DEBAT

Amanda MATHE

Good evening, everyone. I am Amanda Mathe from South Africa. I run a digital media agency. I have a couple of questions, but I will stick to three key ones. To start off with, Stefan, do your statistics represent the cultural understanding of knowledge within the German community? I ask this in the context of South Africa, where we have noted that content that is usually negative is what spears the purchasing of newspapers in our country and it is what has driven a lot of our purchasing power in the print space as well as digital. Just to understand, is there no reference to that?

Then in the context of digital and social media, and I play in the social media space, in your expert opinion, how do we make provision in the inclusion of citizen journalism where we are looking at a lot of fake news coming through that is actually citizen-based 'journalists'? We know from the statistics that are released through the Facebooks and Twitters that a mother will trust the advice of another mother regarding a product. Are we not breaking that barrier down?

Lastly, in the discussion about legalisations and regulations, I have a few issues about that, but it is debatable. At what point do we bring the start-ups into that conversation, particularly about how we regulate the media? It seems to me it is like a barrier for entry for start-ups when we already have legal and IT matters.

Steven ERLANGER

Great questions, thank you.

Laurent COHEN-TANUGI

I am afraid it is more of a reaction than a question, but I can put it in a question form. Coming back to the legal presentation we had, we are talking about fake news that really has an impact on politics and democracy and potentially on the election. When you think that Donald Trump was elected with just 75,000 votes in three states, you can assume that maybe the Russian interference had some impact at such a small margin. If you compare this with the financial markets where the dissemination of false information is very severely sanctioned criminally, I do not see why intentional fake news should not be also criminally sanctioned.

Then where do you hit? I recognise the difficulties there, but if take the analogy of a fight against corruption, the OECD Convention against Corruption decided to hit perhaps the easiest target. Maybe this is unfair since it is hard to target corrupt foreign officials, but you can hit companies that corrupt them. You can hit them faster and more easily. I think social networks are easier to target. They have got plenty of money. They can make more effort in monitoring the content and if not, they should be heavily sanctioned.

My last point is that I think the US is in a better position to do this, and maybe that is what is happening now in Congress, but if not, other countries can do some of it. The European Court of Justice had the right to be forgotten, and that had a sort of global impact, so I think things can be done.

Steve ERLANGER

Thank you.

Kerry HALFERTY HARDY

My question is based on what you are saying here, who should be the arbiter? We are talking about citizen-based journalism as the lady over here talked about, but then you have the question, for example, that was brought up at a

recent conference with Baltic ambassadors where there was deliberate misinformation being planted by state organisms. It is not merely a question of what is coming out on social media, but it is also what is coming out in state-sponsored organisms, and that to me is something where you cannot simply say that the arbiter should be a state-appointed regulator. If you could speak to that, I would be grateful. Thank you.

Steven ERLANGER

That is a very good question, having looked a lot at RT, for instance.

Meir SHEETRIT

A few years ago, I talked in this conference about cyber and I would like to know what you think about cyber in this subject. Cyber came to be much stronger than ever before and it is developing very, very strongly and of course it has a very big influence on the possibility of creating fake news, because cyber means you can immediately get to almost every site of every campaign and see everything in it. That is what happened in the United States, for example. I would like to hear your opinion about cyberattacks.

Natalie CARTWRIGHT

My question is for you, Susan. I run a start-up. I have an AI start-up that works directly with banks and the reason why I am at this conference is we are relatively early stage. We are about series A, but because of our channel partners with banks, my product will be in the hands of tens of millions of people over the next couple of years. I am really interested in having an ethical first approach, but it is not that easy to know where to start or how to do that, so I would love your advice on how someone in my position is able to do that and what your approach would be, and you also mentioned that you are interested in having that conversation. I would love to be a part of it if it did happen. Thank you.

Richard COOPER

One or maybe two of the speakers mentioned anonymity. Could we do something about that? The highways, as Erlanger calls them, do not admit anyone on them without a name. Now, of course, one can give fake names, but you could make that illegal and therefore chargeable. Can we eliminate anonymity in social media?

Dania KOLEILAT

We have been speaking here about fake news, about who is responsible for that, how to correct it. My question is very simple. Is it feasible, given the big amount of data on social media every day? Now that radicalisation is mostly done over the Internet on social media, is it feasible? Who can do that? Who can do such a big job? Thank you.

Steven ERLANGER

I think in the end, you have asked the hardest question. I will go back to the panel and have you respond to whatever has been addressed to you, but what makes sense to you and in the usual way, we will go in reverse order, so Stefan.

Stefan HEUMANN

That was a very good question and of course culture plays a big role. I even think it is human nature. Culture is important and also human nature. We are drawn to things that stir us up emotionally. If you look at all the fake news that has been successful, they are very emotional. They touch you. I mean this is why in Germany, for example, a lot of that is on immigrant crime, but then crime against vulnerable people, against children, against women because that stirs you up emotionally.

Also, social networks have been optimised to feed into that attention economy that we have and people click on that and therefore it also shows up in your newsfeed more and it feeds more into it, and so we will have to talk about how we deal with that and how we reverse a process where, basically, technology takes advantage of some issues with our nature of being drawn into these emotional issues. People are saying that we need to talk about, for example, how algorithms select your news feed. For example, a Facebook user should get control of what kind of news they want to have featured. Do I want to see more of what is happening in the family or do I want to see more diverse news? It is about the ability to really have your own say in terms of what kind of news you want to be fed on social media rather than the algorithm just picking up on your natural tendencies. We will have to have these kinds of conversations.

I wanted to make one brief comment on the regulatory issue because Germany has just gone down this road this year and adopted a law forcing Facebook, Twitter and social media companies to take down illegal speech within 24 hours. You have to understand that the focus is illegal speech, so libel, telling lies about a person, something like that.

Steven ERLANGER

Hate speech?

Stefan HEUMANN

Hate speech needs to be taken down because that is illegal speech in Germany. If the social media companies do not take it down within 24 hours, they can be heavily fined. The problem with fake news is that political fake news would not fall under this new law. Most fake news in Germany is not illegal and not illegal in most democracies, especially if it is about political stories. We want people to be able to express themselves freely, so I am very sceptical about regulatory approaches because it starts with the problem of how you define fake news that would be illegal and taking it down has huge implications for freedom of speech and censorship. I will end it here.

Steven ERLANGER

That is good. Part of the problem is speed. 24 hours seems not very short, frankly, to take down hate speech and so on.

Stefan HEUMANN

To the last question, the only way you can do this is with AI. I mean there are millions of posts going up. You will need smart technology to do this because there is no way that human beings can review all of this.

Steven ERLANGER

That is part of our circular problem.

Stefan HEUMANN

Yes.

Anna-Thida NORODOM

Pour rebondir sur ce que vient de dire Stefan, je crois qu'il ne faut pas essayer de définir juridiquement les *fake news*. C'est un phénomène tellement diversifié que tenter de le définir juridiquement paraît trop compliqué. Il faut au contraire utiliser ce qu'on a et contextualiser les choses. Si le contexte est le trouble à l'ordre public, on a des notions en droit qui sont suffisamment générales pour pouvoir répondre à ces spécificités. Une sénatrice française vient de proposer d'adopter une loi sur les *fake news*. Au contraire, je pense que c'est un danger, parce qu'il va falloir définir ce que c'est. Or on l'a vu, il y a une grande diversité de ces *fake news*.

Pour répondre aux différentes questions, je voudrais juste ajouter l'idée de corégulation. C'est vrai qu'aujourd'hui, historiquement, le droit des activités numériques est de la *soft law*, c'est un droit qui n'est pas contraignant, qui est essentiellement d'origine privée. Aujourd'hui, on est plutôt dans une tendance où il va falloir coréguler entre les acteurs publics et les acteurs privés, avec des sanctions qui peuvent être juste de la responsabilisation, c'est-à-dire sans sanction dure, mais aussi des sanctions qui commencent à être dures de la part de la Cour de justice de l'Union européenne, de la Commission européenne, de la Cour européenne des droits de l'homme. On a des jurisprudences européennes qui, aujourd'hui, s'emparent du problème, apportent de véritables solutions et interprètent les règles existantes au regard de cette actualité. Je pense que c'est la meilleure solution.

Oliver BUSSMANN

From my perspective, I think that regarding the large amount of fake news, there is no 100% solution out there, so I think even if the governments try to put a 24-hour limit on that, there is no 100% coverage because of the amount of data. Using artificial intelligence tools, there is a way to close the gap, but I think it is not there. The current way of issuing information needs a radical change and I think the gentleman from Harvard is right. In the future, you will see that everybody will have a digital identity to do any kind of business out there and then we can identify if somebody can really be trusted going forward.

Steven ERLANGER

That is a nice idea, except in Britain, you do not have a national ID card. In America, you do not have one.

Oliver BUSSMAN

However, certain nations, such as Estonia and other countries are now ramping up, so that is something that everybody is working on.

Steven ERLANGER

That is true, and someone once said to me, 'If you asked an American if they would be willing to have a chip put in their head so the government could follow them around and actually listen to them all the time, they of course would say no, but of course we all do it voluntarily'.

Oliver BUSSMANN

Yes, exactly.

Susan LIAUTAUD

On the general question about the complexity of the challenge, I think technology has to be a part, regulation has to be a part, education has to be a part and then we have not really talked a lot about politics, but just maintaining the kind of liberal democratic fora in which debate can happen, back to the rabbi's point, and I am not talking about religion, but I am just talking about the kind of vigorous debate that helps defend truth. It is going to be a multifaceted solution. It is not going to be any one, but the point is again this allocation of responsibility across different stakeholders.

I also think it is a question of picking our battles. We are not going to be able to get rid of all fake news or indeed all negative consequences of different technologies. The question is what really matters. Then finally on this question and to the gentleman's point, there are ways to introduce regulation that is manageable. For example, for advertising, there is no reason in my view why these companies should be able to have one standard for advertising online and a far stricter standard for advertising in the paper version of The *New York Times*.

With respect to Richard's comment on anonymity, it is an important point and we know from other sites, like Yik Yak, which was an anonymous social media site that has been taken down that the FBI got involved in from time to time,

that worse things happen on anonymous sites. The problem is that the perpetrators on anonymous sites are very hard to find and the resources required to do so are disproportionate in many cases and the harm is already done, and indeed, that is a big problem with this point I made earlier about the law lagging behind technology. By the time the law gets around to doing anything, it is too late and the harm is done.

Finally, regarding the question on AI, I would be happy to take it offline in more detail. You should have a look at a network that is forming with companies like Salesforce and Microsoft, but the fundamental question for start-ups is from the very beginning to ask, 'What is the real good we are doing with this technology? Where might there be risk? Where there is risk, what might we do to mitigate that risk?' In your case, look at others. Look at DeepMind, look at the other companies that are out there and see what their thinking is and how their thinking on these issues might be relevant to yours, but I am happy to take it offline.

Steven ERLANGER

To conclude, I just wanted to make one comment since we are talking about fake news and my president keeps attacking my newspaper and others for fake news. The one thing you have to understand about President Trump is he actually adores *The New York Times*. He has a very intimate love/hate relationship with The *New York Times*. He grew up with *The New York Times*. He grew up in Queens. *The New York Times* to him was Manhattan. It was the elite, it was glamour. He actually wants our love as much as he dislikes us and, of course, when he calls us fake news, clearly what he is trying to do is he is using us as puppets in his play that he is creating, but he is simply trying to make sure that when we do real news, which we tend to do, that particularly touches him and his administration, he can undermine its credibility by calling it all fake. Now, how you control the President of the United States is beyond me, but I want to ask you to join me in thanking the panel for what is a great discussion. Thank you.