IX Forum of Latin American democracy

"CHALLENGES OF POLITICS AND DEMOCRACY IN THE DIGITAL AGE"

Welcoming address
by Gianni Buquicchio, President of the Venice Commission

Ladies and Gentlemen,

It is a great pleasure for me to be here today, at the Ninth Forum of Latino-American Democracy. Like the founder and first President of the Venice Commission, the late Antonio La Pergola, I have always had a keen interest and have been a convinced supporter of your continent.

The Venice Commission indeed was initially created in 1990 as a European body – the EUROPEAN Commission for Democracy through Law - but was not originally conceived as such. Our ambition was to explore democracy through law on all continents, not just Europe. And Latin America was on top of our list, long before Chili joined as a member, and Argentina and Uruguay as observers, in 2005, Peru and Brazil in 2009, Mexico in 2010, Costa Rica in 2016.

Democracy is not geographically or continentally limited, but it does present features which under the influence of history and of neighborly relations may tend to characterize a continent. What is certain is that no continent has an exclusive claim on democracy. With our 61 member states from four continents, we are well placed to state unequivocally that there is a wealth of models, solutions, interpretations as well as problems and dilemmas concerning democracy all over the world. Exchanging ideas and experiences among continents enables to progress more rapidly than by reflecting alone. This is the Venice Commission winning formula: we put the experience of other countries to the service of the one which is faced with a constitutional problem. This creates a sort of "incubator" of ideas, it anticipates and accelerates experience, providing early-warning and "virtual feedback". This is why we value co-operation and participation in events like today's Ninth Forum.

Ladies and Gentlemen,

On 25 August 1835, the New York Sun newspaper announced the discovery of life on the moon. And not just life: specifically, an animal "of a bluish lead color, about the size of a goat, with a head and beard like him, and a single horn, slightly inclined forward from the perpendicular". A blue unicorn, that is.

Although this article was meant as a satire, it was not taken as such. The New York Sun readers believed it. And the newspaper, one of the new "penny press" papers that appealed to a wider audience with a cheaper price and a more narrative style of journalism, saw its sales shoot up considerably. It was exciting stuff, and readers lapped it up. The only problem was that none of it was true. But was it a problem? The readers forgave the New York Sun when it confessed to the hoax. But the sales remained high.

Sensationalism has always sold well, and disinformation is not a new phenomenon. It has been around since news became a concept with the invention of the printed press by Johannes Gutenberg in 1439. From the start, disinformation has tended to be sensationalist and extreme, designed to inflame passions and prejudices. And it has often provoked violence.
But disinformation is not only a matter of business. It is also a matter of influence: and specifically a matter of influence on votes.

We know from Mark Zuckerberg himself that 126 million Americans were shown Russian-backed, politically-oriented fake news stories via Facebook during the 2016 US presidential election campaign.

Of course, not everyone who was presented with fake news headlines on Facebook necessarily read the stories, or consciously perceived them, or was affected by them.

However, even if only a fraction of those who were shown the stories saw them and even if an even smaller fraction opened the stories, and if some of those people were influenced by them, then - because the election was so close in some of the swing states – these fake news could have changed the voting choice of enough people to affect the election. This is all hypothetical, of course, but it has a real potential.

But there is more. In the 2016 US Presidential run-up, the 20 most popular fake news stories received more shares, reactions, and comments (8.7 million engagements) than the most popular 20 real news stories (7.3 million engagements).

So there is fake news that we are keen to believe, as there is real news that we find hard to believe.

What does this tell us?

When people believe fake news, it affects their votes. So when elections are close, fake news can impact who ultimately wins and who loses.

In May 2019, almost 400 million eligible voters will be invited to ballot boxes across 27 (or 28) nations; in the words of European Commissioner Vera Jourova, "this will be the world largest democratic exercises". And she calls to take action "to curb the risks of manipulation and interference, including by foreign actors; to counter mass online disinformation campaigns, cyberattacks and other misuses of the online environment".

New information technologies make democratic processes more accessible to citizens. The internet and social media might allow many people to express their opinion, organise for political purposes and even survey the performance of public institutions and elected officials at a relatively low cost. They have the potential to contribute actively to the democratic life and to establish direct communication between the politicians and the citizens. The internet and social media have brought about claims to become directly involved in day-to-day politics. This is

certainly a very positive development. The challenge is now to maintain the balance between representative democracy and these aspirations. And an even bigger challenge is to counter the effects of polarisation and fragmentation that the use of the internet and social media create on electoral campaigns.

But the business interests of the internet intermediaries, the economics, computer algorithms, and social dynamics that make up social media platforms are impacting politics in another manner too. Through disinformation, the commercialization of big data and micro-targeted political advertising, social media may blur the lines between responsible democratic debate and illegitimate interference in elections. Influence may become interference.

Cyber capabilities may also threaten the integrity of the electoral processes, what we call electoral democracy: they may be used to suppress voter turnout preventing citizens from registering and/or from voting, tamper with election results, and steal voter information. They may be used against political parties and politicians, to conduct cyber espionage of personal and political information for the purposes of coercion and manipulation (Blackmail, embarrass or discredit a political target), steal or manipulate voter or party database. Hacking into voting machines and into specific sites or email accounts, with the purpose of disseminating the content found there.

What is at stake is the trust of the people in the elections. Trust is not only a matter of facts, it is a matter of perception. If people become convinced that the election results may be tampered with or manipulated, their participation in the electoral process and their acceptance of election results might be compromised.

Ladies and gentlemen,

The Venice Commission does not care about the results of elections. It does not care about who wins and who loses. The Venice Commission cares about the process. And it cares immensely that election campaigns should be platforms for genuine, inclusive, diverse debate which can truly assist citizens in forming their opinion in order to exercise their right to vote. Preventing cyber-enabled threats and disinformation must not lead to curbing freedom of expression. The cure would be worse than the disease.

Preventing election interference calls for a competent, creative, coordinated, cross-partisan response on the part of the authorities within the State, for co-operation with internet intermediaries, and for reinforced international coordination and co-operation. Tools and methods exist, and are being tested and developed. I have learned that for the last elections, the *Instituto Nacional Electoral* of Mexico has done a lot to establish a Chain of Trust designed to bring confidence and certainty to the elections. INE in particular has established "alliances" with key actors (internet intermediaries, social networks, digital native media, traditional media). INE has also created an IT system to detect disinformation. This is certainly an example other states could follow, and not only on the Latin American continent.

Education and a clear and transparent political commitment could re-establish trust in the electoral processes.

I look forward to listening to your ideas, reflections and further examples of best practices during the next two days.

I thank you for your attention.