



**Framing the fight for fairer digital markets:  
An interim analysis of how a journalism-led civil society alliance helped  
shape South Africa's Media and Digital Platforms Market Inquiry**

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# **Framing the fight for fairer digital markets: An interim analysis of how a journalism-led civil society alliance helped shape South Africa’s Media and Digital Platforms Market Inquiry**

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## **Abstract**

This paper offers an interim assessment of the impact of a journalism-led civil society alliance on the Media and Digital Platforms Market Inquiry (MDPMI) currently being conducted by South Africa’s Competition Commission.

‘Journalism-led’ refers to the central role played by the South African National Editors’ Forum (SANEF) in convening and co-ordinating this alliance. SANEF is a non-profit supporting media freedom whose members are editors, senior journalists and journalism trainers. Thus, the terms ‘journalism-led’ and ‘SANEF-led’ are used interchangeably.

Drawing on the alliance’s written and oral submissions — culminating in its response to the Commission’s MDPMI Provisional Report in April 2025 — this paper examines how the alliance helped shape the Inquiry’s conceptual framing, scope and initial findings. At the time of writing, the Commission’s final report had not yet been published.

It is important to clearly situate the alliance’s influence on this ambitious regulatory effort to reform digital media markets in the public interest, and so it is analysed across five key areas:

- the rights-based and constitutional framing of platform harms
- critiques of algorithmic opacity and content deprioritisation
- contributions to structural remedies, including a Media Industry Fund and compensation mechanisms
- successful advocacy for the inclusion of AdTech, public broadcasting and generative AI, and

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<sup>1</sup> This paper was commissioned by UNESCO and the Institute of Global Dialogue and will appear as a chapter in their *Resource Guide for African Media on Big Tech and Media Sustainability*.

- its procedural role in enhancing the Inquiry’s participatory legitimacy

## Introduction:

### Separate submissions by large publishers and a journalism-led alliance (2022 to 2025)

The MDPMI was initiated by South Africa’s Competition Commission on 15 September 2023 under Section 43B of the Competition Act 89 of 1998 (Competition Commission, 2023c).

It marks one of the most significant regulatory responses by a Global South country to the dominance of digital platforms like Google and Meta in the media and digital advertising sectors.

At the outset, the Commission explained the inquiry was initiated because it had ‘reason to believe that there exist market features in digital platforms that distribute news media content which impede, distort or restrict competition, or undermine the purposes of the Act, and which have material implications for the news media sector of South Africa’ (Competition Commission, 2023c:1).

The Commission considered how such ‘distortions’ may undermine access to public interest journalism, media diversity, and the inclusion of smaller publishers and historically disadvantaged participants (Competition Commission, 2025).

The Inquiry encouraged wide-ranging participation and called for highly specific input, as detailed in its published guidelines. This approach strengthened its legitimacy and allowed it to collect valuable market information. (Competition Commission, 2023c).

After 17 months of investigation and evidence-gathering, the Inquiry’s Provisional Report produced notable findings and remedies, dealing separately with search, social media, AdTech and generative AI. (Competition Commission, 2025). It identified a wide range of competitive concerns affecting the sustainability and visibility of news, including:

- the dominance of search and social platforms in directing referral traffic
- declining visibility of news on social media
- AdTech value extraction
- the lack of algorithmic transparency, and
- the unremunerated use of news content to train generative AI

The Provisional Report was distinguished not only by its suggestion of financial and structural remedies, but also by its explicit grounding in constitutional rights and democratic values. The

Commission wrote that it ‘recognise[d] ... the harms caused by platform conduct extend beyond competition outcomes and relate directly to the rights and values enshrined in the Constitution’ (Competition Commission, 2025: 7).

This orientation owes much to early interventions by civil society, especially SANEF. In 2021, the organisation published a discussion paper, ‘Media sustainability and access to public interest journalism: strategies and considerations’ (SANEF, 2021). Developing these themes the following year, it published a position paper on the ‘Sustainability of journalism and competition in the digital economy’ (SANEF, 2022).

This paper laid a conceptual foundation for SANEF’s approach to the MDPMI and anticipated many of the key issues – such as non-transparent algorithmic systems, unfair market design, and the need for structural and rights-based remedies – which were later investigated.

The discussion paper, the position paper and subsequent submissions by the SANEF-led alliance to the MDPMI were drafted with the assistance of public interest advisory firm ALT Advisory, whose subject matter expertise and process management were instrumental in strengthening the coalition’s engagements with the Inquiry.

It is important to note that, before the alliance convened, a grouping called Publisher Support Services (PSS, previously Print and Digital Media SA or PDMSA) had made *in camera* submissions to the Competition Commission about market distortion and the erosion of advertising revenues due to dominant platform conduct. Specifically, this was about the impacts of digital advertising on news publishing businesses.

This followed the Commission’s 2020 paper titled ‘Competition in the Digital Economy’, which detailed competition and regulatory issues in the South African digital economy and set out the Commission’s intended strategic actions in relation to competition law issues. These included an intention to initiate a market inquiry (Webber Wentzel, 2021).

The Commission then established an Online Intermediation Platforms Market Inquiry (OIPMI), to which the PSS made its confidential submission which included a draft News Media and Digital Platforms Regulation Bill closely modelled on Australia’s 2021 Bargaining Code.

Its founder members being the five major South African news publishers, PSS was a significant voice as it represented the biggest employers of journalists outside the public broadcaster (Publisher Support Services, 2022a).

The major publishers were:

- Independent Online SA Proprietary Limited (IOL), owned by Independent Media Group
- Media24 Proprietary Limited (Media24)
- Arena Holdings Proprietary Limited (Arena)
- CTP Limited (Caxton), and
- Mail & Guardian Online Proprietary Limited (Mail & Guardian)

The PSS would attempt to broaden its support base beyond this initial group, but such efforts were largely unsuccessful. Some smaller publishers and community-based media appeared hesitant to rally behind a campaign driven by five of the biggest news publishers.

Nonetheless, the Competition Commission inquiry process fostered an inclusive and deliberative platform which brought together a more diverse range of actors. This came to include newsroom leaders, community and vernacular media, digital rights and media advocacy organisations, a body which supported self-regulation and a policy-oriented think tank.

The Competition Commission released its OIPMI Provisional Report in July 2022 in which it took the PSS's position on legislative remedies into account but 'emphasised that digital advertising markets were outside [that] inquiry's Terms of Reference' and [it declined to expand the scope].'

It recommended instead that such issues be addressed 'through a separate process, including potentially a more focused market inquiry' (Competition Commission, 2022a: 45).

Recognising the opportunity to shape that emerging process, SANEF formally submitted its position paper to the Commission on 15 September 2022. The submission was framed as both a strategic intervention and a resource for the Commission, which was still considering the draft terms of a new market inquiry.

The position paper provided a comprehensive overview of global regulatory responses, assessed the feasibility of competition-based reform in South Africa, and mapped out policy principles for ensuring the sustainability and independence of journalism (SANEF, 2022).

While the PSS catalysed early action, the SANEF-led alliance developed a more principled and process-aligned approach to platform accountability.

SANEF then extended an invitation to the Commissioner, or a delegate, to participate in a journalism sustainability workshop on 26 September 2022. The workshop, facilitated by former UNESCO director Professor Guy Berger, brought together editors, policymakers, scholars and civil society actors to discuss long-term funding and regulatory options.

This event further positioned SANEF as a constructive interlocutor in what would become the MDPMI.

A distinguishing feature of PSS's submissions to the new market inquiry was an emphasis on finding a valuation methodology to quantify the value of news. Their August 2024 presentation to the MDPMI outlined models including publishing cost recovery, lost profit estimates and international comparatives like the Swiss Report model<sup>2</sup> (PSS, 2024).

While these efforts sought to base compensation discussions on available financial data, they also illustrated the limitations of applying static valuation formulas in the absence of transparency from platforms.

To date, the SANEF-led alliance has declined to endorse a specific or fixed news valuation model and instead called on the Commission to undertake its own research into the value of news. By 2025, the alliance had gone further – recommending reparations for anti-competitive conduct by digital platforms.

It said the Commission should ‘initiate independent research to quantify the economic harm caused by platforms' anti-competitive behaviour, ensuring that any historic compensation is grounded in a rigorous assessment of actual losses’ (SANEF et al., 2025a).

In any event, the Commission was ‘not persuaded by the estimates of either Google ... or the PSS’ (Competition Commission, 2025:47). Its Provisional Report made a series of financial estimates and far-reaching recommendations on how much Google should pay to the news media annually, based on a holistic view of all the information submitted to the Inquiry, including the data submitted confidentially (Competition Commission, 2025).

While SANEF welcomed many aspects of these financial and structural remedies, it did not agree that only Google should be required to compensate journalism and the news media for anti-competitive conduct as the ‘requisite justifications for compensation from the social media platforms exist’ (SANEF, 2025a: 4).

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<sup>2</sup> The ‘Swiss Report model’ is not referenced by PSS but its most likely they were referring to Alexis Johann et al’s 2023 paper, ‘The value of journalistic content for the Google search engine in Switzerland: A behavioural economics approach to ancillary copyright’ (Fehr Advice & Partners AG, an independent research consultant, on behalf of the Swiss media publishers’ association). Accessible here: [https://fehradvice.com/wp-content/uploads/2023/04/2023\\_04\\_21\\_study\\_journalistic\\_value\\_google\\_en.pdf](https://fehradvice.com/wp-content/uploads/2023/04/2023_04_21_study_journalistic_value_google_en.pdf). At the time finalising this paper, in June 2025, the Swiss Federal Council submitted a draft law to Parliament proposing a new related right that would require large online service providers to remunerate media companies for the use of journalistic content snippets, with a share allocated to journalists. Accessible here: <https://shorturl.at/nrKug>

## Growth in membership of the SANEF-led alliance

In 2023, SANEF convened a group of civil society and media organisations to participate and respond in a co-ordinated fashion to the MDPMI. SANEF, the Press Council of South Africa (PCSA), the Association of Independent Publishers (AIP), Media Monitoring Africa (MMA), the SOS Support Public Broadcasting Coalition (SOS) and the Forum for Community Journalists (FCJ) jointly submitted comments on the draft Terms of Reference (SANEF et al., 2023a).

This early formation established the alliance’s strategic posture, centring public interest journalism, universal access to credible news, constitutional rights and media diversity as essential lenses through which to assess digital platform conduct.

By 14 November 2023, the alliance expanded to include the GIBS Media Leadership Think Tank, which joined as a co-signatory on the written response to the Commission’s Statement of Issues (SANEF et al., 2023b).

The alliance expanded further in January 2024 when SABC News became a co-signatory to the submission on the Further Statement of Issues (SANEF et al., 2024a). Then, in April 2025, the Campaign for Free Expression (CFE), the Campaign on Digital Ethics (CODE) and online media expert Vincent Maher (as an individual signatory) joined the submission in response to the Commission’s Provisional Report (SANEF et al., 2025a).

By the time the alliance submitted its formal response to the Provisional Report in April 2025, its expanded composition reflected its intent to combine newsroom leadership, editorial self-regulation, grassroots representation, policy research and digital rights advocacy.

During a period when many civil society actors lacked the resources to participate in protracted regulatory processes, the SANEF-led coalition served as a focal point for collaborative advocacy on media viability.

The Commission – which published six annexures to the Provisional Report of supporting data and analysis – reviewed a wide range of other inputs from commercial media groups, digital platforms, technical experts and individuals, notably, Google, Meta, Naspers, the PSS, Arena Holdings, *Daily Maverick*, the SABC, eMedia Investments, the Centre for Analytics and Behavioural Change (CABC), Berger, Maher, Professor Justine Limpitlaw, Dr Anya Schiffrin, Dr Courtney Radsch and Professor Rasmus Neilsen.<sup>3</sup>

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<sup>3</sup> This paper does not attempt to assess the full range of submissions to the MDPMI, or the entire evidentiary record reviewed by the Commission. Rather, it offers a thematic analysis of the SANEF-led alliance’s interventions and their demonstrable impact on key issues at this stage of the inquiry.

## 4. Alliance Impact on Key Issues in the Commission’s Provisional Report<sup>4</sup>

The alliance’s influence began with its input on the ToRs, where it called for the Inquiry to be interpreted in line with the constitutional values of the South African legal order – including freedom of expression, access to information and socio-economic justice – rather than only as an investigation into an economic distortion of markets.

This impact is best understood as part of a growing alignment in South Africa among public interest organisations which treats journalism not as a commercial by-product of digital markets, but as an essential democratic practice – a public good – that must be structurally supported.

### 4.1 Framing the Market: Constitutional Rights, Journalism and Platforms

This was reinforced during its oral presentations in March 2024, which stated: ‘The provision of access to credible news as a public good must be considered as a constitutional issue, not only as a matter of commercial competition’ (SANEF et al., 2024b: 29).

In its January 2024 submission on the Further Statement of Issues, the alliance deepened this rights-based framing by drawing explicitly on the Constitutional Court’s landmark *Mediclinic* decision which reinforced the view that constitutional interpretation is a duty, not a discretionary exercise:

‘The invocation of section 39(2) of the Constitution in interpreting legislation ... ought not to be viewed as an optional extra ... it is a constitutional obligation’ (*Mediclinic*, para 9, as cited in SANEF et al., 2024a: 14).

The Provisional Report’s strong assertion of rights protection and democratic values was therefore welcomed by the alliance as a ‘... shift from a narrow economic view of the competition harms’ (SANEF et al., 2025a: 3).

The alliance has submitted that referral traffic suppression, non-transparent algorithmic ranking and extractive AdTech structures affected several key constitutional provisions. The alliance highlights that these harms are not accidental, but the result of deliberate platform architecture.

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<sup>4</sup> Due to space limitations, paper provides only a limited account of all the key issues raised by SANEF. A longer assessment would include the Commission’s recognition of news as a public good and how the rights of children were dealt with in the Provisional Report.

Its 2023 submission stated that ‘freedom of expression cannot be exercised if South Africans are denied access to a diversity of local, public interest news online because algorithms do not prioritise such content, or because platforms suppress it’ (SANEF et al., 2023a: 5).

The Commission’s Provisional Report ‘recognises that the harms caused by platform conduct extend beyond competition outcomes and relate directly to the rights and values enshrined in the Constitution’ (Competition Commission, 2025: 7).

In this framing, market power is not just an economic problem. It is a democratic problem that affects whose voices are heard, what information circulates and how rights are realised in the digital space.

The alliance’s submissions call on the Commission to use its powers not simply to balance revenue, but to restore public interest values in platform governance.

#### **4.2 Invisible By Design: Algorithmic Bias, News Visibility and Transparency**

One of the SANEF-led alliance’s most important contributions to the MDPMI process lies in its systematic critique of algorithmic design and platform opacity.

Rather than treating algorithms as neutral or inevitable, the alliance emphasised their role as deliberate expressions of corporate strategy with profound implications for local media viability and diversity of public interest content.

The alliance flagged the lack of algorithmic transparency and data access, stating that ‘publishers do not know what content performs, how it ranks, or how value is extracted from it’, and calling for structural remedies to correct this information asymmetry (SANEF et al., 2023a: 6).

The alliance consistently foregrounded transparency and data access as foundational requirements for a fairer digital ecosystem. These principles were advanced both as stand-alone remedies and enablers of other interventions related to algorithmic accountability, market power and fair compensation.

This emphasis was reinforced in oral testimony by Berger on behalf of SANEF during the Commission’s 4 March 2024 public hearing. He urged the Commission to recognise that ‘transparency is essential to verify that they are doing what they claim to be doing’ and should be ‘part of the costs of doing business in South Africa’ (Berger, 2024: 22).

Berger argued that without enforceable transparency measures, platforms’ representations of self-regulation remain unaccountable and opaque: ‘The way that the platforms say they are

doing quality control, and the metrics they present, are particularly configured to suit their interest and don't give you the whole picture' (Berger, 2024: 21).

In concluding his submission, he called on the Commission to adopt structural remedies grounded in transparency and systemic openness.

'A key mechanism you can use for that is to get transparency – much greater transparency and data access in all three markets.'

Berger here referred to content production, distribution and monetisation (Berger, 2024: 29). He stressed the indispensability of this approach, warning: 'No redress will be possible unless there really is transparency for accountability.'

Across multiple submissions to the MDPMI, the alliance raised sustained concerns about how platform algorithms determine news visibility online. These centred on the interlinked problems of the ranking and discoverability of news content, particularly from smaller and community publishers, and the lack of transparency and accountability when platforms change their systems in ways that disadvantage public interest journalism.

Submissions also highlighted how these design choices disproportionately affect under-resourced, vernacular-language outlets.

During SANEF's presentation at the March 2024 oral hearings, Chris Mcinga from AIP reinforced this concern, saying 'If you were to search a particular story in a vernacular language, the likelihood of that website featuring above the fold on search engines' result pages is very slim ... When it comes to Google News, hardly any independent community newspaper features' (Competition Commission, 2024: 45).

The alliance also drew attention to the information asymmetries created by the lack of real-time data on news content performance.

These concerns were ultimately reflected in the Commission's Provisional Report which acknowledged the structural effects of authority signals in search: 'Smaller and local publishers may not be ranked highly in search results due to the way authority signals are calculated by search engines.<sup>5</sup> This affects the visibility of their content and the ability to attract audiences.' (Competition Commission, 2025: 33).

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<sup>5</sup> Authority signals refer to the cues that algorithms, particularly those used by search engines, rely on to assess how reliable, relevant, and credible a given piece of content or website may be.

Crucially, the Commission also noted that these ranking outcomes are not inevitable but the result of discretionary platform choices. It found that ‘the choices made in the design of ranking algorithms could be different and do not represent immutable constraints’.

‘This suggests that the current system of content visibility is not neutral but a function of business model decisions that can be altered’ (Competition Commission, 2025: 33).

To address design-driven suppression of referral traffic, the Provisional Report recommended that Google implement search design changes aimed at increasing referrals to South African news media. Remedies include removing bias favouring foreign media and YouTube, improving discoverability of local and vernacular outlets, optimising snippet lengths to promote click-throughs and introducing a South African news filter on the search results page.

The Commission emphasised that rebuilding referral traffic is preferable to compensation through platform ad revenues, and that failure to fix structural issues could justify a permanent digital levy on advertising.

By drawing attention to the systemic invisibility created by algorithmic market design, the alliance successfully challenged the notion that platform decisions about news visibility are neutral. Instead, it framed them as policy choices with potentially far-reaching democratic consequences.

### **4.3 Deprioritisation of News by Meta and X**

The alliance raised early and sustained concerns about the structural effects of platform-led demotion of news in social media feeds – particularly Meta’s algorithmic changes from 2018 onwards, which deprioritised links to news content in favour of personal and video content.

These changes contributed to significant traffic declines for many South African publishers, particularly local and community media.

At the March 2024 public hearings, SANEF and its partners warned that such changes constituted unilateral market design by powerful platforms with no obligation to support media pluralism.

SANEF’s Izak Minnaar stated: ‘For some of the media houses who have for years built up an audience on Facebook, with Facebook now suddenly just decid[ing] they are going to try and have less to do with news, it’s a huge issue. They lose a huge chunk of their audience’ (Competition Commission, 2024: 50).

In the same session, this author asked the Commission: ‘Surely this deprecating, de-amplifying and blocking of news is not legitimate conduct from a platform that is inarguably dominant in its respective markets and one of the largest companies in human history?’ (Markovitz, 2024: slide 14).

This question was answered in the Provisional Report, which explicitly called on platforms to stop the practice of demoting news content, proposing a ‘remedy to require equal algorithmic treatment to public interest news content’ (Competition Commission, 2025: 94).

The alliance welcomed this recognition in its April 2025 response, adding that the proposed remedy of algorithmic non-discrimination was consistent with its own call for structural safeguards to protect visibility and access to verified news content across digital platforms.

#### **4.4 Credible, Accountable Journalism and Membership of Self-Regulatory Bodies**

One of the alliance’s most significant and directly attributable areas of influence was on how to define credible and trustworthy media, having affirmed that ‘credibility must form a central component of the MDPMI’s investigations’.

‘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’ (SANEF et al, 2023b).

The alliance therefore strongly welcomed the recommendation that credibility be defined in part by such membership, with the Commission making it clear that ‘news media and broadcasters [should] predominately service the South African market, report on current issues or events of public significance for South Africans at a local, regional or national level and adhere to the regulatory oversight by the Press Council or BCCSA’ (Competition Commission, 2025: 65).

The Commission went further. It not only affirmed the self-regulatory role of those bodies, but recommended they also receive annual contributions from digital platforms since their funding is at risk.

#### **4.5 The Media Industry Fund**

A Media Industry Fund represents one of the most tangible structural interventions proposed in the Provisional Report. Designed as a structural remedy rather than a subsidy, it could

correct systemic imbalances in the digital advertising ecosystem and support the long-term sustainability of public interest journalism.

The alliance laid the groundwork for this before the commencement of the MDPMI. In 2021, SANEF's paper, 'Media sustainability and access to public interest journalism', recommended that a Media Sustainability Fund 'independent of the Media Development and Diversity Agency (MDDA) and state oversight and control, to support, promote and strengthen public interest media organisations in South Africa, should be considered' (SANEF, 2021:26). The MDDA is a partnership between the South African government and major print and broadcasting companies to assist in developing community and small commercial media.

SANEF presciently recommended that such a fund be realised through a range of options, including 'taxes or licence fees collected from social media platforms'. This is among measures contemplated in the Department of Communications and Digital Technologies (DCDT) Draft White Paper on Audio and Audio-visual Content Services Policy Framework (SANEF, 2021:26).<sup>6</sup>

In January 2024, SANEF and its partners were the first participants in the MDPMI process to formally propose a National Public Interest Media Fund 'to support [such] journalism ... through a combination of public and private sources, including levies or contributions from digital platforms' (SANEF et al., 2024: 28).

This framing sets the stage for a shift in how funding journalism could be approached – not as a traditional subsidy, but to correct imbalances in the digital economy and ensure the value generated is returned to the institutions that produce it.

The Provisional Report grounded its Media Industry Fund remedy in the recognition that digital platforms extract substantial economic value from journalism through indexing, user engagement and the collection of behavioural data while returning insufficient compensation to content producers.

The Commission proposed that platforms and publishers first attempt to reach voluntary settlement agreements, but if this failed, 'a levy of between 5 to 10% on digital advertising

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<sup>6</sup> The author served as Chairperson of the Expert Reference Panel that advised on the Draft White Paper on Audio and Audiovisual Content Services Policy Framework, published in Government Gazette No. 43797 on 9 October 2020 by the Department of Communications and Digital Technologies. Accessible here: [https://www.gov.za/sites/default/files/gcis\\_document/202010/43797gon1081.pdf](https://www.gov.za/sites/default/files/gcis_document/202010/43797gon1081.pdf). Five years later, the process has stalled following four changes in ministerial leadership during the same period. This has prevented South Africa from asserting regulatory jurisdiction over streaming services and major video platforms – unlike the European Union's progress through the Digital Markets Act and Digital Services Act. As SANEF noted in its 2025 submission to the Commission, a new regulatory framework could also introduce risk mitigation obligations for platforms in relation to online harm and associated content (SANEF, 2025a: 22).

revenue, calculated and collected by an independent agency, may be introduced to fund public interest journalism’ (Competition Commission, 2025: 90).

Importantly, the Commission also warned of structural risks if disbursement mechanisms were not properly designed: ‘Elsewhere [these funds] have been linked to either content volume or journalist numbers, either way favouring the large mainstream media, and at risk of undermining media diversity and plurality.’

‘Some countries have offered subsidies in a manner that privileges smaller media over legacy, to improve diversity. Needs ... differ materially ...’ (Competition Commission, 2025: 64).

In its April 2025 response to the Provisional Report, the alliance broadly supported the Commission’s proposal, while cautioning about the risk of political interference and fund capture, stressing ‘independent management and adjudication, ... for independence from any state interference’.

‘This is vital to ... protect [the sector] from indirect attacks on freedom of the press or undue influence’ (SANEF et al., 2025a: 16).

The alliance rejected the idea of routing the fund through existing state institutions, stating that ‘the MDDA does not provide a suitable vehicle for the Media Industry Fund due to its longstanding history of poor functioning and allegations of corruption’ (SANEF et al., 2025a: 16).

The alliance identified the importance of enforceability if settlement frameworks break down. Drawing on international experience, it reiterated that non-binding obligations are often insufficient when platforms resist meaningful accountability, and recommended that the Commission be prepared to use its powers if negotiations stall (SANEF et al., 2025a: 16).

#### **4.6 Inclusion of the Public Broadcaster in Compensation Remedies**

In 2023, the alliance raised an important omission in the Commission’s draft ToRs: the SABC, South Africa’s public broadcaster, did not feature. The alliance wrote: ‘It is extremely concerning that [there is no] mention of the SABC ... in [the] Statement of Issues [as] the SABC is a source of news for millions of South Africans’ (SANEF et al., 2023a: 6).

The submission argued that the SABC faced distinct and acute challenges in monetising its digital content, particularly via platforms such as YouTube, and that these challenges could not be addressed without a more inclusive Inquiry framework.

This recommendation was later reflected in the Provisional Report, which stated: ‘The challenges faced by the public broadcaster ... as well as other broadcasters who broadcast news, in monetising their content on digital platforms, were also highlighted in the hearings.’

‘In particular, the lack of traffic to content on YouTube where the SABC earns monetisation revenue, was highlighted’ (Competition Commission, 2025: 80).

This shows a throughline between the alliance’s research and advocacy and the Commission’s provisional remedies.

#### 4.7 AdTech and Monetisation

On Adtech and monetisation being included in the ToRs, the alliance’s submission warned that ‘content-agnostic, behaviourally-driven, programmatic advertising models’ were privileging low-quality and harmful content while undermining the visibility and viability of credible news (SANEF et al., 2023a: 6).

‘We are of the view that ... AdTech, including supply-side platforms, demand-side platforms and intermediary advertising exchanges, cannot practically be excluded from the scope of the draft ToRs without compromising the MDPMI’s ability to meaningfully address the current challenges in the news media market’ (SANEF et al., 2023a: 12).

The Provisional Report agreed, embedding references to international precedent and domestic applicability around Adtech into its proposed remedies. It cited existing anti-trust action by the French Competition Authority (*Autorité de la Concurrence*) against Google’s advertising stack. ‘[The fact that it is entrenched] and benefit[s] from strong network effects, gave structural remedies strong appeal’ (Competition Commission, 2025 :124)

The Commission also recommended South Africa consider structural remedies adopted by the EU or US,<sup>7</sup> and proposed domestic reforms such as ending an additional 5–10% fee which Google charges for third-party supply-side bids, and mandating greater data transparency from Google’s ad services to news publishers (Competition Commission South Africa, 2025a: 124).

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<sup>7</sup> This recommendation gained significance when, two months after the Provisional Report was published, a major precedent was set in the United States as District Judge Leonie Brinkema ruled that Google violated antitrust laws by monopolising publisher ad servers and ad exchanges in online advertising technology. The court found it unlawfully tied its ad server to its ad exchange, harming competition, publishers and consumers (Reuters, 2025).

## 4.8 Generative AI

The alliance raised early concerns about the use of publisher content by large language models, cautioning that ‘generative AI may reproduce, summarise and provide responses based on news content without attribution or referral to original sources’ (SANEF et al., 2023a: 5).

It thus proactively advocated for the inclusion of generative AI in the scope of the MDPMI in its April 2023 submission on the draft ToR, and the Commission agreed, going further by proposing targeted remedies on generative AI such as

- requiring AI firms to allow South African publishers to opt out of AI summaries and training datasets
- mandating negotiated compensation or referral traffic from AI-powered services, and
- encouraging the development of alternative monetisation mechanisms if traffic remains negligible (Competition Commission, 2025)

Platforms such as OpenAI, Google, Meta and Microsoft were also expected to support education programmes for local publishers and to prevent over-representation of global media in AI-driven news queries.

## 4.9 Fair compensation

In 2025, the Commission concluded that fair compensation was warranted in response to anti-competitive harm, and that structural remedies were necessary to address systemic distortions in the market.

The Provisional Report found that digital platforms, especially Google, extracted substantial value from South African news media without fair compensation, and to address this, it recommended

- time-bound compensation ranging from R300- to R500-million annually
- enhanced referral traffic and data sharing, and
- structural remedies such as SEO support and algorithmic corrections

If platforms failed to comply, a 5–10% digital advertising levy should fund a Media Industry Fund supporting diversity, public broadcasting and media sustainability (Competition Commission South Africa, 2025a).<sup>8</sup>

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<sup>8</sup> A more in-depth assessment of the financial remedies proposed by the Commission is still required.

## 5. Response to Google Objections

In March 2025, Google strongly disagreed with the Commission’s findings amid a growing global debate about the platform’s role in the media ecosystem. This was not a surprise as Google had differed with the premise of the MDPMI in its 2023 submission, maintaining

- it earns negligible revenue from news
- its snippets and search results boost, rather than replace, publisher traffic
- its relationship with publishers is not one of bargaining but free referral
- news publishers retain full control over search indexing and preview length, and
- ad tech markets are competitive, interoperable and characterised by publishers typically using multiple providers (Google, 2023: 3–9, 15–19, 21)

In November 2024, Google initiated an experiment to assess the value of news content to its services by removing more than 13 000 news sites from Search, Google News and Discover for 1% of users in eight EU countries: Belgium, Croatia, Denmark, Greece, Italy, the Netherlands, Poland and Spain.

The experiment concluded in January 2025, and Google published the results in March 2025, stating that when it removed this content, ‘there was no change to Search ad revenue and a <1% (0.8%) drop in usage, which indicates that any lost usage was from queries that generated minimal or no revenue’ (Google, 2025b).

In March 2025, Google reinforced this position in a blog post titled, ‘A sustainable future for South African news’, warning it was ‘concerned that the Commission’s proposals could lead to unintended consequences that make it harder for people to find quality news online’ (Google, 2025b).

The company claimed that its platforms already provide ‘billions of clicks to South African publishers at no cost’ and that its services ‘help people find trusted journalism across the web’. It argued that imposing mandatory compensation could harm small publishers and reduce access to information for users.

‘While we support the Commission’s goal to help news publishers thrive in the digital age,’ wrote Google, ‘we believe some of the proposals in the report may have the opposite effect – hurting both publishers and the South Africans who rely on Google to find information’ (Google, 2025b).

The 2024 experiment sparked widespread criticism from media researchers, SEO consultants and competition experts. As reported in *Press Gazette* (Maher, 2024), critics pointed to flaws in the experimental design and advancing a ‘self-serving narrative’.

In its April 2025 submission, the SANEF-led alliance disagreed with Google’s criticisms of the Provisional Report, saying ‘this assertion obscures the extent to which platforms already control the information ecosystem – through self-interested algorithmic design, opaque ranking systems and extractive Adtech structures’.

‘It is precisely the lack of enforceable obligations that has allowed dominant platforms to design market conditions to their advantage. While Google claims to deliver traffic to publishers, this does not equate to fairness, nor does it create sustainable revenue models.

‘Referral traffic is not an adequate substitute for transparent obligations, particularly in light of the increasing reliance on zero-click results, content scraping and the shift to AI-generated answers’ (SANEF et al., 2025a: 12).

The alliance also raised concerns about Google’s selective interpretation of experimental results and its continued resistance to public interest accountability, arguing that the framing of ‘news value’ as purely transactional ignored the broader systemic role that journalism plays.

Most importantly, the alliance wrote that ‘Google should be urged to engage in “collaboration” – with publishers and broader members of the media industry – as this Inquiry continues its work, and it should do so in good faith, [with the] submitting parties ... available and open to these discussions’.

At the time of finalising this paper, the Competition Commission published all non-confidential submissions on their Provisional Report, including the SANEF alliance and Google’s submissions. While space does not allow for a comprehensive analysis of Google’s 279-page submission, it suffices to say that the company went into significantly more detail to substantiate its positions elucidated in its March 2025 blog piece.

Google reiterated that its products deliver substantial value to both users and publishers, and rejected many of the Commission’s findings as based on incorrect assumptions about market power, data usage, and competitive harm. While Google’s submission is notably extensive and technically sophisticated, it largely reiterates familiar arguments that deflect structural accountability. It emphasises consumer benefit and innovation as justifications for practices the Commission has found to be exclusionary or distortive — such as self-preferencing, limited data sharing, and opacity around ranking algorithms. In response to proposed remedies, Google invokes privacy and intellectual property concerns, but offers only marginal voluntary measures in return. Its defence of zero-click search, for instance, downplays the systemic impact on traffic to local publishers. Ultimately, the submission reflects a firm pushback against rights-based regulation, preferring self-regulation and tools under Google’s own control — a stance that does little to address the Commission’s central concerns about power asymmetries and market fairness (Google, 2025c).

## 6. Civil Society Engagement and Participatory Influence

While the SANEF-led alliance was not alone in calling for a broadened inquiry, its submissions from 2023 onwards were distinctive in positioning civil society as a stakeholder bloc and a normative voice advancing rights-based regulatory thinking. By strategically leveraging written and oral procedural mechanisms, the alliance demonstrated that deliberative participation can inform and enrich complex competition inquiries.

### 6.1 Parallel Submissions and Shared Advocacy

The alliance employed a layered strategy of participation, combining joint submissions with individual presentations that allowed its members to offer complementary perspectives. For example, key members the GIBS MLTI, MMA and SOS made separate oral submissions to emphasise their areas of expertise (Markovitz, 2024; Media Monitoring Africa 2024).

This allowed the alliance to function as a coalition with shared advocacy goals and as a pluralistic formation of organisations highlighting legal, constitutional, policy and technical angles to the Inquiry.

This supported the procedural legitimacy of the Inquiry by reinforcing that participation extended beyond formal stakeholders to organised public interest constituencies.

### 6.2 Influence on Inquiry Depth and Legitimacy

The Commission did not issue any public statement attributing its approach to civil society submissions, but the evident alignment between themes raised by the SANEF-led alliance and the broader analytical scope of the Provisional Report suggest such input helped deepen the normative framing of the Inquiry.

It did so by foregrounding the democratic importance of community and independent media, the need for transparency and fairness in algorithmic systems, and the concept of public interest journalism as a right, not a commodity – just as the alliance had done.

This influence reinforced the Inquiry’s democratic character, demonstrating that participatory governance in a digital economy is both possible and productive when rooted in organised, rights-based civil society engagement.

## 7. Conclusion: An Interim Evaluation

This moment offers a glimpse of what civil society can achieve when they engage with focus, co-ordination and normative clarity. Thus, the alliance’s role in the MDPMI signals an

important development in South African digital policy discourse, recognising that platform power is not only about economics, but rights, representation and the future of democratic media systems.

A final assessment will be written after the release of the Final Report, and these themes will be revisited to assess whether civil society's influence has endured, expanded, or been diluted – and whether the MDPMI ultimately delivers on its potential to reframe digital platform governance in the public interest.

In so doing, it will explore how long-term structural reform in digital media markets can be shaped not only by regulators, but by the public they serve.

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