

Joint presentation for oral hearings by the South African National Editors' Forum (SANEF) and Others

Media and Digital Platforms Market Inquiry (MDPMI)

4 March 2024



Introduction

- The presenting parties and participants
- The interest of the presenting parties
- The order of proceedings

Overview of the presentation

1. Constitutional rights and access to credible news
2. Competition between foreign news media and South African news media organisations
3. Trends in news media and revenue generation for news media
4. Consumer choice and the participation of SMEs and HDPs in the online distribution of news
5. The impact of mis- and disinformation
6. Additional matters, including transparency and AI
7. Q&A

1. Constitutional rights and access to credible news

- The importance of media in a democratic society
- Sections 1(2), 2, and 43D
- Section 1(3)
- The implications of *Mediclinic*
- **The seven applicable constitutional rights**
- Infusing constitutional values
- Adverse effects and section 43D(4)(f)

2. Competition between foreign and South African news media

- Further clarity required
- Leave to file further written submissions

3. Trends in news media

- Effective and quality information eco-systems
- News as a public good
- The media as a “public sentinel”
- **Media diversity is a crucial component of media freedom**
- Findings from the Satchwell Inquiry
- Advancing and supporting media diversity and capacitating community media
- The need for “fair compensation” research

4. The participation of SMEs and HDPs in the online distribution of news

- The importance of community media
- Challenges with online presence
- **The need for news in local and vernacular languages**
- Seeking guidance from the platforms

5. The impact of mis- and disinformation

- The value of investigative journalism
- **The UNESCO Guidelines for the Governance of Digital Platforms**
- The crisis of distrust
- Platform design
- Possible recommendations

6. Additional matters

- The need for transparency in data access and advertising
- **Competition is inhibited by a lack of data access**
- The four specific challenges
- Generative AI as a complicating element of compensation for media organisations (historically and going forward)

Conclusion

- The **provision of access to credible news as a public good should be considered as a human rights issue**, not only as a matter of commercial competition
- Fair compensation for news in the public interest used on platforms should be based on the value that platforms derive from this content
- Credible news (i.e. subscribing to an independent self-regulatory body and an ethical code) should be prioritised by platforms. It is an antidote for mis- and disinformation
- **Transparency of algorithms and sharing of data related to news content and related advertising on platforms should be promoted**, as well as access to data that publishers can use to promote and monetise their content