

CONFERENCE REPORT

BIG TECH AND JOURNALISM

BUILDING A SUSTAINABLE
FUTURE IN THE GLOBAL
SOUTH

13-14 JULY 2023

GIBS MEDIA LEADERSHIP THINK TANK
GORDON INSTITUTE OF BUSINESS SCIENCE (GIBS),
SOUTH AFRICA

Big Tech and Journalism: Building a Sustainable Future in the Global South,
hosted by the GIBS Media Leadership Think Tank, Gordon Institute of Business Science, University of
Pretoria 26 Melville Road, Illovo, Johannesburg, South Africa.

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For further information, contact Michael Markovitz: markovitzm@gibs.co.za.

Rapporteur, report preparation, and report design by [ALT Advisory](#).

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EXECUTIVE SUMMARY

The **Big Tech and Journalism - Building a Sustainable Future for the Global South** conference was held from 13-14 July 2023 at the Gordon Institute of Business Science (GIBS) in Johannesburg. It brought together over 70 journalists, news publishers, media organisations, scholars, activists, lawyers, and economists from 24 countries to discuss solutions to the crisis of the sustainability of journalism and its intersection with the role of major tech platforms.

The conference aimed to share lessons learned and identify commonalities within and across regions with regard to media sustainability initiatives via legislation and competition authorities. Robust discussions were held on the experiences of countries which have already or are considering implementing such initiatives to sustain journalism, as well as the challenges of doing so in other countries with large media industries but severe sustainability challenges. The conference featured panel discussions focusing on South Africa, Australia, Latin America, Asia, and Africa, as well as a series of keynotes by distinguished speakers.

Several common themes emerged that inform ongoing efforts to advance media sustainability:

- Many participants supported approaches that seek sufficiently good short-term outcomes over potentially impossible or long-term perfect ones;
- The power of collective bargaining in achieving change was emphasised, particularly for small media organisations and countries with lower bargaining power over tech platforms;
- Tech platforms use a set of common tactics to avoid regulation around the world, such as striking deals with large publishers to satisfy business interests without having to subject themselves to more meaningful measures, and threatening to remove all news content;
- Country context, particularly history and institutional architecture, is a vital consideration when crafting media sustainability solutions;
- Distrust of repressive or dysfunctional governments raises questions about the suitability of competition or regulatory efforts in some countries in the Global South;
- There are a range of tools available to countries in the Global South to achieve change, including media bargaining codes and national funds, with various benefits and drawbacks;
- The relative importance of additional characteristics within bargaining codes, such as collective bargaining exemptions for small media, transparency requirements – over both deal conditions and algorithmic changes – as well as clauses around the ‘designation’ of certain platforms and requirements relating to the spending of funds on journalistic content.

The conference culminated in the adoption of ‘**Big Tech and Journalism - Principles for Fair Compensation**’ (the Principles). The Principles are intended to be universal, serving as a framework for any country seeking to address media sustainability through competition or regulatory approaches, while enabling adaptation to the unique context. It is hoped that the Principles will represent an important step forward in addressing news media sustainability in the tumultuous era of big tech.

- The Principles can be viewed and endorsed here: <https://www.gibs.co.za/news-events/news/pages/big-tech-and-journalism-principles.aspx>.
- Video recordings of the conference can be viewed [here](#).



WELCOME ADDRESS

WELCOME AND SETTING THE SCENE

On 13 July 2023, the conference on *"Big Tech and Journalism"* commenced under the coordination of Michael Markovitz, Head of the Gordon Institute of Business Science (GIBS) Media Leadership Think Tank in Johannesburg. Participants from 24 countries gathered to address the current crisis facing long-term journalism sustainability, particularly in the realm of public interest journalism, and its intersection with big tech platforms. The welcome address emphasised the global nature of threats such as oppressive laws, disinformation, and financial setbacks to media sustainability and their impact on organisations across different sectors and regions ranging from public to privately-owned, legacy print to digital-only news media, and local to national outlets. Sustaining journalism, especially in the Global South, is an acute challenge and there is an absence of a readily available remedy in the Global South.



Acknowledgement was given to the sponsors of the event, including the **Minderoo Foundation, Open Society Foundations, Reset, and the International Fund for Public Interest Media**, for their generous support and endorsement of the discussions.

Addressing the emerging policy area of regulating generative artificial intelligence (AI), Markovitz noted that new technologies present unique challenges and opportunities for journalism and its sustainability. Generative AI content can potentially violate copyright laws and digital publishers need to stay ahead of the curve by advocating for measures that ensure fair compensation and proper referencing when AI uses their content to generate revenue. Markovitz also outlined the importance of the independence of news publishers, and transparency between them and tech platforms. There is a need for improved data sharing between platforms and various stakeholders, including researchers, public interest groups, and news publishers. This would include demands for platforms to share more relevant data on news content, algorithmic data, content moderation, and ad tech revenue shares. Additionally, funding mechanisms that support journalism's economic viability are of critical importance.

This conference's two main aims were, firstly to share information between practitioners from around the world, and, secondly, to develop a collective, principled view on a set of principles to guide to any legislative or regulatory interventions across countries and continents. Markovitz emphasised the urgent need to find workable solutions for sustaining journalism, public interest media, and democracy.

An aerial night view of a city skyline, likely Sydney, Australia, featuring prominent skyscrapers like the Sydney Tower and various residential and commercial buildings. The image is heavily color-graded in shades of blue and purple, with a white border framing the central text area. The sky is dark with some light streaks, suggesting a night sky or a digital effect.

AUSTRALIAN NEWS MEDIA BARGAINING CODE

REVIEWING THE AUSTRALIAN NEWS MEDIA BARGAINING CODE: LESSONS, SUCCESSES, AND MYTHS

Participants

- **Emma McDonald**, Director, Frontier Tech initiative, Minderoo Foundation, and former Senior Policy Advisor to Australian Communications Minister.
- **Nelson Yap**, Publisher, Australian Property Journal, Director of Local and Independent News Association (LINA) and Co-Chair of Public Interest Publishers Alliance (PIPA).
- **Lawrence Gibbons**, Publisher, Star Observer and City Hub, Co-Chair of Public Interest Publishers Alliance (PIPA).
- **Jonathan Heawood**, Director, Public Interest News Foundation (PINF) (Moderator).

The conference's first panel discussion explored the Australian experience in adopting the **News Media and Digital Platforms Mandatory Bargaining Code** (Bargaining Code), including its inception, functioning, implications, and overall impact.



From the left: Lawrence Gibbons, Emma McDonald, Nelson Yap, and Jonathan Heawood. © 2023 Gordon Institute of Business Science.

Process

The Bargaining Code was proposed in 2017-2018 and directed by the Australian Treasurer, leading to a review by the Australian Competition and Consumer Commission. Interim and final reports were released in 2019, with 23 recommendations, one of which was the establishment of

the Bargaining Code which was introduced as legislation in 2020. The Code itself is a legislative framework that aims to address the power imbalance between digital platforms, particularly Google and Facebook, and news publishers in Australia. It seeks to ensure that news publishers are fairly compensated for the use of their content by these platforms.

Some of the provisions highlighted by the panel:

- **Framework for negotiations:** The Bargaining Code establishes the framework for negotiations between registered news businesses (publishers) and designated digital platforms (primarily Google and Facebook). It provides a process for publishers to bargain over the payment that they would be entitled to receive from platforms for the inclusion of news content on these platforms. The Bargaining Code mandates that designated digital platforms enter into negotiations in good faith with news publishers. Notably, to date designation has not yet occurred. Rather, the threat of designation has driven parties successfully to the negotiating table.
- **Revenue sharing:** Under the Bargaining Code, digital platforms are required to share a portion of their revenue with news publishers. The specific terms and percentages of revenue sharing are subject to negotiation between the parties.
- **Registered news businesses:** To participate in the bargaining process, news publishers need to be registered as "eligible Australian news businesses." This requires news publishers to meet certain criteria, such as demonstrating that they publish news content and have adequate editorial standards and internal governance processes in place. The process was reported to be quite administrative and burdensome.
- **Reporting algorithmic changes:** While revisions to the Bargaining Code do make provision for digital platforms to provide advanced notice of algorithmic changes that may significantly impact referral to content covered by news businesses, those provisions are not enforceable as platforms have not yet been designated under the Bargaining Code.
- **Small and emerging publishers:** The Bargaining Code did not initially include provisions to accommodate small and regional publishers. Additional negotiations with the ACCC were required in order to establish collective bargaining procedures and regulatory exemptions to enable small publishers to bargain collectively, which has ultimately successfully resulted in a large number of small publishers – although not all - securing deals with both Meta and Google.



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Engagements with Meta and Google

Engagements with Google and Meta varied in their outcomes and experiences for different publishers. Generally, Google was reportedly more receptive to engaging with publishers under the Bargaining Code as it demonstrated a willingness to collaborate with publishers to ensure their sustainability and growth.

Engagements with Meta presented more challenges and frustrations for publishers. Concerns were also raised about Meta's algorithms impacting the visibility of publications. There was a perception that Meta aimed to distance itself from journalism and public interest journalism, potentially disadvantaging news publishers. It was noted that some of the agreements between publishers and Meta were set to expire, suggesting ongoing uncertainties and the need for renegotiation.

Challenges and barriers

Publishers in Australia have faced several challenges:

- **Contracts:** Whilst large publishers managed to reach agreements with either Google or Facebook within approximately six months, allowing them to operate under the Bargaining Code, small publishers faced challenges in securing similar agreements which required additional support and negotiation.
- **Competition:** The competitive nature of the industry and the limited communication and cooperation among publishers created an additional barrier.
- **Capture:** Because of the entrenched dependency on platforms, some publishers prioritised maintaining a positive relationship with platforms over the collective goal of ensuring that all news publishers receive fair compensation.
- **Capacity:** Throughout the process of enacting the Code, small publishers faced difficulties in eliciting responses from Google and Facebook. Notably, diverse voices represented by the Public Interest Publishers Alliance were not given a seat at the negotiation table, and many lacked the capacity to navigate the complex and bureaucratic administrative requirements of the Code.



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Reflections

- **Political will:** The panel discussed the challenge of confronting situations in which governments prefer a weakly-funded press and emphasised the importance of political will when big media players assert their influence at the bargaining table.
- **Transparency in commercial agreements:** A question was raised about the lack of transparency in commercial agreements between publishers and digital platforms. The panel discussed how these agreements are often kept confidential due to the legal framework and the way the legislation is structured. The absence of transparency was seen as a flaw in the process, particularly for interventions in the public interest.
- **Engaging with emerging platforms:** The panel discussed the scope of the negotiation process and whether it included engagement with emerging platforms such as TikTok. It was suggested that any emerging platform could potentially be accommodated. However, the dominance of Meta and Google, which control approximately 40% of global advertising, was highlighted with the panel noting that legislative reform might be necessary to accommodate other platforms effectively.

Both the panel and the participants acknowledged the significance of having a collective body and a well-defined membership structure in place before legislation is enacted. They recognised that a unified and organised approach is essential for effective engagement with tech platforms and ensuring fair outcomes for all stakeholders, including smaller publishers.



KEYNOTE:
BRUCE
MUTSVAIRO

KEYNOTE: BRUCE MUTSVAIRO

Professor and Chair Media, Politics and the Global South, University of Utrecht, The Netherlands

Noting that countries in the Global South often have good reasons not to trust their governments, which may be authoritarian, repressive, or otherwise hostile to both a free and independent press and to the tech platforms, getting the state to facilitate the funding of news media by tech platforms may only serve to amplify propagandistic voices and prop up dictatorial media sources, to the extent that the state is willing to cooperate at all. For example, in Uganda, Facebook has been banned since 2021. In such a context, it is unlikely that Meta would work with the government to support the news media.



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The elephant in the room is that in forcing tech platforms to pay for news, they may simply walk away from countries in the Global South. Accordingly, it may not be feasible for these countries to portray the platforms as evil monsters. Without denying that they are responsible for problems around misinformation and more, careful thought is required to regulate platforms that allow free expression in societies where dissent is not tolerated and the state itself cannot be trusted.

Considering these challenges, potential proposals are:

- Accepting that the development of quality digital news is beyond the reach of many in the Global South and that a lot needs to be done to ensure there is adequate infrastructure to support news in local environments.
- Thinking about how to incorporate citizen and community journalists into discussions of news compensation – especially given that Africa, with a median age of 19, is the youngest continent in the world. Including these groups in negotiation processes is vital to ensuring conversations are not captured by elites.
- To the extent possible, only making tech platforms pay for content in countries that respect press freedom, as this may incentive countries that do not respect press freedom to change their behaviour in order to benefit.

Final reflections

- There is a tension between digital platforms being important vehicles for expression under authoritarian regimes and an overreliance on these platforms.
- Are anti-democratic countries actually most in need of media compensation, assuming mechanisms can be designed to ensure that money can flow to independent parties?
- What is the role of advertisers in negotiations, and is the relative absence of quality media in the Global South due to a lack of demand?
- There are some unifying characteristics of countries in the Global South, particularly multilingualism and multi-layered governance challenges beyond media freedom.

A futuristic cityscape at night, featuring a large planet in the background and a white L-shaped graphic element. The scene is dominated by tall, modern skyscrapers and residential buildings, all illuminated with a cool blue light. The planet in the background is a large, glowing sphere with a textured surface, possibly representing a celestial body or a distant planet. The overall atmosphere is one of advanced technology and urban development.

SOUTH AFRICA

SOUTH AFRICA: MARKET INQUIRY, PROPOSED LEGISLATION AND COUNTRY FUNDS

Participants

- **Dr Dinesh Balliah**, Director, Wits Centre for Journalism (Moderator).
- **Styli Charalambous**, CEO, Daily Maverick.
- **Sbu Ngalwa**, Chairperson of the South African National Editors Forum (SANEF) and EWN Editor-in-Chief.
- **Daryl Dingley**, Head of Competition Law practice, Webber Wentzel, and attorney for the Publisher Support Services (PSS), a group of online publishers.
- **Franz Krüger**, Associate Professor, NLA Mediehøgskolen, Kristiansand, Norway.
- **Avani Singh**, independent communication law specialist.

Market Inquiry

Earlier this year, South Africa's Competition Commission initiated a Market Inquiry into Media and Digital Platforms (the MDPMI), following an earlier (and ongoing) Market Inquiry into Online Intermediation Platforms, which was initiated in 2021. The draft terms of reference for the MDPMI served as a point of departure, with participants noting that the current situation had come about due to different regulators putting policies in place without understanding their consequences; the inevitability of regulatory lag in issues like these; and alongside compensation, the need to create a safe and vibrant media ecosystem. It was noted that the draft terms exclude the advertising technology stack, thereby missing an important nexus in this issue. SANEF, PSS, and others are in the process of engaging with the Commission on these and related points.

The PSS process

The Publisher Support Services (PSS), an association of publishers that collectively produce about 256 titles, and which represents many of the major legacy players in South Africa, has made extensive submissions to the Competition Commission during both the MDPMI and Online Intermediation Platforms inquiries. At the same time, the PSS has produced draft legislation aimed at regulating the relationship between digital platforms and the media and has shared the bill with relevant government departments and digital platforms, in parallel to the Competition Commission process. The PSS reported that the financial precarity of many media organisations necessitates that deals be reached with digital platforms as soon as possible, as the Competition Commission process may take too long to conclude.

The degree to which the PSS process was inclusive of not just legacy and established media players, but also community and smaller media organisations, was discussed at length. It was noted that the goal ought to be not just saving publishers but saving public interest journalism more broadly. Controversies associated with one of the PSS members (Independent Media), which has been accused of spreading misinformation, were also raised, with some noting that media organisations ought to be party to the Press Code and the Broadcasting Complaints Commission

of South Africa to benefit from any deals reached with digital platforms. The absence of the country's public broadcaster – the South African Broadcasting Corporation – from these discussions was also notable.

A related contentious issue was the degree of transparency in the PSS process, with some participants arguing that the fact that negotiations were happening behind closed doors and that the draft bill was not yet publicly available, pointed to insufficient transparency.

Algorithmic influence and data access

The panel also discussed the challenges stemming from algorithms weighting content in inscrutable ways and the media's lack of access to relevant data (e.g., on revenue division). These are challenges that compensation from digital platforms alone cannot overcome –tech platforms would need to share not just finances but also salient information on the operation of algorithms and related data to reduce the power asymmetry between players and allow market forces to run. It was noted that the PSS bill allegedly has a provision on algorithmic transparency.



From the left: Franz Krüger, Avani Singh, Sbu Ngalwa, Daryl Dingley, and Dr Dinesh Balliah, with Styli Charalambous online. © 2023 Gordon Institute of Business Science.

Broader governance challenges

A fundamental challenge in this space is that South Africa has limited power over tech platforms that are rooted in foreign jurisdictions (particularly the United States). There are thus limits on the actions that can be taken here. South Africa is also distinct from Western countries due to its multilingualism (with over 11 official languages) and the degree to which both private and public

media organisations have historically been dependent on advertising revenue to sustain themselves. Finally, some participants were concerned that any voluntary deals struck with tech platforms may have the effect of allowing big tech to sidestep more onerous regulation, which may be able to compel algorithmic transparency and other more intensive interventions that could reduce the power imbalance between tech companies and the media.

National fund


Aside from negotiations, it was noted that others (such as SANEF) are also actively taking steps to establish a Journalism Sustainability Fund, which would look beyond tech platforms to other corporates and the government to support public interest journalism. Such a fund would be complementary to any regulation that may result from the Competition Commission's Market Inquiry. It would also need to be run independently from SANEF. While it seems likely that such a fund will come into existence relatively soon, the details around its operation remain to be clarified.

Final reflections

There was widespread agreement on the urgency of the situation and the need to take immediate action to secure the future of media sustainability in the country, giving due regard to issues of inclusivity and transparency, and retaining flexibility to iterate on outputs.



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A futuristic cityscape at night, featuring a large planet in the background. The city is filled with tall buildings and a dense urban environment. The sky is dark with a large, glowing planet in the background. The overall color palette is dominated by blues and purples, with some warm lights from the buildings and the planet. The text is centered in the upper half of the image, enclosed in a white rectangular frame.

KEYNOTE: FRANCISCO BRITO CRUZ

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Executive Director, Internet Lab, Brazil

Francisco Brito Cruz provided insight from a policy-oriented observer's perspective on tactics related to Brazil's enactment of [Bill No. 20630 of 2020](#) known as the "Fake News Law."

Overview of the Brazilian scenario

In 2020, Brazil enacted a "Fake News" Bill, likened it to a combination of the [Digital Services Act](#) (DSA) and the Bargaining Code. While there were some entry points available for digital platforms, the Act lacked the level of detail seen in similar legislation in Canada and Australia. Public conversations surrounding the Act also lacked insight into relevant data and failed to provide operational and contextual definitions. Furthermore, transparency measures were limited and the lack of technical knowledge among legislators and the absence of media self-regulation and media criticism in Brazil were acknowledged as challenges.



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- **Questions around windows of opportunity:** The Brazilian experience raised questions about choosing between the adoption of a media framework or a full platform regulation framework. There is a need to assess the potential benefits and risks of aligning with legacy media given the lack of institutional framework for regulatory discussions.
- **Adversaries and allies:** Digital natives, independence-oriented stakeholders, journalism unions, and civil society were identified as allies in combating fake news. Legacy media was seen as a potential ally but required a careful approach. Cruz noted the challenge in dealing with news organisations that had shifted their business models to adapt to platforms and revenue streams. Balancing the interests of different stakeholders, such as artists and creators with ancillary rights, was also a key consideration.
- **Digital rights and media stakeholders:** Building alliances and fostering dialogue between human rights advocates, public interest media advocates, and digital rights organisations was seen as a way to bridge the gap between digital rights groups and media stakeholders.

Final reflections

Cruz noted that the region lacks a fully independent regulator, which poses challenges in implementing effective regulation and emphasised the need for good data and research in order to know what to demand from regulatory frameworks. He suggested the adoption of models that align with the specific Brazilian context. Lastly, the long-term implications of passing the Act were contemplated, considering the potential risk of the country regressing into autocracy.



LATIN AMERICA

DEVELOPMENTS ACROSS THE GLOBAL SOUTH – LATIN AMERICA

Participants

- **Natalia Viana**, co-founder and executive director of Agência Pública, Brazil's first non-profit investigative journalism outlet (Moderator).
- **Jose Maria Leon Cabrera**, CEO of GK Ecuador.
- **Tania Montalvo**, former deputy editor-in-chief of Animal Politico, Mexico, and member of the steering committee which drafted the New Deal for Journalism.
- **Diego Garazzi**, President of the Intellectual Property Commission, Association of Argentinian Journalistic Entities (ADEPA).
- **Maria Catalina Colmenares-Wiss**, Media Management and Investment Analysis, Colombia.
- **Patrícia Campos Mello**, reporter at large and columnist at Folha de São Paulo newspaper and a commentator at TV Cultura, Brazil.



From the left: Jose Maria Leon Cabrera, Maria Catalina Colmenares-Wiss, Tania Montalvo, Natalia Viana, Patricia Campos Mello, and Diego Garazzi. © 2023 Gordon Institute of Business Science.

Overview

In **Brazil**, legislation has been proposed that bundles together separate issues – remuneration for journalists and issues of copyright – creating complexity, as not everyone is aligned on both.

Smaller publishers were initially against a bargaining code, and Google initially seemed to be pushing for a fund model, as they would both pay less and be better able to predict how much they would pay. The proposed legislation has various issues, such as that it is very vague on who would qualify as a journalist and who would qualify for funding. It was also noted that Google is already funding organisations that can be considered hyper-partisan, and not purveyors of quality journalism. Further, the fact that Google and Meta fund many of the journalistic bodies, and that Google has been aggressively lobbying against legislation – for example, by telling small publishers that they will lose ad revenue if the bill passes, and telling evangelical legislators that they won't be able to share bible verses – is poisoning the broader discussion.

In **Colombia**, news media bargaining codes are not currently being considered. While initiatives such as the Google News Initiative are present in the region, giving access to funding to small organisations that otherwise lack it, it seems there is a lack of institutional capacity in the region to facilitate the collective bargaining necessary for a media code to work, as smaller organisations are too preoccupied with the day-to-day work of keeping an organisation afloat to allocate resources to longer-term sustainability work. In smaller countries like Colombia, the path to sustainability may look different. It is suggested that there is a need for those in the media sector to begin talking to one another ahead of time, to arrive at a common position, so that once there is political will to drive such a process, the media actors are clear on what they want.

Mexico is not a safe place for journalists, with seven having been killed this year alone. And while the new government has funded some media, this money has mostly gone towards influencers on YouTube and TikTok who give government unduly favourable coverage. There is no transparency or accountability around how this money is used. More serious journalists are ignored and attacked. Thus, there are, in practice, significant limits on the freedom of the media in Mexico, exacerbating sustainability challenges.

Ecuador's situation illustrates the structural challenges in achieving media sustainability in the region, which are such that a media bargaining code alone would be insufficient. As a media ecosystem, attracting investment is challenging, as international funders consider other countries more deserving of funds, and fail to appreciate the importance of sustaining ecosystems more broadly. There is also a need for public campaigns so that people know whom they can trust. Organisations themselves need to develop the capacity to wield technology, as well as their understanding of issues like search engine optimisation. Without these changes at the systemic level, regulation alone is unlikely to improve things, especially in an environment where there is distrust of the regulators currently in power.

As in other countries in the region, **Argentina** faces the challenge that while media organisations agree on the need to be compensated for the platforms' use of their content, there is little trust in the government of the day to create legislation that is viewed as fair. Argentina has also considered how to regulate Microsoft, as ChatGPT was trained on content from many of the country's biggest newspapers, without compensating them.

Addressing distrust in government

Every country in the region faces similar challenges of untrustworthy national governments that often constrict media freedom, amplify propaganda, or otherwise cultivate an unsafe environment for free expression. For example, in Ecuador in 2013, a law was passed that required all TV commercials to be locally produced, but at the same time allowed media outlets to be fined for their opinions; thus mixing a beneficial provision with a regressive one. Meanwhile, tech platforms take advantage of this justifiable lack of trust to halt any regulatory processes.


The lack of capacity – particularly in smaller newsrooms – to engage in sustainability work creates further challenges. However, multistakeholder partnerships – between citizens, civil society (particularly independent press councils), and academics - could be an important way to increase capacity and hold tech platforms accountable.

Content creators and IP rights

Panellists discussed the role of individual content creators and intellectual property (IP) rights in media ecosystems. Practically, the panel felt that although these issues also go to the heart of public interest journalism, they are regulated differently, and bound by different standards.



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A futuristic cityscape at night, featuring a large planet in the background and a white frame around the text. The scene is dominated by tall, modern skyscrapers and residential buildings, with a dark, starry sky above. A large, glowing planet is visible in the upper half of the image, partially obscured by the city's skyline. The overall color palette is dark blue and black, with highlights from the city lights and the planet's glow.

KEYNOTE: ZOE TITUS

KEYNOTE: ZOE TITUS

Chair of the Global Forum for Media Development, Director of Namibian Media Trust, Namibia

Titus highlighted the global crisis facing media viability from an African perspective and provided insight on three countries to illustrate challenges and progress in media sustainability:



- **Namibia:** Namibia's media is considered to be one of the freest in Africa, with relatively low levels of government interference. However, there are concerns about the sustainability of print media in the country. Declining readership and advertising revenues have posed challenges to the financial stability of media outlets. Despite these challenges, Namibia has made efforts to embrace digital platforms to reach broader audiences. The country has also invested in investigative journalism as a means to enhance media quality.
- **South Sudan:** South Sudan faces unique challenges in media sustainability due to political instability, civil unrest, and economic volatility. Media houses in the country grapple with threats of censorship and violence which threaten media independence. However, South Sudan has seen the rise of citizen journalism and community radio stations.
- **Sierra Leone:** Sierra Leone has experienced progress in terms of media diversity and freedom since the end of its civil war. The number of media outlets has increased, offering a range of viewpoints. However, limited resources, including financial constraints and a lack of professional training, affect the quality and viability of media organisations. Additionally, occasional political interference can create obstacles for independent journalism.

Titus highlighted the power that big tech has to shape public opinion and the potential risks associated with algorithms and recommendation systems that amplify echo chambers and spread disinformation. She further noted how smaller countries face challenges in achieving media sustainability within this context, calling for more creativity and strategic approaches.

Trade agreements

In the context of media viability, trade agreements such as the AFCFTA can either contribute to strengthening media freedom or exacerbate existing inequalities faced by many media organisations in Africa. Focus should be placed on trade agreements that prioritise the development of knowledge societies and support campaigns that highlight the value offered by independent media sectors.

Titus concluded the keynote address by emphasising the importance of developing robust campaigns when tackling the challenges facing the media industry. By collectively working towards media viability, Titus noted that news publishers should be able to ensure the survival and flourishing of the media industry.



AFRICA

DEVELOPMENTS ACROSS THE GLOBAL SOUTH – AFRICA

Participants

- **Nancy Booker**, Professor and Dean, Aga Khan University’s Graduate School of Media and Communication, Nairobi, Kenya (Moderator).
- **Sulemana Braimah**, Executive Director, Media Foundation for West Africa, Ghana.
- **Churchill Otieno**, Executive Director of the Eastern Africa Editors Society (EAES) Kenya.
- **Lassina Serme**, President of the Network of Online Press Professionals of Côte d’Ivoire (REPPRELICI), Côte d’Ivoire.
- **Pamella Makotsi Sittoni**, Group Managing Editor at the Nation Media Group (NMG), Kenya.
- **Edetaen Ojo**, Executive Director, Media Rights Agenda, Nigeria.
- **Hamadou Tidiane Sy**, Founder, Ouestaf News & Director, Ejicom (Journalism, Communication and Digital Media School), Senegal.



From the left: Hamadou Tidiane Sy, Edetaen Ojo, Churchill Otieno, Lassina Serme, Pamella Makotsi Sittoni, and Nancy Booker, with Sulemana Braimah online. © 2023 Gordon Institute of Business Science.

Country challenges

The panel discussion acknowledged that many challenges relating to media sustainability in Africa predate the dominance of tech platforms, but have been further exacerbated by their presence. The panel addressed specific challenges faced by each country:

- **Senegal:** Tech platforms have significantly impacted the essence and soul of journalism, with their proliferation giving rise to "journalists and content creators" who operate without proper adherence to journalism ethics. A research paper conducted in collaboration with Wits University found that 85% of media organisations consider social media a necessary tool and 73.6% of professionals represent legacy media attempting to compete by establishing digital platforms. Tech platforms often have more followers than the largest media platforms, and people prefer them due to their wider range of functionalities beyond just news provision. Senegal's issues are often disregarded by the regional and global community as it is generally considered a free and democratic society.
- **Nigeria:** Despite being a large country, Nigeria lacks a sustainable market for media. Many media professionals have transitioned to politics or other sectors due to the sector's inability to provide sustainable livelihoods. Challenges in Nigeria are exacerbated by governance failures and infrastructure deficiencies, such as unreliable electricity. The traditional distribution system has become costly, rendering it largely ineffective.
- **Kenya:** Over the past decade, the media landscape in Kenya has deteriorated. Legacy media houses struggle to pay salaries and advertising models have failed. Revenue has shrunk by 50% and the downward trend continues. According to PwC, internet advertising is projected to surpass TV and broadcast combined by 2026. Tech platforms contribute a mere 0.36% of revenue to the media, despite benefiting from media content, and often lack credible sources of information, relying on the media's content to sustain their platforms. To navigate the current landscape, a three-way negotiation involving the media, government, and platforms is essential.
- **Ghana:** There is a lack of understanding and response to the exploitation taking place within the media sector in Ghana. Local tech companies, such as telecom providers, compete directly with media practitioners by deploying zero-rated content production and distribution applications, impacting the viability of mainstream media.
- **Côte d'Ivoire:** The regulatory authority for printed press does not extend to regulating big tech platforms in Côte d'Ivoire. Advertisements are increasingly posted online, and tech companies utilise AI without compensating media organisations while collecting personal information. The existing legislation fails to compel tech companies to support the media, negatively impacting its sustainability.

Final reflections

- **Use of advertising by the media:** Social media platforms have effectively utilised advertising, raising the question of whether the issue lies with how media organisations

use advertising. The panel emphasised the need for media to diversify their revenue streams and explore smaller sources of income. The panel highlighted the constraints imposed by tech platforms' advertising rules in leveraging online advertising.

- **Finding models to sustain national-level media:** A question arose whether media organisations in Africa could use taxation, along the lines of the Swedish model, to promote media diversity. The panel noted that the enabling environment, government perceptions, economic conditions, and people's capacity to pay differ across African countries. Many African governments are unwilling to support media, preferring a weaker, non-critical media, resulting in hesitancy towards the regulatory approach. Instead, a gradualist approach might be more effective, while considering the unique challenges that may affect implementation on the continent.
- **Enabling media to stay ahead of government interventions:** Given the small markets in Africa and the resulting limited bargaining power many of these countries have, the panel stressed the importance of leveraging regional and continental organisations, such as ECOWAS and the African Union (AU), to work collectively to advocate for media rights and freedom and to present a united front for negotiations with tech platforms.



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A futuristic cityscape at night, featuring a large planet in the background and a white frame around the text. The scene is dominated by tall, modern skyscrapers and residential buildings, with a dark, starry sky above. A large, glowing planet is visible in the upper half of the image, partially obscured by the city's skyline. The overall color palette is dark blue and black, with highlights from the city lights and the planet's glow.

KEYNOTE:
STYLI
CHARALAMBOUS

LEGISLATIVE OPTIONS BEYOND BIG TECH TO SUPPORT MEDIA SUSTAINABILITY

Styli Charalambous, CEO, Daily Maverick

For a media organisation to be sustainable, it must be able to meet its financial obligations, pursue its editorial vision, and innovate as times change. The path to sustainability requires systemic solutions, which were outlined by reference to different actors across the news ecosystem:

Public: To incentivise public support, there is a need to make subscriptions and memberships tax-deductible (as Canada has done), and to zero-rate data costs for web browsing, which would greatly increase access to news, given that current data costs in South Africa can be prohibitive.

Investors: The government should consider creating accelerated investment allowances for public interest media (as it has done for the venture capital industry) to incentive commercial investment. Public interest journalism should also be considered an ESG and social impact target.

Donors: The government should remove red tape for making donations to public interest journalism, such as the requirement to be a public benefit organisation, which is unduly onerous.

Businesses: Businesses should be encouraged to spend their advertising budgets on public interest media organisations, and frameworks should be changed to consider this expense as corporate social investment or enterprise development.

Jobs: The state should offer media bursaries and consider tax rebates to newsrooms, as has been done with Netflix.

Leadership and innovation: Similarly, government should consider providing rebates for research and development and professional development programmes to provide incentives.

Government: Government is the key actor, having the power to affect all the above changes and thereby create incentives for media to produce quality content. Thought should also be given to offering compensation from asset recovery funds to public interest journalists, investigators, and whistleblowers who uncover corruption, as is done in the United States. This discussion might be productively continued with South Africa's National Anti-Corruption Advisory Council.

Membership with the Press Council ought to be a requirement to benefit from any of the incentive structures discussed above.

Key takeaways

Although the constitution imposes special obligations on journalists to produce quality content, there is a lack of accompanying special treatment to facilitate this. Intelligently creating incentive structures can reshape the environment for the better, with relatively small investments having the potential to create significant upside.

A futuristic cityscape at night, featuring a large, glowing planet in the sky. The city is filled with tall buildings and a dense urban environment. A white frame surrounds the text.

CONFERENCE DINNER

CONFERENCE DINNER

Florence Danner

Regional Communication Officer, UNESCO


Danner, representing UNESCO's International Programme for the Development of Communication (IPDC), acknowledged the existential threat posed to independent media and traditional business models worldwide due to challenges such as the audience and revenue shift to digital platforms. Danner emphasised UNESCO's commitment to continuing the discussion and exploring how these collective efforts can create an environment that favours free, independent, and pluralistic media. In 2021, UNESCO's 193 Member States endorsed the principles of the Windhoek+30 Declaration, which specifically emphasised the need for greater attention to media viability and internet transparency and, since then, IPDC has been at the forefront of international efforts to analyse the problems, identify strategies for change, and develop comprehensive solutions for media viability at all levels.

Khadija Patel

Journalist in residence, International Fund for Public Interest Media (IFPIM)

Patel emphasised the significance of local journalism and its vital role as a watchdog, holding government, institutions, and corporations accountable and transparent. While news media has had its imperfections, especially in South Africa, the value of independent journalism should not be underestimated in hard-fought battles for freedom and ongoing efforts to uphold democracy.

The International Fund for Public Interest Media is a global multilateral partnership established to ensure the existence of news media that serves the public interest. The Fund aims to provide grants to media organisations in four focus regions: Africa & Middle East, Asia & Pacific, Latin America and the Caribbean, and Eastern Europe. A small-scale pilot funding round has already been completed, awarding 13 pilot grants to media organisations in various countries, including Brazil, Colombia, Lebanon, Nepal, Niger, Sierra Leone, South Africa, Tunisia, and Ukraine. Over the next two years, IFPIM will continue working in these countries, as well as at least 29 others.

A futuristic cityscape at night, featuring several tall, illuminated skyscrapers and a dense residential area in the foreground. A large, glowing planet or moon is visible in the dark sky above the city. The overall color palette is dominated by deep blues and purples, with warm lights from the buildings and the planet providing contrast. The text is overlaid on the left side of the image, enclosed in a white rectangular frame.

KEYNOTE: AGUS SUDIBYO

KEYNOTE: AGUS SUDIBYO

Chairman of the Advisory Board on Indonesia Public Television Broadcasting, former Chair of the Commission on Inter-Institutional Relations and International Relations of the Indonesian Press Council, and former coordinator of the Indonesian Media Sustainability Taskforce.

Overview of the Indonesian experience



Sudibyo shared insight into Indonesia's experience in deploying the Presidential Regulation on Publishers' Rights ("Publisher's Rights"). The main objective of the Publisher's Rights is to prevent the distribution and commercialisation of journalistic content that does not align with good journalism standards and to bring attention to algorithmic changes and systems impacting the distribution of news. Sudibyo noted how monopolistic and unfair business structures have

placed the media under economic pressure. To address this, the media community established a task force for media sustainability which developed new regulations for the accountability of digital platforms. Sudibyo expressed hope that advocacy for the Publisher's Rights was gaining momentum, with several notable developments in recent days. The government had convened meetings with Indonesian publishers, indicating some willingness to engage.

Indonesia's Press Law and the Publisher's Rights have different roles and mechanisms. The Press Law deals primarily with mechanisms for disputes related to news content and when individuals are dissatisfied with news published by a particular publisher. On the other hand, the Publishers' Rights refers to a specific set of regulations and obligations aimed at ensuring fair practices, accountability, and sustainability with regard to the digital platforms where news is distributed. Rather than legislative processes, the Publishers' Rights framework is expected to be passed as a presidential decree. One potential weakness is the lack of provisions for penalties or specified sanctions for non-compliance, which may limit the effectiveness of the framework.

Final reflections

- **Addressing boycotts:** With regard to the commonly used tactics of potential boycotts by global companies, Sudibyo emphasised the importance of coordinating with government and parliament and cautioned against pushing too strongly in Indonesia.
- **Defining "good journalism":** The criteria outlined in the Publishers' Rights stipulate that good journalism is defined by the Code of Ethics of the Indonesia Journalist and press law.
- **Involvement of small publishers and newsrooms:** The Press Council played a crucial role in advancing the Publisher's Rights and several of the media associations involved are dedicated to small media, which were noted as important constituents.

A futuristic cityscape at night, featuring a large planet in the background and a starry sky. The city is composed of various skyscrapers and residential buildings, with a prominent white L-shaped graphic element. The word "ASIA" is written in a white serif font across the middle of the image.

ASIA

DEVELOPMENTS ACROSS THE GLOBAL SOUTH – ASIA

- **Helena Rea**, BBC Media Action, Indonesia (Moderator).
- **Chamil Wariya**, Chairman, Malaysian Press Institute, Malaysia.
- **Wahyu Dhyatmika**, CEO Info Media Digital (Tempo Digital), Indonesia.
- **Vibnodh Parthasarathi**, Associate Professor, Centre for Culture, Media and Governance, Jamia Millia Islamia, New Delhi, India.
- **Sasmito Madrin, Chairman**, Aliansi Jurnalis Independen (AJI), Indonesia.

Indonesia

Indonesia saw a wave of progress on issues around publisher's rights in the days leading up to the conference. After years of back-and-forth between the country's Press Council, President, and government departments, and as a result of sustained advocacy efforts from publisher associations and civil society bodies, a draft presidential regulation has been announced. The regulation includes a compensation clause for "good quality journalism" and addresses the need for a data-sharing mechanism and algorithmic accountability. Although its success is yet to be seen, this is a victory for collective action, comparable to the victory secured in 1999 by facilitating the enactment of press laws that provide for the protection and freedom of journalists.



From the left: Vibodh Parthasarathi, Chamil Wariya, Wahyu Dhyatmika, Sasmito Madrin, and Helena Rea. © 2023 Gordon Institute of Business Science.

As in other countries, several strategies have been pursued simultaneously, such as cooperating with others and pushing for national laws. Issues of distrust in government are manifest. However,

the panel emphasised the need for ‘the perfect not to be the enemy of the good,’ and that it is easier to refine some aspects, such as a regulatory agency created by presidential regulation, rather than to get it right in the first instance. Similarly, while a presidential decree is vulnerable to being dismantled by future presidents and thus weaker than a law passed by parliament, it is a practical step in the right direction.

Malaysia

Efforts in Malaysia were inspired and catalysed by the work done in Indonesia in recent years. Malaysia’s National Press Association is not as far along as some other jurisdictions and has yet to draft a concrete bill, but they have had meetings to develop strategies to respond to the same media sustainability challenges plaguing countries across the world.

Between the options of engaging directly with digital platforms, having the government compel platforms to compensate publishers, and setting up a legal framework to facilitate negotiation as in Australia, it seems likely that Malaysia will go with the latter option. This is because digital platforms (such as Google) have expressed a desire not to deal directly with publishers and because the present government, which has had four prime ministers in the last five years, appears too unstable to act as needed. The way forward involves a Forum being organised by the Malaysian Press Institute to stoke discussions and action on this issue in the country.



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India

India is a highly multilingual market in which media organisations remain highly dependent on advertising revenue. The landscape is dominated by legacy organisations as the same newspapers which expanded into broadcast news also expanded online successfully. Competition processes to secure media sustainability are still in their early stages, with several cases currently before the Competition Commission, including one looking at opacity around revenue generation (although the accompanying report has yet to be released). The Competition Commission is also likely to create a Digital Markets Unit within itself, as in the UK.

Preexisting trends provide guidance on how the process might unfold. First, there is a split between digital native publications, which have a small share of the market, and legacy players, who are well-endowed. Second, there are divergences between marketing and editorial teams within organisations, which is indicative of two distinct visions for the news market. Third, as is the case elsewhere, while tech companies understand the business model of publishers, the reverse is not true. This lack of knowledge about business models and relevant metrics is at the heart of the power imbalance between these parties. Finally, the fact that news publishers are domestic players, while tech platforms are international, has embedded this issue in broader debates around digital sovereignty in India.

The way forward

Going forward, there is a need for collective bargaining in Asia. While press associations have an important role to play, they need to be better capacitated so they can do the complex work of auditing algorithms, interpreting analytics, and so on. At present, they are largely composed of journalists who lack the necessary expertise and need to be reinvigorated. The use of open-source analytics could also reduce news organisations' dependency on tech platforms.

Participants emphasised that beyond securing compensation, these efforts are about influencing the media ecosystem more broadly and stimulating the production of public interest content.



GLOBAL DEVELOPMENTS

GLOBAL DEVELOPMENTS

Participants

- **Anya Schiffrin**, Director of the Technology, Media, and Communications specialisation at Columbia University's School of International and Public Affairs (Moderator).
- **Phaedra de Saint-Rome**, Director of Communications, Centre for Media, Technology and Democracy, McGill University, Canada.
- **Jonathan Heawood**, Director, Public Interest News Foundation (PINF), London, UK.
- **Alexis Johann**, Executive Behavioral Designer & Managing Partner, FehrAdvice & Partners AG, Vienna Office.
- **Courtney Radsch**, a UCLA Institute for Technology, Law and Policy Institute Fellow and Director, Centre for Journalism and Liberty, Open Markets Institute.



From the left: Jonathan Heawood, Courtney Radsch, Phaedra de Saint-Rome, Alexis Johann, and Anya Schiffrin. © 2023 Gordon Institute of Business Science.

Canada

Canada has taken a regulatory approach largely led by the Canadian Radio-television and Telecommunications Commission (CRTC) that includes a bargaining code as well as a package of policies such as a labour tax credit for journalism and a digital tax. The bargaining code, the recently passed Online News Act, was determined to be preferable to a public fund during public consultations and compels digital platforms of a certain size to enter into agreements with publishers. Parties can be exempt from the law if they are transparent about deals struck and

meet a range of criteria, such as proving that compensation is fair, that some proportion goes towards news production, and that there is no corporate influence over media coverage. The CRTC must implement the law within six months of its passing in June 2023. Meta has since announced the blocking of news on its platform, prompting both the federal and various provincial governments to halt advertising on Meta platforms. Rapid changes in the situation are ongoing. Notably, the Canadian Broadcasting Corporation is also included within the Act's scope.

The United Kingdom

The UK appears likely to put a bargaining code in place in future, although substantial uncertainty remains around the details of the approach. Part of this uncertainty comes from the UK's changing place in the world, having pulled out of the European Union and being in the process of negotiating trade deals with other big economies (particularly the United States), in service of positioning the UK as a tech hub, which will likely take precedence over a bargaining code if the latter becomes an issue of contention in negotiations. Legislation has been proposed in the form of the Digital Markets, Competition, and Consumers Bill, which poses a significant threat to tech platforms in seeking to regulate digital platforms across a wide range of sectors. In addition, the new Digital Markets Unit within the Competition and Markets Authority would have the power to impose fines on platforms of up to 10% of global turnover. As a result, the tech sector is likely to strongly oppose the bill.

The United States

In the US, the Journalism Competition Preservation Act (JCPA) has been tabled with bipartisan support. It is designed to support local media, as opposed to national media organisations, many of which are owned or financed by hedge funds. To this end, the bill imposes a size cap on media organisations of 15 people. It has sparked some disagreement between press freedom advocates and those concerned with digital rights. Simultaneously, a bill is making its way through the California legislature but having recently been designated a two-year bill, its future is unclear.

Room for improvement

Uncertainty remains around the ideal design of bargaining codes. For example, the inclusion of transparency over agreements varies: while Australia provides for no transparency, and Canada provides for much more, the optimal balance will likely depend on a particular national context. In general, institutional arrangements depend heavily on context, history, and pre-existing institutional architecture. Further, where there is a lack of trust in national legislators, it is important to consider supranational coalitions or alternative mechanisms for tech accountability.

Calculating compensation

Given global developments, many publishers and tech platforms are hiring consultants to determine how to calculate appropriate compensation levels between tech platforms and news media. Many of these results are not made publicly available. To this end, [research](#) from FehrAdvice & Partners was presented that calculates the value of journalistic content for Google

in Switzerland. The employs behavioural economics techniques to experiment on users' interaction with two versions of Google: one that was unaltered, and one in which all news content had been removed. The research found that in the version with journalistic content removed, users were less satisfied with the internet on a range of metrics (such as quality, trust, and bias) and that only 47% of users clicked through to links when looking for information, as opposed to remaining within the Google ecosystem. Overall, 70% of people preferred using Google with journalistic content included.

The research illustrates that publishers may be entitled to far larger amounts than what is currently earned through direct ad traffic and in negotiations. Participants were encouraged to replicate similar research in other countries, as well as to conduct research into the use of and compensation for news to train foundational artificial intelligence models. This is especially true for less widely spoken languages, where high-quality content ought to command a premium.

Transparency and competition

The panel stimulated conversation on transparency over deals struck between media organisations and tech platforms, with participants noting that in Canada, for example, transparency pertains to the regulator, not the public. It was also noted media organisations should also subject themselves to high levels of transparency to better understand financial influence.



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A futuristic cityscape at night, featuring a large planet in the background and a white frame around the text. The scene is dominated by tall, modern skyscrapers and residential buildings, with a dark, starry sky above. A large, glowing planet is visible in the upper half of the image, partially obscured by the city's skyline. The overall color palette is dark blue and black, with highlights from the city lights and the planet's glow. A white rectangular frame encloses the text, with a vertical line extending upwards from the top of the frame and a horizontal line extending to the left from the bottom of the frame.

BREAK-AWAY SESSIONS

BREAKAWAY SESSIONS

The breakaway sessions aimed to discuss the content of the Draft Principles that were disseminated in advance, with the goal of reaching agreement on additions and improvements. Participants were split into three groups, with several common themes emerging:

- **Applicability of the Principles:** Participants agreed that the Principles are primarily aimed at environments in which there is government willpower and capacity to enforce them or where there is sufficient leverage from media organisations to force platforms to the negotiating table.
- **Clarity and specificity:** Participants highlighted the need for clearer language and specific definitions in certain Principles to avoid ambiguity and broad interpretations.
- **Inclusivity:** Participants emphasised the importance of the Principles protecting diversity in the media, both in terms of language and media content.
- **Independence:** The importance of adapting the Principles to accommodate situations where government is not involved was highlighted, ensuring sufficient support from independent bodies. It was suggested that frameworks should be supported by independent bodies, and any new bodies created should be sufficiently independent.
- **Freedom of expression:** Participants recommended including stronger language to underscore the Principles' commitment to supporting and investing in public interest journalism while safeguarding freedom of expression.
- **Transparency:** Participants debated the level of transparency required in negotiations between publishers and platforms and noted the importance of finding an appropriate balance as demanding information such as financial details or proprietary data may discourage platforms from engaging in negotiation processes.
- **Artificial intelligence:** There was a proposal to define platforms to include generative AI systems and add transparency in the operation of AI systems used by them. Participants also debated the appropriate level of algorithmic transparency in deals with publishers, with one participant emphasising that demanding too much transparency might deter publishers from using the Principles.

Overall, the breakaway sessions provided valuable feedback to refine and improve the Principles, aiming to make them relevant and effective across different contexts while promoting journalism and media sustainability. Following report-backs, the Principles were finalised and agreed upon by participants.

A futuristic cityscape at night, featuring a large planet in the background and the text "NEXT STEPS" overlaid. The scene is dominated by a deep blue color palette, with a large, glowing planet or moon in the upper half of the frame. The city below is filled with various skyscrapers and residential buildings, some of which are illuminated with a warm, golden light. The text "NEXT STEPS" is written in a large, white, serif font, centered horizontally and partially enclosed by a white L-shaped graphic element. The overall atmosphere is one of advanced technology and exploration.

NEXT STEPS

NEXT STEPS

Closing out the conference, participants outlined a series of next steps to solidify the adoption and dissemination of the Principles:

- **Media release:** The Principles will be published on 24 July 2023 along with the first batch of endorsements, and alongside the conference report.
- **Translation:** The Principles are to be translated into several languages including French, Spanish, Portuguese, Arabic, and Bahasa Indonesia to ensure broader accessibility and global reach.
- **Promotion:** The participants agreed on a strategy to garner support from various stakeholders and build coalitions, including drafting op-eds on some of the topics discussed during the conference.
- **National coalitions:** The Principles will be taken to the national level to create coalitions in the respective countries by engaging stakeholders and promoting the principles within specific national contexts.
- **Regional engagements:** Participants will also seek to engage regional organisations and create other dissemination channels to reach wider audiences and encourage participation.

CLOSING



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In closing out the two-day conference, the participants adopted a set of collective principles, the 'Big Tech and Journalism - Principles for Fair Compensation' on 14 July 2023 and the event was officially concluded, with grateful appreciation to participants, keynote speakers and panellists, as well as donors for their generous support.



**Gordon Institute
of Business Science**
University of Pretoria



**OPEN SOCIETY
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**INTERNATIONAL
FUND FOR
PUBLIC
INTEREST MEDIA**

ANNEXURE: BIG TECH AND JOURNALISM - PRINCIPLES FOR FAIR COMPENSATION

Preamble

These principles are intended to help in the design, implementation and evaluation of public policy mechanisms that oblige digital platforms and news publishers to engage with each other to develop fair economic terms.

The principles recognise freedom of expression as a foundational human right underpinning democracy and support public interest journalism as a public good that should be available to all. Any mechanisms pertaining to the principles must therefore be founded on the same commitment.

For the purposes of these principles, 'platforms' mean social media, chat , search engines, generative Artificial Intelligence models and applications, and other such intermediaries. By 'publishers' we mean providers of original print, digital or broadcast news using any combination of text, audio, and visual media.

Policymakers in different jurisdictions will use different policies to achieve similar aims, so we refer to these simply as 'mechanisms' throughout. Rather than set detailed expectations for these different mechanisms, we propose overarching principles that should apply in a wide range of contexts, including between platforms and publishers.

1. Public interest

Mechanisms should support and invest in public interest journalism, by which we mean news and information produced to professional journalistic standards which informs the public about matters that are relevant to their rights and responsibilities as citizens. Mechanisms may also have the effect of supporting other forms of journalism, but – other things being equal – they should prioritise the support of public interest journalism.

2. Plurality

Mechanisms should support plurality in the platform and publishing markets. In particular, mechanisms should have a net positive impact on the plurality of publishers in a market. They should not create a bias in favour of incumbent publishers or platforms, but should serve to mitigate any incumbency bias, so that the public can – in the medium to long term – benefit from a greater range of platforms and publishers. Very small, medium and start-up publishers must be able to benefit.

3. Diversity

Mechanisms should support diversity in the news publishing market and should have a net positive impact on the range of content, voices and languages represented in the news market, including the voices of historically under-represented and marginalised groups. They should not create a bias in favour of historically dominant voices.

4. Sustainability

Mechanisms should support sustainability in the news publishing market, for individual publishers and the sector as a whole, by ensuring they receive fair compensation for the use of their intellectual property and content. Mechanisms should adapt to evolving market conditions and enhance the likelihood that publishers can build diverse revenue streams.

5. Fairness

Mechanisms should ensure that terms of engagement between platforms and publishers are consistent across a market, and do not allow individual platforms or publishers to strike preferential arrangements. This does not mean that all platforms should give all publishers the same amount of money. But it does mean that the basis for payments and usage deals should be the same for all publishers in that market, and determined using objectively verifiable criteria. Platforms should not be able to favour certain publishers simply because those publishers have greater political influence or larger market capitalisation, for example. It also means that all deals between platforms and publishers should be agreed in a similarly timely manner, and that neither party should be able to use their comparative bargaining power to drag out negotiations.

6. Collectivity

Small and medium-sized publishers should be allowed to coordinate their efforts, which may include collective bargaining with platforms.

7. Transparency

The highest possible degree of transparency should be adopted for both the process by which policy interventions are designed and implemented as well as the outcomes obtained. Both platforms and publishers should adopt the highest possible degree of transparency so that all parties can judge the fairness of any deal and so that third parties can assess and evaluate the impact of the mechanism as a whole. For example, mechanisms may require platforms and publishers to share data about the size and behaviour of their audiences and advertising placements. Considerations may still be given to competition concerns. Where personal or commercially sensitive data is involved, it may be shared only between the parties and with any enforcement body. All information should be shared with the public, when suitably aggregated and anonymised.

8. Accountability

Mechanisms should not inhibit the freedom of publishers, through their journalism, to hold platforms accountable for their actions, or the freedom of platforms to criticise publishers. The terms of engagement between them should be openly published to ensure that all parties can be held accountable and to build confidence with the public.

Third-party assessors that are independent of any enforcement body should be able to review these mechanisms and their outcomes. They must have the power to make recommendations to such a body and, where necessary and appropriate, legislatures. They should ensure a meaningful opportunity for public consultation on the performance of the mechanisms.

9. Independence

Mechanisms should be overseen and enforced by bodies that are demonstrably independent of both the platform and publishing industries. Whilst these bodies may, where appropriate, be established and funded by national or regional governments, they must be operationally independent of political influence and sufficiently well-funded to mitigate any risk of undue interference. Enforcement bodies should have clear aims and objectives to allow industry, researchers, civil society, and the public to determine whether or not they are meeting these aims and objectives.

10. Outcomes

Mechanisms should be outcomes-oriented, with the principles of public interest, plurality, diversity, and sustainability of the media at their heart. They should be assessed against these outcomes on a regular basis by independent third parties, who should be in a position to publish an honest and robust critique of the performance of the mechanisms.

Adopted on 14 July 2023

These Principles were adopted by participants at 'Big Tech and Journalism – Building a Sustainable Future in the Global South,' a conference held at the Gordon Institute of Business Science (GIBS) in Johannesburg, South Africa, on 14 July 2023.

To view online, endorse, and to see the up-to-date list of signatories to the Principles, please see: <https://www.gibs.co.za/news-events/news/pages/big-tech-and-journalism-principles.aspx>. If you or your organisation wish to endorse these principles, please send your name, designation, and organisation to markovitzm@gibs.co.za. The list will be updated bi-weekly.

The Principles have been endorsed by:

Alexis Johann, Managing Partner, FehrAdvice & Partners AG, Zürich, Switzerland

Anton Harber, Director, Campaign for Free Expression, South Africa

Dr Anya Schiffrin, Senior Lecturer of Practice, School of International and Public Affairs, Columbia University, United States of America (U.S)

Bruce Mutsvauro, Professor and UNESCO Chair on Disinformation, Data and Democracy, Utrecht University, Netherlands

Camille Grenier, Operations Director, Forum on Information and Democracy, France

Dr Chamil Wariya, Chairman, Malaysian Press Institute (MPI), Cyberjaya, Malaysia

Churchill Otieno, Executive Director, Eastern Africa Editors Society, and Chairman Africa Media Convention, Kenya

Dr Courtney Radsch, fellow UCLA Institute for Technology, Law and Policy and Director, Center for Journalism and Liberty, U.S

Dr Dinesh Balliah, Director, Wits Centre for Journalism, Wits University, South Africa

Edetaen Ojo, Executive Director, Media Rights Agenda (MRA), Nigeria

Emma McDonald, Executive Director, Impact Missions, Minderoo Foundation, Australia

Franz Kruger, Associate Professor, NLA Mediehøgskolen, Kristiansand, Norway and associate researcher, Wits Centre of Journalism, South Africa

Hamadou Tidiane SY, journalist, founder of E-jicom and Ouestaf news, Senegal

Hani Barghouthi, Campaigns Manager, Public Interest News Foundation, United Kingdom

Izak Minnaar, independent journalism consultant and trainer, South Africa

Dr Iyobosa Uwugiaren, General Secretary, Nigerian Guild of Editors, Nigeria

Jonathan Heawood, Executive Director, Public Interest News Foundation, United Kingdom

Jose Maria Leon-Cabrera, CEO, on behalf of GK Ecuador, Ecuador

Joseph E. Stiglitz, University Professor, Columbia University, Nobel Laureate 2001, U.S

Justine Limpitlaw, Honorary Adjunct Professor, LINK Centre, University of the Witwatersrand, Johannesburg, South Africa

Kate Skinner, Director, Association of Independent Publishers, South Africa

Lawrence Gibbons, Publisher, Star Observer and City Hub, Co-Chair of Public Interest Publishers Alliance (PIPA), Australia

Michael Karanicolas, Executive Director, UCLA Institute for Technology, Law and Policy, U.S

Michael Markovitz, Head: GIBS Media Leadership Think Tank, Gordon Institute of Business Science (GIBS), South Africa

Nancy Booker, Associate Professor and Dean, Graduate School of Media and Communications, Aga Khan University, Kenya

Natalia Viana, Executive Director: Agência Pública, and Harvard Nieman Fellow 2022, Brazil

Nelson Yap, Publisher of Australian Property Journal, Co-Chair of the Public Interest Publishers Alliance, Australia

Paul-Joel Kamtchang, Founder-Executive Secretary, ADISI-Cameroun, Cameroon

Sasmito, President, Alliance of Independent Journalists, Indonesia

Sekoetlane Phamodi, Director, New Economy Campaigns Hub, South Africa

Dr Selay Marius Kouassi, Independent Journalist, Consultant and Trainer, Founder and Executive Director IRAF (Information Resilience Africa), Côte d'Ivoire

Sibusiso Ngalwa, Chairperson, South African National Editors Forum (SANEF), South Africa

Tania L. Montalvo, Independent Journalist. Mexico

Uyanda Siyotula, National Coordinator, SOS: Support Public Broadcasting Coalition, South Africa

Wahyu Dhyatmika, Secretary General, Indonesian Cyber Media Association (AMSI), Indonesia

Vibodh Parthasarathi, Associate Professor, Jamia Millia Islamia, New Delhi, India (in personal capacity)

William Bird, Director, Media Monitoring Africa, South Africa

Zoé Titus, Director, Namibia Media Trust (NMT), Namibia

Organisations

BBC Media Action, United Kingdom

Digital Journalism Association (Ajour), Brazil

Campaign for Free Expression, South Africa

Eastern Africa Editors Society

Foro de Periodismo Argentino (FOPEA), Argentina

Media Monitoring Africa, South Africa

Nigerian Guild of Editors, Nigeria

Open Markets Institute, U.S

Ouestaf News, West African online news platform, Senegal

Publisher Interest Publishers Alliance (PIPA), Australia

Public Interest News Foundation, (PINF), United Kingdom

SOS: Support Public Broadcasting Coalition, South Africa

South African National Editors' Forum (SANEF), South Africa

Vladimir Herzog Institute, Brazil

Endorsements as at 22 July 2023.