EUROPEAN POLICY CENTRE

APRIL 2019
ISSUE 24

CHALLENGE EUROPE

Yes, we should!

EU priorities for 2019-2024

Dimitar Bechev
Larissa Brunner
Paul Butcher
Christian Calliess
Poul Skytte Christoffersen
Marie De Somer
Claire Dhéret
Andrew Duff
Janis A. Emmanouilidis
Giovanni Grevi
Annika Hedberg
Stefan Heumann
Paul Ivan
Marko Kmezić
Srdjan Majstorović
Julia Okatz
George Pagoulatos
Gunter Pauli
Marta Pilati
Martin Porter
Janez Potočnik
Julian Rappold
Jamie Shea
Corina Stratulat
Evangelia (Lilian) Tsourdi
Herman Van Rompuy
Fabian Zuleeg
YES Lab

Protecting democracy in the EU: Tackling the disinformation problem

Stefan Heumann – *Co-Director, Stiftung Neue Verantwortung*

MAIN RECOMMENDATION ► The EU member states should develop hard and clear rules and update their legal frameworks against disinformation.

WHAT TO DO:

- ► Draft clear rules for social media platforms.
  - Develop a framework that governs the access to data for research.
  - Set firm requirements for transparency in political advertisements.
  - Make companies disclose how they adjust algorithms to prioritise quality information and journalism.
  - Set up mechanisms for more information sharing between platforms and authorities.
- ► Hold political parties and campaigns accountable.

8

Disinformation threatens the core of our democracy

Disinformation undermines the foundation of our democracy. Democracy is based on public deliberation. Public discourse enables us to find the best solutions for important social and economic problems, and is essential to build popular support for policy proposals. This is particularly important during election campaigns, when political candidates seek to make their case directly to the citizens and compete for their vote. The European Parliament (EP) elections and the (s)election of a new European Union (EU) leadership for the next politico-institutional cycle are therefore a crucial test for the strength of European public discourse.

The core of our liberal democracy – the competition for political power through elections – can only work if facts about the candidates and their political programmes are not distorted or misrepresented.

Democracy is all about competition between ideas and for voters' political support. But this competition can only work if some ground rules are observed. The most important one is that public debate must be rooted in facts. This is particularly crucial when we confront highly controversial and polarising issues such as the euro or refugee crises. If we do not get our facts straight, there is no chance that we can constructively debate these issues and argue over the best solutions and approaches.

Even more, the core of our liberal democracy – the competition for political power through elections – can only work if facts about the candidates and their political programmes are not distorted or misrepresented. This is why disinformation campaigns – the dissemination of false information with the intention to mislead – are such an essential threat to our democracy. Disinformation undermines public discourse, fair electoral competition, and, on a more basic level, citizens' trust in our democratic institutions.

Given that the problem affects all member states, we need an EU-wide response.

Amplification by domestic actors is what makes disinformation campaigns really effective and impactful.

To better understand the threat landscape and vulnerabilities across its member states, the EU should develop and implement a 'Disinformation Index'.

Disinformation in the context of new digital communication technologies

Disinformation has always been a challenge for democracies. But due to the rise of new technologies, the scale of the problem has become unprecedented. Over the past decades, traditional media's gatekeeping function regarding the publication and dissemination of news and information has been dramatically eroded. The worldwide web has given anyone who can use a computer the ability to publish information. Social media provide alternative channels for the distribution of news and information on a massive scale, bypassing traditional media organisations.

At the same time, many news organisations have struggled to make a successful transition to digital media. Newspapers and media organisations have been downsized, and many have gone out of business altogether. Quality journalism, with its emphasis on thorough and independent fact-checking, is in decline, while the opponents of fact-based democratic discourses, whether domestic or foreign, are making ever-

bolder attempts to dominate and distort the new media environment. Digital and social media provide them with cheap and widely accessible tools to develop and launch disinformation campaigns with an unparalleled reach.

Important first steps, but much more needs to be done

Disinformation's threat to our democracy is serious and very real. Just within the last two years we have seen numerous examples of its disastrous impact. The spread of disinformation in the context of the Brexit referendum in June 2016 is only the tip of the iceberg. Since the broader public became aware of the problem during the 2016 presidential election in the US, disinformation has played a role in every subsequent election and political crisis in Europe. Given that the problem affects all member states, we need an EU-wide response. This is especially the case for the regulatory elements affecting the large online platforms discussed further below. Otherwise, we risk further regulatory fragmentation undermining the concept of the European digital single market or – even worse – lacking the political muscle to effectively enact the rules at all.

European institutions have realised the gravity of the threat. The European External Action Service (EEAS) has set up a strategic communications unit to detect, analyse and expose Russian disinformation campaigns targeting the EU, and particularly its eastern member states. The European Parliament has conducted hearings and commissioned expert reports. In December 2018, the EU Commission took on a leadership role with the publication of the comprehensive action plan against disinformation, which is supposed to guard the integrity of the EP elections in May 2019. While the plan contains some important first steps, such as more resources for detection and analysis, a code of practice on disinformation for major Internet platforms, and the setup of a Rapid Alert System to improve information sharing and coordination between the EU and its member states, the next Commission needs to step up its game. These are the top priorities that the new Commission together with the European Council and the new EU leadership in general should address in the next institutional cycle (2019-2024):

Broadening the scope of the action plan

The production and distribution mechanisms of disinformation are highly complex. Some disinformation is pushed by foreign actors. But as Stiftung Neue Verantwortung has shown in its research on the spread of disinformation in the context of the German national elections in 2017, amplification by domestic actors is what makes disinformation campaigns really effective and impactful.[1] A lot of fake news

also originates within member states, and the spreading of disinformation is a central component of a deliberate strategy by right-wing populists such as the Alternative for Germany (AfD) to mobilise support and push their political agenda.[2]

Effective disinformation campaigns are also crafted to appeal to local context. They take advantage of social and cultural divisions within society and generally seek to polarise society even further. Disinformation campaigns are particularly effective where trust in established quality media has been eroding, and they particularly appeal to those parts of the population who have turned to social media as their main source of political information. To craft effective policy responses, we need a much more comprehensive approach at the EU level than the current focus on identifying and countering foreign, and particularly Russian, disinformation within the context of the EEAS. EU institutions should also look at how they can promote media literacy and quality journalism, as well as the development of new analytical tools, a deeper understanding of what makes societies resilient against disinformation, and clearer rules for social media companies and political campaigns.

An EU Disinformation Index

A more comprehensive EU-wide approach needs to be based on a thorough understanding of the causes and mechanisms that drive disinformation campaigns. The Action Plan already emphasises research and the development of tools for the detection, analysis and subsequent exposure of disinformation. But as described above, broader social, economic, and political factors determine how vulnerable EU member states are to disinformation.

To better understand the threat landscape and vulnerabilities across its member states, the EU should develop and implement a 'Disinformation Index'. The index would be based on indicators that seek to measure member states' resilience against disinformation. Factors and conditions mapped by the index across the EU should include:

- Media markets: media consumption patterns, particularly the role of online and social media; audience size of different media channels; public trust in different media channels.
- Political system: number of political parties, stability / volatility of recent governments, measures of inter-party cooperation / polarisation, public trust in government institutions.
- Socio-economic conditions: economic inequality levels and trends, social mobility, cultural diversity / polarisation, migration patterns.
- Geo-strategic context: foreign[3] ownership of media outlets, the reach of foreign media channels, past exposure to foreign influence campaigns.

The Disinformation Index would provide an overview of the vulnerabilities and resilience of EU member states regarding disinformation campaigns. This index could serve many purposes, including inter alia the following more specific tasks and objectives:

- Research into strengths and weaknesses: based on findings from the index, the Commission could propose a research

programme that looks at these factors in more depth and investigates their potential for strengthening the resilience of democratic societies and institutions against disinformation.

► Provide input for regulatory responses: the Index could also inform member state policymaking with respect to risk assessment, vulnerability management, and ultimately market regulations on the EU level that seek to steer the power of technology back towards democratic outcomes.

► Inform the public: the index will further help to increase awareness in government and the broader public about the disinformation problem and what factors are linked to it.

► Raise awareness about neglected aspects of the disinformation problem: the current debate is too narrowly focused on foreign influence campaigns and technological aspects, such as the role of bots. The index would perhaps kick-start a much needed, broader debate about the social, economic and political criteria and factors that are important for making member states and the EU as a whole more resilient against disinformation campaigns.

It is not only social media companies that must be held accountable, but also political parties and campaigns.

We need to integrate domestic forces behind the production and spread of disinformation as well as institutions that counter the effectiveness of disinformation into our research and analysis.

8

From voluntary code to hard rules

The European Commission has recognised the importance that large Internet platforms play as an infrastructure for the distribution of disinformation. In order to push the private sector to step up its efforts, a Code of Practice on Disinformation was developed and published in September 2018. The Code is an important first step, the implementation of which must be closely monitored. But it cannot substitute the need for the EU member states to develop hard and clear rules and update their legal frameworks accordingly.

Across the EU, member states have failed to update their legal frameworks regarding political campaigns to account for online campaigning and social media. It is not only social media companies that must be held accountable, but also political parties and campaigns. Political parties and political campaigns should not only publish how much money they spend on social media campaigns, but also disclose their messages and targeting parameters. In general, member states need to review their campaign regulations, identify gaps given

the rapid technological changes and new practices, and adjust their legal frameworks accordingly. The EU should help its member states to meet this challenge through dialogues on sharing best practices and developing basic standards for how such regulation should be integrated in its rule of law framework.

At the same time, we need clear rules for the social media platforms.[4] A voluntary code will not be sufficient. We are already confronted with a situation whereby different companies are taking very different measures to address the problem. Rather than having the member states take the initiative, leading to further fragmentation of rules and requirements, the Commission should foster the development of EU-wide rules for online platforms to counter disinformation. The Code of Practice and the evaluation of its implementation will serve as a strong foundation for these efforts. The following issues should receive particular attention:

► The EU should develop a framework that governs the access to data for research. It should spell out what kind of data must be made available and under what kind of circumstances and restrictions it can be used. This framework needs to balance the public's interest in more transparency with data protection regulation and the legitimate business interests of the platforms. Rather than closing access altogether, the framework should clearly spell out usage restrictions (for example restricting the use of the data to publicly-funded research on disinformation and other issues affecting fundamental rights) and their enforcement;

► Besides rules for parties and political campaigns as mentioned above, the EU should also set firm requirements for transparency in political advertisements and their targeting parameters on online platforms.

► Companies should also be required to disclose how they adjust their algorithms to prioritise quality information and journalism over unverified information and disinformation. This includes disclosing how they determine the reputation and trustworthiness of news sources.

► New mechanisms for more information sharing between the platforms and public authorities also need to be explored. The EU should, for example, study how regulatory cyber-security frameworks could be applied to the disinformation problem.[5]

Conclusion: A comprehensive programme to strengthen the EU against disinformation

There are no silver bullets or quick fixes to solve the disinformation problem. Instead, a holistic approach with a comprehensive strategy and a wide range of measures is needed.

Important first steps have been taken with the Action Plan. But its scope must be broadened. As part of the EU Disinformation Index, we need to integrate domestic forces behind the production and spread of disinformation as well as institutions that counter the effectiveness of disinformation into our research and analysis. This will put EU institutions in a position to further develop their understanding of what makes democracies resilient against disinformation and develop policies accordingly.

The new Commission also needs to move from voluntary codes to real accountability. Instead of leaving it to social media companies or political parties to decide what is acceptable democratic practice and what is not, we need a strong legal framework for the protection of the integrity of our elections.

This legal framework must address two dimensions. First, what are the rules for online campaigning in politics? Second, what are the obligations of online platforms regarding transparency of political advertisements, exposure to disinformation, and the protection of free speech, as well as the health of our democratic debates? This is no easy task. But given what is at stake for democracy in Europe, the new leadership of the EU institutions will have little choice but to take on this challenge.

8

1. Sängerlaub, Alexander, Meier, Miriam and Rühl, Wolf-Dieter (2018), "Fakten Statt Fakes. Verursacher Verbreitungswege und Wirkungen von Fake News", Berlin: Stiftung Neue Verantwortung.
2. Scott, Mark, "Far-right German voters more likely to believe fake news study says", *POLITICO*, 21 October 2017.
3. Defined here as non-EU.
4. Mozilla has publicly criticized Facebook for not living up to the spirit of the Code of Practice.
5. See in previous blog:"Why Social Media Platforms Should Be Treated as Critical Infrastructures", European Political Strategy Centre.