

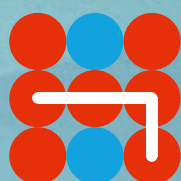
Hybrid CoE Paper 1

NOVEMBER 2019

Countering disinformation: News media and legal resilience

24-25 APRIL 2019

Workshop organized by the Hybrid CoE and the
Media Pool, part of the Finnish Emergency Supply
Organization



Hybrid CoE

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Countering Disinformation: News Media and Legal Resilience workshop

Organized by the European Centre of Excellence and the Media Pool, part of the Finnish Emergency Supply Organization in Helsinki on 24–25 April 2019

COI Records are documents, which summarise the main points and findings of a workshop, seminar, training or a scenario-based discussion.

The Hybrid Influence COI looks at how state and non-state actors conduct influence activities targeted at member states and institutions, as part of a hybrid campaign. The COI looks at how hostile actors use their influence tools in manners that attempt to sow instability or curtail the sovereignty of other nations and independence of institutions. The focus is on both the behaviours, activities, and tools that a hostile actor use, rather than focusing exclusively on one actor at the expense of others. The Hybrid Influence COI has a sub-COI called Non-state actors and looks how different terrorist groups, proxies and other non-state actor conduct influence. The sub COI is led by Sweden.

The Vulnerabilities and Resilience COI focuses on understanding member states' and institutions' vulnerabilities and improving their resilience by sharing best practices, developing new policy proposals and identifying topics to be studied further. The aim of the COI is also to improve public-private partnership in countering hybrid threats.

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Hybrid CoE is an international hub for practitioners and experts, building participating states' and institutions' capabilities and enhancing EU-NATO cooperation in countering hybrid threats located in Helsinki, Finland.

Media Pool is a network of Finnish media companies at the Finnish National Emergency Supply Organization. The aim of the pool is to strengthen news media resilience and safeguard media activity in Finland in all circumstances. Media Pool operates administratively in connection with the national media federation Finnmedia.

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Introduction

On 24–25 April 2019, the European Centre of Excellence for Countering Hybrid Threats (Hybrid CoE) together with the Finnish Media Pool (part of the Finnish Emergency Supply Organization) hosted a News Media and Legal Resilience workshop.

The workshop was the first of its kind to bring together journalists, lawyers, policy practitioners and social media platforms at an international level from 13 Hybrid CoE member states, as well as from the EU and NATO to discuss how to safeguard the freedom of the press and, by implication, our democratic values. Another objective was to find ways to support journalism in producing and delivering reliable information to audiences in any circumstances.

A further aim of the workshop was to discuss media resilience, as well as how to respond to disinformation and hybrid threats targeted at liberal democracies and free journalistic media. The main goal was to develop concrete policy recommendations centred on current policy challenges to counter disinformation.

The workshop covered the following themes:

- Hybrid threats – hostile actors exploiting democratic states’ vulnerabilities
- Attacks on traditional media and journalists, and exploitation of freedom of speech for disinformation purposes
- Tackling hostile influence operations as democratic nations and free media

- Social media platforms and the role of algorithms: how governments, journalists and social media platforms can counter hostile influence
- Case studies
 - Notre Dame fire
 - Yellow Vests in France
 - Source protection
- Best practices shared
 - Reporters Without Borders: Trust Initiative and World Press Freedom index
 - Importance of the news media’s self-regulation
 - Media as a part of Emergency Supply Organization
 - How to widen the responsibility of social media influencers to fact-check information they deliver to followers
- On the second day, participants worked in small groups in order to delve into legal issues more deeply.

The present report provides an outline of the discussions, covering the main parts of the debate and recommendations developed during the workshop.

We are very grateful to everyone who contributed to and participated in the workshop. Special thanks go to commentator Jarmo Mäkelä, moderators Kaius Niemi and Joe Lynam, and all of the speakers during the two days.

Executive summary

Media freedom and journalistic news media as an institution are the first targets when hostile actors try to undermine democracy and freedom of speech. In addition to journalists, the work of authorities, government officials, and researchers is also hampered. Today, independent and fact-based news reporting is in danger, and the existence of the journalistic media is threatened, not only by authoritarian governments but also by other hostile actors (domestic and foreign). Journalists and media organizations are under attack, for example by hate speech, disinformation, deep fakes, and doxing, in order to disrupt journalistic processes and sabotage media companies' operations. Furthermore, the media sector has faced economic challenges due to global digitalization, which has changed the sector's revenue model and media consumption.

A major issue is the legal status of the content-sharing platforms of global social media companies (henceforth social media platforms), as well as the transparency of the algorithms they use. As present-day gatekeepers of the daily news agenda, social media platforms control public discourse and political information and curate the content delivered by using non-transparent algorithms. These algorithms cannot be considered neutral because social media platforms' business goals as well as designers' political choices, biases and cultural values are baked into them. All of this is accomplished without any transparency, journalistic decision-making or values, and accountability to society and audiences. Due to the tighter regulation of the journalistic news media, competition and operational conditions are not equal between the news media and social media platforms.

Journalistic news media as an institution has a key role in supporting democratic processes by maintaining reliable information and open public debate, and by enhancing public awareness of key societal issues and political decisions

affecting societies and citizens. In normal times and in emergency situations, it serves the public good by seeking accurate facts, thoroughly checked, and reporting them to its audience, and by being a reliable and transparent source of verified and fact-based information. As trustworthy information is a vital commodity, citizens' access to credible information must be secured in all circumstances. The journalistic news media follow journalistic principles and ethical codes carefully when determining and publishing media content.

Although the EU has put a great deal of effort into fighting against disinformation, it has not utilized the capacity of the journalistic media in tackling fakes, for example by providing financial or other resources to strengthen the media resilience. Information resilience and the resilience of the journalistic news media are an essential part of the overall resilience of society. Hence, the EU as an institution and all member states are now invited to take part in improving regulation in order to help defend freedom of expression and liberal democracy.

The April 2019 workshop recommends that the EU considers actions to:

1. Define the legal status of social media platforms.
2. Improve the transparency of algorithms operated by social media platforms.
3. Explore whether harmonization of regulation could strengthen freedom of expression in the EU member states.
4. Support EU member states to use more effective existing legal tools to tackle hostile activities against the media, and provide law enforcement.

5. Provide financial support, either via the EU or member states, for the news media's self-regulation, guaranteeing at the same time the integrity of the media's self-regulative organizations.

6. Support EU member states in setting up a national legal fund providing professional journalists with insurance covering possible legal costs incurred by hostile actions against journalists.

Hybrid threats and disinformation undermining liberal democracies¹

Freedom of speech and freedom of the media are at the core of liberal democracies. In recent years, these democratic rights have been attacked and challenged by hostile domestic and foreign actors. Defamation, harassment and doxing, and spreading disinformation² hamper the work of journalists and authorities, government officials, researchers and experts. The aim of these information influencing³ activities is to undermine democratic states via exploitation of the openness of their societies.

Open democratic societies are vulnerable to internal and external interference that takes advantage of the very characteristics that define these societies, such as freedom of expression, freedom of the media, a free market, and the rule of law. Democratic societies normally act “by the book” and follow transparent and predictable processes. A well-functioning democracy with a free media sphere builds on trust and a high level of confidence between different actors in society. A commitment to rule of law principles opens the door for hostile actors to exploit legislation to their advantage. Freedom of speech provides easy access for foreign actors to interfere in the public democratic debate. Democratic states need to tackle this threat without jeopardizing the values and freedoms upon which their societies are based.

Information influencing can pose a threat to national security if it leads to erosion of trust, to confusion, and to increased polarization between different minorities or groups in society.

The evolution of available tools increases the outreach and effectiveness of hybrid threats towards achieving a number of very strategic and overarching objectives, such as undermining public trust in institutions of democracy and challenging the core values of society, gaining geopolitical influence and power, and affecting the decision-making capability of countries. As a consequence, it is no surprise that hybrid threats belong to the sphere of serious and acute threats to the EU and its member states and are addressed as such by policymakers across Europe. If the interests and goals of the hostile actor are not achieved, the situation can escalate into hybrid warfare where the role of the military and of violence will increase significantly.

The aim of hostile actors is to confront the target state covertly, using a wedge strategy that seeks to undermine its internal cohesion. Such activities can include deniable cyber operations, circulating disinformation, financing anti-government groups, corrupting politicians or providing economic incentives.

1 Hybrid CoE characterizes **hybrid threats** as follows: 1) coordinated and synchronized action that deliberately targets democratic states' and institutions' systemic vulnerabilities (such as a free media) through a wide range of means; 2) the activities exploit the thresholds of detection and attribution; and 3) the aim of the activities is to influence different forms of decision-making at the local (regional), state, or institutional levels to favour and/or achieve the agent's strategic goals while undermining and/or hurting the target. Hybrid threats are methods and activities that are targeted towards the vulnerabilities of the opponent. They are as old as conflict and warfare, but are repackaged and empowered by new tools and technologies, and by targeting vulnerabilities in several domains in an unprecedented manner.

2 “Disinformation is the deliberate creation and dissemination of false and/or manipulated information that is intended to deceive and mislead audiences, either for the purposes of causing harm, or for political, personal or financial gain” (Government Communication Service, 2019).

3 “Information influence activities erode trust by sowing doubt and exploiting divisions. When foreign actors use influence techniques against a population it may represent a threat to national security” (Swedish Civil Contingencies Agency 2019).

The media as an institution has a key role in supporting democratic processes

As mentioned, freedom of speech and the principle of accurate and verified information are at the very core of liberal democracies. Here, the journalistic news media play a very important role, namely to seek and report accurate and verified facts to audiences and to provide citizens with meaningful information. The news media have an obligation to support democratic processes by maintaining reliable information and public debate and enhancing public awareness of key societal issues and political decisions affecting societies and citizens' lives.

The journalistic news media also play an important role by holding those in power to account in its role of a watchdog. They serve the public good by providing high-quality verified information and investigative reporting with relevant analysis and contextual data.

The obligation of the journalistic news media is to adhere to journalistic principles and ethical codes when deciding on media content. The application of these principles and codes in the public interest distinguishes journalism from other types of communication. The power to make editorial decisions lies with the editorial office and is never, under any circumstances, given away outside the editorial organization.

Under normal circumstances, as well as in crisis and emergency situations, the journalistic news media are a reliable and transparent source of verified and fact-based information. Citizens' access to credible information must be secured in all circumstances because reliable information is

a vital commodity. Hence, it is important to ensure the operational preconditions of the journalistic news media and their resilience against fake news and information harassment. At the same time, the news media's responsibility for making content-related decisions independently and based on the information itself should not be compromised.

One important topic is the protection of sources. Thus far, it has not been common practice to include protection of sources in the legislation at a constitutional level. During the workshop, Sweden was showcased as a country with strong protection and where source protection is enshrined in the constitution. It is against the law for anyone to ask a journalist to reveal an anonymous source. In Finland, protection of sources is generally understood to be an integral part of freedom of expression recognized in the constitution.

In early 2020, Reporters Without Borders (RSF) will publish the Journalism Trust Initiative⁴ (JTI) document in which indicators for trustworthy journalism are defined. The JTI focuses on the process or the "manufacturing" level of journalism, and includes criteria on transparency, professionalism and ethical conduct, which are considered essential best practices for media outlets to be trusted. In addition, an interactive online tool will be developed. Mr Christophe Deloire, Secretary General of RSF, sees the JTI as a "missing link between journalistic principles and methods on one side, and algorithms on the other".

4 Reporters Without Borders (2019).

Independent, fact-based news reporting in danger

The most fundamental question facing liberal democracies today is whether the independent news media will survive and in what format. The sector is undergoing a major transformation driven by global digitalization, which has changed the sector's revenue model and media consumption. Further, the resources available for journalistic work are diminishing. At the same time, more and more people are turning to social media to fulfil their information needs, which is not governed by journalistic processes with fact-checking, source validation, and so forth.

The news media's existence is threatened – not only by authoritarian governments and aggressive domestic players, but also by hostile foreign states and other actors. The World Press Freedom Index published annually by Reporters Without Borders shows that press freedom around the world is weakening and the situation is becoming bleaker. Censorship and partial censorship are more common than before. Attacks against journalists, especially females, have increased, the aim being to silence the person in question. The cycle of fear has expanded, and journalists are treated as scapegoats.

Hostile actors attack journalists and media organizations and deliver hate speech, disinformation, deep fakes and so forth, aiming to discredit the traditional media. The attacks have included online hate campaigns targeting individual reporters and lasting up to several years, with the aim of disrupting journalistic processes. In social media, exerting effective information harassment is cheap and easy. In several countries, perpetrators sponsored by foreign nations have also carried out data breaches in order to sabotage media companies'

operations.⁵ Disinformation and fake news have also been used in attacks against democratic systems, especially during the elections in France and the USA, for example. They also played a key role in the annexation of Crimea in 2014, as well as in the war in eastern Ukraine that started in the same year.

Free media are the first target when hostile domestic and foreign actors try to undermine democracy and freedom of speech. The virtues of liberal democracies are vulnerable to exploitation. They respect laws, human rights and equality, and allow views that challenge the prevailing democratic system.

Attacks on traditional media and exploitation of freedom of speech for disinformation purposes

Two examples of such national incidents were addressed in the workshop: the Notre Dame fire and the Yellow Vests movement. The Notre Dame fire was exploited by many hostile players. Conspiracy theories started to spread in social media only minutes after the fire broke out. For example, the far-right website Fdesouche.com (Native French) implied that Notre Dame had been set on fire maliciously and that it was an act of terrorism. Russian media channels sought to undermine public trust by developing fake stories and conspiracy theories. China orchestrated "spontaneous pro-empathy demonstrations" claiming that the French were guilty of causing the fire.⁶

Facebook groups played a key role in the birth and growth of the Yellow Vests movement, which was motivated among other things by rising fuel prices and a high cost of living. In the early stage of

⁵ Koskinen, T. (2018).

⁶ Global Times (2019).

its development, the French media didn't spot the movement because the Yellow Vests relied heavily on live videos that were shared in Facebook groups not actively followed by journalists, who were more used to Twitter.

The intensity and gravity of the situation surprised the media. [Avaaz](#),⁷ a global web movement, counted a total of 105 million pieces of fake news by 24 April. The news addressed policy-makers, the brutality of the police, uncontrolled immigration, racism and xenophobia. According to [EU vs Disinfo](#),⁸ Russia in particular exploited the protests to spread false narratives in German, Spanish, Dutch, Polish, Swedish and Italian. The Russian state-owned media channel RT sympathized with the Yellow Vests and some RT reporters attended demonstrations wearing black vests and "Fritz" helmets stating that Paris was a war zone.

Labelling the journalistic media as a corrupt, unreliable and expurgated actor, partnering with the government, was an attempt to weaken public confidence in the journalistic news media, as well as to silence journalism. The Yellow Vest case demonstrates how small web communities who claim to be independent journalists can replace mainstream media as a primary source of information. It also shows that the Yellow Vests' Facebook groups were likewise used as channels to spread disinformation or advance fake stories created by hostile actors. Both cases – the Notre Dame fire and the Yellow Vests – prove that media owned and financed by Russia or China can, for example, exploit the rights and freedoms of democratic societies to spread fake narratives and distort the public debate. Social media platforms provide fertile ground for coordinated and synchronized hostile propaganda and disinformation campaigns.

Harassment, threats and violence against journalists

The case of Jessikka Aro and the Kremlin trolls shows how individual journalists can be harassed and targeted by hate speech, doxing and disinformation, and how court rulings have no effect when trolls are in question. Jessikka Aro is an investigative journalist employed by the Finnish broadcasting company Yle. A harassment campaign against her began when she released the results of her initial investigation into the Kremlin troll factory in St. Petersburg in 2014. After publishing the results, her name appeared on Russian nationalist websites where she was mocked as a Western intelligence agent. She was also on the receiving end of a flood of anonymous abusive messages on social media, and was called a drug dealer.⁹ The man suspected of the aggressive harassment campaigns against Ms Aro is a Finn and a known Kremlin supporter. Fake news was also published in *MV Lehti*, a right-wing web publication known for its views against immigration, traditional media and the EU.

In October 2018, the founder of *MV Lehti* was found guilty by the Helsinki District Court of 16 criminal charges, sentenced to one year and 10 months in prison, and ordered to pay damages to victims who were harassed. The Kremlin supporter was convicted of three charges of harassment or persecution of journalists, aggravated defamation, and aggravated instigation of defamation. He received a year's probation and was ordered to pay damages to the harassment victim. Both men have appealed against their convictions. In spite of the lower court rulings, the harassment of Jessikka Aro continues.

Journalists have also been physically attacked. For example, when journalists covering the demonstrations brought security guards with them, the French Yellow Vests movement perceived the media as hostile towards the movement.

⁷ Avaaz. The World in Action (2019).

⁸ EU vs Disinfo (2019).

⁹ Aro, J. (2019).

Social media platforms and their algorithms challenge editorial news content

“And the moment that an algorithmic system affects what information people access, someone will work to manipulate that system to achieve their information goals.” Danah Boyd¹⁰

Major international technological companies such as Google, Amazon, Facebook and Apple control social media platforms worldwide and have duly become present-day gatekeepers of political information and the daily news agenda. They can also control public discourse. At the same time, they operate outside the traditional media. When disseminating news media content, they decide on the content delivered, namely what is and is not released. This is performed, however, without sufficient transparency, adequate fact-checking, journalistic values, and accountability to societies and audiences.

Instead, the content is curated and personalized using non-transparent algorithms. According to Mr Deloire, algorithmic distribution of online content poses a major problem because it lacks the “integrity factor” and “amplifies everything that goes against these professional norms – sensationalism, rumours, falsehoods and hate”.¹¹

The business and profit goals of platforms as well as algorithm designers’ political choices, biases and cultural values are encoded and baked into algorithms. Furthermore, it can be argued that

not all social media users know or realize this, or are aware of the biased choices encoded into the algorithms. It is worth keeping in mind that algorithms can be manipulated and exploited in information harassment and operations performed by hostile actors or authoritarian states.

Unfortunately, the legal status of social media platforms is still unclear, and more discussion on the topic is needed. It is important to define and decide what they are, namely whether platforms should be treated as publishers with a publisher’s responsibilities and accountability, or not. In the latter case, any other legal status definition with relevant accountability and regulation requirements is crucial. To date, the competition and operational conditions are unequal between the responsible news media and platforms because the former are more strictly regulated than the latter.

Workshop participants were unanimous about the need for regulation, but there was no consensus on how to carry this out and on what the balance between imposed regulation versus self-regulation of social media platforms should be. For example, regulating anonymous comments on social media platforms divided opinion. Regulation would increase transparency and prevent hostile attacks, but could also be seen as restricting freedom of speech.

¹⁰ Boyd, Danah (2018).

¹¹ Reporters Without Borders (2019).

EU-level actions against disinformation

During the workshop, the discussions also drew attention to actions by the EU and its member states against hostile influencing and disinformation.

Tackling disinformation has been highlighted on the EU agenda for several years now. East StratCom Task Force was launched in 2015 with the objective to improve the EU's capabilities to anticipate, detect and respond to disinformation produced by external actors. A Code of Practice against disinformation was announced in September 2018, heralding the first worldwide self-regulatory set of standards for combating disinformation. The Code of Practice was signed by social networks, advertisers and the advertising industry. An Action Plan against disinformation was introduced in December 2018, which responded to the European Council's call for measures to "protect the Union's democratic systems and combat disinformation, including in the context of the upcoming European elections".¹² The European Commission monitored the implementation of the commitments by Facebook, Google and Twitter with a special focus on countering electoral interference in the European Parliament elections by requiring the platforms to report on actions taken to detect and deter inauthentic information influence campaigns.

A Rapid Alert System (RAS) was set up in March 2019. This is one of the four pillars of the

Action Plan and is set to facilitate the sharing of information, and to coordinate the response in countering disinformation between EU member states and institutions. RAS is a network of 28 national contact points who are responsible for coordinating their government's contribution and sharing of information and best practices.

Although many measures have been taken at the EU level, there is no consensus on the best way to counter disinformation. Shared competencies between member states and EU institutions make tackling the problem challenging. Member states have a responsibility to protect their democratic structures, including elections, for example. Disinformation, however, is an international problem without any geographical borders and hence resolving it calls for EU-level action.

The legal tools are not used by all member states when it comes to tackling the problem, and nor do the law enforcement authorities in all member states have sufficient resources to fight against disinformation, defamation or harassment online. But there are also cases which prove that the effective use of pre-existing legislation is a good tool against disinformation.

The journalistic news media has an important role in tackling disinformation. Thus far, the EU has not fully utilized the capacity of the news media in this way, for example by providing financial or other resources.

¹² European Council (2018).

What to do next – recommendations

Wide-scale actions are needed in order to safeguard the news media, liberal democracies and their citizens against hostile information influence activity and related attacks, the main aim of which is to cause disorder and chaos.

Since information resilience, as well as the resilience of the journalistic news media, are an essential part of the overall resilience of society, the EU as an institution and all member states are duly invited to take part in improving regulation in order to help defend liberal democracy. Below are recommendations that were developed as a result of discussions during the workshop.

Recommendation 1: To define the legal status of social media platforms.

- We recommend that the EU defines and determines the legal status of the platforms provided by global social media companies in the European Single Market. A legal status coupled with relevant regulation and accountability will resolve the prevailing unbalanced competition and transparency problem between the platforms and the journalistic news media.

Recommendation 2: To improve the transparency of algorithms operated by social media platforms.

- We recommend that the EU demands social media platforms to open up the operating principles of their algorithms to audiences. It is in the interests of both the public good and of EU citizens to know what kind of assumptions and parameters underlie the recommendation algorithms that people receive, and how and why certain content is personalized for them.
- We recommend that the EU demands social media platforms to further simplify the

processes whereby people can control and gain access to the personal data gathered by social media platforms.

- We recommend that the EU demands greater transparency concerning the procedures that the platform companies follow when removing material from their sites.
- We recommend the EU to define and ban the malicious use of deep fakes and robojournalism on social media platforms.

Recommendation 3: To explore whether harmonization of regulation could strengthen freedom of expression in the EU member states.

- We recommend that the EU strengthens the protection of sources throughout the EU by
 - defining the meaning and content of the protection of sources,
 - finding joint objectives for the source protection,
 - securing the anonymity of whistleblowers in EU legislation, justified by journalistic criteria and the public interest in all circumstances.
- We recommend that the EU enhances the transparency of the operations of legislators and authorities by seeking a joint understanding on the dividing line between the publicity of legislators/authorities and national security.
- We recommend that the EU seeks a joint understanding on the dividing line between freedom of speech and tolerance of hate speech.
- We recommend that the EU supports member states in strengthening the regulation against hate speech and harassment aimed at violating the work of journalists and other people who promote the public good and interests in their public role (e.g. researchers, scientists, politicians).

Recommendation 5: To support EU member states more effectively when it comes to the use of existing legal tools to tackle hostile activities against the media, and in providing law enforcement.

- Many EU member states have legislation banning harassment and hate speech. Those laws should be applied more effectively.
- Law enforcement should be trained to better understand the challenge of disinformation and journalistic work and procedures.
- Law enforcement should be provided with sufficient resources to investigate and to prosecute.
- Awareness of threats directed against journalists and other professionals working under similar conditions is far too low among the police and prosecutors. More information and training should be offered to them.

Recommendation 6: To provide financial support, either through the EU or EU member states, for the news media's self-regulation, guaranteeing at the same time the integrity of the media's self-regulative organizations.

- Self-regulation and related organizations (i.e. Media Councils¹³) need to be wholly independent of the government and legal regulation. Under such conditions, they build up trust in society and trust towards the media, as well as eliminate polarization, fake news and hate speech.

Recommendation 7: To support EU member states to set up a national legal fund and offer professional insurance for professional journalists.

- Many media companies pay legal costs when a journalist faces defamation or other charges. But freelancers or journalists who work for non-mainstream, NGO-type media outlets can often be without the similar support.
- Since legal proceedings often cost huge sums of money, professional journalists need to be sure that even when working on really difficult stories, they will get support. This would also restrain those who wish to silence journalists with trumped-up charges and the threat of expensive court proceedings.
- Liability insurance, similar to that granted to medical doctors for instance, could also be considered for journalists. Currently, such insurance is offered in some EU member countries but always on a commercial basis. It would be cheaper if it was provided by larger bodies and could be managed by a non-profit journalistic legal fund or by an existing not-for-profit organization.

¹³ These organisations interpret good professional journalistic practice and defend the freedom of speech and publication.

Comment by a senior diplomatic correspondent

The internet has opened up new possibilities for the enemies of free societies. Hostile information operations can shatter people's trust in the traditional responsible media, warns Jarmo Mäkelä, as he calls on the EU for a sense of urgency.

"The answers to your request involve questions that are so intricate, so delicate, so strange to our form of thought, and so important to analysis of our international environment that I cannot compress the answers into a single brief message without yielding to what I feel would be a dangerous degree of oversimplification."

George Kennan, US Diplomat, Moscow, February 1946

A LONG TELEGRAM ON THE WAR AGAINST DISINFORMATION

The fair weather that followed the Cold War is over, having lasted less than 20 years. Contrary to what was believed or hoped for after the collapse of the Soviet Union, the liberal world order did not emerge as the winner on the world stage. History did not end, and the unipolar moment quickly dissipated.

Classical geopolitics, with its armed conquest and spheres of interest, has made a spectacular comeback. At the same time, the development of information technology has created powerful new means that can be applied in the search for political domination.

Military capabilities are now complemented with means of influencing people's minds in order to distort and control their understanding of reality. This is done in order to create conditions of reflexive control, whereby the objects are made to want and implement actions that are contrary to their own best interests, or even dangerous.

In military terms, this sea change was already expressed in 2013 by the chief of staff of the Russian military forces, General **Valery Gerasimov**:

"The rules of war have changed. Political goals are no longer achievable with conventional firepower, but through the widespread use of information, political, economic, humanitarian and other non-military measures that are used in conjunction with the protest potential of the population."

The internet and global social media platforms have provided universal access to huge flows of information and reserves of data. The new digital world has empowered ordinary citizens in an unprecedented way. At the same time, it has also opened up possibilities for terrorist organizations and organized crime, which are now able to challenge state structures and disrupt people's sense of security.

Liberal democracies are in a defensive position

A constant struggle is taking place within the international system for power and influence, money and resources. Due to the emergence and use of new forms of influence, a clear distinction between conditions of war and peace no longer exists.

Amid this struggle, authoritarian regimes are on the march, while the liberal democracies with their respect for law, human rights, freedom of speech and equality of opportunity are in a defensive position. If democracies don't fight back, there is a real danger that defence will turn into defeat. What is needed is a sense of urgency and unity of purpose, both of which are largely missing.

Contrary to earlier periods, when political conquest could almost always be defined in geographical terms, the present struggle is being waged on many different fronts simultaneously.

On the philosophical and conceptual level, the struggle is being waged between the concepts of **trust** and **doubt**. The enemies of free societies are doing their utmost to sow doubt and shatter people's trust in democratic processes, institutions, politicians and the traditional responsible media.

In international politics, the struggle is taking place between **authoritarian** and **democratic** political systems. Contrary to what took place during the Cold War, authoritarian regimes do not try to offer their own systems as a model for others. Instead of direct military conquest, the way to seize power is to destroy trust, sow confusion, break up alliances and create dependencies based on professionally managed flows of money, resources and information.

Consequently, the third level of the struggle takes place in each individual democratic society, where national security is being undermined by a calculated interplay between **external** and **internal** enemies. The digital networks that have been created by the recent development of information technology play a vital part in this struggle, while the global social media platforms play a key role as force multipliers.

Corruption of political discourse

The way in which people's understanding of reality is being influenced has had a profoundly corrupting impact on public political discourse. Nowhere is this more obvious than in the United States. The result has been a phenomenon that a recent study by the RAND corporation calls "Truth Decay".

It is based on four trends:

- 1) Increasing disagreement about facts and analytical interpretations of facts and data;
- 2) A blurring of the line between opinion and fact;
- 3) The increasing relative volume, and resulting influence, of opinion and personal experience over fact;
- 4) Declining trust in formerly respected sources of factual information.

Similar trends can also be observed in the political discourse within the European Union.

It has been assumed that "Truth Decay" combined with and amplified by state-sponsored

campaigns of disinformation may have had a role to play in several referenda, including Brexit, in some national elections as well as within recent massive protest movements in Catalonia and France.

Although further study is still needed in order to produce clear evidence of direct external interference in the above-mentioned cases, it can be concluded that the danger is real and needs to be countered.

In the struggle to defend democratic systems and institutions, the role of a free and responsible media is vital. When pursuing the goal of truthful and objective news reporting based on facts and the analytical interpretation of data, the media are instrumental in guaranteeing citizens one of the fundamental rights in democratic societies: the right to truthful and timely information.

A free media is at the same time an expression of freedom of speech and an essential means of guaranteeing that citizens will have their voices heard and will be able to express their opinions. Freedom of speech is indispensable if democratic societies are to function effectively: without it, political power cannot change hands in free and fair elections. This is the reason why freedom of the media is always one of the first targets of aspiring autocrats.

Press under pressure

Under the present international conditions, where autocracies are on the march and seek to manipulate information flows for hostile political purposes, the free media is under unprecedented internal and external pressure. This is amplified by social media platforms, which have destroyed its role as the gatekeeper of political information and as an agenda-setting institution for public discourse. They have likewise destroyed the previous business models of the traditional media.

The dire economic and institutional consequences of the impact of social media platforms on the traditional media in the US were expressed in no uncertain terms by former deputy national security advisor **Ben Rhodes** in May 2016:

"All these newspapers used to have foreign bureaus. Now they don't. They call us to explain to them what's happening in Moscow and Cairo."

Most of the outlets are reporting on world events from Washington. The average reporter we talk to is 27 years old, and their only reporting experience consists of being around political campaigns. That's a sea change. They literally know nothing."

Under these conditions, it is the duty of democratic governments to create and maintain conditions where free media can prosper and use their full potential in defence of democracies. The resilience of the media is an integral part of society's overall resilience and can be protected and strengthened in many ways, including through new forms of legislation.

WHY ARE DEMOCRACIES THE UNDERDOG?

There is a common understanding that one of the real weaknesses of democracies is that they allow and tolerate opinions and actions directed against democratic institutions and against the system itself. This is true, of course, but expresses a far too limited understanding of the gravity of the problem.

The real problem is the non-existence of reciprocity.

When the media outlets of autocratic countries establish themselves in democratic societies, they can freely use all of the available loopholes in the legislation. After having legally gained access to the media markets, they enjoy the same rights and privileges as well as the same protection as the local media. Freedom of expression as well as the anonymity of their paid agents and voluntary trolls is protected by the law. The stronger the legal protection of sources in the host country, the better they fare. Their journalists enjoy the same rights of access and protection as local journalists.

None of this is available for foreign media or foreign journalists working in autocratic countries.

Autocratic governments employ different means when trying to extend their power through the use of the media. Russia has well-financed and professionally managed media outlets that have established themselves both in the US and the EU media markets, with RT television and the Sputnik news agency being the most prominent. Their impact is being strengthened by several fake news and other outlets in social media. Russia also

actively employs agents of influence working in the local media.

The impact of Russian media is most prominent in the former Warsaw Pact countries, particularly in the Baltic states, where a considerable percentage of the population is able and willing to follow Russian-language broadcasts, and where the professionally produced high-level entertainment programmes can often substitute for local programming.

China seems to be more interested in buying local media assets and creating partnerships through which they manage to suppress critical reporting. Autocracies like Iran and Turkey have thus far concentrated on sending their own journalists to prison, while at the same time harassing and expelling critically minded foreign journalists.

The external and internal proponents of autocratic rulers and countries use the freedom of speech guaranteed by law in the EU countries to advance their own cause. They also use all legal means available to protect themselves from any attempts to limit their right of expression. This is the price that open democracies have to pay.

Silencing the journalists

But rights can also be abused. This always happens when freedom of speech, for example, is used with the sole purpose of silencing those holding different views.

This can be done in several different ways. Various administrative and legal procedures can be used to distract the attention of and to financially hurt other journalists. This is particularly effective in cases where the operation is directed against freelance journalists who lack the legal and financial backing of the big media outlets.

A particularly vicious but often-used way to abuse freedom of speech are hate campaigns directed either against various targeted groups or against a single individual. Here again the global social media platforms play a key role.

The methods used in such campaigns include "doxing", which means compiling and releasing a dossier of personal information; "fake news", which are lies spread about the object; "targeted harassment", which is a postmodern form of a lynch mob

and witch-hunt; and “trolling”, which means harassing individuals and spreading propaganda to create chaos.

The immediate purpose of these campaigns is to silence the object, to achieve the so-called chilling effect. If nothing is done to delimit the hate campaigns, they turn into threatening and concrete acts of violence. Reporters Without Borders has dubbed this phenomenon “the cycle of fear”.

COUNTERING HOSTILE INFLUENCE OPERATIONS

Within the EU, the key actor in detecting and disclosing foreign, and particularly Russian, disinformation campaigns is the East StratCom Task Force, which was set up in 2015. In addition to addressing the ongoing disinformation campaigns, it has also been tasked with submitting the action plan on strategic communication.

Its flagship product is the Disinformation Review, launched in November 2015. The Review publishes articles containing key examples of how pro-Kremlin disinformation finds its way into the international information space, as well as news and analysis on the topic. The Review also focuses on key messages conveyed in the media, which have been identified as providing a partial, distorted or false view or interpretation, and as spreading key pro-Kremlin messaging.

During the first four years of its existence, the East StratCom Task Force has issued more than **140 Disinformation Review newsletters** containing more than **5,000 cases of disinformation** messages in **18 languages**.

In many EU member countries, the work of the Task Force has been complemented by setting up national networks for detecting and countering disinformation. This has been deemed necessary since hostile disinformation campaigns very seldom contain elements that are directly prohibited by law. Hence, the use of national security agencies for this purpose has turned out to be problematic.

In Finland, such a network was set up in the Prime Minister’s Office in December 2014. It has been tasked with monitoring hostile foreign disinformation campaigns, with devising and

implementing active countermeasures, as well as with informing the media about the existence of such campaigns.

Gilets Jaunes and Notre Dame

After Brexit, the most spectacular and successful external exploitation of “the protest potential of the population” has taken place in Italy and France.

In France, the latest information operation is taking place in connection with the weekly Saturday demonstrations by “Gilets Jaunes”, the Yellow Vests.

To begin with, the protest movement was organic and spontaneous. However, the traditional media made the mistake of describing it as representing fringe actors. This opened up an opportunity for national and foreign (Russian, British, German, Italian and American) opportunists to take advantage of and redirect the course of the movement. Finally, numerous Facebook and other social media groups played a key role in radicalizing the movement, which turned violent.

When the movement started, Russia quickly initiated a big campaign notably through RT television. It focussed its operations on YouTube in particular, and with great success. Since November, it has led the ratings: whenever the topic includes Gilets Jaunes, it scores 23.1 million views, whereas the combined total score for *Le Monde*, *L’Obs*, *Le Figaro* and *HuffPost* is 10.9 million.

RT is hugely popular on demonstration days, mostly because it transmits a raw feed of images without comments, on YouTube and Facebook, of what’s happening in Paris. In a demonstration outside the offices of the French news agency AFP, the crowd of demonstrators were chanting: “Thank you RT”.

Avaaz, a US-based nonprofit activist network, discovered that during the demonstrations a total of 105 million views had already been scored by fake news sites promoting themes like “censorship” (by the government, by FB, etc.), “the establishment”, “police brutality” and “runaway immigration”. Racism and xenophobia have also been quite visible in the social networks.

Consequently, the Gilets Jaunes movement has been the source of the longest-running period of rioting in France since the end of the Algerian war

in 1962. Despite political concessions by the government and prominent use of the police to clamp down on violence, public order has not yet been restored. Here again, the social media platforms have figured prominently as tools for mobilization and operations.

An even darker and cruder side of hostile information operations was observed in connection with the fire in the Notre Dame Cathedral. The same evening and on the following day, Russian-related accounts like Tsargrad TV, RenTV, Vzglyad and Znak fabricated and distributed stories of their own: “the fire is revenge by Muslims for insulting the Kaaba”, “the fire is linked to the Gilets Jaunes crisis”, “the Pope wants to build a mosque to replace Notre Dame” and “the fire is a punishment for France ushering the Nazis into power in Ukraine”.

All of this is taking place in a country where the legal arsenal against all kinds of information operations is exceptionally robust. There are strict laws on the incitement of violence, hatred and racism. Charges can be brought against perpetrators for spreading false news and the law has been broadened with an “anti-fake” law tailored to electoral periods.

THE ROLE OF ALGORITHMS

Currently, the operations of the traditional responsible media are much more strictly regulated than global social media platforms in terms of tax or advertising, for example. In order to restore balance and healthy competition, that has to change.

It is clear that in the age of digital media, the old definitions of journalist, journalism and media have become obsolete. It is equally clear that treating online platforms as simply “web hosts” is no longer adequate, yet they should not be treated as “media” either. A completely new status has to be created for them.

The global social media platforms use algorithms to perform many important functions. From the point of view of promoting or countering information operations, the most important are those concerned with the distribution of posts, and the visibility and preferences they acquire in search engines. Algorithms are also used to detect and remove undesirable material.

The traditional responsible media also use algorithms both to provide new services and to replace manual labour. The biggest Finnish daily newspaper *Helsingin Sanomat* uses algorithms, among other things, to set up candidate search engines during elections, for semi-automated moderation, for content recommendation, for robojournalism, as well as for content analysis with machine learning.

Algorithms also play an important part in implementing well-targeted and large-scale information operations. Many autocratic states have set up their own agencies for such purposes, but in order to hide the origins of campaigns, they also hire independent non-state actors to provide these services.

The algorithms used by social media platforms like Google, Facebook, Twitter and YouTube are protected business property, and the way they are constructed is not known outside of the companies. They have not been willing to open their algorithms.

Censorship?

Although the structures of algorithms are unknown, it is common knowledge that they can be manipulated from outside in many ways to give prominence to the manipulators’ own information, and to complicate access to unwanted materials.

When algorithms are used to detect and delete unwanted information or posts, the global social media companies exercise censorship rights – all forms of which may be legally prohibited in many countries in which they operate.

Furthermore, if they don’t reveal the principles according to which they remove material from their platforms, the users cannot take it into account. The companies have also been suspected of revealing only some of the principles they follow. Finally, a clear, easy and effective way to appeal against the removal of material and to file complaints does not exist.

Since it is a fact that algorithms can be and are constantly manipulated from outside, initiatives have been taken to negotiate a European-wide solution with social media companies to promote, in search engines and otherwise, material that has been produced by traditional responsible media or

by social news sites following the same high standards of fact-checking and correction.

The social media companies would simply have to change their algorithm accordingly. From the point of view of the media, such a solution should be voluntary and self-regulatory, which would pre-empt legislation and could limit their liability. At the same time, it would give advertisers certainty that their promotions only appear in a respectable context.

LEGAL ELEMENTS OF MEDIA RESILIENCE

According to the World Press Freedom Index 2019 published by Reporters Without Borders, only **nine per cent of the world's population are living in countries where journalists enjoy a favourable environment and are able to practise their profession freely and independently.**

Most of these people live in nine European Union member countries: Finland, Sweden, the Netherlands, Denmark, Belgium, Estonia, Portugal, Germany and Ireland.

But the Index also shows a marked deterioration in the freedom of the press and freedom of speech in Europe. Year after year, the area of favourable working conditions for journalists is diminishing and in some EU member countries the fall in the Index has been both quick and dramatic.

In 2019, the European Union and the Balkans registered the second biggest deterioration (1.7%) in their regional score measuring the level of constraints and violations. It is still the region where press freedom is respected the most and

which is, in principle, the safest. Yet journalists were exposed to serious threats: to murder in Malta, Slovakia and Bulgaria; to physical and verbal attacks in Serbia and Montenegro; and to an unprecedented level of violence during the Gilets Jaunes protests in France.

In Hungary, officials of Prime Minister Viktor Orbán's party, Fidesz, continue to refuse to speak to journalists who are not from Fidesz-friendly media. In Poland, the state-owned media have been turned into propaganda tools and are increasingly used to harass critically-minded journalists. In Italy, Austria and Estonia, populist and extremist parties in government have initiated campaigns against previously independent and free media outlets.

In the United States, journalists have never received as many death threats as they did in 2018. Four journalists and an employee were killed in a single shooting incident. In the 2019 Index, the USA slipped for the first time into the group of problem countries.

The EU institutions need to seriously consider how this tide of attacks against the freedom of the press could be halted and reversed – and how member countries that openly and blatantly violate its core values should be dealt with.

One option could be to strengthen the legal resilience of the European media by adopting and actively promoting practices that have been developed and are used in countries where the overall working conditions are still acceptable.

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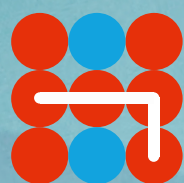
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