluwole, 2018). Sowa's (2016) two models are drawn from the conventional mainstream media regulatory field; but could also be applied to the field of New Media. The technological application model is drawn from the fields of internet and social media studies.

Statutory model is characterized by the formulation and enforcement of statutory and procedural rules of governments as well as unilateral imposition of censorship by national governments to control the spread of fake news. Self-regulatory model is characterized by the construction of in-house rules by media houses to drive information packaging and sharing or by personal adherence to the ethics of responsible citizenship in the production and circulation of information or by a deeper respect for national constitutional provisions and regional declarations that guarantee the freedom of expression of citizens. Technology application model, in turn, is informed by the appropriation of diversity of technologies and software by individuals and institutions to effectively manage the use of fake news contents in their information acquisitions and publications, as well as the commitment to double-check pieces of information before their consumptions. The existence of the three control models, notwithstanding, the regulatory measures adopted or recommended differs from one country to another.

Malaysia is among the first few countries to have successfully introduced a new law against fake news. As part of her direct censorship initiatives, the Malaysian government for example, approved in 2018 a law that would allow for a prison term of up to six years or a fine of up to 500,000 riggit (equivalent of 123,000 US Dollars) for any person who maliciously spread fake news inside and outside Malaysia to harm any Malaysian citizen, through either features, visuals, audio recordings, digital publications and social media. The Malaysian government is of the view that the law would not impinge on freedom of speech and that cases under it would be handled through an independent court process (Hassan, 2019). The quick repeal of the law five months after its approval, however, shows the level of disconnect between the Malaysian parliament and their civil society organizations, as well as the possible impact of citizenship activism on the policy decisions of governments (www.malaymail.com).

Germany is another good example. The German government approved a statutory regulatory plan in 2018 to fine social media networks if they fail to remove hate speech postings. The Germany's

controversial anti-fake news law, also known as the *Network Enforcement Act* or as the *NetzDG Law*, took effect on January 1, 2018. It required all internet platforms with more than 2 million users to put in place a system that would allow them report and remove potentially illicit and harmful contents, whether in the form of false information or hate speech, from their systems (Mosbergen, 2018).

Outside Malaysia and Germany, there are a few other governments particularly in East Africa and the Southeast Asia, such as the Kenyan, Singaporean and the Philippine governments that have also, against their respective human rights activists' protests, succeeded in introducing statutory regulatory plans that would allow them to censor fake news processing and distributions on their social media platforms. Following on the heels of the successes recorded by other countries, Emmanuel Macron of France proposed a new statutory legislation that would empower the CSA, the France's media watchdog, to mandate more transparency for sponsored contents during elections, as well as allow a judge to delete content or block access to a website deemed to be propagating politically-oriented misinformation (Mosbergen, 2018).

From the self-regulatory perspective, different highly placed public figures have advocated the need for increased exercise of responsible citizenship in information processing and sharing, as well as the need to internalize deep-seated respect for national constitutional and regional statutory provisions. Pope Francis (cited in Kuruvila, 2018), for example, observes that the best antidote to fake news circulation is not regulatory strategy, but rather a greater sense of moral responsibility in the practice of information processing and distribution. For him, responsible journalism is about people who are ready to engage in sincere dialogue and take responsibility for how they use language in reporting.

Media organizations and associations of media professionals across the globe and particularly in Africa are increasingly adopting the self-regulatory measures as voluntary safeguards against yellow journalism and to ensure the credibility of the information they put out for public consumptions. In South Africa, for example, the Press Council's public hearings of 2012 revealed a high ranking for the practice of self-regulation over and against statutory regulation or co-regulation (Reid, 2012). Again, a new study (Napio, 2018) finds majority support for media voluntary regulation in Uganda. More than 60% of interviewees supported self-governance for media houses in the country.

The Committee to Protect Journalists (CPJ) has also, from the self-regulatory perspective, interpreted Trump's repeated assaults on the American media for unflattering coverage as a signal of disrespect for the First Amendment of the USA that guarantees the freedom of the press and tolerance for critical voices (Frej, 2018). Members of the Committee, using Trump's model, also recognize some other world leaders, such as the Turkish, Russian and Chinese presidents, as people who have gone out of their ways to undermine constitutional norms that support free speech and freedom of the media. They advocate the need for these leaders to loosen their tight grips on their national media. CPJ also call on the affected media houses to fully preserve their editorial autonomy and strengthen self-regulation in shaping news reports.

The context for this campaign is the high rate at which disinformation (proactive and reactive) is being spread through state-controlled and allied media in those countries with authoritarian regimes. Disinformation, spread through state-controlled media, has generally functioned as authoritarian propaganda tool often used as public relations techniques, whereby half-truths, misleading narratives and falsification of evidence are presented to give lifelines for these political actors in times of events with national or transnational impacts (Hulin & Stone, 2013). Disinformation within this context exploits cognitive biases among ordinary citizens to reinforce existing political beliefs and opinions so as to silence critical views or encourage mass actions in favour of policy initiatives of governments (www.ned.org). Often, political actors in the aforementioned countries (and even in Africa) have employed disinformation to pursue political gains at the expense of democratic political discourse. A good example is the Russia's conflicting narratives, through its state media, of its sustained role in Syria and of Syrian government's use of chemical weapons on its citizens (BBC, 2018).

In terms of the technology application model, the management of fake news is increasingly being handled through new software packages and the application of associated operational rules. Li (2013), for example, explores a wide range of technologies (covert, overt and track and track technologies) that have been used within the context of a collaborative multi-pronged plan in countering fakes in the supply chain field as well as the advantages and disadvantages of these technologies. Some countries, individuals and organizations are also employing technological approaches with specific operational rules within the context of national cybersecurity arrangements to counter information fakes and counterfeits.

Facebook, for example, has introduced anti-fake news packages and rules that could enable a stringent control of misleading political advert publications on its platforms. In a public announcement made on January 15, 2019, the social media company noted that it would build on the transparency efforts already underway in the United States, Britain and Brazil by tightening rules for political advert publications in countries where elections would have

been scheduled. By this new rule, political advertisers would be required to confirm their identity and location before they could place political adverts on Facebook. Such adverts would also be housed in a public and searchable advert library for up to seven years (Cohen, 2019).

Within the technology-based model, there is also the fact-checking strategy now seen as the best solution to the problem of fake news making. Proponents of the fact-checking strategy argue that because online news sharing has become a significant identity and affiliation marker signal, fake news making may never come to an end. But double-checking the 'fact value' of what is online and pointing out the error on time can help reduce its possible damages on individuals and the society at large.

Kanoh (2018) and Atodiresei *et al.* (2018) highlight some of these information verification systems to include the fact-checking sites run by PolitiFact, Factcheck.org, Snopes.com, and the Associated Press. Penplusbytes, an independent media organization in Ghana, has in turn found a way to detect and deflect misinformation and disinformation at election times through its website known as the *Social Media Tracking Centre* (SMTC) (Kwami, 2018). The Paradigm Initiative Nigeria (PIN) and Crosscheck Nigeria, two non-governmental organizations, have also launched in 2018 a fact-checking and verification website for political information authentication during elections (Oluwole, 2018). Using these different verification sites, it is argued, can allow online users to evaluate the credibility of news stories on the basis of facts.

METHODS OF THE STUDY

Ghana, Nigeria and Sierra Leone were *purposively selected* for the study. The selection was guided by the easy connection of the researchers with English language as the transactional *lingua franca;* by the proximity of the three countries to the researchers; and by the availability of contacts.

Mixed methods (documentary study and written interview), used in a qualitative way, was adopted for the study. While documentary study was the dominant method, written interview was used as complementary method. The purpose of reliance on mixed methods was to allow for data triangulation to address the research objectives.

Documentary study comprised a review of recent scientific researches by academics and a number of policy documents that emerged from the countries of interest. In all, a total of 29 documents were studied, guided by *convenience* sampling procedure. 26 of the documents were drawn from the three countries (nine from Ghana; five from Sierra Leone; and twelve from Nigeria). The remaining three were policy statements drawn from the web pages of the Economic Community of West Africa (ECOWAS) and the African Union (AU). Out of the 26 documents from the countries of interest, three were applicable previous scientific researches by academics particularly from Ghana; five were policy statements obtained from the official web pages of relevant government agencies with mandates to regulate the media industries; six were press releases from the ministries of communication and non-governmental organizations; and twelve were news reports published online by reputable newspapers. It is from these major sources that the authors drew out a lot of information for data analysis in response to the selected objectives of the study.

Three oral interviews with telecommunication regulators of the three countries were also designed; but only two were successful. Actors from media houses, media advocacy groups, and parliaments were not considered for oral interviews due to time constraints. The authors were able to engage with the Independent Media Commission (IMC) of Sierra Leone and the National Communications Commission of Nigeria (NCC) between early December 2018 and January 2019 to elicit written answers to our questions. But the written interview efforts with the telecommunication regulator in Ghana were abortive. Interviewees, generally, opted to provide written answers to our questions through emails due to the disruption of the normal operation of events caused by the 2018 Yuletide holidays and the difficulty in obtaining mutually agreeable interview dates.

These authors, however, do understand the methodological challenge that a research dependence on written interviews from two sources to compare 'cases' across the three countries could constitute for a comparative study of this nature. This challenge was, however, mitigated by reliance on recent documentary sources. The authors believe that the missing gaps in information from written interviews could still be filled up by knowledge obtained through official policy documents and earlier academic researches (Morgan, 2014).

Generally, data obtained both from documentary study and written interviews were analyzed interpretatively and comparatively, with a view to drawing out inferences. The systematic analysis of policy documents and scientific researches was theoretically driven, guided by specific themes that emerged from the objectives of the study and the theoretical framework of the paper (Puppis, 2010). Such themes included: the types of fake news making in Anglophone West Africa; the dimensions of fake news regulations (cyber, conventional/mainstream, statutory, self-regulation, co-regulation, and media literacy); and key challenges to fake news regulations (lack of cyber regulatory policies; engagements with civil society groups, logistics of policy implementations, etc.).

Similar analytical strategy was adopted in relation to inputs from written interviews.

Fake News Regulation in Anglophone West Africa

Empirical evidence from documents and written interviews shows that there is an astronomical rise in different formats of online fake news processing, some with possible damaging consequences across the three countries in terms of defamation of persons, deepened inter-ethnic and intra-political misunderstandings. Nwanze (2019) and Ofosu-Peasah & Ahiabenu's (2019) reflections, for example, show the dimensions and enormity of the problem in relation to media news reporting in Nigeria and Ghana, respectively: misinformation, disinformation, and hate speeches circulated through diverse online media forms and news formats have become engrained in Nigeria and Ghana's political cultures.

Again, evidence shows that the regulation of fake news has been tackled by the regulatory agencies of the three countries, using mostly rules meant for their traditional modern mass media. The only evidence of substantive cybersecurity policy available to these authors and which is also binding on its Member States are the 2011 *African Union Convention on Cybersecurity and Personal Data Protection (The Convention)* and the ECOWAS regional cybercrime directive of 2013 (*HIPSSA – Harmonization of ICT Policies in Sub-Saharan Africa*), both of which provide only short protocols against racist and xenophobic offences and extended protocols to protect critical cyber infrastructure and rights of usage. *The Internet Infrastructure Security Guidelines for Africa* (2017), published by the Internet Society of the African Union to provide practical steps for the implementation of The Convention, contains little on fake news making; rather it stresses extensively the risks involved in the use of ICTs and sets out four essential steps for internet infrastructure security: Awareness, Responsibility, Cooperation, and Adherence to Fundamental Rights and Internet Properties.

What this means, firstly, is that most of the fake news regulatory initiatives of the three countries have over the years been made, not as part and parcel of national cybersecurity arrangements, but rather as part of their distinctive press and broadcast ethical codes of professional practices. Secondly, attempts to curb misinformation and hoaxes did not begin in Anglophone West Africa with the recent push for a better governance of the Internet and ICTs; the regulatory initiatives started as far back as when the first rules meant to guide operations in the print and broadcast media industries were put in place. The recent glamour for new rules for social and digital media is simply attempts to obtain, through legislative processes, something beyond and more restricting than the conventional rules of operation or the professional codes of practices already available to them. Yet, this new regulatory attempts, it is argued, should not be taken by African governments to mean that the two media platforms – cyber and traditional – function the same way and should be regulated in exactly the same fashion. The language elasticity and information openness of each medium differs (Draft & Lengel, 1986; Thierer, 2010).

Empirical findings further show that within the conventional mass media regulatory documents of the three countries, there is no direct appropriation of the word 'fake news'. The recurrent words in use include 'accuracy', 'truthfulness', 'fairness', 'objectivity', 'balance', 'misinformation', 'misleading statement' and 'libel', just to mention a few. Most of these terms are basically meant to indicate the ethical standards required to guide journalistic professionalism in each country. This development is, again, a sign that the term 'fake news' is in itself a most recent construct; but the application of its underlying meaning is not new to the African news regulatory terrains.

Obj. 1: Regulatory efforts

The mainstream media industry in Sierra Leone, for example, is regulated by the Independent Media Commission (IMC); but the telecommunication industry is under the supervisory control of the National Telecommunications Commission (NATCOM) established in 2006 by an Act of the Parliament. It is, however, the IMC that developed the *Media Code of Practice* for the regulation of the print, electronic and advertising media in Sierra Leone. The overarching aim of the Code of Practice is to enhance access to communication and information infrastructure, promote stable democracy and vibrant economy through standardized media professionalism as well as alignment with international best media regulatory practices (The Code, p. 2).

While there is no express use of the word 'fake news' in the IMC's Code of Practice, there are implied provisions that highlight a longstanding attempts by the Sierra Leonean political authorities to fight the circulation of misinformation and misleading propaganda via the traditional print and broadcast news media as well as online social media. Section one to three of the press unit of the Code, for example, deals with the principle of 'accuracy' in reportage in newspapers and magazines (p. 12). A similar provision meant to regulate the spread of inaccurate information through electronic media can be found in section six of the broadcast unit of the Code. The laws demand, among others, that print media must take care not to publish inaccurate, misleading or distorted materials including pictures; that they must make all reasonable efforts to check and cross-check the accuracy of stories prior to publication; and that, while free to be partisan, they must clearly distinguish between comments, conjectures and facts. Additionally, "all stories aired by

radio stations must be presented with due accuracy, truth and impartiality" (The Code, p.33).

The current Sierra Leonean laws on false information publication, however, built on the provisions of the distant *Public Order Act No 46 of 1965*. Section 32 (1 & 3) of the Act states, among others, that any person who maliciously publishes any false statement, rumour or report which is calculated to bring into disrepute any person who holds an office under the Constitution shall be guilty of an offence and liable on conviction to a fine not exceeding Five Hundred Leones or two years' imprisonment or both (Sowa, 2016).

A comparison of Ghana's situation with that of Sierra Leone shows similar regulatory trends. The Ghanaian mainstream media is regulated collaboratively by three agencies of government, namely, the National Communications Authority of Ghana (NCA), the National Media Commission (NMC) and the Ghana Journalists Association (GJA). The telecommunication industry is, however, under the strict control of the NCA. The *Revised Code of Ethics*, recently launched by the GJA in collaboration with other stakeholders, contains a number of guidelines meant to ensure that journalists adhere to professional standards and competency in the exercise of their duties. The new Code also addresses issues of ethical breaches bothering on fabrications of stories, hoaxes, publishing stories without sourcing authentication, presenting advertisements and promotional materials as news as well as the publications of April Fool Day pranks as believable news (www.ghana.gov.gh). The Revised Code, however, builds on the previous *National Council of the Ghana Journalists Association Code of Ethics* adopted by GJA at Sunyani on July 27, 1994.

Outside the frame of reference that the Code provides, documentary evidence further shows that while a wide range of self-regulatory initiatives in the form of editorial or in-house styles rules exist, Section 76 of the *Electronic Communication Act of 2008 (Act 775)* criminalizes the circulation of fabricated stories or misleading information capable of endangering public services and safety in Ghana. In other words, the circulation of fake news is punishable either with a fine not exceeding thirty-six thousand Ghana Cedis or a term of imprisonment not more than five years or both.

Just as it is in Sierra Leone, the *Revised Code of Ethics* of Ghana and the electronic communication law requires strict adherence to the policy of accuracy, truthfulness and objectivity in all public information packaging and distributions. The Code and the statutory Act also envisage, essentially, that responsible journalism in Ghana would require accountability and the willingness of information producers to build and sustain trust and confidence in the citizenry, as well as add value to the image of the profession. While the revised Code in particular is multitasking in content, its applicability cuts across all categories of journalistic practices in Ghana – from newspaper, to radio and television, to online media and social media. The Code's anti-false information content is also relevant for regulating the works of photo-journalists, cartoonists and animation specialists (www.ghana.gov.gh).

However, from earlier researches (Endert, 2018; Ofosu-Peasah & Ahiabenu, 2019), it is clear, firstly, that prior to the emergence of the *Revised Code of Ethics*, Ghana lacked a clear-cut regulatory strategy to deal with the problem of fake news circulation through social media. The *Electronic Communication Act* of 2008 itself focused mainly on the mainstream broadcasting industry. Secondly, fake news circulation in the country comes mostly in the forms of fabricated contents, false headlines without connection to contents, sensationalism, and defamatory statements. Thirdly, the repeal of the *Criminal Libel Law* and the inability of the parliament to pass the *Right of Information Bill* have been held as some of the things that have opened the floodgates for irresponsibility in information processing and publication in Ghana.

Though the government of Ghana is currently planning a cybersecurity policy to combat the menace of cybercrimes and Ghana is one of the signatories to the *African Union Convention on Cybersecurity and Personal Data Protection*, the earlier researches cited show that a lot more still need to be done in Ghana to provide human rights protection-based regulatory frameworks that could help control the circulation of fake news by citizens and journalists alike through social media (Endert, 2018).

Empirical data also shows that Nigeria has almost similar fake news regulatory scenarios as that of Ghana and Sierra Leone, with only slight contextual difference. While the Nigerian Press Council (NPC) regulates the print industry, the National Broadcasting Commission (NBC) is responsible for the management of the broadcasting sector. The Nigerian telecommunication industry is strictly under the supervision of the National Communications Commission (NCC). Nigeria does not currently have any cyber security policy arrangements that specifically targets misinformation and fake news (Amaefule, 2018). NCC's cyber governance policies, such as the *Child Online Policy* and the *Internet Industry Code of Practice*, target issues bordering on the action needed to promote online protection of children and clearer definition of the rights and obligations of Internet Access Service Providers, respectively. Even the *Cybercrime Act of 2015* contains little on fake news processing and control.

Just like in Ghana and Sierra Leone, most of the fake news regulatory initiatives of the Nigerian government are found in the country's press Code and

the NBC Code for the broadcast industry. These professional Codes contain specific ethical and regulatory frameworks aimed at fighting inaccuracies, untruths and unfairness in news packaging and reportage. Both professional statutory frameworks place the protection of public interests at the forefront of the pursuit of truth as the cornerstone of professional journalism in Nigeria.

The press Code, for example, requires journalists to eschew falsehood in information processing and sharing. It imposes on every journalist the duty to seek factuality, accuracy and fairness in reportage and to strive to separate facts from conjectures and comments (Section 2.3). The Code presents the issues of factuality, objectivity and truthfulness as the basis for earning and sustaining public trust and confidence. Where any inadvertent publication of inaccuracy and misleading information occurs, the Code upholds "the right of reply" and "prompt correction of the misleading information" as remedy (section 2.2). There is, however, nothing in the press Code that regulates the spread of fake news through online media.

This is where the NBC Code (5th Edition) is different. The NBC Code has a very short section (3.15.1) on the circulation of false information through New Media. The section foresees information abuses through online broadcasting and prescribes that broadcasters take notice of the challenges of the new and emerging technologies. As a mandatory rule, the Code demands that User Generated Contents (UGC) made possible by digital and social media be made to meet up with all relevant provisions of the Code, including provisions against inaccuracy, hoaxes, and falsehood in electronic broadcasting (p. 36).

This provision on New Media operates, of course, alongside other broadcast regulatory sections of the Code, such the sections that forbid sensationalism that stems from speculation or exaggerated statements that could result in mass panic (Section 1.3.4), the practice of misinformation, libel and re-creation of news materials from non-factual resources (Sections 3.4; 3.5, and 4.6), as well as the publications of hate speeches, indecent and vulgar expressions in broadcast media (Section 3.6). Under the "Straight Dealing" policy of the NBC Code (Section 3.3), the spread of inaccurate and unfair information is strictly forbidden. Where personal biases and prejudices arise in the course of information packaging and sharing, the Code requires mandatorily that the broadcaster acknowledges such subjective mind-sets and work to present, equitably, the views of all parties to any issue.

While section 3.4 focuses on media integrity principle that requires that "every programme shall be accurate, believable and credible" (p. 31), section 5.2.5 of the NBC Code demands that political broadcasting must be done in a way that does not mislead the people to believe something else about a subject or person in view. Thus, in all cases of political broadcasting, the use of provocative or inflammatory materials capable of producing divisive political environment is to be avoided. The NBC Code, just like the press Code offers "a right of reply" as remedy for any clearly confirmed publication of inaccuracy and misleading information.

Obj. 2: The missing gaps in the regulatory efforts

One of the missing gaps in the regulation of fake news across the three countries is a clear introduction of principles geared towards more effective management of online media contents. With the exception of the relevant section of the NBC Code and the Revised Ethical Code of Ghana, this consideration is lacking in the professional Codes of Sierra Leone. The absences of anti-fake news circulation regulatory policy in the cybersecurity arrangements of the three countries are also worrisome (cf. Otumu, 2018). But even more worrisome is the lack of a clear agreement at the national regulatory level on the dominant models for online and social media contents regulations.

Generally, the tendency is to silence critical voices through either the suppression of free speech or a unilateral official imposition of outrageous penalties on ordinary citizens found guilty of free speech-related offenses. Within the mainstream media sectors, respondents from Sierra Leone and Nigeria indicate that emphasis has also been on media literacy initiatives, statutory and self-regulation as tools for the best management of fake news circulations, with minimal concern for technology applications (cf. Sawo, 2016; Ofosu-Peasah & Ahiabenu, 2019). With the increasing fake news menace through online platforms, this paper argues, it would be necessary to combine the statutory with self-regulation and technology applications for optimal regulatory results, without neglecting the importance of media literacy and other media-related awareness programmes.

Documentary evidence also shows that the anti-fake news conventional regulatory policies of the three countries are weak in terms of stipulated punitive measures meant to serve as deterrents for would-be offenders. Beyond the "right of reply" required when publications of false information have been established, no other stringent penalties have been provided in the professional Codes of the three countries. Such measures are provided only in the criminal laws of each legislative country, especially those meant to handle issues of defamation and sedition. There is, however, a caveat in the NBC Code that allows the Commission the discretion to impose any other penalty outside the rules of "apology" and "right to reply" where a complaint of misrepresentation has not been adequately attended to by a broadcast station.

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*Corresponding Author: Patrick E. Okon

This *lacuna* in the conventional regulatory policies could, in part, explain why there is so much glamour for more stringent rules to regulate social media across the three countries. In Nigeria, for example, a maximum of death penalty for those found guilty of hate speech and misinformation with damaging consequences against government was recommended by the parliament in 2019. This punitive consideration was later regarded by civil society organizations as anti-free speech.

While this paper does not advocate the application of strict rules meant for crimes committed through conventional mass media to social media, it does however suggest the need for regulators to ask how effective the "right to reply" and the stringent rules approach has been or could be in checkmating the damages caused by the circulation of fake news online. Regulators need to continue to explore other specific ways of reducing the disruptive impact of false information on social media in the region. The use of the "right to reply" and the "stringent rules" principles, it is argued, needs to be revisited by media regulators across the three countries.

Recent research (Lewandowsky *et al.,* 2017) shows that people rarely update their beliefs even when a misinformation packaged as a conspiracy theory is corrected. The media regulators should understand that even if the basis of conspiratorial allegations have been dismissed as untrue, a large proportion of a national population will still be less likely to accept the alternative version of the misinformation. Thus, the peddling of false information, whether corrected or not, generally tends to increase political apathy and reduce people's willingness to trust in their governments; that is, if such misinformation was directed at the government. As noted by Lewandowsky *et al.,* (2017, p. 3), misinformation is not just about being misinformed, it touches also on the overall intellectual and psychological well-being of every society.

The introduction of the "right to reply" into national anti-fake news regulatory systems may be necessary in some circumstances; but it is not sufficient to help preserve the health of societies in the West African region. Again, a mere focus on more stringent directives could, as Thierer (2010) rightly observes, further derails the potential benefits of New Media platforms for the citizenry, particularly their participation in decision-making on issues of public significance as well as the holding of their leaders to accountability. Rather than seek for stringent punitive measures, this paper upholds that conscious efforts should be made by national governments in Africa to sustain a careful balance between citizens' right to communicate freely and government's responsibility to control abuses in the use of freedom of speech in their cyber policy declarations; as well as ensure that such right-based declarations are carried out in practice.

The lack of relevant logistics to enforce the existing laws has been put forward by respondents from Nigeria and Sierra Leone as another identifiable deficit in the regulation of fake news across the two countries. This position is corroborated by an earlier research (Ofosu-Peasah & Ahiabenu, 2019) in relation to Ghana. The researchers admit that, apart from the absence of effective regulatory measures, Ghana currently lacks systems, budget and trained personnel dedicated to combating the menace of fake news in the country. As a result, the control of fake news circulation through the existing regulatory policies has been found to be very elusive and sometimes impracticable.

The increasing civil society protests that trail the recent push for fake news re-regulation across the three countries only further highlight the inability of the distinctive government to partner with civil society to package acceptable rules or even enforce the already existing ones. Based on information provided through various news reports (Opusunju, 2018; Abubakar, 2018; Tarpael, 2018; Awal, 2018), it is clear that a number of legislative bills put in place in the last five to ten years and meant to control the circulation of false information were met with civil society protests and were quickly withdrawn from further considerations in the parliaments of the respective countries of study.

Nigeria, for example, is known to have withdrawn three times (2013; 2015; and 2016) from the floor of the Senate legislative bills arbitrarily put together to crackdown on fake news circulations through social media (Okon, 2014; Opusunju, 2018). These withdrawals followed on tsunamis of backlashes from different civil society groups that condemned the contents of the bills as being pro-political class and as meant to negate the constitutional freedom of expression of Nigerians. But with the increasing concern of President Mohammadu Buhari's administration about the negative impact of fake news circulation on his government and the political chaos an unregulated social media space has caused, the Senate came up again in 2019 with new re-regulation initiative (Opusunju, 2018; Tarpael, 2018; Abubakar, 2018). The processing of this new regulatory effort, it is argued, should not follow the usual top-bottom procedure known to the Nigerian government. The success of this new effort would depend extensively on how well government is able to partner with other stakeholders in the country, particularly the media and the dominant civil society groups.

Obj. 3: The way forward where the regulatory initiatives have failed to adequately control fake news circulation

Respondents from Nigeria and Sierra Leone maintain that technology alone cannot address the challenges of fake news circulation or even cyber-attacks in Anglophone West Africa. To counter this

menace and their attendant dangers, government agencies responsible for regulating the appropriation of ICTs and working to combat fake news distributions would need to combine technology with media literacy; statutory regulation and self-regulation in order to achieve success (cf. Endert, 2018). While media literacy would work well at the personal level, statutory regulation or re-regulation would work well at the national and regional levels. Self-regulation for effective risk management through fact-checking and verification as well as the exercise of responsible citizenship in information processing and sharing would work better at the personal and institutional levels. The application of technology in the form of software or otherwise would be effective across all levels in managing the spread of fabricated stories.

Additionally, while the respondent from Nigeria suggests the introduction of functional public emergency team to manage any national security threats that fake news circulation would have introduced into the African social systems, others from Sierra Leone note that if fake news regulation must be effective in the region, the larger social, political, economic and technological contexts that provide the necessary environments for their emergence and circulation should be carefully considered, analyzed and logically factored into regulatory debates and decisions. Endert's (2018) research report in relation to Ghana also indicates a strong view that the problem with fake news circulation through the internet should first be resolved offline through engagements with influential circumstances before seeking solutions for their online manifestations.

This last position on macro circumstances aligns well with the position of Lewandowsky *et al.,* (2017) in relation to Western Europe. For the authors, scientific research into the practice of misinformation meant to guide policy formulations should be driven and guided by a consideration of the mega trends in the society which can provide contexts to justify regulations. According to the authors, the post-truth world emerged as a result of larger societal factors such as decline in social capital, economic inequality, increased political polarization, declining trust in science and an increasingly fractured media landscape that further heighten units of communication interests in a society.

Seen, therefore, from the point of view of respondents' comments and of Lewandowsky el al. (2017), this paper suggests that in order for the procedures for the control of fake news circulation to be effective, debates and policy responses to check against the menace in the Anglophone West Africa must involve critical engagements with the mega social, political, economic and technological trends that characterize the region in the form of background information, so as to help audiences better understand what impacts on the continuing practice of misinformation processing in the African region.

CONCLUSION

This paper set out to establish the relationship between fake news processing and its regulatory management through diversity of cyber policy arrangements in Ghana, Nigeria and Sierra Leone. Fake news, which is the circulation of false information online, has two distinctive but interrelated dimensions – misinformation and disinformation. Again, the universe of fake news debates in Anglophone West Africa is simply much larger than the question of false news processing. It touches, too, on the issues of defamation with consequences for personal, institutional or national security.

The recent proliferation of social media has, indeed, made the issue of fake news regulation or re-regulation very crucial to the governments of the three countries. There is, however, little national cyber policy mechanisms with extended regulatory protocols meant to cater for the control of fake news circulations across the three countries. Even the few regional and continental declarations on xenophobia and hate speeches put in place by ECOWAS and AU, respectively, are very limited in scope in relation to anti-fake news protocols. The national conventional rules now available and meant for modern mainstream media contain only small units that relate to online media contents. These conventional rules offer, in the main, principles of "apology" and the "right to reply" as punitive measures for the peddlers of false information.

The glamour for more stringent rules, it is argued, is partly because these available punitive principles are seen by the political class as weak and insufficient to control abuses in the use of online media. Though the principle of the "right to reply" and even the more "stringent rules" desire may be necessary in certain circumstances, this paper argues that these principles are not in themselves sufficient. The rules need to be revisited by the online media regulators of the three countries to see how best they could be applied to online media.

Secondly, sustaining a balance between citizens' right to free speech and government's duty to regulate the online media platforms should always be kept in view in any re-regulation attempts in relation to the use of social media in Africa. Social media and other ICT-based communication devices, it is argued, should not be seen by the African governments as our foes. In many ways they are our friends (Thierer, 2010). They have afforded us communication and empowerment opportunities that never existed before. While it is necessary to regulate their usages (Draft and Lengel 1986; Thierer, 2010), the risk of destroying their openness and positive benefits should be avoided.

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*Corresponding Author: Patrick E. Okon

Again, there are a number of missing regulatory gaps identified in relation to the conventional regulatory policy arrangements of the three countries. These include lack of cyber rules with extended anti-fake news protocols, weak punitive measures that gives rise to the recent glamour for stronger punitive measures against fake news making offenders, and lack of logistics to enforce the existing conventional laws. Others are inability of governments to partner more effectively with their distinctive civil society groups to upgrade the existing laws, as well as lack of background information that reflects the mega social, political, economic and technological trends that provide ferments for the growth in fake news circulation in the African region. In view of the identified missing gaps in the regulatory efforts of the governments of the three countries, the following recommendations are proposed for a better regulatory management of fake news circulation in the African region:

- African governments should, as a matter of urgency, review their tendency to have a tight grip on social media in the same way that they regulate their traditional modern mass media, as the two media forms do not work in exactly the same fashion, as well as their penchant to suppress critical voices through the circulation of disinformation

- The continuing crisis of trust between national governments and civil society groups in Africa is a serious impediment against effective fake news regulation. This crisis of trust could be improved upon if African governments could work more assiduously to better the democratic frameworks for the formation of anti-fake news or any other social media regulatory initiatives in the region.

- A combination of different regulatory models is needed and should be pursued for greater positive effects in the management of fake news circulation in Africa. While statutory regulation is the standing order, self-regulation and the exercise of responsible citizenship is also absolutely important. While the employment of fact-checking has now become the in-thing in relation to online communication, the importance of media literacy and the "right of reply" should not be understated. The use of the rule of "right of reply" should, however, be revisited to reassess its applicability to online communication in Africa.

- Fake news regulatory management should not end only at the conventional regulatory level. It should also be factored into the cyber policy arrangements of each legislative country. An anti-fake news cyber regulatory framework that is comprehensive with expanded action plans than what are already offered in the few existing regional or continental declarations on hate speeches and xenophobia should be constituted by ECOWAS or AU. Such a comprehensive transnational regulatory framework could assist national governments better design and implement their distinctive national cyber regulatory protocols to offer guidelines for battling fake news circulation within their national territories, as well as provide a nexus between principles for online media and conventional media regulations in Africa.

- Misinformation should no longer be considered solely as a failure of an individual's identity-induced behavior that can be corrected with simple apology. The problem should be seen as a dubious inclination influenced by other mega socio-political and economic factors and which correction would require the re-evaluation and reworking of those extraneous mega elements so as to effectively control their unseen influences on people's fake news making behaviour. The analyses and introduction into national policy statements of the larger contexts that provide the environments for ferment in fake news processing is necessary, to help ordinary citizens understand the background to the problem as well as appreciate why the regulation of fake news at the national level is important.

REFERENCES

1. Adavize, D. (2018). *Social media, fake news and 2019 elections* [online]. Retrieved from https://www.thecable.ng/
2. Abubakar, I. (2018). *Nigerian Senators Push for a Law to Regulate Social Media Activities* [online]. Retrieved from https://wwwtechnext.ng
3. African Union (2014). *African Union Convention on Cyber Security and Personal Data Protection (The Convention)* [online]. Retrieved from https://au.int/en/treaties
4. Article 45 of the African Charter on Human and Peoples' Rights (1981, Banjul). *Declaration of Principles on Freedom of Expression and Access to Information in Africa* [online]. retrieved from https://www.achpr.org
5. Aldwairi, M., & Alwahedi, A. (2018). Detecting fake news in social media networks. *Procedia Computer Science*, *141*, 215-222.
6. Allcott, H., & Gentzkow, M. (2017). Social media and fake news in the 2016 election. *Journal of economic perspectives*, *31*(2), 211-36.
7. Atodiresei, C. S., Tănăselea, A., & Iftene, A. (2018). Identifying fake news and fake users on Twitter. *Procedia Computer Science*, *126*, 451-461.

8. Awal, M. (2018). *Ghana considering new law to crack down on fake news* [online]. Retrieved from https://www.africafeeds.com/

9. BBC News (13 April 2018). Russia says Syrian 'chemical attack' was staged [online]. *BBC News*. Retrieved from https://www.bbc.com//news/world-middle-east-43747922

10. Brennen, B. (2017). Making sense of lies, deceptive propaganda, and fake news. *Journal of Media Ethics*, *32*(3), 179-181.

11. Cohen, D. (2019). *Facebook's Political Advertising Rules Are Coming to More Countries in 2019* [online] Retrieved from https://www.msn.com

12. Dennis, A. R., & Kinney, S. T. (1998). Testing media richness theory in the new media: The effects of cues, feedback, and task equivocality. *Information systems research*, *9*(3), 256-274.

13. Dennis, A. R. & Valacich, J. S. (1999). Rethinking media richness: towards a theory of media synchronicity", *Proceedings of the 32nd Annual Hawaii International Conference on Systems Sciences*. 1999, HICSS-32 [online] Retrieved from IEEE Xplore.

14. Dinki, T. (2019). Presentation by St. Bonaventure University journalism dean tries to make sense of 'fake news'. *Olean Times Herald* [online]. Retrieved from www.oleantimesherald.com/news/

15. Daft, R. L., & Lengel, R. H. (1986). Organizational information requirements, media richness and structural design. *Management science*, *32*(5), 554-571.

16. Endert, J. (2018). *Digital backlash threatens media freedom in Ghana*. *Afrobarometer* [online]. Retrieved from https://www.dw.com/en/a-46602904

17. Farkas, J., & Schou, J. (2018). Fake news as a floating signifier: Hegemony, antagonism and the politics of falsehood. *Javnost-The Public*, *25*(3), 298-314.

18. Figueira, Á., & Oliveira, L. (2017). The current state of fake news: challenges and opportunities. *Procedia Computer Science*, *121*, 817-825.

19. Frej, W. (2018). *Trump Named the World's No. 1 Oppressor of Press Freedom* [online]. Retrieved from www.huffingtonpost.com

20. Gambarato, R. R., & Alzamora, G. C. (2018). *Exploring Transmedia Journalism in the Digital Age*,. Hershey: IGI Global

21. Hassan, N. H. (2019). *Anti-fake news Act 2018: A Comparative Impact of the Act, deterrence or rehabilitation approach*?[online]. Retrieved from https://www.malaymail.com/news/what-you-think/2019/02/20/

22. Holan, A. D. (2017). *The media's definition of fake news vs Donald Trump's* [online]. Retrieved from www.politifact.com/truth-o-meter/article

23. Hulin, A., & Stone, M. (Eds.) (2013). *The Online Media Self-Regulation Guidebook*, Vienna, Austria: OSCE

24. Independent Media Commission of Sierra Leone (2007). *Media Code of Practice* [online]. Retrieved from http://mic.gov.sl/Portals/0/IMCCodes.pdf

25. Information Service Department (2019). *GJA Launches Revised Code of Ethics* [online]. Retrieved from http://ghana.gov.gh/index.php/media-center/news/3563

26. Ireton, C., & Posetti, J. (Eds.) (2018). *Journalism, 'Fake News' & Disinformation: Handbook for Journalism Education and Training*. Paris, France: UNESCO.

27. Ishii, K., Lyons, M. M., & Carr, S. A. (2019). Revisiting media richness theory for today and future. *Human Behavior and Emerging Technologies*, *1*(2), 124-131.

28. Jin, F., Wang, W., Zhao, L., Dougherty, E., Cao, Y., Lu, C. & Ramakrishnan, N. (2014). Misinformation Propagation in the Age of Twitter. *IEEE Computer Society* [online]. Retrieved from http://ComputingNow.computer.org.

29. Kalsnes, B. (2018). Fake news". In *Oxford Encyclopedia of Communication*, Oxford Research Encyclopedias [online] Retrieved from oxfordre.com/communication/view/10.1093/

30. Kanoh, H. (2018). Why do people believe in fake news over the Internet? An understanding from the perspective of existence of the habit of eating and drinking. *Procedia Computer Science*, *126*, 1704-1709.

31. Krenn, S. (2018). *The Spread of Quality Information in the Era of Fake News* [online]. Retrieved from www.globalhealthnow.org

32. Kuruvilla, C. (2018). Pope Francis Condemns Spread of Fake News as Evil [online]. Retrieved from www.huffingtonpost.com

33. Kwami, A. (2018). *Fighting disinformation* [online]. Retrieved from https://www.dandc.eu/en/article/safeguard-election-violence-africa-ghanaian-ngo-fights-disinformation-spread-social-media

34. Lavorgna, L., De Stefano, M., Sparaco, M., Moccia, M., Abbadessa, G., Montella, P., ... & Bonavita, S. (2018). Fake news, influencers and health-related professional participation on the Web: A pilot study on a social-network of people with Multiple Sclerosis. *Multiple sclerosis and related disorders*, *25*, 175-178.

35. Lewandowsky, S., Ecker, U. K., & Cook, J. (2017). Beyond misinformation:

Understanding and coping with the "post-truth" era. *Journal of applied research in memory and cognition*, 6(4), 353-369.

36. Li, L. (2013). Technology designed to combat fakes in the global supply chain. *Business Horizons*, 56(2), 167-177.

37. McFarlane, J. (2018). *How fake medical news is seriously damaging our health* [online]. Retrieved from https://www.dailymail.co.uk/health/article-6424819

38. Morgan, D. L. (2014). *Integrating Qualitative and Quantitative Methods: A Pragmatic Approach*. Los Angeles: SAGE

39. Mosbergen, D. (2018). *French President Emmanuel Macron Vows to Ban 'Fake News'* [online]. Retrieved from www.huffingtonpost.com

40. Napio, J. (2018). *New study finds majority support for media self-regulation in Uganda* [online]. Retrieved from https://acme-ug.org/2018/05/04/study-finds-majority-support../

41. National Broadcasting Commission [NBC] (2010). *Nigeria Broadcasting Code* (5TH Ed.). Abuja-Nigeria: NBC

42. National Endowment for Democracy [NED] (2018). *Issue Brief: How disinformation impacts politics and publics* [online]. Retrieved from https://www.ned.org/

43. News Agency of Nigeria (NAN) (2019). *Osinbajo Calls for Regulation of Social Media* [online]. Retrieved from https://www.pulse.ng/news/local

44. Nwanze, L. (2019). *Tackling Fake News: The Case of Nigeria* [online]. Retrieved from www.ispionline.it

45. Obi, N. (2019). *Law and fake news in Nigeria* [online]. Retrieved from https://guardian.ng/features/

46. Ofosu-Peasah, G., & Ahiabenu, K., (2018). *Media Perspectives on Fake News in Ghana* [online]. Retrieved from https://www.researchgate.net/publication/326901780

47. Okon, P. E. (2014). *Changes in Media Policy in Sub-Saharan Africa: The Role of Community Media* (Ph.D Thesis). Edinburgh: Edinburgh Napier University

48. Oluwole, J. (2018). *Platform to check fake news launched in Nigeria* [online]. Retrieved from https://www.premiumtimesng.com/news/top-news/298087

49. Opusunju, O. (2018). *Bill to Regulate Social Media Use by Nigerians Passes First Reading* [online]. Retrieved from https://www.itedgenews.ng

50. Otumu, G. E. (2018). *Using Cyber Security to Expose Fake News, Stop Hackers Through Investigative Journalism*. Nigeria: Naija Standard Newspaper

51. Peters, M. A. (2017). Post-truth and fake news. *Educational Philosophy and Theory, 49*(6), 567-577

52. Posetti, J. (2018). Combating online abuse: when journalists and their sources are targeted. In C. Ireton & J. Posetti (Eds.), *Journalism, 'Fake News' & Disinformation: Handbook for Journalism Education and Training*. France: Unesco

53. Puppis, M. (2010). Media Governance: A New Concept for the Analysis of Media Policy and Regulation. *Communication, Culture & Critique, 3*(20), 134-149

54. Raj, S. J. (2017). Obnoxious Mediations of Fake News. In *Media Watch, 8*(2) DOI:10.15655/mw/2017/v8i2/49143

55. Reid, J. (2012). *Press freedom in South Africa – why self-regulation is best* [online]. Retrieved from www.dailymaverick.co.za/opinionista/2012-01-26/

56. Sarmah, S. (2014). *Fighting the Endless Spread of Ebola Misinformation on Social Media* [online]. Retrieved from https://www.fastcompany.com/3034380/

57. Schlesinger, R. (2017). *The Maestros of Fake News* [online]. Retrieved from www.usnews.com/opinion/

58. Sowa, F. (2016). The Evolution of Media Laws and Regulations in Sierra Leone: Impact on Media Growth and Development. *Journal of Communication and Media Research*, 8(1), 141-158

59. Szoka, B. & Marcus, A. (Eds.) (2010). Introduction. *The Next Digital Decade: Essays on the Future of the Internet*, Washinton DC: TechFreedom.

60. Tandoc, E. Jr., Lim, Z. W., & Ling, R. (2018). Defining "Fake News": A typology of scholarly definitions. *Digital Journalism, 6*(2),137-153

61. Tarpael, F. (2018). *Senate Mulls Law to Regulate Social Media* [online]. Retrieved from https://www.guardian.ng

62. The Internet Society (2017). *Internet Infrastructure Security Guidelines for Africa* [online]. Retrieved from https://www.internetsociety.org

63. The Nigerian Press Council (1998). *Code of Ethics for Nigerian Journalists* [online]. Retrieved from www.presscouncil.gov.ng/.

64. Thierer, A. (2010). The Case for Internet Optimism, Part 1: Saving the Net from Its Detractors. In Szoka, B. & Marcus, A. (Eds.), *The Next Digital Decade: Essays on the Future of the Internet* (pp-57-87). Washington DC: TechFreedom.