

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 upon 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.

The Principles have been endorsed by:

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Campaign for Free Expression, South Africa

Eastern Africa Editors Society

Foro de Periodismo Argentino (FOPEA), Argentina

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Nigerian Guild of Editors, Nigeria

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Publisher Interest Publishers Alliance (PIPA), Australia

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Endorsements as at 22 July 2023. 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.