



# Support Public Broadcasting Coalition

Competition Commission's Media and Digital Platforms Market Inquiry (MDPMI)  
By  
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# Introduction

- SOS Team
  - Uyanda Siyotula - National Coordinator
  - Kgothatso Mampa - Deputy Chair of the Legal Advocacy Subcommittee
  - Justine Limpitlaw - Chair of the Legal Advocacy Subcommittee



# About SOS

- The SOS Coalition is a member-based civil society formation representing a broad constituency.
- We work diligently to ensure that we represent civil society organisations (CSOs, the independent film and TV production sector and social justice organisations, as well as individual ranging from academics, lawyers, freedom of expression activists and others committed to the strengthening and advancement of public service.
- They all endorse SOS's principles on Public Service media and its Vision Document.
- Our Goal: *Free universal access to quality local public interest content on broadcast and online platforms to strengthen democracy.*



# Overview of the Broadcasting eco-system

- We have a three-tier system of broadcasting in line with international best practice:

| Community  | Commercial   |
|--|--|
| (non-profit): radio and tv (limited/small-geographic coverage) | <ul style="list-style-type: none"><li>• Regional radio (note there are no national stations)</li></ul>   |
|  | <ul style="list-style-type: none"><li>• Commercial. TV:<ul style="list-style-type: none"><li>• Free to air analogue – e.tv</li><li>• Free to air DTH (satellite)- OpenViewHD (eMedia)</li><li>• Subscription<ul style="list-style-type: none"><li>• DStv – DTH (Satelite)</li><li>• Starsat– DTH (satellite)</li></ul></li></ul></li></ul> |

# Broadcasting eco-system Cont...



## ■ Public

- SABC Radio: public and public commercial, mostly regional and national including: SAFM, Radio 2000, Metro FM and 5FM, RSG and Ukhozi FM.
- These stations broadcast in all languages with a weekly reach of 26 million people (RAMS/BRC)
- Free-to-air TV: SABC 1, 2 & 3 (national)
- SABC has SABC News Channel 404 – only on DSTV
- SABC also has SABC Lehae, a multilingual news channel available on DTT and SABC+
- BRC Rams: one third of the population reliant on FTA analogue TV for audiovisual content.

**Public service  
broadcasting: as  
vital as ever**



# SABC Mandate and Financial Position

- SABC has been under financial pressure for decades now.
- Much of its public mandate is under-funded.
  - 17% of. Revenue from TV licence fees
  - 3% from direct government funding
  - 80% reliance on advertising
- The reliance on advertising is concerning given the rushed ASO (now final ASO scheduled for 31 Dec 2024)
- The SABC has lost viewership due to the ASO in 5 provinces: NW, NC, FS, MP and Limpopo



# SABC Mandate

- Broadcasting Act of 1999
- At s 3(5) enjoins the SABC to ensure that members of the public have access to accurate, neutral and pluralistic information.
- At s10 (1)(d) obliges the SABC to provide of significant news and public affairs programming which meets the highest standards of journalism as well as fair and unbiased coverage, impartiality and independence from government, commercial and other interests.
- At s 8(f) Objects of the SABC: to provide services in addition to broadcasting services.

# SABC Online Content Reach



- Inline with with s8(f) of the BA, objectives of its own Editorial Policies, and the Draft White Paper on AAVCS, it has extended its reach online through :

| <b>Own Online Content Portals</b>   | <b>Content on Third Party Tech Platforms</b> |
|---|--|
| The websites of all of its current services   | YouTube                                      |
| Its own SABC News App   | Facebook                                     |
| <p>SABC+</p> <ul style="list-style-type: none"><li>• is an SABC online channel that is freely accessible but requires data to stream</li><li>• The SABC has indicated a desire to ensure SABC+ enables some form of subscriber/paid for services in future.</li></ul> | X (twitter), Instagram and others            |



# SABC Online Content Reach Cont...



- All of the above are discoverable through Google Searches/snippets available.
- According to Reuters 2023 Digital News Report, the SABC comes in second for digital-only news reach across its own and third-party platforms
  - indicates how reliant the SABC is on tech platforms for distributing its online content and how significant that reach is.



# SABC's Media Content Standards

- The SABC, as a member of the NAB, is bound by the BCCSA Code of Conduct and complaints are adjudicated by the BCCSA.
- The SABC, as a member of the Press Council, is bound by the Press Code for Print and Online Media, complaints re: online content are adjudicated by the Press Ombud.
- Further, the SABC is bound by its own Editorial Policies which require all SABC content (broadcast and/or online) to comply with both the BCCSA and Press Codes.
- All of the above require high ethical/journalistic standards, particularly for news programming.

# SABC's importance to the National Conversation and Protection of Democracy and the Constitution

- SOS thinks it is vital to refer the Commission to the High Court case of *SOS and Others v SABC and Others* **[2017] ZAGPJHC 289** - the leading case on the importance of the SABC as a public broadcaster. Key court pronouncements (with paragraph references), include:
  - Section 16 includes the right of the broader public to have access to the broadcast media – [31]
  - The media is the bearer of the right to freedom of expression – [33]
  - The ability of the SABC to reach a vast number of people renders it a powerful tool for democracy [39]

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  - SABC must promote alternative views to encourage debate that is vital to the functioning of democracy... SABC plays a crucial role in strengthening democracy and democratic governance [42]
  - SABC is required to perform a watchdog function – [46]
  - The independent and pluralistic broadcaster vital to the citizens' right to vote and the right to free and fair elections [60].
  - The SABC is the primary source of political information for the majority of South Africans[61].

# SABC's importance to the National Conversation and Protection of Democracy and the Constitution

- These court pronouncements are directly relevant to another of the Commission's questions, namely, the role of the media in a democracy and the importance of the public media service in protecting Constitutional rights.
- It is clear that the role of the SABC is critical to s16(1)(a) – right to freedom of expression including freedom of the press and other media but also freedom to receive and impart information and ideas, and also s19: Political Rights: right to vote and the right to free and fair elections.
- It is clear that International/Multi-national Tech platforms cannot drive local conversations by themselves. They are dependent on local news sources to do this. SABC is the main source of SA news and information across its various broadcast and online platforms in all official languages.

# Impact Of Mis-and Disinformation, The Impact Of Public Distrust On Constitutional Rights And The Role Of Digital Platforms And Exacerbating Public Distrust



- WEF Global Risks Report 2024 lists mis and disinformation as the second biggest risk “most likely to present a material crisis on a global scale in 2024” – second only to extreme weather.
- Other notable findings on this misinformation and disinformation in the Report:
  - ranked first by severity over the short term (two years)
  - went from 16<sup>th</sup> biggest short-term risk to 1<sup>st</sup> in one year
  - ranked as biggest risk by civil society, academia and the private sector
  - ranked as second biggest risk by international organizations and governments
  - clear links between misinformation and disinformation and societal polarization and intra-state violence and the erosion of human rights.

## Impact Of Mis-and Disinformation, The Impact Of Public Distrust On Constitutional Rights And The Role Of Digital Platforms And Exacerbating Public Distrust Cont

- Key risks of misinformation and disinformation exacerbated by AI – synthetic content:
  - May radically disrupt electoral processes in several countries over the next two years. *[Note we have already experienced the disruptive effect of misinformation in the Brexit vote, Trump 2017, Kenya Elections (Cambridge Analytica)]*
  - Growing distrust of information and of media and govts as sources of info – deepens polarisation of views – could trigger civil unrest
  - As authorities seek to crack down on mis and disinformation – risk of repression and erosion of rights *[eg govts' prohibition of misinformation can sometimes mean that simple journalistic errors (often through lack of info in the early stages of an investigation) are criminalised]* On the other hand there is a risk of inaction.

## Impact Of Mis-and Disinformation, The Impact Of Public Distrust On Constitutional Rights And The Role Of Digital Platforms And Exacerbating Public Distrust Cont

- Mis and disinformation ie fake news – makes it difficult to distinguish between fact and fiction, between truth and lies and this undermines the news media.
- Tech platforms, frankly, thrive on mis/disinformation – MIT research has shown that fake news is distributed online 6 x faster than the truth and that fake news on Twitter (now X).
- In its ruling on Facebook’s indefinite suspension of President Trump’s page, Facebook’s own Global Oversight Board criticised Facebook for declining to answer 9 questions it posed (7 entirely, 2 partially).
- It is no secret that social media is designed to hold your attention (in order to sell advertising) by polarising the community:
  - by pushing users to the extremes of their inclinations, keeping them in echo-chambers designed to reinforce prejudices/outrage and not encouraging the reading of differing/reasonable viewpoints.



# Ways of Combatting the Risks of Mis and Disinformation and the Importance of Supporting Credible News Content



- SOS has seven actions the Competition Commission can order to combat the mis and disinformation harms and to support the SA news media sector:

1. Competition Commission to Undertake a Market Study to ascertain the true value of local news to the tech platforms available in South Africa.

- a. Similar studies have been undertaken in other jurisdictions, so the relevant methodologies are available.
- b. International experts are available to assist.

# Ways of Combatting the Risks of Mis and Disinformation and the Importance of Supporting Credible News Content



2. Tech platforms must be made to fairly contribute financially to local news media ie engage in fair revenue sharing models of the kinds provided for in jurisdictions such as Australia, Canada, now Indonesia. This is particularly necessary given the cannibalisation of advertising spend that has fled to algorithm-driven tech platforms (to secure access to targeted individual users) rather than the largely undifferentiable print and broadcast audiences.

# Ways of Combatting the Risks of Mis and Disinformation and the Importance of Supporting Credible News Content



3. Crucial that the SABC is part of the SA news media to be compensated as part of a revenue share model.

4. ONLY free/universally accessible content should be compensated by the Tech platforms ie SABC's income from tech platforms as part of any revenue-share model should be ring-fenced for free to air broadcasting/zero-rated online news and current affairs content.

5. Tech platforms must be forced to be much more transparent in how they use SABC news and information – currently the platforms are extremely opaque on these matters, particularly on how their algorithms work – see Unesco Guidelines for the Governance of Digital Platforms.

# Ways of Combatting the Risks of Mis and Disinformation and the Importance of Supporting Credible News Content



6. Tech platforms should have must carry obligations for credible, public interest content, especially news and current affairs. These obligations should include – see Unesco Guidelines for the Governance of Digital Platforms.

- a. An obligation to elevate credible (subject to enforced self-regulatory Code of ethics, standards etc) news sources, such as and including the SABC to fight disinformation.
- b. An obligation to work collaboratively with the news media to fight disinformation.

7. Tech platforms must be required to delete/suspend etc users who abuse the platform to engage in digital harms, including:

- a. Serious and intentional distribution of misinformation and disinformation
- b. Threatening journalists with violence.



**THANK YOU**

**QUESTION  
TIME**

