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TO: THE COMPETITION COMMISSION OF SOUTH AFRICA
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JOINT SUBMISSION BY THE SOUTH AFRICAN NATIONAL EDITORS' FORUM, THE PRESS COUNCIL OF SOUTH AFRICA, THE ASSOCIATION OF INDEPENDENT PUBLISHERS, MEDIA MONITORING AFRICA, THE FORUM OF COMMUNITY JOURNALISTS, SOS SUPPORT PUBLIC BROADCASTING COALITION, AND THE GIBS MEDIA LEADERSHIP THINK TANK ON THE STATEMENT OF ISSUES OF THE MEDIA AND DIGITAL PLATFORMS MARKET INQUIRY

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SUMMARY OF PROPOSALS ON THE STATEMENT OF ISSUES¹

SUBMISSIONS ON THE SCOPE AND ISSUES (AD PARA 74)	
<p>The importance of the news media to our constitutional dispensation should be further emphasised and undergird the MDPMI</p>	<p>In evaluating the issues at the heart of the MDPMI, the fundamental constitutional principles applicable to the news media, when interpreted in line with international and foreign law, should undergird the inquiry, alongside the relevant provisions of the Competition Act referred to in paragraph 5 of the SoI. Presently, limited reference is found in the SoI to the fundamental importance and the central role of the news media in protecting and promoting our Constitution, and enabling a multiplicity of related human rights off- and online.</p>
<p>Notable international developments should be considered</p>	<p>The Commission is encouraged to draw guidance from the <i>Big Tech and Journalism – Principles for Fair Compensation</i>² in conducting the MDPMI, especially the principles relating to plurality, diversity, sustainability, collectively, transparency, and accountability.</p> <p>The Commission is urged to consider the <i>UNESCO Guidelines for the Governance of Digital Platforms</i>³ in their totality in order to frame the MDPMI through a human rights-based lens, based on recent international law and standards.</p> <p>Based on the methodology proposed in the recently published white paper titled <i>Paying for News: What Google and Meta Owe US Publishers</i>⁴ or another methodology suitable in the South African context, the Commission should undertake and/or commission similar research to inform the MDPMI and the Further Statement of Issues in consultation with relevant stakeholders. Alternatively, and in the event that it is unable to do so, the Commission should advise accordingly and the submitting parties may consider commissioning such research for the benefit of this process.</p> <p>If the MDPMI is to be effective, (1) the Commission needs to be alive to the fact that, in parallel to its process, direct negotiations between media organisations and digital platforms are likely to occur, or are already occurring, as was recently the case in Australia; and (2) the Commission may seek to engage with the Canadian Competition Bureau to</p>

¹ We note that some of our submissions are based on input from **Professor Guy Berger**, an expert in media and internet policy issues who spent the past decade as a Senior Director at UNESCO, leading its work in communications and information policy. These submissions are based on his research for an upcoming UNESCO report. We are thankful to Professor Berger for his support.

² GIBS Media Leadership Think Tank, ‘Big Tech and Journalism – Principles for Fair Compensation’ (2023) (accessible [here](#)).

³ UNESCO, ‘Guidelines for the Governance of Digital Platforms: Safeguarding freedom of expression and access to information through a multistakeholder approach’ (2023) (accessible [here](#)).

⁴ Dr Anya Shiffrin et al, ‘Paying for News: What Google and Meta Owe US Publishers’ (29 October 2023) (US media compensation research) (accessible [here](#).)

	<p>better understand the current status of the preliminary review into the complaint against Meta.</p>
<p>Identified omissions in the SoI</p> <p><i>SABC News</i></p> <p><i>The impact of mis- and disinformation should be considered and credible media should be prioritised</i></p> <p><i>The rights of the child need to be emphasised</i></p> <p><i>Gender and intersectionality should be more prominent</i></p>	<p>Although we welcome the inclusion of the SABC in the final ToRs, we note with concern that while the SoI pays special attention to local and community media, small and medium-sized enterprises (SMEs), and businesses owned by historically disadvantaged persons (HDPs), it makes no mention of the public broadcaster. We therefore submit that this should be rectified by creating an additional scope item that pays close attention to the unique market dynamics at play between SABC News, digital platforms, and the larger media landscape. Alternatively, SABC News-related questions should be posed in either Scope Items 1 or 7, and the MDPMI should prioritise engagements with SABC News during the present inquiry.</p> <p>Public interest media that have committed themselves to the self-regulatory system that holds publishers to high standards of quality and accuracy should be the primary beneficiaries of competition regulation. We, therefore, reaffirm that credibility must form a central component of the MDPMI’s investigations, and proposed remedies should strengthen credible and trustworthy media organisations. Existing and effective self-regulatory mechanisms can be leveraged in this regard: membership of either the Press Council or the BCCSA should be a criterion for measuring the credibility and, therefore, the contribution to the public interest, of news publishers. Additionally, the fundamental importance of media and information literacy campaigns should be considered in relation to remedy.</p> <p>The MDPMI should include in its SoI the particular needs of children in considering the news media market, including the effect of mis- and disinformation on children, who tend to be more digitally active than previous generations, without the benefit of education on how to protect and defend themselves against problematic content. In addition, as the digital advertising industry is driven by the widespread collection of personal information and resultant profiling (a practice which often does not distinguish between adults and children), despite the sensitivity of children’s personal information, the treatment of children’s data in the ad tech stack should be accounted for.</p> <p>We recommend an intersectional approach to scope item 7: diversity should be understood in relation to the intersection of the different identities that people hold. These identities include one’s race, gender, sex, sexual orientation, economic status, nationality, and religion. This level of specificity can help the Commission in understanding for</p>

	which groups the challenges related to media representation are most acute, how this is influenced by the informational environment created by digital platforms, and what ought to be done in response.
SUBMISSIONS ON THE SCOPE ITEMS (AD PARA 20 ONWARDS)	
Scope Item 1	
Additional questions	As noted in the previous section, specific questions relating to SABC News may be included in this Scope Item, in Scope Item 7, or in a new scope item.
	Specific questions around the impact of “engagement content” on mis- and disinformation and any steps taken by digital platforms to genuinely mitigate the spread of mis- and disinformation should be included in this Scope Item.
Scope Item 4	
The need for transparency in advertising	In addition to the above, the Commission may consider including further questions in this Scope Item around the role of AdTech in enabling mis- and disinformation.
Scope Item 7	
Additional questions	As noted in previous sections, specific questions relating to SABC News may be included in Scope Item 1, this Scope Item, or in a new scope item.
INTERIM SUBMISSIONS ON REMEDIES (AD PARA 68 ONWARDS)	
The Commission may consider:	<ul style="list-style-type: none"> • Requiring the digital platforms to provide auditable information on the flow of news on their services, with breakdowns of the factors involved, which may include, among others, algorithmic penalisation for the inclusion of links to news content, the role of user recommendations, and algorithmic promotion of different types of content. • Requiring the digital platforms to provide auditable information on correspondence between advertising placement and news content as a function of targeting particular users. • Investigating whether AdTech products and services need to be unbundled, so as to avoid conflicts of interest between operating a marketplace and being a potential beneficiary of ad placement. • Initiating an inquiry into how the current commercial models for generative AI systems, at foundation and application levels, deal with copyright (or not), and whether their integration into, as well as operation alongside, digital platforms represents a threat to news media viability and competition within the content ecosystem. • Requiring that any bargaining between news publishers and platforms should entail more symmetry of information between the two sides, should be fully inclusive of all relevant news publishers in the country, should allow for collective

	<p>bargaining by small and medium publishers, and that any agreements struck should be made public at least in general terms.</p> <ul style="list-style-type: none">• Requiring digital platforms to conduct and publicly share the outcomes of human rights impact assessments on various parts of their operations that affect the sustainability of the news media.• Calling on government development agencies to support new entrants, especially from historically disadvantaged communities and marginalised languages, into the news media sector and technology industries, by enhancing their access to capital and technological capacities, so as to provide for a more pluralistic and diverse content environment for South Africa, and thereby encourage employment and services in the public interest.
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ENDS.

INTRODUCTION

1. The South African National Editors' Forum (SANEF), the Press Council of South Africa (Press Council), the Association of Independent Publishers (AIP), Media Monitoring Africa (MMA), the Forum of Community Journalists (FCJ), SOS Support Public Broadcasting Coalition (SOS), and the GIBS Media Leadership Think Tank (collectively the "submitting parties") welcome the opportunity to make submissions on the Statement of Issues (SoI) for the Competition Commission's Media and Digital Platforms Market Inquiry (MDPMI).⁵
2. We commend the Commission for incorporating the majority of our submissions on the draft terms of reference (ToRs) into its final ToRs,⁶ which we believe appropriately broadens the scope of issues under consideration, setting the stage for a more meaningful MDPMI. In particular, the inclusion of the AdTech stack – and the focus on the different actors within that stack, such as demand-side and supply-side platforms – ought to allow the Commission to gain a more holistic understanding of the sustainability challenges in the news media market.
3. We note that the growth of digital platforms in recent years has had a detrimental effect on traditional revenue streams for news media organisations. As a result, we appreciate the importance of this process to create an efficient and fair market in which diverse and alternative routes for the sustainability of journalism can be pursued. We are of the view that the MDPMI has the potential to play an important role in creating a fair, transparent, and accountable environment in which public interest journalism, and the news media organisations which sustain it, can thrive.
4. Our submission on the SoI is structured as follows:
 - 4.1. First, we provide a brief **overview of the submitting organisations**.
 - 4.2. Second, we discuss the **scope and structure of the inquiry**, offering guidance on notable international developments and notable **omissions** in the SoI.
 - 4.3. Third, we introduce **analysis related to each of the seven scope items**, foregrounded in considerations of how the vital democratic function of an independent media can be sustained.
 - 4.4. Fourth, we consider what **remedies** may be appropriate in this context.
 - 4.5. Lastly, we provide a **summary of our proposals on the SoI** at the beginning of this submission and a list of **useful resources** at the end of this submission for ease of reference for members of the Commission.

⁵ These submissions were prepared following a workshop held by the submitting parties on 8 November 2023.

⁶ Our submissions on the draft ToRs are accessible [here](#).

5. These are dealt with in turn below.

OVERVIEW OF SUBMITTING ORGANISATIONS

South African National Editors' Forum

6. The South African National Editors' Forum (SANEF) is a non-profit organisation whose members are editors, senior journalists, and journalism trainers from across South Africa. SANEF is committed to championing South Africa's hard-won freedom of expression and promoting quality, ethics, and diversity in the South African media. SANEF promotes excellence in journalism through, among others, supporting media freedom, preparing policy submissions and research, and engaging in education and training programmes. SANEF's mandate to protect and promote journalism includes advancing sustainability strategies for journalism.
7. SANEF has worked tirelessly to promote the freedom and sustainability of the press, including, most recently, the publication of several reports that may be of relevance to the MDPMI:
- 7.1. A 2021 research report presenting a series of policy options to promote media sustainability drawn from local, regional, and international comparative practices and examples for further deliberation and debate.⁷ The report noted that the advent of the internet has brought both opportunities and challenges for universal access to public interest journalism. Notably, it has resulted in significant declines in print circulation and advertising revenue that threaten the survival of public interest journalism.
- 7.2. A 2022 position paper on the Sustainability of Journalism and Competition in the Digital Economy,⁸ which reports on the findings of a consultative research project within the media sector in South Africa and which finds that interventions aimed at securing payments from technology platforms to news publishers may have short-term benefits but are unlikely to address some fundamental challenges to the sustainability of journalism occasioned by the rise of digital platforms. It also sets out principles for the implementation of regulation in this sector that are aimed at minimising the risks associated with competition approaches adopted in other jurisdictions, most notably in Australia, and ensuring responsible implementation in the South African context. This Position Paper was previously submitted to the Competition Commission's Online Intermediation Platforms Market Inquiry in September 2022.⁹
8. For more information about SANEF, please visit: <https://sanef.org.za/>.

⁷ Accessible [here](#).

⁸ Accessible [here](#).

⁹ SANEF, 'News: SANEF Calls For Competition Reforms in Support of Journalism Sustainability,' (2022) (accessible [here](#)) (SANEF Position Paper).

The Press Council of South Africa

9. The Press Council is an independent co-regulatory mechanism set up by the print and online media in South Africa to provide impartial, expeditious and cost-effective adjudication to settle disputes between newspapers, magazines, and online publications, on the one hand, and members of the public, on the other, over the editorial content of publications. It is based on two pillars: a commitment to freedom of expression, including freedom of the media, and to high standards in journalistic ethics and practice. The Council has adopted the South African Press Code to guide journalists in their daily practice of gathering and distributing news and opinion and to guide the Press Ombud and the Appeals Panel to reach decisions on complaints from the public. Member publications subscribe to the Press Council's Code of Ethics and Conduct for SA Print and Online Media.
10. For more information about the Press Council, please visit: <https://www.presscouncil.org.za/>.

The Association of Independent Publishers

11. The Association of Independent Publishers (AIP) is a national organisation working to advance the interests of the local grassroots independent print and online media sector in South Africa. AIP represents 189 small, locally owned media outlets from across the country, including newspapers, magazines, newsletters, and online publications, with a total monthly readership of just over 8 million. Members publish primarily in rural areas and disadvantaged communities, in a diverse range of languages and service a diverse range of interests. AIP equips its members with vital information, training, research, and support to sustain and strengthen independent media in the country. This includes a strong focus on publishers' sustainability in the online environment, including providing technical support for publishers to transition online.
12. For more information about AIP, please visit: <https://aip.org.za/>.

Media Monitoring Africa

13. Media Monitoring Africa (MMA) is a not-for-profit organisation, based in South Africa, that advocates for access to information, freedom of expression, and the responsible free flow of information to the public. MMA strives to encourage a fair and just society in which the public, media, and the powerful respect a culture of human rights.
14. Children's rights play a central role in MMA's work, which includes pioneering efforts in meaningful children's participation through empowering children using media and digital literacy workshops, providing editorial guidelines and principles for the reporting of children in the media, and making parliamentary submissions with and on behalf of children.¹⁰

¹⁰ In addition to these activities MMA engages in strategic litigation on a range of media freedom and children's rights related issues. MMA also runs a unique post graduate University accredited course on reporting on children.

15. Together with child participants, MMA has developed a Digital Rights Charter that seeks to give effect to an internet that is accessible, safe, and empowering, and that advances the development of children in line with their rights and interests.¹¹ Most recently, MMA released a discussion document focusing on disinformation through a children's rights lens.¹²
16. For more information about MMA, please visit: mediamonitoringafrica.org.

The Forum of Community Journalists

17. The Forum of Community Journalists (FCJ) is an independent, non-profit, non-racial, and voluntary organisation (registered as a Section 21 company) striving to promote and express the interests of all journalists employed on a permanent or freelance basis at regional community newspapers and online community publications in South Africa. Representing hundreds of journalists from among the estimated 500 community newspapers across the country, the FCJ takes great pride in its duty to safeguard press freedom as the cornerstone of any healthy democracy. The national management committee (Board of Directors) also comprises a group of volunteers.
18. The FCJ's main mandate is to provide training to its members through initiatives such as regional seminars. Training is provided free of charge and provides opportunities which, under normal circumstances, would not have been possible or affordable for community media outlets.
19. For more information about the FCJ, please visit www.fcjonline.co.za.

SOS Support Public Broadcasting Coalition (SOS)

20. SOS Support Public Broadcasting Coalition (SOS) is a civil society coalition that is committed to, and campaigns for, broadcasting services that advance the public interest. While the SABC is its primary focus – as the key site of and the institution established to drive public interest broadcasting – SOS also engages in the advancement of community broadcast media in South Africa. SOS is a coalition made up of a broad range of civil society organisations, non-governmental organisations (NGOs), community-based organisations (CBOs), community media, independent film and TV production sector organisations, and individuals (including academics, freedom of expression activists, policy and legal consultants, actors, script-writers, film makers, producers and directors).
21. SOS campaigns tirelessly for an independent and effective public broadcaster. We engage with policymakers, regulators, and lawmakers to secure changes that will promote citizen-friendly policy, legislative and regulatory changes to broadcasting and its associated sectors.

¹¹ MMA, 'Children's Rights Online: Towards a Digital Rights Charter' (2020) (accessible [here](#)).

¹² MMA, 'Disinformation through a children's rights lens', (2022) (accessible [here](#)).

22. For more information about SOS, please visit: <https://soscoalition.org.za>.

GIBS Media Leadership Think Tank

23. The Gordon Institute of Business Science (GIBS) Media Leadership Think Tank was launched in 2021 with three main goals:
- 23.1. to be an independent, thought leadership and advocacy platform for stakeholders in the African news media and audiovisual content industries;
 - 23.2. to generate innovative research and policy solutions for government, industry, and civil society in support of democracy; and
 - 23.3. to primarily focus research and policy initiatives on media sustainability, mis- and disinformation, internet freedom, and competition in the digital economy.
24. In July 2023, the Think Tank organised and hosted the *Big Tech and Journalism – Building a Sustainable Future for the Global South* conference. The conference brought together over 70 participants, including 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.¹³
25. The conference culminated in the adoption of ‘Big Tech and Journalism - Principles for Fair Compensation’.¹⁴ To date, the principles have been endorsed by 101 individuals and organisations from 28 countries.
26. GIBS is the University of Pretoria’s business school. For more information about GIBS Media Leadership Think Tank, please visit: <https://www.gibs.co.za/about-us/centres/pages/media-leadership-think-tank.aspx>.

SUBMISSIONS ON THE SCOPE AND ISSUES

27. For ease of reference, and in terms of **paragraph 74** of the SoI, the submitting parties have elected to commence this submission by addressing the general scope and issues identified in the SoI, including areas requiring further emphasis and notable omissions which should inform this inquiry.

The importance of the news media to our constitutional dispensation should be further emphasised and undergird the MDPMI

28. As a point of departure and in the spirit of assisting the Commission with a holistic understanding of the sustainability challenges in the news media market, we wish to reiterate that while the technical aspects of this MDPMI are undoubtedly important, these

¹³ GIBS Media Leadership Think Tank, ‘Conference Report: Big Tech and Journalism – Building a Sustainable Future for the Global South’ (2023) (accessible [here](#)).

¹⁴ GIBS Media Leadership Think Tank, ‘Big Tech and Journalism – Principles for Fair Compensation’ (2023) (accessible [here](#)).

aspects must be rooted within our constitutional framework, which includes the appropriate consideration of international and foreign law. This is provided for in section 1(A)(2) of the Competition Act 89 of 1998 (Competition Act), as amended, which provides that the Competition Act *must* be interpreted—

- “(a) in a manner that is consistent with the Constitution and gives effect to the purposes set out in section 2; and
- (b) in compliance with the international law obligations of the Republic.”

29. In addition, section 1(A)(3) of the Competition Act provides that “[a]ny person interpreting or applying *this Act* may consider appropriate foreign and international law.” This largely accords with section 39(1) of the Constitution which provides that “[w]hen interpreting the Bill of Rights, a court, *tribunal, or forum* (a) must promote the values that underlie an open and democratic society based on human dignity, equality, and freedom; (b) *must* consider international law; and (c) may consider foreign law. In terms of international law, both “binding” and “non-binding” sources of international law should be considered.¹⁵
30. The Constitutional Court has consistently affirmed the “constitutional importance of media in our democratic society”,¹⁶ as the media plays a vital role in informing citizens of salient public information and in investigating and holding power to account. Additionally, the Constitutional Court has found that “[t]he Constitution thus asserts and protects the media in the performance of their obligations to the broader society, principally through the provisions of section 16.”¹⁷ As detailed in our submissions of the draft ToRs,¹⁸ “informing the citizenry is a key role of news media organisations which, in turn, is crucial to equip citizens with necessary information and tools to exercise and vindicate their rights.”¹⁹ Additionally, it cannot be gainsaid that an effective and quality information eco-system, enabled by the news media, is in the best interest of all of society, including the private and public sectors.
31. For present purposes, the rights which the news media enable — which are entrenched in the Constitution and given further expression in international law — include, among others, the right to freedom of expression,²⁰ including freedom of the press and other media, the right to access information,²¹ the right to language and cultural participation,²² the right to

¹⁵ See, for example, Yvonne Mokgoro “Ubuntu, the Constitution and rights of non-citizens” 2010 Stell LR 221 at 222, in the context of immigration and refugees, in which Justice Mokgoro noted that “[w]hen invoking international law as an interpretative tool for our domestic law, the Constitution embraces a broad approach by including both binding and non-binding sources of international law”. (Own emphasis.)

¹⁶ *AmaBhungane Centre for Investigative Journalism NPC and Another v Minister of Justice and Correctional Services and Others* 2021 (3) SA 246 (CC) (accessible [here](#)).

¹⁷ *Id* at para 115.

¹⁸ See note 6 above.

¹⁹ *Id* at para 25.

²⁰ Section 16 of the Constitution.

²¹ Section 32 of the Constitution.

²² Section 30 of the Constitution.

equality,²³ the rights of the child,²⁴ and, in some instances, the right to privacy,²⁵ Notably, and for the purposes of this inquiry, it is now commonly accepted, including by the African Commission on Human and Peoples' Rights, that "the same rights that people have offline should be protected online and in accordance with international human rights law and standards."²⁶ This refers to so-called "digital rights," which include the rights to freedom of expression, access to information, and privacy online.

32. In terms of the *Declaration of Principles on Freedom of Expression and Access to Information in Africa*²⁷ (African Declaration), a non-binding international law instrument from the African Commission on Human and Peoples' Rights which should inform this inquiry and to which we refer throughout this submission, principle 11 provides, in relevant part, that "[s]tates shall take positive measures to promote a diverse and pluralistic media, which shall facilitate:

- (a) the promotion of free flow of information and ideas;
- (b) access to media and other means of communication, including by marginalised groups, linguistic, and cultural minorities;
- (c) access to non-discriminatory and non-stereotyped information;
- (d) access to the media by poor and rural communities, including by subsidising household costs associated with digital migration;
- (e) The promotion of transparency and diversity in media ownership;
- (f) The promotion of local and African languages, content, and voices; and
- (g) The promotion of the use of local languages in public affairs, including by the executive, legislature, and the judiciary."²⁸

33. Given that one of the overarching purposes of the Competition Act (and this inquiry) is to "promote employment and advance the social and economic welfare of South Africans,"²⁹ the link between the health of credible media, the social welfare of South Africans, including the protection, promotion, and fulfilment of their rights, and the market features in digital platforms that distribute news media content which impede, distort, or restrict competition should be further foregrounded in the SoI. In essence, the primary point of departure and focus of the MDPMI should be the anti-competitive conduct of digital platforms and the impact of this not only on the sustainability of the news media, but the multiplicity of rights which the news media enables and the news media's centrality within our constitutional dispensation. While this is dealt with in part in the SoI, it should be given greater prominence.

34. **Resultantly, in evaluating both of the identified major online platform streams which are at the heart of the MDPMI, the fundamental constitutional principles applicable to the news media, when interpreted in line with international and foreign law,**

²³ Section 9 of the Constitution.

²⁴ Section 28 of the Constitution.

²⁵ Section 14 of the Constitution.

²⁶ African Commission on Human and Peoples' Rights, 'Declaration of Principles on Freedom of Expression and Access to Information' (2019) (accessible [here](#)).

²⁷ *Id.*

²⁸ *Id.* at principle 11.

²⁹ Competition Act 89 of 1998 at section 2(c) (accessible [here](#)).

should undergird the inquiry, alongside the relevant provisions of the Competition Act referred to in paragraph 5 of the SoI.³⁰ Presently, limited reference is found in the SoI to the fundamental importance and the central role of the news media in protecting and promoting our Constitution, and enabling a multiplicity of related human rights off- and online.

Notable international developments should be considered

Big Tech and Journalism – Principles for Fair Compensation

35. We note that regulatory and legislative processes to interrogate the interaction between digital platforms and news media organisations have been initiated in several jurisdictions, including, among others, Australia,³¹ Canada,³² the European Union,³³ and the United Kingdom.³⁴ Moreover, there is growing global interest in this issue, with media organisations and policymakers from countries such as Brazil, Argentina, Indonesia, India, and Malaysia all looking to initiate similar processes.³⁵
36. We are of the view that South Africa has an important role to play in establishing such investigations on the African continent and setting a precedent of accountability over the digital platforms in “global south” and “global majority” countries.³⁶ Some progress has already been made on this front in the form of the *Big Tech and Journalism – Principles for Fair Compensation*³⁷ (Big Tech Principles), a set of principles adopted in July 2023 in Johannesburg. The Big Tech Principles were prepared by over 70 journalists, publishers, academics, and activists from 24 countries. (As of 22 July 2023, 101 individuals and organisations from 28 countries have endorsed the principles.)³⁸
37. 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,” making them highly relevant to the present inquiry.³⁹ They speak to issues of transparency, accountability, and fairness, among others,

³⁰ See paras 23-7 of our submissions on the draft ToRs (accessible [here](#)).

³¹ Treasury Laws Amendment (News Media and Digital Platforms Mandatory Bargaining Code) Act 2021 (accessible [here](#)).

³² See the Canada Online News Act, which was passed in June 2023 (accessible [here](#)).

³³ European Commission sector inquiry into e-commerce (accessible [here](#)) and see, for instance, Article 15 of the European Union’s (EU) 2019 Copyright Directive (accessible [here](#)) on issues related to the copyright of news media content.

³⁴ Competition and Markets Authority, ‘Online platforms and digital advertising: Market study final report,’ (2020) (accessible [here](#)).

³⁵ GIBS Media Leadership Think Tank, ‘Conference Report: Big Tech and Journalism – Building a Sustainable Future for the Global South’ (2023) (accessible [here](#)).

³⁶ ‘Global majority’ is a term that refers to countries of predominantly traditionally marginalised ethnic groups. It arose as a term to challenge the normativity of a white-majority, Euro-centric perspective and has come to be used interchangeably or as an alternative to ‘developing countries.’ Rosemary Campbell-Stephens, ‘Educational Leadership and the Global Majority: Decolonising Narratives,’ (2021) Springer Nature. p. 8–9, 57–58 (accessible [here](#)).

³⁷ GIBS Media Leadership Think Tank, ‘Big Tech and Journalism – Principles for Fair Compensation’ (2023) (accessible [here](#)).

³⁸ *Id.*

³⁹ See note 35 above.

and have been endorsed by a diverse set of organisations and individuals representing diverse perspectives within and outside the media sector.⁴⁰

38. **As a result, the Commission is encouraged to draw guidance from the Big Tech Principles in conducting the MDPMI, especially the principles relating to plurality, diversity, sustainability, collectively, transparency, and accountability.**

UNESCO Guidelines for the Governance of Digital Platforms

39. In another notable development, the United Nations Educational, Scientific, and Cultural Organisation (UNESCO), in November 2023, published the *Guidelines for the Governance of Digital Platforms*⁴¹ (UNESCO Guidelines), which are based on over 10,000 comments and submissions from participants in over 134 countries.
40. The UNESCO Guidelines “outline a set of duties, responsibilities and roles for States, digital platforms, intergovernmental organisations, civil society, media, academia, the technical community and other stakeholders to enable the environment where freedom of expression and information are in the core of digital platforms governance processes.”⁴² In doing so, the UNESCO Guidelines detail five key principles: platforms must conduct human rights due diligence; platforms must adhere to international human rights standards, including in platform design, content moderation, and content curation; platforms must be transparent; platforms must make information and tools available to users; and platforms must be accountable to relevant stakeholders.⁴³ Notably, the UNESCO Guidelines expressly provide that:

“Governance systems should also promote dialogue with the media, including for the investment in independent news media, and the support of the media ecosystem by making data available and supporting actions to bolster media sustainability, diversity, and plurality.”⁴⁴

41. **For ease of reference, specific references to applicable principles contained in the UNESCO Guidelines are detailed in the below submissions on the scope items. However, the Commission is urged to consider the *UNESCO Guidelines* in their totality in order to frame the MDPMI through a human rights-based lens, based on recent international law and standards.**

Recent research on estimates for fair compensation from digital platforms to news media organisations

42. Alongside the international standards espoused in the UNSECO Guidelines, on 29 October 2023, Dr Anya Schiffrin, one of the preeminent academics focusing on digital platforms and

⁴⁰ An up-to-date list of endorsements of the principles is accessible [here](#).

⁴¹ UNESCO, ‘Guidelines for the Governance of Digital Platforms: Safeguarding freedom of expression and access to information through a multistakeholder approach’ (2023) (accessible [here](#)).

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.* at para 52.

news media, and others published a white paper titled *Paying for News: What Google and Meta Owe US Publishers*⁴⁵ (US media compensation research). This research extends research conducted in Switzerland, published in March 2023, by Fehr Advice titled *The value of journalistic content for the Google search engine in Switzerland*⁴⁶ (Swiss media compensation research).

43. The US media compensation research finds that “existing deals made between platforms and news publishers do not capture the full value generated by news content on the platforms,”⁴⁷ which is estimated “at between USD11,9 billion [R222,83 billion] and USD13,9 billion [R260,28 billion] per year in the United States”.⁴⁸ Additionally, the research details a methodology “to enable others to replicate [the] work or to use [the] approach to calculate a ‘fair payment’ to publishers in other markets.”⁴⁹ The Swiss media compensation research estimates compensation to media publishers in Switzerland, solely based on Google Search, of between CHF99 million [R2,1 billion] to CHF233 million [R4,8 billion].⁵⁰
44. While these estimates pertain solely to the US and Switzerland markets, they are instructive. The submitting parties are not presently aware of similar research (or estimates) in South Africa. However, the utility of this research in informing the present inquiry is obvious.
45. **Based on the methodology proposed in the US media compensation research or another methodology suitable in the South African context, the Commission should undertake and/or commission similar research to inform the MDPMI and the Further Statement of Issues in consultation with industry stakeholders. Alternatively, and in the event that it is unable to do so, the Commission should advise accordingly and the submitting parties may consider commissioning such research for the benefit of this process.**

Understanding and avoiding pitfalls in competition regulation

46. Lastly, we draw the Commission’s attention to the shortfalls of the Australian News Media and Digital Platforms Mandatory Bargaining Code, which emerged from that country’s Competition and Consumer Commission’s Digital Platforms Inquiry.⁵¹ In Australia, it was the threat of being designated under the code that compelled the digital platforms (Google and Meta) to negotiate with media organisations, rather than a designation itself. This means that the agreements struck between parties were opaque: it is not clear precisely with which organisations deals were struck, how much each organisation is

⁴⁵ Dr Anya Schiffrin et al, ‘Paying for News: What Google and Meta Owe US Publishers’ (29 October 2023) (US media compensation research) (accessible [here](#)).

⁴⁶ Alexis Johann et al, ‘The value of journalistic content for the Google search engine in Switzerland: A behavioural economics approach to ancillary copyright’ (March 2023) *Fehr Advice* (Swiss media compensation research) (accessible [here](#)).

⁴⁷ US media compensation research above n 45 at page 2.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ Swiss media compensation research above n 46 at page 41.

⁵¹ Terry Flew, ‘Australia’s News Media Bargaining Code: A New Institutional Perspective,’ *American Affairs Journal* (April 2023) (accessible [here](#)).

receiving, how they are spending that money, and how media organisations were deemed eligible to receive funding. This opacity has become a notable feature of the Australian process and one that should be avoided as it impedes accountability and learning.

47. In addition, the recent regulatory process in Canada has been instructive. In June 2023, the Canadian government enacted the Online News Act (Bill C-18), which seeks to compel negotiations between digital platforms and news media for content shared on platforms. The response from Meta and Google was swift, with the former limiting access to news media on its platforms and cancelling licensing deals, and the latter indicating that it intended to end agreements with news media organisations and restrict access to Google News and Showcase pages.⁵² Subsequently, Canadian publishers lodged a complaint with the Canadian Competition Bureau, which has initiated a preliminary review.⁵³ Further information about this preliminary review is not publicly accessible.
48. **These examples give guidance on what may occur in the South African context and enable the Commission to consider the best approach to the current inquiry. Notably, if the MDPMI is to be effective, (1) the Commission needs to be alive to the fact that, in parallel to its process, direct negotiations between media organisations and digital platforms are likely to occur, or are already occurring, as was recently the case in Australia; and (2) the Commission may seek to engage with the Canadian Competition Bureau to better understand the current status of the preliminary review into the complaint against Meta.**

Identified omissions in the SoI should be addressed

The South African Broadcasting Corporation (SABC) is not mentioned

49. SABC News⁵⁴ is one of the most important role-players in South Africa's media landscape. It offers 18 radio stations (which, among them, broadcast in all 11 official languages) and five free-to-air TV channels. It has over 2 million subscribers on its YouTube channel offering news content in English and African languages, a combined audience across multiple news and current affairs-related Facebook pages in different languages of over 4 million followers, and around 1.5 monthly visitors to its webpages, as of November 2023. Recent estimates suggest that SABC radio and TV reach 28.9 million and 26.6 million adults respectively, which is just under half of the South African population.⁵⁵
50. It is notable that the bulk of SABC News' online reach, in most official languages, happens via third-party platforms such as YouTube and Facebook. Resultantly, the SABC's digital footprint is significant, as is its reliance on digital platforms. As the public broadcaster, it

⁵² Canadian Association of Journalists, 'No news is bad news for Canada: CAJ urges Meta, Google, government, and news organisations to uphold the public's right to know' (2 August 2023) (accessible [here](#)).

⁵³ Global Competition Review, 'Canada begins preliminary review into Meta Complaint' (9 August 2023) (accessible [here](#)).

⁵⁴ For the purposes of this submission, the submitting parties refer only to SABC News. The broader sustainability of the SABC falls outside of the scope of this submission.

⁵⁵ South African Broadcasting Corporation, 'Corporate Plan FY 2022/23 to FY 2023/24' (2022) (accessible [here](#)).

remains a central source of news for a significant number of people in South Africa, enabling “access to media and other means of communication, including for marginalised groups, linguistic, and cultural minorities”; and “access to the media by poor and rural communities”.⁵⁶

51. The SABC is presently facing a financial crisis as a result of several issues.⁵⁷ Of relevance to the MDPMI, the SABC is — somewhat uniquely among public broadcasters — heavily reliant on commercial advertising revenue to sustain itself.⁵⁸ SABC News has also taken significant steps in recent years to transition to digital and to build up a digital presence, despite the challenges faced by a lack of viable business models and a dearth of advertising revenue in this space. As such, it has been equally affected by the imbalances in the digital advertising industry and the behaviour of major technology platforms in the news sector, which have contributed to the broader financial crisis.
52. SABC News is, at least, the second largest online news platform in South Africa⁵⁹ and is a major employer of journalists in the country. In some regions of the country, it is the only independent provider of news in vernacular languages. It is thus vital to sustaining the news eco-system in South Africa and enabling universal access to information, and it is of central importance to the present inquiry.
53. **Therefore, although we welcome the inclusion of the SABC in the final ToRs, we note with concern that while the Sol pays special attention to local and community media, small and medium-sized enterprises (SMEs), and businesses owned by historically disadvantaged persons (HDPs), it makes no mention of the public broadcaster despite its status as a critical news publisher. We therefore submit that this should be rectified by creating an additional scope item that pays close attention to the unique market dynamics at play between SABC News, digital platforms, and the larger media landscape. Alternatively, SABC News-related questions should be posed in either Scope Items 1 or 7, and the MDPMI should prioritise engagements with SABC News during the present inquiry.**

The impact of mis- and disinformation should be considered and credible media should be prioritised

54. The news media sector faces multifaceted challenges from mis- and disinformation,⁶⁰ as well as from political interference, both of which undermine its ability to inform the public and, conversely, the trust that the public has for news publishers.⁶¹ This crisis of distrust needs to be considered by the Commission. Principle 38 of the UNESCO Guidelines provides that:

⁵⁶ African Declaration above n 26 at principle 11.

⁵⁷ Sidra Asif, ‘SABC facing a financial crisis’ *Public Media Alliance* (July 2023) (accessible [here](#)).

⁵⁸ SABC, ‘SABC Tables 2021/22 Annual Report,’ (2022) (accessible [here](#)).

⁵⁹ Reuters Institute, 2023 Digital News Report (2023) (accessible [here](#)).

⁶⁰ Ceylan and others, ‘Sharing of misinformation is habitual, not just lazy or biased,’ 2023 PNAS 120(4) (accessible [here](#)).

⁶¹ UNESCO, ‘Finding the funds for journalism to thrive,’ (2022) (accessible [here](#)).

“Media outlets, fact-checking organizations, and the professionals within these institutions are important stakeholders and have a role in promoting the enjoyment of freedom of expression, access to information, and other human rights, while performing their watchdog function. Therefore, it is necessary to involve the media and its professionals in the regulatory process, recognising their role as active participants in positively contributing to the digital information ecosystem. A constructive relationship between digital platforms and credible news sources will enhance the role of digital platforms in providing information in the public interest.”⁶²

55. It should be noted that the crisis of trust in the media is intimately connected to the operations and the business model of the technology platforms, which we detail further below. Research has found that online misinformation is linked to lower trust in mainstream media across party lines,⁶³ and the role of technology platforms in enabling the creation and spread of misinformation at an unprecedented scale is well documented. This mistrust in the news media feeds, in turn, the inability of the media to monetise their content through viable business models.
56. Additionally, in relation to children, General Comment No.25 on children’s rights in relation to the digital environment⁶⁴ (General Comment No. 25) notes that:

States parties should ensure that digital literacy is taught in schools, as part of basic education curricula, from the preschool level and throughout all school years, and that such pedagogies are assessed on the basis of their results. Curricula should include the knowledge and skills to safely handle a wide range of digital tools and resources, including those relating to content, creation, collaboration, participation, socialisation and civic engagement. Curricula should also include critical understanding, guidance on how to find trusted sources of information and to identify misinformation and other forms of biased or false content, including on sexual and reproductive health issues, human rights, including the rights of the child in the digital environment, and available forms of support and remedy. They should promote awareness among children of the possible adverse consequences of exposure to risks relating to content, contact, conduct and contract, including cyberaggression, trafficking, sexual exploitation and abuse and other forms of violence, as well as coping strategies to reduce harm and strategies to protect their personal data and those of others and to build children’s social and emotional skills and resilience.⁶⁵ (Own emphasis.)

57. While best practice approaches to managing mis- and disinformation fall outside of the scope of this inquiry, the impact that mis- and disinformation have on credible media eco-systems, and the role that digital platforms have played in exacerbating the crisis of distrust should be further considered by the Commission inasmuch as it pertains to its determinations relating to section 2(c) of the Competition Act. Additionally, the fundamental importance of self-regulatory bodies such as the Press Council of South Africa (Press Council) and the Broadcasting Complaints Commission of South Africa (BCCSA) to

⁶² UNESCO Guidelines above n 41 at principle 38.

⁶³ Ognyanova et al, ‘Misinformation in action: Fake news exposure is linked to lower trust in media, higher trust in government when your side is in power,’ Misinformation Review (2020) (accessible [here](#)).

⁶⁴ United Nations Committee on the Rights of the Child, ‘General Comment No. 25 (2001) on children’s rights in relation to the digital environment (accessible [here](#)).

⁶⁵ *Id* at para 104. See also paras 54 and 96.

ensuring a credible news ecosystem, and the importance of media and information literacy,⁶⁶ needs to be recognised.

58. **As a result, public interest media that have committed themselves to the self-regulatory system that holds publishers to high standards of quality and accuracy should be the primary beneficiaries of competition regulation. We, therefore, reaffirm that credibility must form a central component of the MDPMI's investigations, and proposed remedies should strengthen credible and trustworthy media organisations. Existing and effective self-regulatory mechanisms can be leveraged in this regard: membership of either the Press Council or the BCCSA should be a criterion for measuring the credibility and, therefore, the contribution to the public interest, of news publishers. Additionally, the fundamental importance of media and information literacy campaigns should be considered in relation to remedy.**

The rights of the child need to be emphasised

59. Children are particularly vulnerable to the deleterious consequences of digital platforms on news media. Developing generations of informed and well-adjusted children requires the provision of a diversity of media that includes news that is tailored for children in accessible, digestible, and responsible formats and that reflects their perspectives and voices. The sustainability of quality digital news is critical for the younger generation of digitally savvy consumers that will soon be the majority of consumers of online information.
60. In this regard, the Convention on the Rights of the Child provides children with the right to freedom of expression, which includes the “freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.”⁶⁷ It further recognises the important function performed by the mass media and the need to ensure that children have access to information and material from a diversity of national and international sources.⁶⁸
61. Additionally, the UNESCO Guidelines provide that:

“Governments should disseminate information and conduct awareness-raising campaigns on the rights of the child in the digital environment, including their right to freedom of expression, focusing in particular on those whose actions have a direct or indirect impact on children. They should facilitate educational programmes for children, parents and caregivers, the general public, and policymakers to enhance their knowledge of children's rights in relation to the opportunities and risks associated with digital products and services. Such programmes should include information on how children can benefit from digital products and services and develop their media and information literacy, including digital skills.”⁶⁹ (Own emphasis.)

⁶⁶ See paras 74-84 of the UNESCO Guidelines above n 41.

⁶⁷ Article 13.

⁶⁸ Article 17.

⁶⁹ UNESCO Guidelines above n 40 at para 79.

62. From a constitutional standpoint, it should be noted that in all actions concerning children, the best interests of the child must be a primary consideration.⁷⁰ Given the central role played by digital media, including news, in the modern development of children in South Africa, the best interests of children should be of paramount importance throughout the course of the MDPMI.
63. **Consequently, the MDPMI should include in its Sol the particular needs of children in considering the news media market, including the effect of mis- and disinformation on children, who tend to be more digitally active than previous generations, without the benefit of education on how to protect and defend themselves against problematic content. In addition, as the digital advertising industry is driven by the widespread collection of personal information and resultant profiling (a practice which often does not distinguish between adults and children), despite the sensitivity of children’s personal information, the treatment of children’s data in the ad tech stack should be accounted for.**

Gender and intersectionality should be more prominent

64. Given South Africa’s immense diversity — in terms of language, politics, wealth, culture, and identities — the quality of the country’s news media sector is directly related to its ability to represent and engage diverse audiences. While scope item 7 recognises the importance of the diversity of both news organisations and news content,⁷¹ we note that no specific reference is made to what constitutes diversity, beyond the categories of SMEs and HDPs.
65. **In this regard, we recommend an intersectional approach to scope item 7: diversity should be understood in relation to the intersection of the different identities that people hold. These identities include one’s race, gender, sex, sexual orientation, economic status, nationality, and religion. This level of specificity can help the Commission in understanding for which groups the challenges related to media representation are most acute, how this is influenced by the informational environment created by digital platforms, and what ought to be done in response.**

SUBMISSIONS ON THE SCOPE ITEMS

66. In preparing direct submissions on the scope items, the submitting parties provide context, where necessary, on each of the items, and thereafter directly address certain questions, where relevant, to aid the Commission in its inquiry. Where questions are addressed directly, this is noted in **bold font**. In the event that questions are not directly addressed in this submission, the submitting parties reserve the right to provide further clarity in subsequent submissions to the MDPMI.

⁷⁰ Section 28(2) of the Constitution.

⁷¹ See paragraph 64 of the Statement of Issues.

Scope Item 1: Trends in news media, revenue generation for news media and the ad tech stack

Platforms are designed to drive engagement and not the truth

67. In terms of **questions (a) and (c)**, the Commission has noted that the “transition to digital news consumption and advertising has resulted in publishers seeing a massive decline in traditional advertising revenue, and an increase in costs, as newsrooms need to devote resources to their digital presence.”⁷² To fully understand why this has happened, it is important to understand how the transition to the digital space has impacted the advertising industry more generally.
68. Previously, advertising was constrained to physical and broadcast mediums, and advertisers dealt directly with the owners of this infrastructure to place their ads. But since advertising now undergirds our digital infrastructure, the total amount of space available to host advertising has radically increased in tandem with the number of digital spaces. In addition, the use of algorithms to determine who sees ads online (known as “programmatic advertising”) means that advertisers are now able to target specific users wherever they are online while dealing only with an intermediary and not the publishers themselves, leading to prioritisation of platforms with large audiences regardless of the credibility of the information they convey.⁷³
69. Previously, “contextual advertising” was the predominant model, where the content environment played a part in placement. Now automated ad exchanges, mainly controlled by Google and Meta, give predominance to placement through data-profiling of persons, including children. In this way, all entities online — news media organisations and others — are in competition for the fundamental resource of attention, and the historic advantages that physical publications enjoyed — in the form of the premium value of their advertising space — have disappeared.⁷⁴ This is only exacerbated by the ability of digital platforms to micro-target audiences in real-time, in a way that traditional media organisations cannot because they do not have access to the large quantities of data collected and held by digital platforms.
70. Many digital platforms are funded primarily by advertising — it accounts for 80% of Google’s revenue and 96% of Meta’s revenue.⁷⁵ And since online engagement (as measured by various metrics, such as the amount of time spent on a website, the amount of times an article is shared, etc.) increases advertising revenue both directly (as platforms can sell more ads) and indirectly (because platforms can gain more fine-grained data on user

⁷² Paragraph 20 of the Sol.

⁷³ In 2021, 80% of global digital advertising expenditure was allocated programmatically through the ad tech stack – compare [here](#) and [here](#).

⁷⁴ See OECD, ‘Competition issues concerning news media and digital platforms’, (2021) *OECD Discussion Paper* (accessible [here](#)) at page 12.

⁷⁵ For Google and Meta’s 2022 revenue statistics, see [here](#) and [here](#).

behaviour, allowing them to more precisely target ads), platforms are designed to drive engagement.⁷⁶

71. Thus, the dominant business model that undergirds the internet — in contrast to traditional public journalism, and public interest journalism in particular — is unregulated and indifferent to the truth. *Its priority is engagement.* Platform design that maximises for user engagement does not distinguish between content that is true or false, or content that is high or low quality. As a result, all publishers face incentives to maximise engagement and controversy at the cost of nuance. Local news content, in particular, because of its smaller scope, faces steep challenges in competing with bigger sources despite its crucial value to society in terms of authentic documenting and storytelling of local issues and consequent impacts on government accountability, civic engagement, social trust, and electoral information, amongst many others.⁷⁷
72. In this way, the design of digital platforms — the choice to maximise engagement as a means of generating ad revenue, the premium on immediacy in online spaces, and the opacity around revenue-sharing, which is discussed further below — is responsible for both the crisis of media sustainability and the crisis of mis- and disinformation. The result of the engagement-based business model is that social media either downgrades the visibility of posts with external links (as with X) and/or loads them within the platform's own ecosystem (Facebook). The longer the user spends within the ecosystem, the more data is extracted, and the more ads can be shown, with the unfortunate effect that news media receives less indirect and direct traffic. Increasingly, even search engines (such as Google and Bing) deprioritise providing external links (except when in adverts on their services). Digital platforms have the sole discretion to determine what and how their algorithms promote or demote content and provide little transparency to outside users to understand or audit the consequences for the overall quality of the information eco-system.
73. Additionally, and in terms of **question (b)**, the competition for attention is simultaneously a contest for advertising, and the major ad tech exchanges are controlled by Google and Meta which are also recipients of placements. This compounds competition because it encourages “engagement” content (typically, emotional and/or entertaining) irrespective of the informational quotient entailed, incentivising “click bait” headlines (including content farms) rather than high-value journalism.
74. Even alternative revenue models for news media, such as subscriptions, are typically mediated by platforms and app stores, leaving news media as hostages to the digital platform “gatekeepers.” Also important in a context like South Africa is the lack of both credit cards and confidence in e-commerce, and the high levels of poverty, which mitigate against this revenue stream for publishers to cover their costs.

⁷⁶ Ian Anderson, Gizem Ceylan, and Wendy Wood, ‘People share misinformation because of social media’s incentives — but those can be changed’ (August 2023) *Nieman Lab* (accessible [here](#)).

⁷⁷ Danilo Alves Silva, ‘The Importance of Local News: Why Local Media Matters for Communities Across America,’ World Press Institute (2023) (accessible [here](#)).

General trends in news media and the impact on community-based news, vernacular publications, and new entrants to news media publishing

75. With further reference to **question (a)** and **(c)**, and as identified in the *Inquiry into Media Ethics and Credibility* (Satchwell Inquiry),⁷⁸ which was commissioned by SANEF and chaired by Judge (retired) Kathleen Satchwell, Nikiwe Bikitsha, and Rich Mkhondo:

“News media is under pressure from changes in audience consumption of news wrought by the digital age. As already discussed, traditional publishers of newspapers who produce most of the news driving the political agenda have been hardest hit. Time-honoured print news production practices have been disrupted by the need to produce news in new ways for new audiences online. Broadcasting will face new challenges with the transition to digital broadcasting.”⁷⁹

76. The Satchwell Inquiry further found that:

“Despite these challenges, there has unquestionably been an irreversible move away from the traditional view that only centralised information from established and ‘official’ media sources can be relied upon. With the advent of a situation where, at least potentially, ‘everyone is a publisher’, there has been an explosion in the amount of information available; in the sources of such information, and in its type and nature. One has only to think of the many citizen journalists recording events in the Black, working class townships of South Africa, which would never before have seen the light of day, let alone received an audience response.”⁸⁰

77. Resultantly, for the media to survive, some or other form of digital transformation is necessary. A notable future trend is that audiences will expand in online spaces as we move closer towards universal access, and the online world, including platforms, will increasingly become the predominant source of information. Any potential solutions in this regard must consider how community media may be capacitated and supported to operate online to ensure a plurality of news. It is also foreseeable that the digital platforms may become more dependent on community media publishers as universal access expands in rural areas and in vernacular languages in which the online information eco-system, as presented by the platforms, is currently lacking and of relatively low quality.
78. From this standpoint, and in terms of **question (c)**, the transition to digital media has posed significant challenges for community media. While community media should not be considered as one homogenous group, this does not mean that the community media sector is not grappling with similar issues, albeit from different perspectives. One notable challenge is the employment of first-time journalists who often “cut their teeth” in community media settings. Due to the limited online presence of community media organisations, many young journalists are not given exposure to online spaces in order to hone their skills and often find themselves competing for stories with Facebook pages or community WhatsApp groups, or having their content copied and duplicated for sharing through these platforms without credit. Some estimates by community media

⁷⁸ SANEF, ‘Inquiry into Media Ethics and Credibility’ (April 2021) (accessible [here](#)).

⁷⁹ *Id* at para 6.145.

⁸⁰ *Id* at para 6.153.

organisations are that the potential income from digital advertising is no more than 7-8% of turnover, leading to a lack of incentive to invest in the necessary infrastructure to develop a digital presence.⁸¹

79. In recent research titled *Greening Africa's new deserts: The search for sustainable local media in sub-Saharan Africa*,⁸² Franz Kruger provides useful additional guidance on “digital power and revenue,” and the need for digital platforms to make “fair contribution” to local media ecosystems.⁸³

Funding models

80. In terms of **question (e)** regarding optimal funding models for the sustainability of the news media, a mixed revenue stream provides the best resilience and independence for publishers and should thus be envisioned. However, digital advertising will need to be a key part of economic viability given the general trend towards universal internet access. It is important for society that the media avoids “capture” by a predominance of non-market funding streams, whether corporate (including from Internet companies), governmental, philanthropic, or special interest funding that has conditions that compromise the integrity and editorial independence of news. In this regard, the recent proliferation of so-called National Journalism Funds (NJFs), and proposals on their independence and transparency, may be of interest to this inquiry.⁸⁴

Additional questions to be included

81. **In addition to the above and as noted in the previous section, specific questions relating to SABC News may be included in this Scope Item, in Scope Item 7, or in a new scope item.**
82. **Further, specific questions around the impact of “engagement content” on mis- and disinformation and any steps taken by digital platforms to genuinely mitigate the spread of mis- and disinformation should be included in this Scope Item.**

Scope Item 2: Competition for advertising revenues, subscription revenues, and user data

The relationship between news media organisations and online platforms

83. In relation to **question (f)**, digital platforms have actively taken steps to encourage dependence on their services by news media organisations to the significant disadvantage of the publishers. This includes dependence in reaching audiences via platforms (creating some minimal revenue shares in related visibility), and in getting programmatic advertising

⁸¹ Franz Kruger, ‘Greening Africa’s new deserts: The search for sustainable local media in sub-Saharan Africa’ (2023) (accessible [here](#)) at 27.

⁸² *Id.*

⁸³ *Id.* at pages 3 and 25-26.

⁸⁴ See Dr Anya Schiffrin and Brigitte Alfter, ‘Creating National Funds to Support Journalism and Public -Interest Media’ *Global Forum for Media Development* (accessible [here](#)).

directly on news media's own platforms and websites, resulting in the potential synergies being lost in the context of significant imbalances in power.

84. It is notable that a small number of the largest media in developed economies, such as the New York Times and The Guardian, have had the luxury of divorcing themselves from these arrangements by resorting to building up reader revenue through alternative models using paywalls and subscription services. It is highly unlikely that the South African market can afford news publishers similar strategies at scale, given the size of the market and limited purchasing power among the population.

Competition distortions

85. In terms of **question (h)**, the submitting parties take the view that competition is inhibited by the lack of data access. Publishers receive little data about the performance of their content on digital platforms and even less about how algorithmic changes affect this. In relation to ad tech and direct placement on publishers' websites, there is no transparency about what advertisers pay in relation to what the publishers receive — it is notoriously opaque.⁸⁵ And while services like Google Analytics give both Google and publishers data on audience visits to a given news website, there is no insight to publishers about how this is used within ad tech to supply — or not supply — adverts.

Scope Item 3: Imbalances of bargaining power between digital platforms and news media organisations

Bargaining power dynamics and gatekeeping

86. In terms of **question (l)**, bargaining power depends on a degree of information symmetry between the parties involved. In this regard, news media are severely disadvantaged because they do not know what advertising digital platforms are able to generate through profiling audiences in terms of, among others, the latter's news consumption patterns. Therefore, when platforms claim they make no revenue from news content, publishers are unable to countermand this version, an element central to this inquiry. This motivates in favour of the proposed market study detailed in **paragraphs 42-45** above and affirms principle 6 of the Big Tech Principles:

“Small and medium-sized publishers should be allowed to coordinate their efforts, which may include collective bargaining with platforms.”⁸⁶

87. In addition, the argument frequently made by digital platforms that they make no revenue from news content is overly simplistic in the context of a broader understanding of the importance of a credible information environment, as discussed in **paragraphs 54-58** above, and a bigger-picture understanding of the risks to the platforms themselves of an

⁸⁵ Competition and Markets Authority, 'Online platforms and digital advertising market study: Appendix R: fees in the adtech stack,' (2019) (accessible [here](#)).

⁸⁶ See above n 14 at principle 6.

information environment without credible news content that deteriorates to a point at which users no longer trust and find value in their services.

88. For the purposes of **question (m)**, the issue of platforms carrying snippets applies mainly to search platforms. Where these snippets lead to click-throughs to news media websites, there is at least some (minimal) value of the traffic flow into and beyond the search service, for both the platform and the receiving websites. However, this is changing. Search engines (like Google or Bing) increasingly provide and prioritise AI-generated answers — which may be based on, in part, crawled news content. This kind of service is replacing verbatim snippets and does not entail click-throughs or other attribution that could benefit publishers.
89. In terms of **question (n)**, it is difficult to assess the fairness of formal shares of advertising revenue, especially in light of the severe opacity of information already highlighted. Meta has announced the discontinuation of its policy of providing a curated news feed for users in some jurisdictions and this trend is likely to continue.⁸⁷ It is also unclear as to whether YouTube and TikTok’s existing mechanisms and X’s proposals are of benefit to news publishers. Bargaining power in terms of advertising and app-store gateways is largely skewed towards those controlling these components in the tech stack. News publishers (and others) are presented with a take-it-or-leave it scenario, as a result of dominant gatekeeping power, which we have detailed further under **Scope Item 1**.
90. Lastly, with reference to **question (p)**, major international news media organisations are less dependent on platforms for exposure, and for receiving programmatic advertising on their websites. Meanwhile, cookies and analytics services from Meta and Google on news publishers’ websites provide these digital platforms with industry-wide insights which are likely of significant benefit to continuing to strengthen their positions over time — at the expense of individual publishers who receive less data and have only a piecemeal picture of the trends. This is the case even for large publishers on a national scale in a market such as South Africa.
91. For community media who rely on Google AdSense, the relationship with the digital platforms is likely to be confined to receiving “crumbs” and one of perpetuated dependency. In addition, it is likely that domestic ad tech initiatives may find it difficult to enter into the captured market of programmatic advertising. Again, it is difficult to gauge whether the value extracted from news media, and that contributed back to news media, is fair or not, in the absence of access to data from the digital platforms.
92. In this regard, the UNESCO Guidelines provide some guidance:

“116. Digital platforms should provide vetted researchers with access to non-personal data and pseudonymous data that is necessary to understand the impact of digital platforms. This data should be made available upon request and on an ongoing basis through automated means, such as application programming interfaces (APIs) or other open and accessible technical solutions allowing the analysis of said data.

⁸⁷ Reuters, ‘Meta to drop ‘Facebook News’ tab in some European countries,’ (2023) (accessible [here](#)).

117. Digital platforms are expected to provide access to non-personal data to journalist and advocacy groups when there is a public interest and the access is proportionate and necessary in a determined context. There need to be additional safeguards to protect users' privacy and personal data—such as ensuring anonymizing datasets through different measures, including de-identification and sampling before sharing—as well as businesses' proprietary information, trade secrets, and respect of commercial confidentiality.

118. Platforms should build reliable interfaces for data access and should provide disaggregated data based on gender and other relevant intersecting factors (such as race, ethnicity, age, socioeconomic status, disability, etc.). The governance system should determine what is useful, proportionate, and reasonable for research purposes."⁸⁸ (Own emphasis.)

Scope Item 4: Competition between news media organisations and the effect this has on the publication of credible news

The credibility of the news media

93. In terms of **questions (r)** and **(s)**, to have content curated, including being recommended and upgraded, on digital platforms is challenging for news publishers since platforms' algorithms are opaque, subject to change without notice, and commonly designed to downplay links to news services. Historically, platforms like Meta advised publishers to produce more content in video format. Although platforms promoted, *pro bono*, authoritative content during the Covid-19 pandemic, they require payment for all other content to be boosted, including news content. Meta recently also closed its Special News (media) tab, further disadvantaging the circulation of public interest news. Search engine optimisation is also subject to changes made without notice, and small and community media are least likely to have the resources to continue investing in the imposed costs of search engine optimisation over time. The overall trend has been described by analyst Cory Doctorow as one where platforms first offer a good service to users, including news media, then deprecate the service to benefit advertiser revenue, and finally degrade the service to extract maximum value for shareholders.⁸⁹
94. The UNESCO Guidance provide direct guidance on content curation, basing one of the five principles on enjoining platforms to “adhere to international human rights standards including in platform design, content moderation, and content curation”.⁹⁰ Notably:

“94. Content moderation and curation systems, including both automated and non-automated components, should be reliable and effective and at a scale appropriate to the volume of content being moderated, in all jurisdictions where the platform operates. This includes pursuing accuracy and non-discrimination in detection methods. Content moderation and curation should be applied consistently with

⁸⁸ UNESCO Guidelines above n 41 at para 116-18.

⁸⁹ See Cory Doctorow, 'Mircoincentives and Enshittification: How the Curse of Bigness Wrecked Google Search' (28 July 2023) (accessible [here](#).)

⁹⁰ UNESCO Guidelines above note 41 at page 37 onwards.

international human rights law and standards, notably not to infringe on freedom of expression and cultural diversity.”⁹¹

and

106. Platforms should also ensure that content that could be permissibly restricted under international human rights law and standards is not amplified by automated curation or recommender mechanisms simply due to these mechanisms’ linguistic limitations.⁹² (Own emphasis.)

95. In terms of **question (s)**, the factors that influence the curation and ranking of news content are portrayed by the platforms as being the interests and histories of users. However, it is also clear that other factors are also relevant. Platforms are particularly interested in user attention and engagement, which entails factors other than the “social graph” of friends and family. Therefore, in recent years, the TikTok style model has infused platforms like Facebook, with content being presented that has proved popular elsewhere but has nothing to do with the individual user’s known tastes or those of their network. Such popularity algorithms become self-fulfilling, with “trending” material being recommended to people, and thereby re-amplified if they select it. What fits into this algorithmic mix is typically content that is extreme, emotive, hyped, outrageous, or entertaining, which in turn has little to no relationship with quality content. However, the ability of platforms to promote these types of unsolicited content indicates that they also have the technological capacity to advance other types of content, including credible news.
96. In terms of **question (t)**, the visibility, and discoverability, of new, small, and vernacular language media content is especially disadvantaged by the tendencies described above. Media pluralism is actively undermined by platform curation. In response to these pressures, some news media outlets in countries outside South Africa have opted for consolidation — where this is legally permitted. However, while this has led to cost-savings and economies of scale, these would appear to grant temporary respite and inspire negative consequences for the plurality of information. As a result, the downward path of staff redundancies, disinvestment from investigative journalism and civic affairs reporting, and media closures continues.
97. With regards to **question (u)**, the growing concentration of the media in South Africa is well documented in the report of the Satchwell Inquiry.⁹³

Scope Item 5: The ad tech stack in the online distribution of news media

The need for transparency in advertising

98. In terms of **question (w)**, and as noted earlier, news media organisations are highly dependent on large ad tech intermediaries for sourcing digital advertising. This is, in part, because of the difficulties faced by other ad tech players in entering this semi-monopolised

⁹¹ *Id* at para 94.

⁹² *Id* at para 106.

⁹³ Satchwell Inquiry above n. 78 at pp. 58-59.

area, which is highly technology-and-data intensive and which creates a first-starter advantage in the collection of vast quantities of user data. The large operators have accumulated significant private data holdings, and leverage these to continue to expand them by monitoring in real-time how advertisements perform on different platforms and for different users. Importantly, ad tech enables programmatic advertising in which provenance and placement are relatively content-agnostic. This means that advertising often ends up funding fake news sites or normalises (and even financially benefits) content characterised by hate and disinformation.⁹⁴ **In this regard, the Commission may consider including further questions in this Scope Item around the role of ad tech in enabling mis- and disinformation.**

99. In terms of question **(aa)**, earlier parts of this submission have highlighted the conflict of interest between social media platforms receiving advertising placements as well as owning the ad tech marketplace which determines placements. Legal cases brought in the United States against Google have pointed to problematic practices in how automated bidding operates in favour of the company's own ad tech services. Given the opacity of ad tech, it is difficult at scale to know what the share of advertising rands accrue at each layer in the stack, and whether that which accrues to media publishers can be assessed as equitable or not.

Scope Item 6: Generative AI in the online distribution of news media

The use of AI and the need for guidelines

100. In terms of **question (bb)**, AI technology — in the form of machine learning algorithms — which is wholly unregulated in South Africa, already undergirds digital information ecosystems, primarily in the form of sorting algorithms that order how content is seen. Generative AI takes this further by allowing AI not only to define the structures through which information flows but also to participate in creating and sharing information.
101. The evolving use of generative AI within the algorithms of search, social media, and news aggregators for surfacing and ranking of content, is impacting the visibility and findability of news content particularly in search. This is because search engines are incorporating services which provide generated “answers” instead of links to copyrighted news material. These give no attribution, let alone links, to news media content although the latter may have been “scraped” to inform the results. Significantly, because generative AI is not a “truth” engine but rather a prediction service based upon unreliable as well as reliable sources, it can (and often does) generate results that are unaccountable and *do not* constitute verified or credible news. However, the illusion is presented, especially when the interface is anthropomorphised, of being trustworthy.
102. In terms of social media, generative AI radically reduces the costs of content production. The upscaling of volume that this enables will overshadow non-automated content, such as journalistic artefacts based upon research and analysis and unearthing of entirely new

⁹⁴ See UNESCO, ‘Platform Problems and Regulatory Solutions: Findings from a comprehensive review of existing studies and investigations’ (2023) (accessible [here](#)).

information, as well as resource and time-intensive fact-checking processes. Meanwhile, generated AI content can plausibly resemble the news format, and even be used to fake news brands (as has already occurred with The Guardian newspaper in the UK).⁹⁵

AI Chatbots

103. In terms of **question (cc)**, AI chatbots are likely to increase in capability, as the amount of computing power and training data scales up, even if they remain powered by the same algorithmic architecture. It is technically possible for news organisations to train in-house AI chatbot models which can build highly personalised relationships with consumers. For example, one could chat to them about developments in a major news story, and ask clarifying questions, and the model could be trained to represent the institutional perspective of its organisation. It remains to be seen whether this model of news takes off, though — and the question of profitability remains central to this enquiry.
104. However, at present, AI chatbots appear to be designed to engage people as long as possible, which enables more of their data to be extracted, and more advertising to be shown to them. Therefore, there appears to be an incentive for AI chatbots to be structured to prioritise the same kinds of content that social media platforms have exploited for engagement — emotive, dramatic, extreme, inciting, etc. Under the impression that they are supplying reliable news, users may believe that their information needs are being adequately met. At the same time, there is a likelihood that digital advertising (even on paid GPT subscription services) will further reduce the portion of advertising revenue available to news publishers.
105. In addition, there is increasing suspicion, and evidence in some cases, that certain GPT foundation models (LLMs) have drawn from news content, including paywall-protected content.⁹⁶ It is likely that many application models, built upon these foundation models, are doing the same. Most GPT services do not disclose this, presumably to avoid legal action, and indeed Open AI (owner of ChatGPT) has shown it is aware of this risk by its offering to indemnify clients against claims.⁹⁷ Regardless, it remains presumably impossible to remove news content that has previously been scraped and to understand how this content is used within these models, and the fact remains that news publishers have not been compensated for the use of news content at the input level.
106. In terms of **question (dd)**, given that the incumbent digital platforms sustain themselves primarily by advertising revenue, AI technology is likely to be considered and implemented inasmuch as it can be monetised in service of advertising. GPT-4 and others operate on a subscription model for now, but this may change as these systems scale and are made accessible to more people.

⁹⁵ See The Guardian (Chris Moran), 'ChatGPT is making up fake Guardian articles. Here's how we're responding' (6 April 2023) (accessible [here](#)).

⁹⁶ Emilia David, 'Now you can block OpenAI's web crawler,' The Verge (2023) (accessible [here](#)).

⁹⁷ Lexology, 'OpenAI's "Copyright Shield" Broadens User IP Indemnities for AI-created Content,' (2023) (accessible [here](#)).

107. At present, the lack of transparency over the principles underlying the operation of these models raises questions about how they are likely to generate, share, or prioritise news content and to the extent to which they will avoid algorithmic bias and ensure greater diversity and representation of information, particularly from an African perspective.

Scope Item 7: Consumer choice and the participation of SMEs and HDPs in the online distribution of news media

The quality and diversity of news

108. In terms of **question (ff)**, digital news content distribution has enabled more people to access greater quantities of information. Electronic distribution has also opened the door to several new services. However, new services in local languages have been limited, and arguably actively disadvantaged by the development of digital distribution mechanisms that have inherent language biases in the algorithms used and the language and contextual skills of their staff of developers and moderators, etc. As discussed above, the quality of digital news content has also been affected due to the engagement model.
109. Notably, different digital platforms have different distribution affordances. As discussed earlier in this submission, Meta's platforms have evolved to limit news flow as much as possible. TikTok's model is based on prioritising entertainment, which may often have a very low informational quotient. WhatsApp lacks publisher scale and monetisation options — although user meta-data does go into Meta's data profiling of individuals for ad sales elsewhere online.
110. Consumer choice in this context is not a fixed commodity, whereby consumers inherently wish to consume or avoid news content. Instead, consumer choice is informed by, and shaped by, the range of options in content presented to them. Currently, these offerings are bounded in ways that inherently disadvantage news content. When platforms claim that users don't want news, this may be because of an uneven playing field between news and other kinds of content. While publishers can create a wider suite of customised content (i.e., not only "bad news"), the onus is also on platforms to tweak their algorithms to give this content a fair showing — especially on key issues of public interest, whether public health or elections.

Incentives for investigative journalism

111. With reference to **question (hh)**, we note that the platforms spend a small amount of money, typically through discretionary philanthropic and similar programmes, paying for fact-checking services through an approved list of fact-checking organisations. However, these fact-checking services inherently lack scale and the ability to keep up with the speed and scale of mis- and disinformation spread through online platforms. However, platforms do not invest in structurally prioritising high-quality investigative journalism on their platforms, leaving the producers of this content without a viable revenue model and largely dependent on discretionary and risky philanthropic funding.

Challenges to SME, HDP, community-based and vernacular publications transitioning into online distribution of news media

112. In terms of **question (ii)**, while digital platforms are theoretically language-neutral, because vernacular language media are already marginalised, the impact of an unbalanced playing field may be greater. In addition, the algorithms and automated processes that drive the prioritisation of content online are unable to deal appropriately with languages outside of a limited number of dominant international languages, leading to severe consequences for content moderation (and hence mis- and disinformation) as well as potential disadvantages in the marketplace for online advertising.
113. In addition, the lack of a usable data corpus for vernacular language media may inhibit their ability to use generative AI in content (i.e., summaries of stories for circulation on different channels).

Additional questions to be included

114. **As noted in previous sections, specific questions relating to SABC News may be included in Scope Item 1, this Scope Item, or in a new Scope Item.**

INTERIM SUBMISSIONS ON REMEDIES

115. The submitting parties note that the challenges facing the news media and the suitability of journalism, in general, are multi-faceted. However, the role of digital platforms in distorting the market on which the news media relies should not go unchallenged as it forms a fundamental piece of the puzzle on which much else hinges. As noted in the SANEF Position Paper:⁹⁸

“A fundamental criticism of [the] approach to regulation is that it fails to address the inherent market failures of the news production industry and makes platform companies solely responsible for a complex and multi-faceted problem.⁹⁹ While the dominance of technology platforms in the digital advertising industry has had a significant impact on the revenues of news publishers in recent years, the sustainability challenges facing journalism stem from issues that are broader than the behaviour of technology platforms alone.¹⁰⁰ However, this does not negate the argument for technology platforms to be held accountable for the element of the problem for which they are responsible: *dominance that distorts the market on which a critical public good relies.*”

116. Resultantly, in terms of remedies, the submitting parties, at this stage of the MDPMI, suggest that the Commission may consider:

- 116.1. Requiring the digital platforms to provide auditable information on the flow of news on their services, with breakdowns of the factors involved, which may

⁹⁸ Above n 9 at page 28.

⁹⁹ James Meese, ‘Journalism Policy across the Commonwealth: Partial Answers to Public Problems, Digital Journalism,’ (2020) (accessible [here](#)).

¹⁰⁰ Above n 78 at chapter 4 onwards.

include, among others, algorithmic penalisation for the inclusion of links to news content, the role of user recommendations, and algorithmic promotion of different types of content.

- 116.2. Requiring the digital platforms to provide auditable information on correspondence between advertising placement and news content as a function of targeting particular users.
 - 116.3. Investigating whether ad tech products and services need to be unbundled, so as to avoid conflicts of interest between operating a marketplace and being a potential beneficiary of ad placement.
 - 116.4. Initiating an inquiry into how the current commercial models for generative AI systems, at foundation and application levels, deal with copyright (or not), and whether their integration into, as well as operation alongside, digital platforms represents a threat to news media viability and competition within the content ecosystem.
 - 116.5. Requiring that any bargaining between news publishers and platforms should entail more symmetry of information between the two sides, should be fully inclusive of all relevant news publishers in the country, should allow for collective bargaining by small and medium publishers, and that any agreements struck should be made public at least in general terms. **(See the Big Tech Principles discussed above.)**¹⁰¹
 - 116.6. Requiring digital platforms to conduct and publicly share the outcomes of human rights impact assessments on various parts of their operations that affect the sustainability of the news media.
 - 116.7. Calling on government development agencies to support new entrants, especially from historically disadvantaged communities and marginalised languages, into the news media sector and technology industries, by enhancing their access to capital and technological capacities, so as to provide for a more pluralistic and diverse content environment for South Africa, and thereby encourage employment and services in the public interest.
117. As the MDPMI process develops, the submitting parties reserve the right to amend the proposed remedies as more information comes to light and the Sol is further developed.

CONCLUDING REMARKS

118. In terms of the administrative timetable, **the submitting parties request that the stakeholder response to the Further Statement of Issues be extended to 31 January 2024 to accommodate the holiday period** during which time some of the offices of the submitting parties will be closed.

¹⁰¹ See above n 14.

119. SANEF, the Press Council, AIP, MMA, FCJ, SOS, and the GIBS Media Leadership Think Tank look forward to further engagements with the MDPMI and we remain available to assist the MDPMI as this process develops.

**SANEF, the Press Council, AIP, MMA, FCJ, SOS, and the GIBS Media Leadership Think Tank
Johannesburg, 14 November 2023**

ENDS.

NOTABLE RESOURCES

Inquiries

SANEF, 'Inquiry into Media Ethics and Credibility' (April 2021) (accessible [here](#)).

International standards and principles

African Commission on Human and Peoples' Rights, 'Declaration of Principles on Freedom of Expression and Access to Information' (2019) (accessible [here](#)).

GIBS Media Leadership Think Tank, 'Big Tech and Journalism – Principles for Fair Compensation' (2023) (accessible [here](#)).

UNESCO, 'Guidelines for the Governance of Digital Platforms: Safeguarding freedom of expression and access to information through a multistakeholder approach' (2023) (accessible [here](#)).

United Nations Committee on the Rights of the Child, 'General Comment No. 25 (2001) on children's rights in relation to the digital environment (accessible [here](#)).

Market research

Dr Anya Shiffrin et al, 'Paying for News: What Google and Meta Owe US Publishers' (29 October 2023) (accessible [here](#)).

Alexis Johann et al, 'The value of journalistic content for the Google search engine in Switzerland: A behavioural economics approach to ancillary copyright' (March 2023) *Fehr Advice* (accessible [here](#)).

Research reports

Dr Anya Schiffrin and Brigitte Alfter, 'Creating National Funds to Support Journalism and Public-Interest Media' *Global Forum for Media Development* (accessible [here](#)).

Franz Kruger, 'Greening Africa's new deserts: The search for sustainable local media in sub-Saharan Africa' (2023) (accessible [here](#)).

OECD, 'Competition issues concerning news media and digital platforms', (2021) *OECD Discussion Paper* (accessible [here](#)).

UNESCO, 'Platform Problems and Regulatory Solutions: Findings from a comprehensive review of existing studies and investigations' (2023) (accessible [here](#)).