

**Voluntary Framework of Cooperation
to Address Disinformation in the
2024 National and Provincial Elections
in South Africa**



SOUTH AFRICA

Preamble

Disinformation¹ threatens the exercise of various rights, including freedom of expression, access to credible information, and the freedom to make informed political choices. In particular, the dissemination of disinformation has the potential to undermine the fairness and credibility of elections and threaten democratic political and policy-making processes.

A multi-participant Working Group – formed by the Electoral Commission (IEC) of South Africa and comprising of civil society organisation Media Monitoring Africa (MMA), and online platforms Meta Platforms Inc., Google, TikTok, and Twitter (Participants) – seeks to provide voluntary support to the IEC regarding democratic processes of the upcoming National and Provincial Elections in South Africa in 2024. In doing so, the Participants have adopted this **Voluntary Framework of Cooperation to Address Disinformation During the 2024 National and Provincial Elections in South Africa** (Framework of Cooperation).

The Participants note that disinformation has the potential to threaten the ability of the public to meaningfully participate in the public process, including by impeding the ability of the public to remain informed. Mindful of this, the Participants are interested in helping to facilitate measures against the dissemination of disinformation. This Framework of Cooperation is one facet of the practical responses that may be undertaken by the Participants individually regarding elections that are free, fair, and credible. While this Framework of Cooperation does not constitute or create any legally binding or enforceable obligations(s) on the part of any Participant, the Participants intend to work together in good faith as set forth in these provisions.

The measures set out in this Framework of Cooperation will be developed and implemented in line with the Constitution of the Republic of South Africa, 1996, and all applicable legislation, including the Electoral Act 73 of 1998 (Electoral Act) and the Electoral Code of Conduct.

1. Purpose

- 1.1. The purpose of the Framework of Cooperation is to identify the measures that the Participants may put in place to address the challenges related to disinformation in the lead-up to, and during, the election period; to promote conditions that are conducive to free, fair and credible elections; and to assist the IEC in its mandate to address intentionally false statements as set out in section 89(2) of the Electoral Act.

¹ For present purposes, we support the definition of “disinformation” proposed by the High Level Group of the European Commission, which defines the term as follows:

“[A]ll forms of false, inaccurate, or misleading information designed, presented and promoted to intentionally cause public harm or for profit. It does not cover issues arising from the creation and dissemination online of illegal content (notably defamation, hate speech, incitement to violence), which are subject to regulatory remedies under ... national laws. Nor does it cover other forms of deliberate but not misleading distortions of facts such as satire and parody.”

See European Commission, ‘A multi-dimensional approach to disinformation: Report of the independent High Level Group on fake news and online disinformation’, 12 March 2018 at p 10, accessible at <https://ec.europa.eu/digital-single-market/en/news/final-report-high-level-expert-group-fake-news-and-online-disinformation>.

- 1.2. The Framework of Cooperation envisages that actions taken by the online platforms are in accordance with the terms of their policies and may include the removal of the content, the publication of advisory warnings, and/or the delisting of the content.
- 1.3. The Framework of Cooperation is:
 - 1.3.1. Acknowledged as being without prejudice to other initiatives aimed at addressing disinformation on the relevant online platforms;
 - 1.3.2. Acknowledged in good faith amongst the Participants, as building on a fair and honest representation of their intentions; and
 - 1.3.3. Applies from the date of the last signature of the Participants and throughout the duration of the election period, which includes the period from the date of proclamation of the 2024 National and Provincial Elections until the results of the elections are officially announced by the IEC.

2. Areas of cooperation

- 2.1. The Framework of Cooperation is an expression of goodwill and good faith amongst the Participants, who will endeavour to take steps toward the following areas of cooperation:
 - 2.1.1. To establish a Working Group to provide advice and guidance to the IEC and support the work of the IEC on Media and Information Literacy in Elections (MIL-E) programmes and strategies.
 - 2.1.2. To deploy appropriate policies, processes, and safeguards to facilitate access to transparent and accurate information regarding electoral matters, including utilising pre-existing labels and/or disclosure technologies on the online platforms that allow for paid political advertising.
 - 2.1.3. Each participant will independently implement and promote appropriate policies, processes, and safeguards to address disinformation, and act in accordance with their respective policies.
 - 2.1.4. To voluntarily undertake information, education, and communication campaigns to build awareness around the 2024 National and Provincial Elections in South Africa.
 - 2.1.5. To voluntarily undertake information, education, and communication campaigns to build awareness around the harms, risks, and consequences of the dissemination of disinformation in the context of elections.

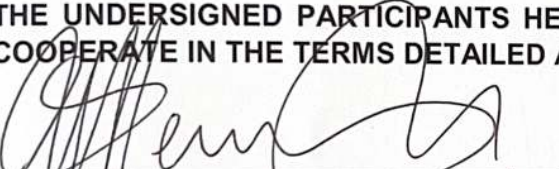
- 2.1.6. To voluntarily impart training on various products, services, mechanisms, and processes for responding to concerns of disinformation.
- 2.1.7. To voluntarily support other related efforts, if applicable, aimed at ensuring free, fair, and credible elections in South Africa.
- 2.2. Furthermore, the online platforms that are signatories to this Framework of Cooperation will voluntarily cooperate with the IEC and MMA in the implementation of the following initiatives:
 - 2.2.1. **Real411:** MMA has developed an online platform, the Real411, which is endorsed by the IEC. The Real411 allows members of the public to lodge complaints relating to content which may constitute disinformation. Once a complaint has been reviewed by MMA and forwarded to the IEC, and there is cause for concern that the content may violate the relevant electoral laws or policies of the online platforms, the IEC may notify the affected online platform(s) of the potential violation. This notification will be acknowledged and should be further investigated by the online platform(s), taking into consideration any recommendations of the IEC and the online platforms' policies. To give effect to this area of cooperation, the Participants will facilitate a reporting mechanism to respond to the notification from the IEC. Such response may include the geoblocking/removal of the content, the publication of an advisory warning, and/or the de-listing of the content, if the content violates the relevant electoral laws and/or the online platforms' policies.
 - 2.2.2. **PADRE:** PADRE is a transparent repository of political advertisements established by MMA and endorsed by the IEC. In consultation with the IEC and Political Parties, MMA will endeavour to ensure that all political advertisements, including those targeted at individuals or specific groups on online media, will be available through the repository. The purpose of the repository is to increase transparency and to verify the authenticity of any political advertisement.
- 2.3. In giving effect to these areas of cooperation, the Participants may work together, as applicable, on steps set out under this Framework of Cooperation, and/or will engage in discussions regarding the dissemination of disinformation, as the case may be.


3. Application and good faith


- 3.1. The Framework of Cooperation will be in effect during the election period and shall automatically terminate once the results of the 2024 National and Provincial Elections are officially announced by the IEC.
- 3.2. Any of the Participants may terminate its participation in this Framework of Cooperation by notifying the other Participants in writing.


- 3.3. It is agreed that this Framework of Cooperation is one based on collaboration and good faith, and is not legally binding, does not form a contract, and does not give rise to any legal or financial obligations of any kind whatsoever on any of the Participants.
- 3.4. In undertaking the activities contemplated in the Framework of Cooperation, the online platforms shall not be required to share or otherwise provide information, including confidential information or any information pertaining to their business activities, or any confidential user data with any of the other Participants, except insofar as this may be required in law.
- 3.5. The Framework of Cooperation shall be applied and implemented within the prescripts of the existing laws of South Africa, and should not be construed in any way as replacing or interpreting the existing legal framework.
- 3.6. Any dispute arising from the interpretation or application of this Framework of Cooperation shall be addressed in good faith and amicably by the appointed representatives of each of the Participants.


THE UNDERSIGNED PARTICIPANTS HEREBY ACKNOWLEDGE IN GOOD FAITH TO COOPERATE IN THE TERMS DETAILED ABOVE.



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