

## Digital Platforms Regulation in BRICS: South Africa's Priorities and Practices<sup>1</sup>

**Alexander Ignatov** - PhD in Political Science, Senior Researcher, Center for International Institutions Research, Institute for Applied Economic Research, RANEPa, Moscow. 119034, Moscow, Prechistenskaya Nab. Str., 11, office 403. Email: ignatov-aa@ranepa.ru

### Abstract

*The issue of regulating digital platforms' activities is relevant for many countries, especially those that have entered an active stage of growth of the digital goods and services market. Among the emerging challenges are the threat of monopolization of the local market by large international players, the problem of ensuring the security of user data, and the realization of the state's digital sovereignty. This complex issue is global in scope due to the cross-border nature of the activities of key market players, mainly large digital companies from the countries of the Global North. In this context, it is worth raising the issue of the prospects for the development of multilateral solutions and rules to regulate the activities of digital platform service providers—in other words, the establishment of an international regime to regulate key issues in the area.*

*In the system of global governance, the BRICS group (Brazil, Russia, India, China, South Africa, and others) serves as a negotiation platform with the potential to make strategic decisions and develop proposals on the most pending issues. It is important to develop collective solutions within BRICS to regulate the activities of digital platforms in order to counter the above-mentioned challenges based on the priorities of the BRICS member states and partner countries.*

*This article analyzes the challenges and priorities of the Republic of South Africa in regulating digital platforms. The author is guided by theories of global governance, international regimes, and national interests. Based on analysis of secondary sources and available statistics, the author claims that, with the rapid growth of the platform services market in South Africa, there are threats of monopolization of the local market by large foreign companies and related challenges to the country's digital sovereignty. Effective responses to these challenges are hampered by systemic problems related to the regulating institutional structure along with the imperfection of the current legal framework. South Africa's priority in this context is to overcome the threat of monopolization, for which it is appropriate to use the experience of BRICS partner countries, moving toward the formulation of multilateral solutions.*

**Key words:** South Africa; BRICS; digital economy; digital platforms; regulation

**Acknowledgments:** the article was written on the basis of the RANEPa state assignment research program.

---

<sup>1</sup> This article was submitted 8.04.2024

**For citation:** Ignatov A. (2024) Digital Platforms Regulation Framework in South Africa. *International Organisations Research Journal*, vol. 19, no 2, pp. 161-182 (in English). doi:10.17323/1996-7845-2024-02-09

## Introduction

Digital platform services are among the most prominent digital economy industries. The segment has grown quickly in developing countries, where digital infrastructure's connectivity has increased as well. Along with benefits associated with the growth of digital platform services [Shelepov, 2023], new threats and challenges are emerging [Fu, Avenyo, Ghauri, 2021]—personal data breaches, interference in political processes by means of mass media manipulations, and activities of foreign intelligence bodies are directly connected with the emergent threat of developing markets monopolization by big tech [Ducci, 2019]. Inability to maintain personal data security amid ongoing monopolization of its accumulation, processing, and analysis by foreign businesses might be treated as a direct threat to a state's digital sovereignty [Efremov, 2019; Zinovieva, Boulva, 2021].

The appearance and scale of such threats fuel the demand for collective decision-making. Despite the complexity of digitalization's impact on the global economy and politics, there is a positive case—for instance, the global community has reached consensus on taxing global information technology (IT) companies [Kisacik, 2022].<sup>2</sup> Formation of a functioning international regime to regulate the global platform services market might be the answer to the growing threat of monopolization of emerging digital markets by big tech in the Global North, which would eventually leave the developing economies behind [Mukhopadhyay, 2020].

A plan that would serve the developing countries' interests, currently underrepresented in the international arena, will be presented by the leading countries among them. Recently, the BRICS countries (Brazil, Russia, India, China, South Africa, and others) have gained a reputation as the global majority's deputy in global governance. The decision to invite five new developing countries to join BRICS, made in Johannesburg in August 2023, shows BRICS' commitment to this strategic goal.

Multilateral decision-making requires taking account of the interests of all involved parties. Consequently, an analysis of BRICS members' priorities on digital platforms regulation makes practical sense. This article contributes to the ongoing discussion about the formation of a joint stand (regulating regime) on the regulation of digital platforms<sup>3</sup> within BRICS by presenting the interests of one of the most important decision-makers within the group. In the context of global efforts to mitigate risks associated with digitalization, BRICS takes a position on a platform for negotiations with a great potential to make strategic decisions and presents solutions to the key issues on the international agenda [Ignatov, 2023, p. 31].

Therefore, this article touches upon the priorities of one of the original BRICS members—the South African Republic (South Africa, SA). South Africa is acknowledged as one of key representatives of the African continent in global governance, capable of not only complying with collective decisions but also of presenting initiatives of its own. The article's goal is to study South Africa's experience combatting monopolization of the local digital platform

---

<sup>2</sup> It worth mentioning that the decision has not solved many of the related issues and thus is widely criticized. See N. Johannesen [2022], M. F. Motala [2021], A.-Y. Reuven and R. K. Young [2022], and G. Schjelderup and F. Stähler [2023].

<sup>3</sup> There is fair criticism regarding BRICS perspectives in the global digital economy governance. See the discussion in M. Larionova and A. Shelepov [2022].

services market by major external players, which might be of great use in the process of forming a common ground among BRICS members on competition policy in the scrutinized industry. The hypothesis claims that South Africa possesses valuable experience combatting monopolization of the local platform services market by foreign enterprises. This experience might be transformed into universally applied intra-BRICS practices and then promoted internationally via BRICS cooperation mechanisms, thus contributing to international regime formation.

The article is structured as follows. We start with the theoretical debate on the issue, encompassing global governance theory, international regimes theory, and the national interest concept. Then, we analyze the current situation on South Africa's platform services market and the results of market inquiries initiated by the national competition regulating body. In this part we also take account of conclusions presented by international expert bodies regarding the quality of the local digital platform market regulatory structure. Following the discussion on international regime formation, we consider South Africa's position on e-commerce regulation as discussed in the World Trade Organization, and then proceed with concluding remarks.

The study relies upon secondary sources, including reports presented by South Africa's market competition body on the state of affairs of the digital platform services market and international organizations' expertise.

### **Theoretical Background**

Important aspects of the issues under consideration are highlighted by two theories—global governance theory and international regimes theory. This combination seems necessary as the tackled issue is of a complex nature, specifically because of the necessity to address the question of manageability of risks presented by the struggle of major IT market players to monopolize the digital platform services market, and the preference for an international regime rather than a reliance on ad hoc agreements or capabilities of national regulating bodies.

First, we address the question of whether global governance of major risks is even possible. In this respect, J. Rosenau was quite pessimistic [1992]. He referred to the observed dynamics of authority in international politics and the transition of certain state functions to non-state actors. T. Weiss underscored that the growing interest of the international academic community in governance issues is predetermined by two factors: first, proliferation of non-state actors on the international arena, and second, inability of the two major schools of international relations studies, namely realism and neoliberalism, to explain this phenomenon [2000]. Rosenau characterized the situation as a new form of international anarchy [1995], one aspect of which is the lack of any centralized authority. However, then he claimed that, even in such a situation, major issues on the global agenda could be tackled if there are agreements on the table that provide some degree of predictability and causal relativity. These agreements provide order when it comes to decision-making, and the existence of a central governing body is not the story-changing factor as the mentioned agreements themselves guarantee manageability of emerging risks.

The issue under consideration—an ongoing monopolization of digital platform services industries by major international IT companies—is of a global nature, as underlined in a recent United Nations Trade and Development (UNCTAD) report [2024]. UNCTAD experts stress that international cooperation on regional and global levels is important and necessary to mitigate growing risks as it facilitates information exchanges and knowledge and best practices sharing, as well as collective decision-making facilitation, where it is especially necessary [Ibid., pp. 57–8].

The mere possibility of reaching a collective decision in the respective area does not prove that there is an open door for the formation of an international regime. An international regime

that encompasses sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actor expectations converge [Keohane, 1982] is not always the best available option, especially where an ad hoc agreement could be formed and thus contribute to the realization of the parties' interests. R. Keohane advocated for international regimes, claiming that ad hoc agreements are preferable only when the following three prerequisites are met: there is an established normative framework that enforces compliance, all the involved parties have equal access to information necessary for decision-making, and all the relevant costs, namely organizational costs, are zero. Keohane claimed that in global politics not a single prerequisite out of these three is met, thus providing growing demand for international regimes capable of establishing responsibility for non-compliance, facilitating more equal distribution of verified information, and lowering costs.

We also embrace the concept of national interests and their impact on the decision-making process in global governance. Available literature underlines the idea that the concept of "national interests" and the political decision-making process are inseparable [Burchill, 2005]. Depending on the significance of the issue under consideration (starting with survival interests, followed by vital interests, major interests, and peripheral interests) [Nuechterlein, 1976, pp. 249–51], decision-makers will opt for different sets of countermeasures, varying greatly from internal politics to use of military force.

For many developing countries, the challenge described in the introductory part might be characterized as peripheral since the overall quality of digital infrastructure and proliferation of digital literacy remain quite low. In the case of the BRICS countries, and South Africa specifically, the threat of local platform services market monopolization by foreign companies and loss of control over management of user data belong to the "major interests" category, requiring intensive diplomatic efforts as the key countermeasure.

Considering the theories and concepts described above, we may conclude the following. In keeping with the tenets of global governance theory, the problem of countering western IT giants' influence over developing digital markets is the issue to be taken seriously and tackled collectively on a multilateral basis. If established, an international regime might ease the situation amid an inability of national regulators to make necessary decisions on time by providing them with better access to relevant information and knowledge. Finally, an ongoing monopolization of emerging digital markets violates major national interests and further fuels the demand for an international regime. Challenges of this kind force impacted parties to actively cooperate via diplomatic channels. BRICS, as an informal international institution, is capable of providing a wide range of cooperation mechanisms [Larionova et al., 2020] that would facilitate settlement of disputes and the formation of a common stance.

In the following section, we analyze South Africa's digital platform services market using available statistical data and reports presented by the national regulator and international experts.

### **Current Situation on SA's Digital Platform Services Market**

Compared to other African countries, South Africa can be characterized as a highly digitalized country. Strong points of the country's economy include a relatively high gross domestic product (GDP) per capita indicator (PPP; \$15,954 [OECD, n.d.], which is higher than in all other Sub-Saharan African countries), nearly 100% mobile network coverage, 70% of households having access to the Internet, and more than 70% of the population consuming digital services on a regular basis [ITU, n.d.]. The Diplo Foundation estimates that South Africa's digital economy makes up 6.5% of GDP (approximately \$21.5 billion) with the prospect of growth up to 12.9% or \$125

billion. In the long run, the only competitor for South Africa is Nigeria, with a national digital economy that is forecasted to reach \$145 billion by 2050 [Teleanu, Kurbalija, 2022]. Wide penetration of digital devices and services facilitates not only overall growth of digital industries, but also emergence of digital threats. According to available statistics, up to 78% of SA's businesses have encountered ransomware; South African businesses more often lose control over users' data because of vulnerabilities (35% in South Africa versus the global average of 30%) [Fraser, 2023].

South Africa's digital market attracts major international IT businesses—Meta (extremist organization in Russia), Google, Uber, AirBnB, Booking, and Apple, among others. The local digital platform businesses are flourishing as well. The overall number of electronic transactions in South Africa has reached \$6.3 billion, surpassing the volume of Singapore [ECBD, n.d.]. Although South Africa ranks only 42nd on the global scale based on the gross volume of electronic transactions, on the regional scale the country's performance is unmatched.

The presence of major global IT players on the local market in South Africa raises valid concerns regarding positions of local businesses possessing significantly fewer resources amid growing competition with foreign entities. The Competition Commission of South Africa takes the prospect of foreign big tech monopolizing the national market seriously. In 2020–23 the commission launched a market inquiry into the digital platform services segment of the economy; in July 2023 the commission presented a set of measures aimed at providing necessary support for local businesses and containing the ambitions of foreign players.

Along with relative immaturity of South Africa's digital market, inconsistency of the local regulative<sup>4</sup> and institutional framework also facilitates monopolization. Recently, however, the South African government has taken numerous steps to curb the threat, to be discussed below.

The key source of information regarding SA's platform services market is the Competition Commission of South Africa. In 2021, the commission initiated a massive inquiry into the online intermediation platforms segment.<sup>5</sup>

The commission points out three major groups of online platforms operating in South Africa and providing mediation services. All three rely upon different monetization schemes and face different sets of issues regarding competition and compliance with public interests (Table 1).

Table 1. Major Types of Online Platforms in South Africa and Key Issues in Each Segment

---

<sup>4</sup> In particular, the legislative system of South Africa does not clearly define “digital platform.” Any conclusions regarding how the local authorities classify platform services providers and how adequately the decision-makers treat emerging challenges can be drawn from specialized studies only. One conducted by the Financial Services Conduct Authority presents the following definition of a digital platform [Mothibi, Lazaridis, 2021, p. 4]: “A digital platform can be defined as a technology-enabled business model that creates value by facilitating exchanges (the intermediation of services) between consumers and financial product producers.” The authors define eight types of platforms: technology platforms (Amazon Web Services, Microsoft Azure), computing platforms (iOS, Android, Windows), utility platforms (Google Search, Zenefits, Bing), interaction platforms (Facebook, Whatsapp, LinkedIn), marketplaces (Amazon, eBay, Alibaba), on-demand platforms (Uber, Mr D, Munchery), crowdsourcing platforms (YouTube, Tripadvisor), and data harvesting platforms (Waze, Google Maps, Nexar). Technology platforms are necessary as a base for the development of new software products; computing platforms are used to run software products; utility platforms are used to satisfy customers' needs; interaction platforms ease social interactions; marketplaces serve as a medium between sellers and buyers; on-demand platforms gather user demand for specific services and then provide data to service providers; crowdsourcing platforms concentrate proposals from multiple goods and service providers; data harvesting platforms gather and process large amounts of user data.

<sup>5</sup> According to presented information on the start of public consultations, the commission includes within the scope of study online mediation platforms, e-commerce platforms, online application shops, accommodation, travelling, and food delivery platforms [CCSA, 2021].

	B2C Mediation Platforms	“Free” Platforms	Fintech Platforms
Monetization scheme	Commissions and Sales	Target Advertising	Commissions
Examples	Online marketplace, software shops, match-making platforms that organize food delivery, aggregators of services such as travel arrangements	Search engines, social media and the digital advertising ecosystems built on them	The latest types of payment systems
Key issues	Use of unfair practices that block new players from entering the market, use of algorithms that distort the ranking of companies operating on the platform	Excessive accumulation of user data, under-recovery of advertising revenue from local vendors	Dealing with sensitive personal information, traditional financial institutions as holders of digital infrastructure restricting access to necessary user data
Key players in South Africa	Takealot (marketplace); Mr D Food, Bolt, UberEats* (food delivery); Autotrader, Cars.co.za, Property24 (online classifieds sites); App Store,* Play Store* (application stores); Booking.com,* Airbnb,* Sleeping OUT (accommodation services)	Gumtree,* Junk Mail, Ads Africa, Public Ads, Class Ads (online adverts platforms)	Bank Zero (online bank), Yoko (payment system), 22seven (customer funds management service)
<i>Source:</i> Compiled by the author based on CCSA [2021].			

Note: \* - foreign company

Several market inquiries launched by the commission in 2017–23<sup>6</sup> helped to identify issues that local companies face while trying to maintain their market position, namely Mr D Food and Bolt in the food delivery segment, Sleeping OUT in accommodation, and Junk Mail and AdsAfrica in the online advertising segment, which have to compete with major international platform services providers.<sup>7</sup> Major digital platform services providers, namely Meta, Google, and Booking.com, have established almost total control over user data trafficking (“gatekeepers”) [Buzin, 2022]). There is another issue regarding the non-transparent nature of search algorithm

<sup>6</sup> The most recent inquiry started on 20 March 2023 and touches upon competition in online media platforms [CCSA, 2023a].

<sup>7</sup> For instance, the commission points out that Meta (extremist organization in Russia) and Google combined take 70% of revenue generated by online advertising. The problem is that major suppliers tend to exploit consumer behaviour patterns more effectively, especially in relation to online news services users who consume newsfeeds selected by search algorithms (“browsing”). Big social networks effectively monetize accumulating users’ data, depriving owners of advertised products of a fraction of revenue. The dominant market position of huge digital platforms as “gatekeepers” allows them to limit access of other smaller firms to user data and raises the associated costs, as smaller competitors must allocate extra resources to properly manage their presence on the Internet so as to facilitate a more frequent display of their tradable goods and services in search results.

functionality—non-observable changes in their internal processing may significantly affect the amount of revenue generated by partnering companies.

In 2019, the World Bank conducted a large-scale study on South Africa’s digital economy emphasizing the regulatory environment for digital platforms activities [Al-Dahdah et al., 2019]. The experts concluded that the established system might be characterized as fragmented, with no recently observed tendency toward centralization or consolidation of regulating authorities’ powers. Rather, the opposite process is taking place—the list of regulators is getting bigger with overlapping responsibilities, which may lead to a system wide conflict and interfere in the dispute settlement process.<sup>8</sup>

At least eight governmental bodies are involved in the regulation of digital platforms activities. Following the conclusion of the World Bank experts, overlapping responsibilities limit the governmental authorities’ ability to conduct coordinated actions. Existing regulatory gaps also complicate the problem-solving process as, in the end, there is no authority that can take full responsibility [Al-Dahdah et al., 2019, pp. 18–20] (Table 2).

Table 2. Governmental Bodies Involved in Digital Platforms Regulation in South Africa and Their Responsibilities

<b>Authority</b>	<b>Responsibilities</b>
Department of Public Service and Administration (DPSA)	Coordination of policies on innovation and digitalization of the public service
Department of Telecommunications and Postal Services (DTPS)	Digital modernization of the economy and infrastructure, reduction of cybersecurity threats, and implementation of the National Digital Development Strategy
Department of Science and Technology (DST)	Compiling and updating digital development road maps (together with the DTPS and the DPSA)
Department of Home Affairs (DHA)	Management of the National Authentication Document System required for online transactions
Department of Trade, Industry and Competition (DTIC)	Supervises the work of the Competition Commission
Intergovernmental Fintech Working Group (IFWG)	Consolidating the efforts of various regulators to qualitatively assess emerging industry markets and realize digital opportunities; involves representatives from the Competition Commission, the Financial Services Providers Action Authority, the Prudential Regulation Authority, and the Reserve Bank of South Africa
State Information Technology Agency (SITA)	Public digital procurement, standardization and authentication schemes for digital products, protection of public service data, and general public digital service delivery issues; collaborates with the DTPS and the DPSA in the implementation of all government digital projects
Office of the Government Chief Information Officer (OGCIO); Government Information	Work on the facilitation of digital innovation and improvement of public digital services for people and businesses

<sup>8</sup> The same conclusions are presented in other publications. See A. Andreoni and S. Roberts [2020].

technology Officers Council (GITOC)	
-------------------------------------	--

Source: Compiled by the author.

South Africa’s legislation does not have a special law to govern activities conducted by digital platforms. Several existing laws cover some aspects of the issue. These laws can be divided into three groups: laws regulating activities of legal entities, commercial operations, and financial transactions and competition policy; laws protecting consumers’ rights; and laws providing digital communications and data security.

*Legal Entities Status, Commercial Operations and Financial Transactions*

This group of laws is the most populated. Growing demand for digital platform services, especially for financial services, led to amending several laws including the Financial Intelligence Centre Act (Table 3).

Table 3. Laws in South Africa Regulating Functioning of Business Entities, Commercial Operations, and Competition That Are Applicable to Platform Services Providers

<b>Law</b>	<b>Content</b>
Currency and Exchanges Act [SA Government, 1933]	Determines the terms and conditions of currency exchange transactions by all the financial markets participants
Income Tax Act [SA Government, 1962]	Sets out the procedure for levying tax on profits made within South Africa, including profits from online sales
Value-Added Tax Act [SA Government, 1991]	Establishes the procedure for the assessment and collection of value added tax on South African tax residents, including the activities of digital service providers
Companies Act [SA Government, 2008a]	Defines the procedure for registration and merger of legal entities and applies uniformly to all registered companies, including branch offices of foreign digital brands
Financial Advisory and Intermediary Services Act [Banking Association of South Africa, 2002]	Defines the procedure for providing various financial services, including automated (robotic) financial analytics services
National Payment System Act [SA Government, 1998a]	Defines the procedure for the provision of payment services, including the activities of money transfer platform operators
Financial Intelligence Act [SA Government, 2001]	Aimed at preventing offences related to money laundering and terrorist financing, it regulates activities of fintech platforms and financial intermediaries. In 2020, a package of amendments was presented to establish the liability of participants in the cryptocurrency industry. If the amendments are adopted, all industry participants will be obliged to undergo the state registration procedure and follow the rest of the provisions of the law.
Electronic Communications and Transactions Act (ECTA) [SA Government, 2002].	Defines the procedure for online transactions and electronic transactions and imposes a number of obligations on operators of online resources with respect to the provision of certain



	information to end users, as well as the use of electronic signatures and cryptographic instruments
Competition Act [SA Government, 1998b]	Defines the Competition Commission's powers, such as reporting and approval of mergers and acquisitions, classification of actions inconsistent with fair competition rules, oversees proceedings in case of competition distorting practices

*Source:* Compiled by the author based on the cited references.

### *Consumer Rights' Protection*

Two existing laws are included in this group—the Consumers' Protection Act (amended in 2011) and the Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA). As we will see later in the case studies on the practical application of measures taken to protect South Africa's platform services market from competition-distorting business practices, it is the PEPUDA that gives the local regulator the greatest scope to pressure foreign firms and formulate measures to support local firms (Table 4).

Table 4. Consumer Rights Protection Laws Relating to the Operation of Online Platforms in South Africa

<b>Law</b>	<b>Content</b>
Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA) [SA Government, 2000]	Prohibits the dissemination of information that could be considered discriminatory to any person, in any form; does not have specific amendments concerning the activities of online platforms, but applies to them according to general rules
Consumer Protection Act (amended in 2011) [SA Government, 2008b]	Applies to every transaction of any kind (with some exceptions) within the country, including public procurement and transactions with any entity with an annual turnover of more than R2 million (approximately \$106,000); includes online service providers

*Source:* Compiled by the author based on the cited references.

### *Digital Communications and Data Security Provisions*

This group of laws can be characterized as the most dynamic due to South Africa's pronounced digital security challenges. The Protection of Personal Information Act (POPIA) came into force relatively recently, in 2021, followed by the final current version of the Cybercrimes Act. The passage of both laws was severely delayed due to the ongoing debate about possible abuse of acquired powers by the authorities—the POPIA Act, for example, came into force almost 10 years after its enactment; the drafting of the Cybercrimes Act also took several years and several stages of finalization (Table 5).

Table 5. Digital Security-Related Laws Concerning the Activities of Digital Platform Operators

<b>Law</b>	<b>Content</b>
Protection of Personal Information Act (POPIA) [SA Government, 2013]	Implements the common law and constitutional right to privacy and regulates the "processing" (that is, collection, storage, use, alteration, disclosure, or transfer) of personal data of natural

	persons (data subjects), including website users, by, among others, a data controller
Cybercrimes Act [SA Government, 2021]	Prior to the enactment of the Cybercrimes Act, South African authorities followed the provisions of the Criminal Procedure Code. Coupled with the lack of clear definitions, investigating offences committed in cyberspace was difficult. The act establishes that liability for the commission of a cyber offence, including failure to meet minimum necessary security requirements for user data, may apply to platform service providers.

*Source:* Compiled by the author based on the cited references.

Competition law is an important aspect of regulating online platforms in South Africa. The South African digital market is characterized as a relatively immature one. The dynamically growing demand for digital services makes South Africa an attractive destination for large foreign companies. The entry of foreign players into the market fuels the growth of service offerings, although the activities of international IT giants often lead to a deterioration in market competition, which particularly affects smaller local companies. In addition to large foreign IT companies, local market leaders pose some competition risks; in a number of cases, the commission has found that remedial action is also needed for South African companies. In this context, the Competition Commission questions whether the national competition regulatory system can cope with these challenges.

The Competition Act mentioned above plays a key role in antitrust regulation in South Africa. Sections 13 and 14 of the act relating to mergers and acquisitions should be considered in the context of this issue, as these types of transactions are of the greatest concern to the commission due to their distortive effect on competition.

Existing legislation distinguishes three categories of mergers/acquisitions: small, medium, and large. For each category, minimum financial thresholds are set, which currently reach the following values [Dhladhla, Fisher, 2018]:

- small-scale acquisitions: the combined assets of the two companies involved do not exceed R560 million (approximately \$29.8 million) or the annual turnover of the target company does not exceed R80 million (approximately \$4.2 million);
- medium-scale acquisitions: the assets of the two companies exceed R560 million (approximately \$29.8 million) or the annual turnover of the acquired company exceeds R80 million (approximately \$4.2 million);
- large-scale acquisitions: the assets of the two companies must exceed R6.6 billion (about \$351 million) or the annual turnover of the company being taken over exceeds R190 million (about \$10.1 million).

Under Article 13(1), the Competition Commission must be notified of any proposed or completed medium and large takeovers. In the course of its inquiry, the commission concluded that the existence of financial performance requirements for a proposed or completed transaction does not guarantee the prevention of adverse effects on market competition. Often such transactions fall into the category of small takeovers that do not require notification and approval

by the commission. Such takeovers often result in so-called "killer acquisitions."<sup>9</sup> In addition, the amount of user data acquired as a result of the transaction matters in the context of digital platform activities<sup>10</sup>—merging the data obtained with the data available to the acquiring company may guarantee it an unjustified competitive advantage [Competition Commission, 2021, p. 21].

With respect to merger and acquisition (M&A) control, the commission reached a number of conclusions.

- **Harmonisation of small mergers.** The commission demonstrates its interest in having more information on pending takeovers formally considered small in scale to prevent potential "killer acquisitions" in the online platform segment.
- **Capturing all completed mergers and acquisitions.** The commission has secured specific amendments to the Competition Act to require an applicant company to provide details of all takeovers it has undertaken over a period to be determined by the commission. It is believed that this will help to prevent the concealment of small transactions that do not require notification.
- **Information on cross-management and shareholdings.** A firm filing a notification of a pending merger is also required to provide the commission with information on its shareholdings in other companies and the cross-management arrangements in place.

The commission has also proposed a package of amendments and special regulations to improve the quality of competition control in the digital services market:

- **Publication of guidance on the valuation of digital assets.** The commission considers it appropriate to formulate specific guidance that will take into account the particularities of the disposable data valuation, intellectual property, and skilled personnel of the digital company being taken over.
- **Specific requirements for notification of planned small takeovers for selected large companies.** The commission plans to require a number of large technology companies<sup>11</sup> to notify the commission of all small takeovers, including investments in start-ups and takeovers of foreign companies with at least a limited presence in South Africa.
- **Allocate additional resources to M&A analytics and evaluation.** The commission intends to prioritize the evaluation of mergers and acquisitions of digital companies and consider each case more thoroughly.
- **Publication of guidance on the assessment of mergers and acquisitions in the digital market.** The commission plans to update the existing tools to adapt to digital market realities, in particular regarding the assessment of a company's market position.
- **Publication of guidance on identifying "creeping" takeovers.** The commission plans to develop specific guidance on identifying "creeping" takeovers, with a particular focus on the digital market.

---

<sup>9</sup> The commission uses Meta's (Facebook; extremist organization in Russia) takeover of video hosting site YouTube and digital advertising platform DoubleClick, as well as Meta's (Facebook's; extremist organization in Russia) purchase of messenger WhatsApp, as examples.

<sup>10</sup> The commission analyzed the attempted takeover of online car sales service WeBuyCars by the Naspers platform in 2020—it was seeking a 60% stake in the target company. The deal, valued at R1.4 billion (about \$73 million), was disallowed by the competition tribunal convened by the commission. See [McLeod, 2020].

<sup>11</sup> The publication itself does not contain even a rough list of companies that could be covered by this measure, but conclusions from other subsections allow us to include Meta (extremist organization in Russia), Google, and large local platforms such as Mr D Food.

- **Ensuring that foreign takeovers of digital companies by major players are captured.** The commission intends to ensure that a permanent mechanism is in place between South Africa and key foreign jurisdictions to exchange information on mergers in order to properly assess emerging competition threats.

The commission is concerned that market transformations associated with the introduction of artificial intelligence (AI) and big data technologies have not yet been sufficiently analyzed. The commission anticipates that the peculiarities of AI may lead to "tacit collusion" between companies using such tools—systems learning from similar data can reach similar price decisions, giving rise to a cartelization situation. The commission concludes that, while the current laws are adequate to the problem identified, the difficulty lies in the lack of appropriate skills to analyze big data to effectively identify signs of cartelization. The commission envisages the following steps necessary to address the problem in the long term:

- strengthening co-operation with foreign partners in sharing best practices and competences, with a special focus on co-operation within BRICS;
- launching a pilot programme to detect fraud in tenders; and
- establishing a dedicated think tank within the commission.

#### *Review of Cases of Antitrust Enforcement in the Platform Services Segment in South Africa*

In July 2023, the commission provided a final list of solutions to address identified market distortions [CCSA, 2023b]. In total, the commission identified six thematic areas: the Google search engine, travel and accommodation services, online marketplaces, application and software shops, online classifieds services, and food delivery services. For each area, a specific solution and its justification were presented (Table 6).

Table 6. Decisions Taken by the Competition Commission to Overcome Competition Problems in the Digital Platform Services Market

Thematic Field	Issue	Remedy Action
Google search engine	<p>Google's search engine occupies a critical position in the interaction between operators and platform users. The commission found that Google promotes paid results on the first pages of the search results, as well as its own products. The big players have the advantage over smaller players with limited budgets.</p>	<p>Google has been instructed to: introduce filtering and special search engine labelling to highlight local platforms in the results; provide R330 million (about \$17.3 million) in aid over five years, of which R180 million (about \$9.4 million) is earmarked to give South African businesses a greater place in the paid search results segment; provide free access to training on the technicalities of running online advertising campaigns; and create online profiles for 500,000 South African businesses.</p>
Travel and accommodation services	<p>The commission determined that Booking.com's dominant position creates barriers to the growth of local platforms such as SafariNow, Afristay, SA-Venues, RoomsForAfrica, Lekkeslaap. The commission identified the Genius programme of the Booking.com platform as a competition-distorting practice. The platform itself shifts a significant part of the costs associated with Genius user discounts to the owners of the accommodating properties. Another major foreign platform, AirBnB, was not found to use distorted competition practices.</p>	<p>Booking.com has been required to abolish broad and narrow price parity requirements for counterparties; cancel mandatory participation in the Genius programme requirement; provide substantial financial support for the promotion of local accommodation providers over the next three years. It is reported that at the time of publication of the report in July 2023, the parties had not reached a final agreement.</p>
Online marketplaces	<p>The commission's attention was drawn to the position of the Takealot platform, whose position had the potential to distort competition. The commission found that Takealot had deliberately set prices below market for a long period of time with the intention of improving its position in the industry. Although this practice did not, in the commission's view, lead to a substantial distortion of competition, the commission considered that remedial action was necessary.</p>	<p>The Takealot platform has been required to separate from the branded retail business until an independent management team is appointed; introduce a labelling system for ads placed on a commercial basis; provide more favourable entry conditions for new customers, including a R2,000 (about \$100) advertisement placement credit, waiver of mandatory fees, and</p>

		commissions for the first three months of placement, and special campaigns to promote products from historically oppressed groups.
Application and software shops	The commission investigated Apple for directly prohibiting the distribution of third-party software on its AppStore platform. The commission found that the restrictions imposed, which Apple said were due to security requirements for user applications, allowed Apple to earn up to 40% of its total app shop revenue. Apple's only full-fledged competitor in South Africa is Google and its Play Store platform; Huawei and Samsung's own app shops were found to be insignificant in terms of revenue and audience reach.	Within six months, platforms are required to launch a curation programme of South African companies and ensure that the software they supply is represented in the most viewed segments of the user interface; they must also allocate a substantial amount of funding for advertising and promotion of software supplied by South African companies and, in particular, members of historically oppressed groups. At the time of publication of the final report, no agreement had been reached with Apple and Google regarding compensation.
Online classifieds services	The commission found that large car (Autotrader, Cars.co.za) and property (Property24) listing platforms engaged in distortive competitive practices, namely encouraging large numbers of listings, resulting in lower listing costs and a significant drop in revenue for smaller platforms (such as MyProperty). The larger platforms have also introduced the practice of charging an additional R500 (approximately \$26) per month for the use of specific types of syndicating software. <sup>12</sup> The research also revealed a distortive practice of offering discounts for signing multi-year contracts with the platform. Property24 takes advantage of this practice quite actively, locking out the largest property brokers and preventing them from switching to third-party platforms.	The commission ruled that large platforms should abandon practices that hinder the development of competing platforms in terms of user reach and cost optimization, and promote small and medium-sized enterprises, including companies owned by representatives of historically oppressed groups. The Property24 platform has been ordered to stop charging fees for the use of syndication software and to stop offering discounts for signing multi-year listing contracts by the end of 2023. The Autotrader platform has been ordered to provide additional support to smaller

<sup>12</sup> Programmes that allow marketers to partially or fully reuse already created content across multiple sites simultaneously at no additional cost, increasing audience reach.

		companies, for example in the form of a discount on the cost of advertisements.
Food delivery services	<p>The commission found that the key players in this segment in South Africa are UberEats and Mr D Food, which together cover up to 90% of the delivery market. Their dominance is largely due to the use of distortive practices, such as below-cost delivery services, to grow their audience and customer base ahead of the competition. The development of small competing platforms—such as SoFresh, Jumia Food, and Glovo—is also hindered by the position of the management of chain and franchise restaurants, which often explicitly prohibits the use of services of platforms that are not directly agreed upon.</p>	<p>Major platforms (UberEats and Mr D Food) have been instructed to notify customers that they charge the restaurants and shops they serve a commission for making offers, which can result in a significant difference in the price of products on the platform and when purchased directly. Restaurant franchise owners were instructed to remove any restrictions related to their choice of platform for offering prepared food and food delivery. UberEats was specifically directed to stop forcing customers to price their goods on the UberEats platform, not unlike other online platforms; Mr D Food was directed to introduce the practice of reinvesting 1.5% of profits generated from small restaurants into the development of promotion programmes for small food chains and individual suppliers, along with a promotional credit of R500 (about \$26) per month for new small restaurants for up to 12 months. UberEats and Mr D Food have been instructed to develop a programme to support representatives of historically discriminated groups, including a temporary moratorium on charging any entry fees and disbursements and the organization of special training events.</p>

Source: Compiled by the author.

## **South Africa's Position on E-Commerce Regulation Negotiations in the WTO**

The results of the market study conducted by the Competition Commission not only shaped actions taken on the national level but also influenced South Africa's negotiating position on e-commerce regulation within the World Trade Organization (WTO).

The pervasive nature of digital trade, affecting virtually all sectors of the modern economy, necessitates the need for a comprehensive agreement that defines key aspects of trade in digital goods and services, as well as resolves prospective problems in this area. Since the 11th WTO Ministerial Conference in 2017, negotiating parties have sought to reach consensus on issues such as specification of the term "e-commerce," the development of rules to regulate electronic signatures, electronic payments, and transactions, measures to regulate customs procedures, the regulation of data flows, and ensuring the safety of personal data and consumer protection [Galstyan, 2022]. Another important issue relates to the profits of digital companies. The joint efforts of the Group of 20 (G20) and the Organisation for Economic Co-operation and Development (OECD) in 2021 produced a two-pillar solution to the tax challenges of the digital economy [OECD, 2021], which suggested that the profits of multinationals will be taxed at a corporate tax rate of at least 15%, and that tax revenues will be directed to the jurisdiction where the activities of multinational players lead to the creation of profits, which is particularly important [Ponomareva, 2022, p. 22].

In December 2023, South Africa circulated a document to the WTO negotiators specifying its position [WTO, 2023a]. India has been a consistent supporter of South Africa on the WTO platform—together the countries are opposing the position of the U.S., the European Union, and other developed countries seeking to impose strict rules on members to restrict access to local digital markets [Sen, 2021]. In October 2023, South Africa and India jointly published a document for WTO members, many of the provisions of which were reflected in South Africa's December address [WTO, 2023b].

Representatives of South Africa characterized the G20-OECD decision as timely and important in the long term, but the target minimum interest rate chosen was described as too low. It was stated that the initiative did not essentially address the challenges associated with the "digital industrialization" of developing countries through skills development and venture capital. The experience gained by the commission in its national market study and the problems identified in terms of distortion of competition as a result of large foreign digital companies taking advantage of their dominant position were presented by the delegation of South Africa as justification for the need for coordinated solutions at the international level.

With regard to the provisions of a future international agreement to regulate electronic commerce, the representatives of South Africa put forward several proposals.

- 1) Lifting the moratorium on customs duties on electronic transactions, which currently hinders further digital industrialization in developing countries. The use of customs regulatory tools will allow developing country governments to better support growing national digital businesses.
- 2) There is a need for joint efforts to combat unfair competitive practices of large companies, in particular the transfer of some electronic transactions to jurisdictions with low tax rates.
- 3) Measures are needed to build the technical competencies of developing countries and to develop venture capital markets, while promoting the recognition and easy discovery of offerings from developing country companies on the Web.



## **Conclusion**

Monopolization of the platform services market by large, western IT companies poses threats to the digital sovereignty of the state. Under these conditions, the adoption of collective solutions and the development of common principles for the protection of competition in the national market is one way to counter this challenge. Diplomatic negotiations are the main method of protecting national interests affected in such a situation. BRICS, as an informal international grouping of the world's leading majority countries, provides ample opportunities to organize substantive multilateral discussions and develop common principles, rules, and norms to regulate the situation in the field of competition protection in the digital platform services market.

This article examined the case of South Africa, one of the most digitally advanced countries in Africa and a BRICS member. The realization of the country's potential is limited by the inadequacy of existing regulatory tools to regulate online platforms. Market studies conducted by the Competition Commission show that local companies, such as Sleeping OUT, Mr D Food, and Takealot, have to bear additional costs associated with the dominant position of large platform service providers such as Meta (extremist organisation in Russia; Facebook) in terms of user data management. The approach in relation to the promotion of local platforms in South Africa has not yet developed in a holistic way [Abrahams et al., 2022], but already one of the important characteristics of the decisions made is the prioritization of the interests of so-called historically discriminated groups. The dominant position of foreign digital companies, along with the lack of effective international levers to prevent these companies from using unfair practices that affect competition, is a cause for concern for the South African authorities, which is reflected in the country's position in the negotiations on the WTO platform on e-commerce regulation.

Platform service providers in South Africa have received support from the government, which has demonstrated interest in reducing dependence on foreign companies to provide services that are in demand and to discourage practices that distort market competition. In some cases, such as the placement of South African companies on the first page of Google search results, the South African government has secured significant concessions; similar concessions have also been secured in the other three segments of the platform services market (online marketplaces, travel and accommodation services, and online classifieds platforms).

The practices adopted to regulate online platforms in South Africa can be replicated internationally, in particular within BRICS. BRICS provides ample opportunities for building effective international cooperation through the established mechanisms of multilateral cooperation. The development of dialogue among the BRICS countries responds to the nature of the challenge and the current international situation. The decisions taken may contribute to the creation of an international regime to regulate the competitive situation in the digital platform services market, which will allow for a more effective exchange of information, in particular best practices.

## **References**

Abrahams L., Ajam T., Al-Ani A., Hartzenberg T. (2022) Crafting the South African Digital Economy and Society: Multi-Dimensional Roles of the Future-Oriented State. Link Public Policy Series, Link Centre. Available at: <https://www.wits.ac.za/linkcentre/link-public-policy-series/2022---crafting-the-south-african-digital-economy-and-society---abrahams-et-al/> (accessed 23 January 2024).

Al-Dahdah E., Appaya M. S., Butcher N., Derner C., Egejeru C., Eliaz T. S., Enkenberg A. I., Fraser A. N., Goddard J. G., Khalil U., Kunicova J., Moeletsi W. T., Nagashima Y., Nyman S., Saleman Y., White J., Zanza A. D. (2019) South Africa: Digital Economy Diagnostic (English). World Bank Group Report 148406. Available at: <http://documents.worldbank.org/curated/en/464421589343923215/South-Africa-Digital-Economy-Diagnostic> (accessed 23 January 2024).

Andreoni A., Roberts S. (2020) Governing Data and Digital Platforms in Middle Income Countries: Regulations, Competition and Industrial Policies, With Sectoral Case Studies From South Africa. Digital Pathways at Oxford Paper Series No 5. Available at: [https://pathwayscommission.bsg.ox.ac.uk/sites/default/files/2020-11/governing\\_data\\_and\\_digital\\_platforms\\_in\\_middle\\_income\\_countries.pdf](https://pathwayscommission.bsg.ox.ac.uk/sites/default/files/2020-11/governing_data_and_digital_platforms_in_middle_income_countries.pdf) (accessed 24 May 2024).

Banking Association of South Africa (2002) Financial Advisory and Intermediary Services Act. Available at: <https://www.banking.org.za/consumer-information/consumer-information-legislation/financial-advisory-and-intermediary-services-act/> (accessed 23 January 2024).

Burchill S. (2005) *The National Interest in International Relations Theory*. London: Palgrave Macmillan. Available at: <http://doi.org/10.1057/9780230005778>

CCSA (2021) Online Intermediation Platforms Market Inquiry Terms of Reference. Draft for Public Comment. Available at: [https://www.gov.za/sites/default/files/gcis\\_document/202104/44432gon330.pdf](https://www.gov.za/sites/default/files/gcis_document/202104/44432gon330.pdf) (accessed 23 January 2024).

CCSA (2023a) Media and Digital Platforms Market Inquiry Final Terms of Reference. Available at: [https://www.gov.za/sites/default/files/gcis\\_document/202309/49309gon3880.pdf](https://www.gov.za/sites/default/files/gcis_document/202309/49309gon3880.pdf) (accessed 23 January 2024).

CCSA (2023b) Online Intermediation Platforms Market Inquiry Final Reports and Decision. Available at: [https://www.compcom.co.za/wp-content/uploads/2023/07/CC\\_OIPMI-Final-Report.pdf](https://www.compcom.co.za/wp-content/uploads/2023/07/CC_OIPMI-Final-Report.pdf) (accessed 19 August 2024).

Competition Commission (2021) Competition in the Digital Economy. Available at: <http://www.compcom.co.za/wp-content/uploads/2021/03/Digital-Markets-Paper-2021-002-1.pdf> (accessed 23 January 2024).

Dhladhla I., Fisher A. (2018) South Africa: Merger Control. *Bowmans*. Available at: [https://bowmanslaw.com/wp-content/uploads/2018/04/Competition-South-Africa\\_-Merger-Control.pdf](https://bowmanslaw.com/wp-content/uploads/2018/04/Competition-South-Africa_-Merger-Control.pdf) (accessed 23 January 2024).

Ducci F. (2019) Natural Monopoly Regulation in Platform Markets. Doctoral thesis, Graduate Department of Law School, University of Toronto. Available at: [https://tspace.library.utoronto.ca/bitstream/1807/108185/1/Ducci\\_Francesco\\_201911\\_SJD\\_thesis.pdf](https://tspace.library.utoronto.ca/bitstream/1807/108185/1/Ducci_Francesco_201911_SJD_thesis.pdf) (accessed 24 May 2024).

ECDB (n.d.) eCommerce Market in South Africa. Available at: <https://ecommercedb.com/markets/za/all> (accessed 23 January 2024).

Efremov A. (2019) Gosudarstvennyj suverenitet v uslovijah cifrovoj transformacii [State Sovereignty Amid Digital Transformation]. *Pravovedenie*, vol. 63, no 1, pp. 47–61. Available at: <http://doi.org/10.21638/spbu25.2019.103> (in Russian).

Fraser L. (2023) South Africa Is Facing a Massive Ransomware Problem. *Business Tech*, 13 May. Available at: <https://businesstech.co.za/news/technology/687131/south-africas-growing-ransomware-problem/> (accessed 23 January 2024).

Fu X., Avenyo E., Ghauri P. (2021) Digital Platforms and Development: A Survey of the Literature. *Innovation and Development*, vol. 11, issue 2-3, pp. 303–21. Available at: <https://doi.org/10.1080/2157930X.2021.1975361>

Galstyan M. (2022) Kak obstojat dela s mezhdunarodnym regulirovaniem jelektronnoj kommercii? [State of Affairs in International Regulation of E-Commerce]. WTO.ru Blog, 26 December. World Trade Organization. Available at: <https://wto.ru/our-blog/kak-obstoyat-dela-s-mezhdunarodnym-regulirovaniem-elektronnoy-kommertsii/> (accessed 3 April 2024) (in Russian).

Ignatov A. (2023) Pozicii stran BRIKS v otnoshenii reformirovanija sistemy upravlenija Internetom [The BRICS Countries' Position on the Internet Governance System Reform]. Available at: <https://mgimo.ru/upload/diss/2023/ignatov-dissertacziya.pdf> (accessed 24 May 2024) (in Russian).

International Telecommunication Union (ITU) (n.d.) Digital Development Dashboard. Available at: <https://www.itu.int/en/ITU-D/Statistics/Dashboards/Pages/Digital-Development.aspx> (accessed 23 January 2024).

Johannesen N. (2022) The Global Minimum Tax. *Journal of Public Economics*, vol. 212, 104709. Available at: <https://doi.org/10.1016/j.jpubeco.2022.104709>

Keohane R. (1982) The Demand for International Regimes. *International Organization*, vol. 36, no 2, pp. 325–55. Available at: <https://doi.org/10.1017/S002081830001897X>

Kisacik O. (2022) Digitalization of the Economy and the Global Minimum Corporate Tax. Erdem & Erdem Insights. Available at: <https://www.erdem-erdem.av.tr/en/insights/digitalization-of-the-economy-and-the-global-minimum-corporate-tax> (accessed 24 May 2024).

Larionova M., Shelepov A. (2022) Emerging Regulation for the Digital Economy: Challenges and Opportunities for Multilateral Global Governance. *International Organisations Research Journal*, vol. 16, no 1, pp. 29–63. Available at: <http://www.doi.org/10.17323/1996-7845-2021-01-02>

Larionova M., Shelepov A., Ignatov A., Popova I., Sakharov A. (2020) Desjat' let BRIKS. Chto dal'she? [10 Years of BRICS: The Way Forward?]. Moscow: RANEPА (in Russian).

McLeod D. (2020) Tribunal Torpedoes Naspers's R1.4-billion WeBuyCars Acquisition. Tech Central, 27 March. Available at: <https://techcentral.co.za/tribunal-torpedoes-naspers-r1-4-billion-webuycars-acquisition/175592/> (accessed 23 January 2024).

Motala M. F. (2021) Tax Sovereignty and Investor Protection: Why the Proposed Global Minimum Tax Is Not the Final Frontier for Corporate Tax Arbitrage. *International Organisations Research Journal*, vol. 16, no 2, pp. 99–131. Available at: <http://www.doi.org/10.17323/1996-7845-2021-02-06>

Mothibi K., Lazaridis D. (2021) Fintech Digital Platforms: An Investigation Into Fintech Digital Platform Activity in South Africa and Their Regulatory Implications. Available at: [https://www.fsca.co.za/Regulatory%20Frameworks/FinTechDocuments/Fintech\\_Digital-Platforms\\_An\\_investigation\\_into\\_Fintech\\_Digital\\_platform\\_activity\\_in\\_South\\_Africa\\_and\\_their\\_regulatory\\_implications.pdf](https://www.fsca.co.za/Regulatory%20Frameworks/FinTechDocuments/Fintech_Digital-Platforms_An_investigation_into_Fintech_Digital_platform_activity_in_South_Africa_and_their_regulatory_implications.pdf) (accessed 23 January 2024).

Mukhopadhyay A. (2020) E-Commerce Trade and Data Localization: A Developing Country Perspective. *International Organisations Research Journal*, vol. 15, no 3, pp. 153–75. Available at: <http://www.doi.org/10.17323/1996-7845-2020-03-06>

Nuechterlein, E.D. (1976) National interests and foreign policy: A conceptual framework for analysis and decision-making. *Review of International Studies*, vol. 2, issue 3. pp. 246 – 266. DOI: <https://doi.org/10.1017/S0260210500116729>

Organisation for Economic Co-operation and Development (OECD) (2021) Two-Pillar Solution to Address the Tax Challenges Arising From the Digitalisation of the Economy. OECD/G20 Base

Erosion and Profit Shifting Project. Available at: <https://www.oecd.org/tax/beps/brochure-two-pillar-solution-to-address-the-tax-challenges-arising-from-the-digitalisation-of-the-economy-october-2021.pdf> (accessed 3 April 2024).

Organisation for Economic Co-operation and Development (OECD) (n.d.) Statistics. Available at: <https://stats.oecd.org/index.aspx?queryid=61433> (accessed 23 January 2024).

Ponomareva K. (2022) Nalogooblozhenie tsifrovyykh uslug v kontekste mezhdunarodnykh nalogovykh soglasheniy [Digital Services Taxation in the Context of International Tax Agreements]. *Aktual'nye problemy rossijskogo prava*, no 17(2), pp. 20–31. Available at: <http://doi.org/10.17803/1994-1471.2022.141.8.020-031> (in Russian).

Reuven A.-Y., Young R. K. (2022) Tax Harmony: The Promise and Pitfalls of the Global Minimum Tax. *Michigan Journal of International Law*, vol. 43, issue 3. Available at: <https://doi.org/10.36642/mjil.43.3.tax>

Rosenau J. N. (1992) Governance, Order, and Change in World Politics. *Governance Without Government* (J. N. Rosenau, E. O. Czempiel (eds)). Cambridge University Press.

Rosenau J. N. (1995) Governance in the Twenty-first Century. *Global Governance*, vol. 1, no 1, pp. 13–43. Available at: <https://www.jstor.org/stable/27800099>

Schjelderup G., Stähler F. (2023) The Economics of the Global Minimum Tax. *International Tax and Public Finance*. Available at: <https://doi.org/10.1007/s10797-023-09794-w>

Sen A. (2021) India, South Africa Oppose Plurilateral Initiative for E-Commerce at WTO. The Hindu Business Line, 6 March. Available at: <https://www.thehindubusinessline.com/economy/policy/india-south-africa-oppose-plurilateral-initiative-for-e-commerce-at-wto/article34004906.ece> (accessed 23 January 2024).

Shelepov A. (2023) Assessing the Role of Digital Platforms and Ecosystems in Economic Development. *International Organisations Research Journal*, vol. 18, no 3, pp. 142–62. Available at: <http://www.doi.org/10.17323/1996-7845-2023-03-08>

South African (SA) Government (1933) Currency and Exchanges Act 9 of 1933. Available at: <https://www.gov.za/documents/currency-and-exchanges-act-8-mar-1933-0000> (accessed 23 January 2024).

South African (SA) Government (1962) Income Tax Act 58 of 1962. Available at: <https://www.gov.za/documents/income-tax-act-29-may-1962-0000> (accessed 23 January 2024).

South African (SA) Government (1991) Value-Added Tax Act 89 of 1991. Available at: <https://www.gov.za/documents/value-added-tax-act-12-may-2015-0846> (accessed 23 January 2024).

South African (SA) Government (1998a) National Payment System Act 78 of 1998. Available at: <https://www.gov.za/documents/national-payment-system-act> (accessed 23 January 2024).

South African (SA) Government (1998b) Competition Act 89 of 1998. Available at: [https://www.gov.za/sites/default/files/gcis\\_document/201409/a89-98.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/a89-98.pdf) (accessed 23 January 2024).

South African (SA) Government (2000) Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000. Available at: <https://www.gov.za/documents/promotion-equality-and-prevention-unfair-discrimination-act> (accessed 23 January 2024).

South African (SA) Government (2001) Financial Intelligence Centre Act. Available at: <https://www.gov.za/documents/financial-intelligence-centre-act> (accessed 23 January 2024).

South African (SA) Government (2002) Electronic Communications and Transactions Act 25 of 2002. Available at: <https://www.gov.za/documents/electronic-communications-and-transactions-act> (accessed 23 January 2024).

South African (SA) Government (2008a) Companies Act 71 of 2008. Available at: <https://www.gov.za/documents/companies-act> (accessed 23 January 2024).

South African (SA) Government (2008b) No 68 of 2008: Consumer Protection Act, 2008. Available at: [https://www.gov.za/sites/default/files/32186\\_467.pdf](https://www.gov.za/sites/default/files/32186_467.pdf) (accessed 23 January 2024).

South African (SA) Government (2013) Protection of Personal Information Act (POPI Act). Available at: <https://popia.co.za/> (accessed 23 January 2024).

South African (SA) Government (2021) Cybercrimes Act. Available at: <https://cybercrimesact.co.za/> (accessed 23 January 2024).

Teleanu, S., Kurbalija J. (2022) Stronger Digital Voices From Africa: Building African Digital Foreign Policy and Diplomacy. Diplo Foundation. Available at: [https://www.diplomacy.edu/wp-content/uploads/2023/01/African-digital-foreign-policy\\_En.pdf](https://www.diplomacy.edu/wp-content/uploads/2023/01/African-digital-foreign-policy_En.pdf) (accessed 23 January 2024).

United Nations Conference on Trade and Development (UNCTAD) (2024) Global Competition Law and Policy Approaches to Digital Markets. Available at: [https://unctad.org/system/files/official-document/ditccplp2023d7\\_en.pdf](https://unctad.org/system/files/official-document/ditccplp2023d7_en.pdf) (accessed 24 May 2024).

Weiss T. G. (2000) Governance, Good Governance and Global Governance: Conceptual and Actual Challenges. *Third World Quarterly*, vol. 21, no. 5, pp. 795–814. Available at: <http://dx.doi.org/10.1080/713701075>

World Trade Organization (WTO) (2023a) Challenges For Digital Industrialization in Developing Countries. Communication From South Africa. WT/GC/W/910. Available at: <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/GC/W910.pdf&Open=True> (accessed 23 January 2024).

World Trade Organization (WTO) (2023b) Promoting Competition in E-Commerce. Communication From India and South Africa. WT/GC/W/902/Rev. 1. Available at: [https://docs.wto.org/dol2fe/Pages/FE\\_Search/FE\\_S\\_S009-DP.aspx?language=E&CatalogueIdList=300254&CurrentCatalogueIdIndex=0&FullTextHash=&HasEnglishRecord=True&HasFrenchRecord=True&HasSpanishRecord=True](https://docs.wto.org/dol2fe/Pages/FE_Search/FE_S_S009-DP.aspx?language=E&CatalogueIdList=300254&CurrentCatalogueIdIndex=0&FullTextHash=&HasEnglishRecord=True&HasFrenchRecord=True&HasSpanishRecord=True) (accessed 23 January 2024).

Zinovieva S., Boulva I. (2021) Cifrovoj suverenitet Evropejskogo sojuza [The European Union Digital Sovereignty]. *Sovremennaya Evropa*, no 2, pp. 40–9. Available at: <http://dx.doi.org/10.15211/soveurope220214049> (in Russian).