Mis/Disinformation in the Covid-19 pandemic

What are the challenges for International Law?

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Introduction

Mis/disinformation campaigns when interacting with social, civil, political and economic circumstances, like a global health crisis or democratic elections, can erode public trust in institutions. Uncertain times like the Covid-19 pandemic, which is characterised by destabilisation and the absence of expert consensus, represent the perfect moment to seed and amplify mis/disinformation to further erode trust in existing systems.

It is increasingly clear that the work of 'Big Tech' companies in responding to the threats of mis/disinformation is not sufficient. Whilst we can look to international legal frameworks for remedies, these are slow to respond to the challenges posed by mis/disinformation.

A more sophisticated approach is needed. For us to better comprehend the limitations of international law,

a greater understanding of the nature of mis/disinformation is needed. This project brings together researchers in social science and law to unpack the role of international law in responding to this global challenge.

This research briefing sets out the work of the 'The Interplay between (International) Law and Mis/Disinformation' project and gives insights into a first analysis and its results. First, we outline the model we used to gain greater understanding of mis/disinformation. Second, we apply the model to the Security Crime Innovation Intelligence Institute's (SCIII) existing analyses of mis/disinformation during the Covid -19 pandemic to highlight some of the challenges mis/disinformation can pose for international law. Third, these insights help identify some of the challenges facing international law in trying to respond to mis/disinformation.

The A2E Model to Structure and Organise the Analysis of Mis/Disinformation

In order to structure and organise the analysis of mis/disinformation campaigns in the Covid-19 pandemic in broadly comparable terms, we used the 'A2E' model, which Cardiff University researchers developed based on Camille François' (François 2019) 'A, B, C of disinformation' approach. The 'A2E' model allows for a rounded and comprehensive understanding by analysing various components of mis/disinformation campaigns.

The A2E model

A = Accounts, Authors, Amplifiers and Audiences – this component covers the roles performed by the key actors engaged in the transmission and reception of mis/disinforming messages.

B = Behaviour – this component focuses upon the key actors' behaviours and interactions aiming at detecting behavioural patterns and signatures.

C = Content – this component involves both textual and visual analysis of the mis/disinforming message using a variety of qualitative and quantitative content analysis techniques.

D = Distribution – this component explores the volume of mis/disinforming messages and how they were disseminated on one/various platform(s) by accounts, authors, amplifiers, and audiences.

E = Effect – this component attempts to measure and determine the potential outcomes mis/disinformation campaigns may have had.

Applying the A2E Model of Mis/Disinformation to Covid-19 Mis/Disinformation Campaigns

We used existing work of the SCIII comprising a number of empirically led studies conducted between 15th March and 14th August 2020 in order to apply the A2E model and summarise various components of mis/disinformation campaigns during the Covid-19 pandemic. The underpinning work is not a comprehensive study of Covid-19 mis/disinformation but rather a more selective, limited and focused discussion on some episodes and themes with the aim to get a better understanding of what the key questions for international law are and to give a brief insight into some of the key challenges posed by mis/disinformation for international law.

A = Accounts, Authors, Amplifiers and Audiences

Accounts: There were suspicious profiles engaging in the creation and dissemination of mis/disinformation. These profiles sometimes used 'Dr'/'Doctor' in their usernames in order to convey trust in themselves by creating the impression that real doctors were behind the mis/disinformation. Furthermore dedicated fringe news sites were found to publish opinion articles, thereby increasing the propagation of mis/disinformation.

Authors: A range of authors, including conspiracy theorists, were identified engaging in the creation of mis/disinformation. Another interesting finding was that there were authoritative voices creating mis/disinformation because of public statements.

Amplifiers: Among the amplifiers, non- state actors, such as conspiracy theorists, as well as benign citizens (acting because of prosocial motives) and malign citizens (acting because of anti-social motives) were identified.

Audiences: The studies found that audiences were targeted at a micro, e.g. vulnerable groups, such as minorities and diasporas, as well as at a macro level, i.e. the whole world.

B = Behaviour

A behavioural tactic identified when analysing the mis/disinformation campaigns around the Covid-19 pandemic was that actors portrayed themselves as the victims or saviours. 'Spoofing' was identified, especially in terms of the profiles using 'Dr'/'Doctor' in their usernames to build trust but at the same time mislead and deceive targeted audiences. Furthermore, networks of accounts were identified coordinating their actions including a time-coordinated dissemination.

C = Content

The studies found the following key topics of mis/disinforming messages: 'engineered virus', 'the virus' spread', 'prevention/cure', and 'government management and outcomes'.

D = Distribution

Various platforms and news media sites were identified for distributing and amplifying mis/disinformation messages including (fringe) social media; fringe / mainstream media news outlets; others, such as official people and specialist medical journals. The studies also noticed that mis/disinformation messages were spread in a variety of languages.

E = Effect

Generally, it is difficult to measure and assess the effects of mis/disinformation messages. In one particular case of the spread of 'Ibuprofen vs. Paracetamol' misinformation, researchers observed a spill-over from the online to the offline world since the online misinformation of rather taking Paracetamol than Ibuprofen when experiencing Covid-19 symptoms led to a Paracetamol shortage across the UK (Crime and Security Research Institute and OSCAR 2020).

International Law and Mis/Disinformation: Current Challenges

Having outlined the threat mis/disinformation can pose to society during a global pandemic, researchers from various disciplines have started to look into how to tackle mis/disinformation campaigns. Also, international lawyers have begun to discuss the legal implications of mis/disinformation during the pandemic (Milanovic and Schmitt 2020). Mis/disinformation pose three key interrelated challenges to international law:

(1)   Attribution

For international law to intervene, the conduct must be attributable to the State. In mis/disinformation campaigns it is difficult to attribute the conduct of non-state actors to a State, which would include understanding the actions states did or did not take. An analysis of the Covid-19 mis/disinformation campaigns shows the complex networks of accounts, authors and amplifiers involved as well as the interrelationships between domestic and foreign actors, which makes it difficult to attribute actions to state actors for the purposes of international law;

(2)   Breach

International law struggles to categorise the nature of the problem with mis/disinformation. International law is primarily used to respond to a prohibited intervention by one state into the affairs of another, with the intention of coercing that state. But the mere influence of the views of a population is not considered sufficient to be called "an intervention"; and,

(3)   Evidence

There are several evidentiary barriers due to a lack of information about the nature, scope, causes and consequences of mis/disinformation campaigns (Schmitt 2021).

Bringing together law and social science researchers this project aims to develop a better understanding of the nature, scope, causes and consequences of mis/disinformation campaigns, which can only be garnered through the thorough analysis of social media as well as mainstream, state-owned, and fringe media data, so as to ask:

a.   Who are the actors and amplifiers in these mis/disinformation campaigns and are their actions attributable to the state?

b.   If so, has there been a breach of international law? Does an analysis of the mis/disinformation campaigns help us to establish the effects of campaigns, the intention behind campaigns and/or whether these are coercive activities?

This project strives to find answers to these questions.

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