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A Return to Roots

Under the Palaver Tree: the accountability gap



Image conceived by Mike Maxwell, produced using AI

Tanja Sakota*

I am standing in the African bush. The sun is starting to set and there is a hive of insect activity all around me. There is something quite extraordinary about being in the bush because it forces you to be patient. Each step requires an embodied interaction that negotiates your presence with everything around you. I am in this

continues on page 2:

"I am in this place because of the large baobab tree to my left. I have come here to stand under it and consider the memories it holds."

* Tanja Sakota is an Associate Professor in Film & Television at the University of the Witwatersrand

A Return to Roots



Image conceived by Mike Maxwell, produced using AI

The Palaver usually takes place under a large tree which is rooted in ancestral land that pre-dates the present yet also extends into the future. The tree must be large to provide ample shade (such as the baobab) as Palavers are not short interactions but rather lengthy deliberations that understand words are powerful and each utterance bears consequences.

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place because of the large baobab tree to my left. I have come here to stand under it and consider the memories it holds.

The patience, accountability and responsibility one experiences in the bush replicates many traditions, practices and rituals that are timelessly prevalent within African knowledge systems. This is a place where the 'community understands the past, present and future as a seamless expression of life' (Scheid, 2011, p. 26) and where 'the actions of individuals have consequences for the entire community' (Scheid, 2011, p. 28). This has been the traditional way over centuries. Meaning is not produced through one individual but through communal deliberation

and accountability. When looking at ethics and responsibility with reference to who answers for the text, it is important to go back through time and look at timeless practices that have approached knowledge-making and accountability.

The Palaver tradition from West and Southern Africa is a traditional community-based decision-making system shaped by oral deliberation, consensus-building and restoring social harmony through dialogue, truth-telling and unity (Scheid, 2011). It usually takes place under a large tree which is rooted in ancestral land that pre-dates the present yet also extends into the future. The tree must be large to provide ample shade (such as the baobab) as Palavers are not

continues on page 3:

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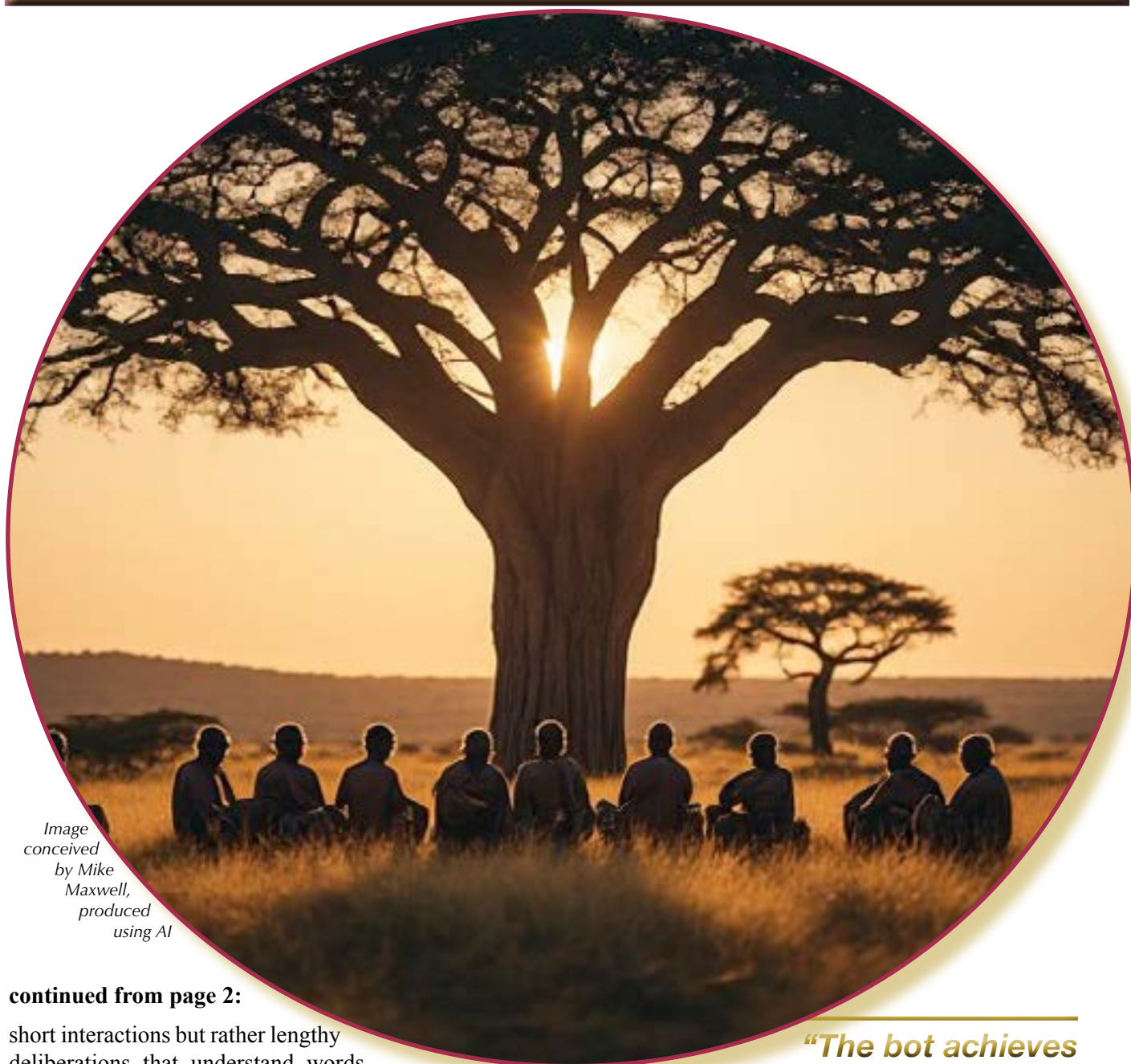


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short interactions but rather lengthy deliberations that understand words are powerful and each utterance bears consequences.

This is where the notion of the author comes in. Up until the introduction of Artificial Intelligence (AI), the author across time and traversing different geographies, has always carried the responsibility and accountability for what they write, whether this relates to truth-claims, harm, misrepresentation, plagiarism, bias and exclusions. The introduction of AI complicates this system because we are now confronted by an artificial intelligence that generates information without consciousness, moral awareness or accountability. It uses the world wide web as its library for information but

extracts recklessly without memory, obligation or capacity to repair harm. It has introduced a new epistemic violence because it merely replicates volumes of abstraction with excessive speed and efficiency yet lacking plausibility and authenticity.

The bot achieves this by replicating stories without permission, quoting without consent and hallucinating when confronted by copyright restrictions. This creates a scenario where power and control are given to the bot.

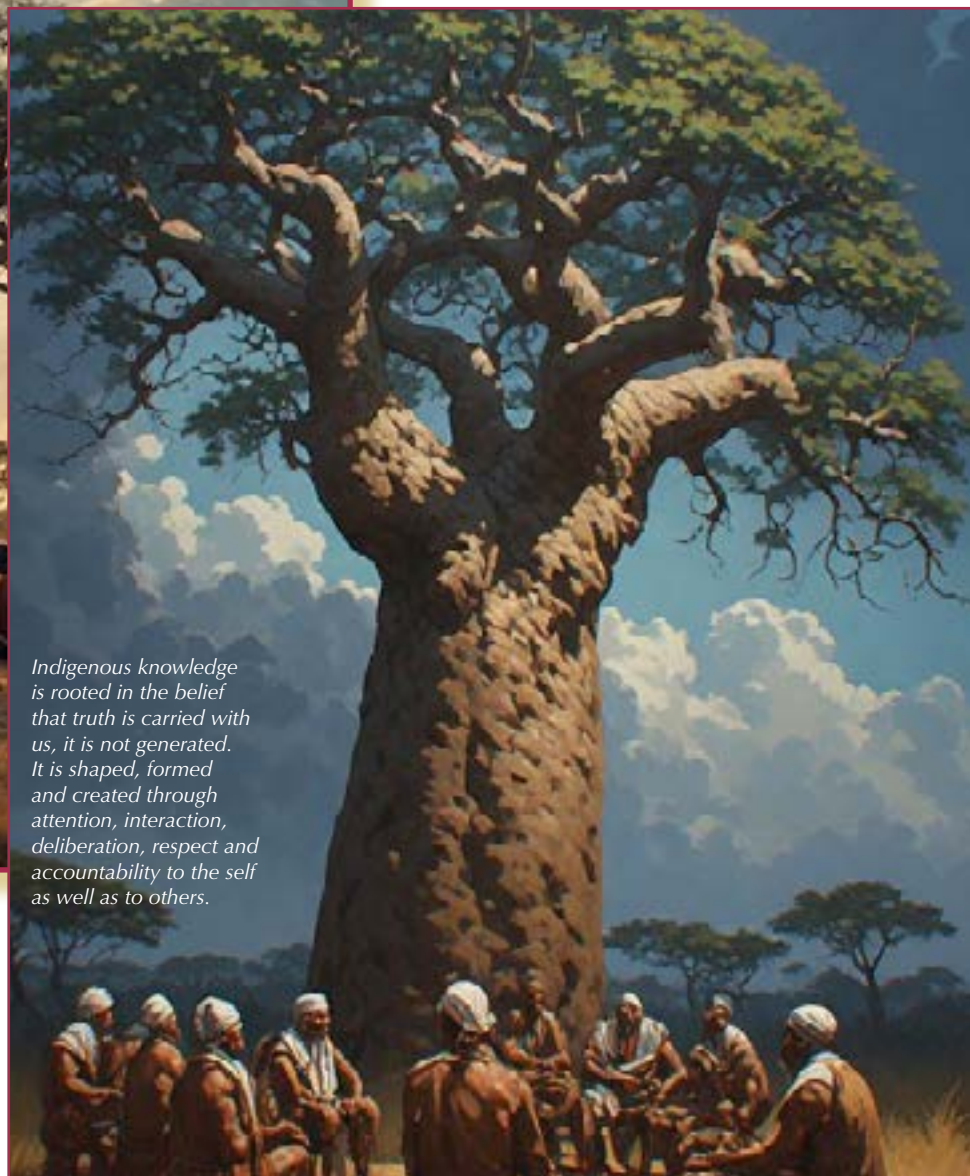
Gone are the days of careful deliberation on the land of the
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“The bot achieves this by replicating stories without permission, quoting without consent and hallucinating when confronted by copyright restrictions. This creates a scenario where power and control are given to the bot.”

A Return to Roots



Image conceived by Mike Maxwell,
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Indigenous knowledge is rooted in the belief that truth is carried with us, it is not generated. It is shaped, formed and created through attention, interaction, deliberation, respect and accountability to the self as well as to others.

continued from page 3:

ancestors where moments of silence have as much responsibility as that which is spoken. The carefully respected Palaver identifies that the author is responsible for what is released into the world.

AI does not understand the sanctity of words because it regurgitates information without risk, recognition or consequence. The gap it creates is fundamentally unanswerable because it cannot understand the moral and ethical complexity that undergoes any form of writing.

Indigenous knowledge is rooted in the belief that truth is carried with us, it is not generated. It is shaped, formed and created through attention, interaction, deliberation, respect and accountability to the self as well as to others. The same can be said about writing. It is something that emerges deep from within an author's soul. Reliance on AI breaks the breath

Image conceived by Mike Maxwell, produced using AI

of this natural fluidity because it lacks the patience that accompanies contemplation, a key component to the writing process. AI may assist the journey, but it cannot walk the path. We must always remember what it means to stand under the Palaver tree, a place where the author determines how to listen, how to think and when to speak.

Reference:

Scheid, A. F. 2011. Under the Palaver Tree: Community Ethics for Truth-Telling and Reconciliation. *Journal of the Society of Christian Ethics*, 31(1), pp. 17-36.

“AI may assist the journey, but it cannot walk the path. We must always remember what it means to stand under the Palaver tree, a place where the author determines how to listen, how to think and when to speak.”



Image conceived by Mike Maxwell, produced using AI

Keyan G Tomaselli*

The Legal Earthquake: AI vs. AI. It seems that copyright was missing in action in the drafting of [The Draft South Africa National Artificial Intelligence \(AI\) Policy](#)¹. And what an earthquake it turned out to be.

This and the next comment on the Draft AI Policy are printed more or less verbatim as they were presented at the Power of Authors webinar on 22 April 2026. Already, on April 19, two *Sunday Times* Business News commentators had provisionally affirmed the Draft National AI Policy issued on 10 April by the Department of Communication and Digital Technologies (DCDT). Yet three days later both Hetta Pieterse and I seriously questioned the draft AI document at the Power of Authors webinar.

Our critique coincided the rumblings of the earthquake.

¹ *Government Gazette* (No. 54477). Though withdrawn on 26 April the full copy was still available on the government website on 30 April

* Professor Keyan Tomaselli and Hetta Pieterse (who wrote the second part of this article) are both ANFASA Editorial Board members and are regular contributors to ANFASA magazine

Media24 reported on 25 April that the AI document had been 50% written by AI and that it had hallucinated six academic references.² The draft was formally withdrawn on April 26 by the Minister of Communication with four DCDT officials suspended shortly thereafter.

What a week that was!

“But the withdrawal does not rectify the situation, for the flawed AI draft that had scoured the internet had retrieved very similar populist assumptions that were inserted there by the supporters of the ill-fated Copyright Amendment Bill.”

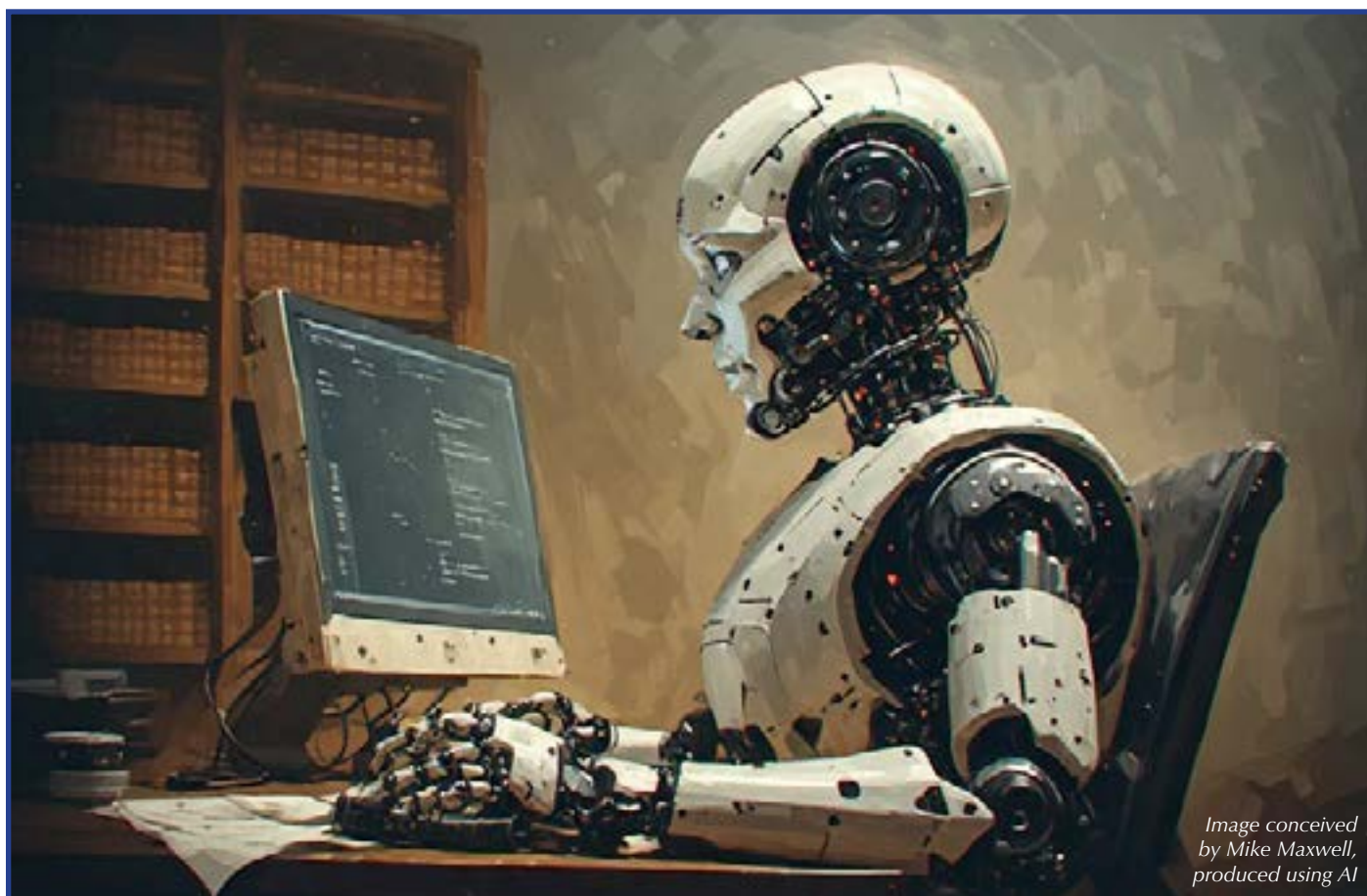
But the withdrawal does not rectify the situation, for the flawed AI draft that had scoured the internet had retrieved very similar populist assumptions that were inserted there by the supporters of the ill-fated Copyright Amendment Bill. These disquieting assumptions have been previously and consistently questioned

in back copies of the ANFASA magazine and on other ANFASA documents and submissions to Parliament

² Even the one reference that does exist is prone to error: The Bibliography, p 83, lists one of the key 2008 sources cited at length on p 15. I leaned heavily on the Futures Triangle Diagramme to motivate how the structure of the Draft AI Policy was devised. This is erroneously listed in the Bibliography as a 2023 source. Could it be that the Policy authors were slightly embarrassed to be using a 2008 diagram source on which to base a 2026 Policy? The author, S Inyatullah 2008 (not 2023) will be flattered to be acknowledged – if he is still alive.

continues on page 6:

Copyright Missing In Action: Using AI to define its own legal limitations



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during the past 10 years.

That the 2026 AI draft had imported similar populist claims that had little to do with formulating an AI regulatory environment is indicative of a much deeper malaise in state policy making. This is one of the reasons why so many flawed Bills end up at the Constitutional Court. Not only do some policy makers not know how to write legislation, but they can't even tell when it – or they – are hallucinating.³

Read on.

AI and All That – The 2026 Draft Bill Threatens Copyright

The one thing that I learned while working with lawyers contracted by the publishing industry and the state on the Copyright Amendment Bill was that preciseness

is mandatory. I belatedly now understand my parents' preference for me to study Latin rather than French at high school during the 1960s.

During that analogical era, we learned in linear fashion how to cope with slowly unfolding successive inventions. Scholars derived innovation-diffusion theory to explain how consumers take up of new ideas and products. Purchase occurred in early, medium and then later adopter waves. But in the digital era with its concurrent innovation everyone is

now forced to become an early and simultaneous adopter. The immediate embracing of new media is required just to get through the day (banking, bookings, shopping, travelling etc.).

Historically, technological revolutions were incremental with long lead times. But as the intervals between invention, manufacture and commercialisation steadily decreased, accompanying regulation lagged. Now, new technologies are appearing simultaneously in interlocking

continues on page 7:

³ See: [South Africa's AI policy cited fake research, created by AI: what lessons need to be learned](#), Nomalanga Mashinini. *The Conversation*, April 29, 2026

Copyright Missing In Action: Using AI to define its own limitations



Image conceived by Mike Maxwell, produced using AI

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waves, immediately outdating each other even before they have hit the virtual supermarket shelves.

In South Africa the policy arena is in utter confusion. Blame games and ideological issues seep into draft bills.

A lack of policy harmonisation is evident between different ministries and sometimes even within them. The Department of Sport, Arts and Culture (DSAC), for example, has to balance two contradictory agendas. On the one hand the Copyright Amendment Bill (CAB) promotes the weakening of protections, while the Cultural and Creative Industries Masterplan (2022) assumes copyright and valorises tradable value in intellectual property (IP). The Masterplan itself was masterful in its planning, consulting with all creative industries organisations. And it sports a best practice economic foundation. (The CAB has been with the Constitutional Court for well over a year, with no resolution at the time of publication).

“The real question is whether South Africa’s policy response understands what is actually at stake for local creators, or whether the country will drift into an AI future designed around platform power, extraction, and convenience - with creative workers expected to absorb the consequences.”

Yet, there is little indication that the lessons learned from the drafting of the Masterplan have been adopted in either the CAB, the concurrent DSAC Book Policy project and now the draft AI document. As Unathi Malunga, a creative industries consultant and lobbyist observes, the issuing of the anti-copyright draft National Artificial Intelligence Policy:

is **not** simply a “technology policy” moment. It is a **labour** moment. A **rights** moment. A **copyright** moment. A **performers’ rights** moment. A **creative sovereignty** moment. And for South Africa, it is an **industrial policy** moment. The real question is whether South Africa’s policy response understands what is actually at stake for local creators, or whether the country will drift into an AI future designed around platform power,

extraction, and convenience – with creative workers expected to absorb the consequences (email, 21 April 2026).

The proposed AI policy, the first version that turned

continues on page 8:

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out to be hallucination, observes Malunga, is a direct intervention into the future of authorship, performance, production, ownership, labour, and value in the country's most vulnerable creative industries. This draft defers copyright matters to the Department of Trade, Industry and Competition (DTIC). DTIC's sleight of hand aimed to punch holes in statutory copyright protections, to the point that South Africa would likely be seen by AI developers and content pirates alike as a safe haven to base their unlawful operations⁴. The CAB would enable copyright piracy and remove the need for AI developers to make lawful use of copyrighted works in training data, as did the USA's Anthropic for training its Large Language Models.

In contrast, the EU AI Act obligates AI developers to disclose training data to rightsholders and enable them to opt-out from their works being used in machine learning operations; South Africa is not following suit. In my own case, I have joined a class action suit against Anthropic that used without permission or payment one of my books for training its large language models. No-one is safe from phishing. Different sectors of the media value chain carry different risks, different vulnerabilities, and different bargaining power. The three documents represent common moments of parochial populism that distract from the real issues.

Given the misdirected emphases of the CAB and Book Policy, we must ask about the chances that the final AI policy (hopefully to be written by sentient legal experts) will genuinely protect creators across the value chain.

The 2025 Book Policy initiative, like the CAB, is considered by the Publishers Association of South Africa to be deaf to the industry. Hopefully, the AI (re-)issue will be open to recalibrating the broader discussion towards positive sector. If not, these three initiatives may well impoverish the very industries that deliver the goods, the tradable value and the IP protections for their creators.

For the CAB and Book Policy, publishers who create value are framed as 'the problem' (of allegedly retaining copyright of content, of making books overly expensive and of extracting 'free' labour from authors).⁵ Yet,

4 See also Tomaselli, K.G. The Big Tech Agenda: Artificial Intelligence and Piracy, *ANFASA Magazine*, 8(3), 2024, 11-13. <https://www.anfasa.org.za/anfasa-magazine-volume-8-issue-3-2024/>

5 Tomaselli, K. (2021). Scholarly Books and Their Prices, *ANFASA Magazine*, Volume 5 (2), p.4, Available at: <https://www.anfasa.org.za/anfasa-magazines-volume-5-issue-2-2021/>

publishers and authors are part of the national economy and will find ways of coping and of continuing to work in mutually beneficial collaborations with authors, both scholarly and other. Publisher services offered by the corporate sector fully underpin national science policy and educational publishing, despite unsupported claims to the contrary that routinely pop up in the *Daily Maverick* Opinionista pages. These opinions offer binary treatments and vilification of publishers. Better would be for them to offer a more nuanced discussion about the issues at stake such as a found in the *South African Journal of Science* and the *ANFASA Magazine* itself, not to mention the detailed annual proceedings issued by the National Scholarly Editors Forum, a subdivision of the Academy of Science of SA. The attacks are geared to rousing the ire of academics by offering very stark and simple/simplistic analysis which elide the evidentiary-based discussions embedded within national science and publication policy.

If legislation kills the very industry that delivers scholarly and educational print content, content will also wither, along with publishers, readers and the gross national product also.

The legal and industry professionals who submit voluminous and extraordinarily detailed submissions to

portfolio committees at their own cost feel largely ignored by politicians and policy makers. These officials seemingly do not appreciate the sophistication of their own Cultural Creative Industries Masterplan.

So, business tries to rescue the Masterplan⁶.

The *a priori* assumption is that capital (i.e. the tax base that enables political elite enrichment) is the root of all evil. Thus, private enterprise must be made to subsidise state delinquency for failing to deliver efficient and cost-effective services to ailing creative sectors. But where the state has reluctantly and grudgingly now accepted the viability of public-private partnerships in rail transport, harbours, power generation, toll roads and even education, its policy makers continue to propose legislation that will

6 Lutshaba, U. 2025. Creative Futures in an Uncertain World: Unlocking the Economic Potential of South Africa's Creative Industries. *Sunday Times* 14 April 2025. Available here: <https://www.facebook.com/SACulturalObservatory/posts/featured-in-the-sundaytimes-saculturalobservatory-executive-director-unathiluts/1247908867343752/>

See also Mashia, P. Creative Cynergy 2025. Lighting up South Africa's digital and creative sector. *ANFASA Magazine* 9(2), 2025, 13-15. Available at: <https://www.anfasa.org.za/anfasa-magazine-volume-9-issue-2-2025/>

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impoverish the creative sectors that have the expertise not only for delivery, but which also reinvest in their own sectors.

The implications of these policy proposals also have to be understood in relation to the recently adopted principles of ‘open science’, open access, open sesame (the predatory publishers and copyright denialists) and the lack of operational or legal clarity around any of these.⁷ The implicit assumption of these Bills is that previously disadvantaged audiences will benefit more when fewer usage restrictions apply.⁸

The questions, then, with the exception of the Masterplan, are :

- ❑ Who benefits from these contradictions?
- ❑ How to explain legislators’ deafness to the organised

7 See Pieterse, H. Artificial Intelligence for Authors: A sea of tools or swimming with the sharks? *ANFASA Magazine* 8(2), 2024, 1-6. Available at: <https://www.anfasa.org.za/anfasa-magazine-volume-8-issue-3-2024/>

8 The opposite is actually occurring. See: Robbins, G. Publishing for South Africa’s Literary Revolution. *ANFASA Magazine* 9(3), 2025, 1-4. Available at: <https://www.anfasa.org.za/category/anfasa-magazine/>

See also Robbins, D. Entrepreneurially based Community Libraries on the Rise in South Africa. *ANFASA Magazine* 8(1) 2024, 7-10. Available here: <https://www.anfasa.org.za/anfasa-magazine-volume-8-issue-1-2024/> See also Downie, L. Indie Authors Rise Up”. *ANFASA Magazine* 9(1) 2025, 9-10. Available at: <https://www.anfasa.org.za/anfasa-magazine-volume-9-issue-1-2025/>

“The implications of these policy proposals also have to be understood in relation to the recently adopted principles of ‘open science’, open access, open sesame (the predatory publishers and copyright denialists) and the lack of operational or legal clarity around any of these.”

creative industries sector?

- ❑ What are the implications where new technologies totally outpace policy making? And
- ❑ why is the state bureaucracy not able to reorganise itself to address these kinds of now simultaneously appearing, societally changing, revolutions?
- ❑ What political and commercial interests are at play?
- ❑ How are grassroots publishers and authors responding?⁹

Who will suffer?

Is Malunga correct, that it will be creative workers who will “absorb” the ensuing consequences of internal struggles and legislative logjam within the ruling party?¹⁰

This is the very arena in which ANFASA and similar organisations are constituted to protect the interests of embattled creatives.

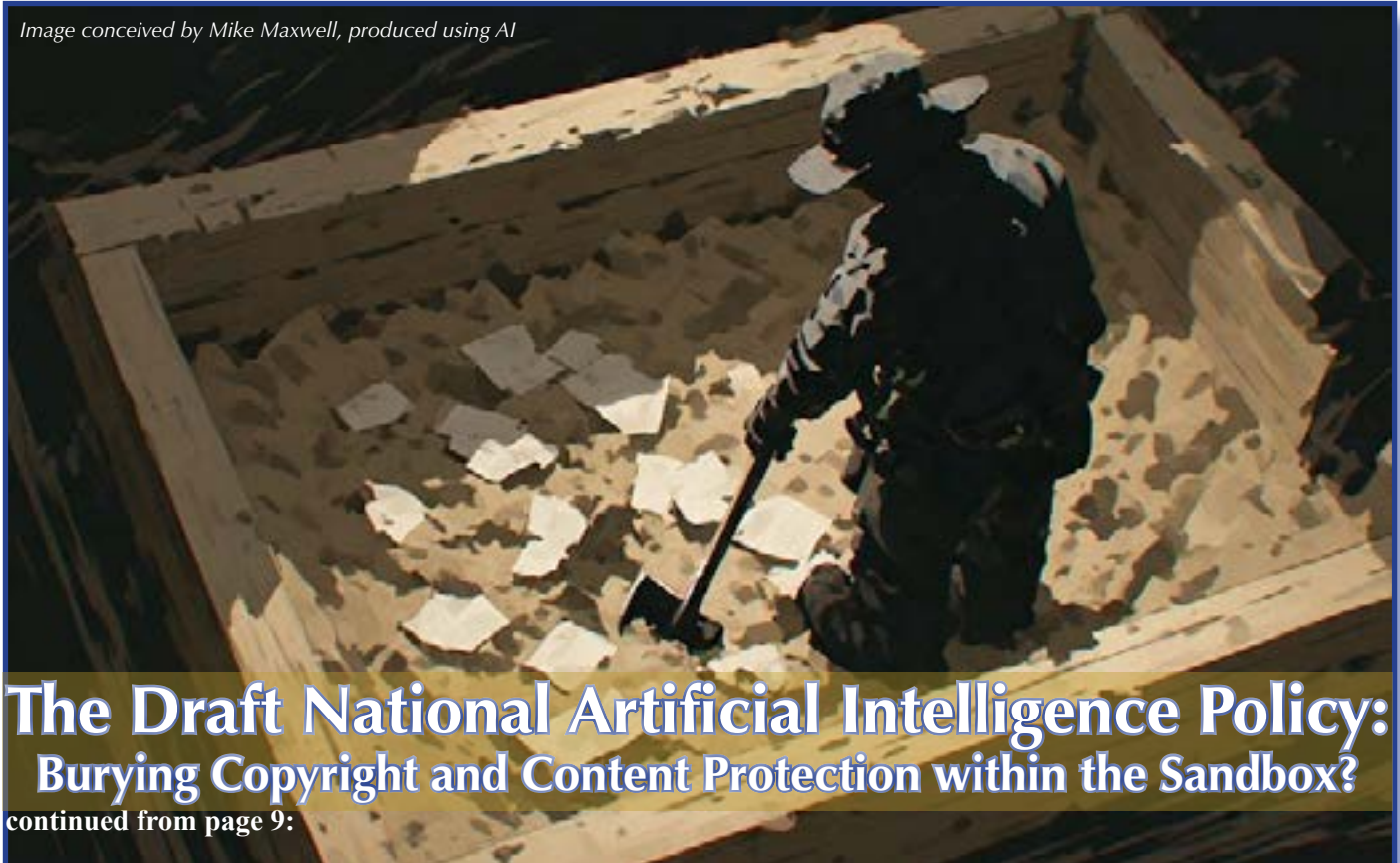
The second comment specifically on the AI draft follows on page 10:

9 See, e.g., Robbins, D. The Promise of a New Literary Future. *ANFASA Magazine* 7(4) 2023, 1-4. Available here: <https://www.anfasa.org.za/anfasa-magazine-volume-7-issue-4-2023/>

10 See Ivor Chipkin, University of Pretoria; Jelena Vidojević, *Political violence in South Africa is driven by a power elite trying to establish dominance – new research* University of Pretoria

continues on page 10:

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The Draft National Artificial Intelligence Policy: Burying Copyright and Content Protection within the Sandbox?

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Hetta Pieterse

South Africa's Draft National Artificial Intelligence (AI) policy was released on 10 April 2026. It spans 86 pages and the public was invited to comment by 10 June 2026. Though the draft has been withdrawn, the critique below still applies as the recurring discursive issues bedevil much South African legislation across all sectors.

This Policy (now retracted) would have affected a wide range of local industries – these were invited to make inputs, and 32 written submissions were received.

1 Diving into the sandbox

An Explanatory Note (p2-3) outlines the use of open-ended language, where the Policy document itself is characterised by the making of several broad or overview suggestions, generalisations as to the expected outcomes of AI implementation, vague suggestions and several 'could be' suggestions – which are often accompanied by contradictory viewpoints raised in the text, but left

unresolved. There are several examples of this across the policy – just as there are also several sentences in the document starting with 'and'. But this Draft Policy sandbox needs to be excavated with due care.

“the Policy document itself is characterised by the making of several broad or overview suggestions, generalisations as to the expected outcomes of AI implementation, vague suggestions and several ‘could be’ suggestions – which are often accompanied by contradictory viewpoints raised in the text, but left unresolved”

The Draft AI Policy assumed the shape of a loosely structured sandbox space covering a wide range of target audience members, discussing the benefits and dangers of AI, offering various options, and at times also contradicting itself and raising concerns without offering direct or clear-cut solutions. When it comes to offering answers to certain industry questions and concerns, one finds primarily sweeping claims,

generalist inclusive lists of bodies to be involved, or to newly establish.

Granted, this is not a traditional policy document – so we should not expect clear guidance, specific directives where needed, nor stipulations to identify specific industry risks and offering clear mitigating risks. This 'license to play in the sand' approach still needs to be aligned to a

continues on page 11:

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context where clarity is expected especially where multiple industry sectors are involved, where AI is rapidly evolving and where the onus is even placed on AI development to become a type of a golden answer to multiple societal, historic, political and economic challenges.

The last page of the Explanatory Note outlines that a staggered approach along priorities will be created – my concern would be as to why specifically institutional framework design and budgeting should only commence

in year two, as such key foundational aspects could determine the success or failure of the overall Draft AI Policy implementation.

The 2-page Foreword declares an imperative for this Draft AI Policy to ‘redress historical inequalities’ – and although the deeper focus is said to be on ethical governance of AI, the document *strategically overlooks any reference to copyright and content ownership.*

While the Foreword states that the Draft AI policy ‘keeps pace with global advancements’, further into the document there are contradictory statements *that global standards may not be what the local population needs -and it is said that this Draft Policy is only ‘somewhat influenced’ by the global policies.* In fact, where the document actively draws in key reference materials such as the European Union AI Act, this is helpful. The European Union AI Act is drawn in, which is a compact and concise document which is

specifically clear on identifying types of users and those programming or deploying AI tools, thereby offering a refined understanding of responsibility levels critical to an AI Act – whereby it then grades the risk levels without overcomplicating regulation.

2 OECD to the rescue – but this policy needs more ‘explainable’ language

The Draft AI Policy heavily leans on the US-based Organisation for Economic Co-operation and Development

“The Draft AI Policy heavily leans on the US-based Organisation for Economic Co-operation and Development (OECD), from which it takes over the use of the ‘explainable’ phrase to outline that documents need to be accessible and understandable on multiple levels.”

(OECD), from which it takes over the use of the ‘explainable’ phrase to outline that documents need to be accessible and understandable on multiple levels. To an extent, the OECD approach seems a bit of a ‘dumbing down’ of the EU policy directive, although it is seen as an international benchmark for humanising language within the AI environment.

Among its widely ranging goals and ideals to fulfil, the Draft AI Policy is said to embed ‘principles of Intergenerational equity’ to ensure ‘that AI-driven innovation prioritizes the well-being of current and future generations’. We need more detail on how this goal is to be achieved. It seems to be a case of AI for all – and AI as the answer to multiple challenges.

Let us not trip over all the ‘explainabilities’(sic). In its attempt to be all-encompassing the Draft Policy in one

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instance lists several target interest groups – and one sentence unfortunately in one breath, singles out *children, the youth, women and the disabled* as some of the special interest groups for whom the Policy is written. Granted, the wider context is that the policy should also cover various other groups. In reality, for any document to be easily understood the readers need clarity and simplicity in discussing options and a clear indication of directions which the Policy advises on – those *could be* options provided, can be left aside in favour of direct suggestions.

3 Copyright, content ownership omitted- not one of the 6 pillars

Heading 9 On p 41, at last, offers the ‘Pillars for the South Africa (sic) AI Policy’ and the silence on the matter of copyright protection for content usage in any form; for mined content, is deafening. Just as the ignoring of content ownership across the whole Policy. One of the largest risks for those in the creative industries is that content ownership is at stake and vulnerable to data mining within the AI environment.

The following pillars are listed in the Draft Policy, and for the rest of the document up to p 79, the 6 Strategic Pillars (called SPs) of the Draft AI Policy are broadly outlined:

- a. Capacity and talent development
- b. AI for inclusive growth and job creation
- c. Responsible governance
- d. Ethical and Inclusive AI
- e. Cultural preservation and international integration
- f. Human-centred deployment

One wonders how capacity and talent development will go if no income can be earned from content created?¹¹ This Draft AI Policy sadly shatters the Cultural and Creative Industries Masterplan’s drive to help creatives earn a living from their income and towards economic independence.¹²

Waving multiple socio-political banners across the pages to convince readers that every aspect had been covered, one might almost have overlooked this serious omission.

11 See Seeber, M., Tomaselli, K. (2021). Scholarly writers, the precariat and copyright. *ANFASA Magazine*, Volume 5, (1), p.2, Available at: <https://www.anfasa.org.za/anfasa-magazines-volume-5-issue-1-2021/>

12 See Seeber, M. (2021). Making Authorship a Viable Profession. *ANFASA Magazine*, Volume 5 (2), p.1, Available at: <https://www.anfasa.org.za/anfasa-magazines-volume-5-issue-2-2021/>

Under the pillar C, Responsible governance, only some aspects of the POPIA Act are outlined in terms of privacy and data protection of content. This is astounding. The Draft AI Policy ironically lays claim to the following of 6 key principles of responsible AI – despite omitting copyright and content ownership: (p 64):

‘Fairness
Reliability and safety
Privacy and security
Inclusiveness
Transparency
Accountability’

The ‘multiple options’ approach on p 64 of the Policy creates the impression that although the Policy lays claim to an expressly sound ethical focus, within the sandbox policy notes, this is optional – as one of a set of options (and not an intrinsic part of the Draft Policy, or of the moral fibre which forms part of our Constitution).

Tragically, the Draft National AI Policy deftly but purposefully skirts the issue of copyright, protection of content ownership with data mining, replication of content, learning from data is reinterpreted as ‘legitimate academic practices’ (p 66). It claims it is able to achieve bias mitigation (on p 66), which aspect is open to discussion; as to whose truth is being punted - just as in this overly complete Policy, optionally chatting inside the sandbox to distract the reader - but

which is nevertheless incomplete for the leaving out of copyright protection to safeguard the original work of creatives.

4 Every other issue - but not copyright

With just about every South African social issue drawn into sandboxed proposals, complete with could-be committee frameworks and possible options roughly laid out to fix every ill besetting this country (even considering avoiding global competition, in case it over-emphasises differences between people, so somebody might feel marginalised in the process). Yes, AI tools will also be drawn in to ‘facilitate marginalized African languages’ (P68) (though this may be impossible if at grassroots levels, speakers do not use the language, and their children are guided into English schools).

Some more political ideals are being directly cast into

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this AI Policy, usually to be found within party-political leaflets. The National AI Policy draft declares that 'In pursuit of the objectives of this country, use AI for the effective distribution of productive assets – including driving efficiency through (and for):

- 'Data-driven Policy for Asset Redistribution
- 'Democratising Access to Capital
- 'Smart Land and Resource allocation ... (p 79).

5 An unlimited flow of funds, committees and bodies, new and old

It is unclear whether 'Democratising access to Capital' – means that money would be more easily accessible for everyone. The realities of limited government funding seem to not feature within this Draft AI Policy - and the proposed new structures continue to flow across the document. Hopefully a

separately outlined budget has been compiled which adds up the costs of the setting up of all the suggested additional components, so that a clear picture can emerge of how workable the suggested set of additional structures will be.

“Some more political ideals are being directly cast into this AI Policy, usually to be found within party-political leaflets. The National AI Policy draft declares that ‘In pursuit of the objectives of this country, use AI for the effective distribution of productive assets...”

A defining feature of this Policy is the number of newly suggested committees, along with a Superfund – apart from outlining the existence of a number of current bodies, which are envisaged to magically individually work out how to collaborate. Typically, P25-26, says, 'the relationship between the board and the DCDI would define whether...' The policy seems to advise you to make it up as you go along. Several

of the suggestions (such as for the AI Ombudsman and for the listed bodies to be involved). Glib catchphrases such as 'fintech' repeatedly used is not acceptable within this type of a policy document.

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6 Mumbling about ethics, yet this is at the core?

The discussion on ethics in AI (5.1) is generalist and unhelpful as to what ethics in the Draft AI Policy actually covers – rather, it offers another sweeping description of how it interprets the current scenario. It is critical that the Policy outlines what exactly the parameters for ethical concerns around AI are, and how this will be mitigated.

There are several instances of US spelling to reconsider as this is a South African policy – though of course it speaks of its influence sphere.

‘Organizations could be required to implement ethics checklists at every development stage’ – it says - as if this is optional? (p 29). The document refers to ‘unforeseen ethical or security concerns’, which risks, given several global cases are very well documented and known following legal precedents which are reported on all around the world. Given such AI usage risks are by now widely known, such risks are avoidable if a clear policy maps out parameters for usage, permissions needed, what unethical practices actually are.

The sandbox approach within the Draft Policy fosters a loose, unclear approach – internationally we are long beyond the stage where AI is new to the world and needs a space in which to experiment. The ethical and security

risks of not protecting content, of content biases need to be managed by the human authors involved as well as by our Policy makers – which legal and copyright risks are fully known yet denied and ignored by this Draft AI Policy.

7 A muffled voice from the sandbox?

Users of AI need to be treated by the Policy as responsible individuals (who can read and understand simple

language). The Draft Policy repeatedly recommends the sandbox approach of the loose structuring of ‘could be’ rules ‘allowing AI technologies to develop in a less restrictive environment’ (Par 2 under 5.2). Directly after, it contradicts itself: ‘On the flip side, this approach might introduce ethical and security risks...’ This statement does not offer any

further solution to the problem of a too open, sandbox policy – whereby it undermines its own voice, so to speak.

In conclusion:

These two responses have been composed with an eye to mapping the prior cautions relating to public policy published in the *ANFASA Magazine* over the past 10 years. Our extensive use of footnotes attests to this. These citations are verifiable! None of these cautions seem to have bothered the policy makers.

“The sandbox approach within the Draft Policy fosters a loose, unclear approach – internationally we are long beyond the stage where AI is new to the world and needs a space in which to experiment.”

The Author in the Machine

Creativity, Copyright, and Moral Responsibility in the Age of AI Publishing

Sihawu Ngubane*

Opening address by Prof Sihawu Ngubane, Chairman (edited).

Good morning to all authors, academics, ANFASA members, publishers, government officials, and all stakeholders.

The title of my address is *The Author in the Machine — Creativity, Copyright, and Moral Responsibility in the Age of AI Publishing. A Deep Dive into How Artificial Intelligence Is Reshaping Authorship, Intellectual Property, and the Future of Writing.*

Before I say anything else, let me acknowledge something. If you are a writer, an editor, a publisher, a scholar, or simply someone who loves books, there is a good chance you have felt a knot in your stomach over the past few years. A knot that tightens every time you see another headline about AI writing a novel, or scraping a library, or replacing a human voice with a machine's echo.

Today's seminar is not here to tell you that the knot is wrong. Nor is it here to tell you to relax. It is here to help us all think more clearly about *why* that knot exists and what we might do about it.

For centuries, the author has been the centre of the literary universe. The source of ideas. The owner of words.



The one who takes responsibility.

Now, generative AI writes alongside us. Sometimes, instead of us. It drafts emails, restructures arguments, summarises research, and yes, produces full-length novels. And it does all of this at a speed and scale no human can match.

This raises a question that sounds simple but turns out to be astonishingly difficult:

“Now, generative AI writes alongside us. Sometimes, instead of us. It drafts emails, restructures arguments, summarises research, and yes, produces full-length novels. And it does all of this at a speed and scale no human can match.”

continues on page 16:

* Professor Sihawukele Ngubane is the ANFASA Chairman

How AI Is Reshaping Authorship, Intellectual Property, and the Future of Writing

continued from page 15:

In the age of AI, what happens to the author?

Not just the economic question, though, that matters enormously. But the deeper questions. The ones about *who speaks? Who owns? And who answers?*

If a machine can generate prose indistinguishable from human writing:

What becomes of your intellectual authority as a writer?

What happens to creativity when the struggle to find the right word can be outsourced?

Who is morally responsible when AI generates something biased, false, or harmful?

And the question that is now before courts and parliaments around the world is, what does copyright even mean when the “author” is a statistical model trained on millions of stolen voices?

These are not hypothetical questions for some distant future. They are being decided right now.

We are living through the most profound transformation in the international publishing sector. And the decisions we make as a community, as an industry, as a society will shape what it means to be a writer for generations.

This symposium will look at the new publishing landscape. Where are we now? What is actually happening on the ground, in editorial meetings, and in writers’ rooms?

We will also confront **ethics and moral responsibility**. If an AI you use generates biased content that you miss, are you responsible? What should be disclosed? And who answers when the machine gets it wrong?

We will wrestle with the **legal earthquake**—intellectual property, copyright, fair use, moral rights, and the licensing models that might offer

a way forward. More especially, looking at the South African draft AI policy.

And finally, we will move beyond royalties. The business of authorship is not just about selling books, but also about how to make more money and diversify income

You are the authors, editors, publishers, academics, and readers who are living this transformation. Your experience matters. Your instincts matter. Your confusion matters because if you are confused, it means you are paying attention.

I want to leave you with one image before we start.

The writer and critic John Berger once said that “to tell a story is to take responsibility for the truth of what you say.”

That is the old covenant. Author and reader. Someone speaks, someone listens, and the speaker stands behind the words.

AI breaks that covenant not because it is evil, but because it has no one to stand behind its words. It can produce language that *looks* like truth, *sounds* like voice, and *feels* like meaning. But who is behind the machine? All we know is that AI is the result of collective human effort and machines.

Our task, as a community of people who care about writing, is not to reject AI. It is too late for that, and too foolish. Our task is to decide *how* to use it without breaking the covenant entirely. How to keep the human voice audible in a world of digital air. How to ensure that when we read, we know, or at least *can* know, whether a person is speaking. Authorship is no longer about producing text alone, but about taking responsibility for meaning in a machine-assisted world.

That is the huge responsibility before us. It is hard. It is urgent. And it requires all of us.

“The writer and critic John Berger once said that “to tell a story is to take responsibility for the truth of what you say. That is the old covenant. Author and reader. Someone speaks, someone listens, and the speaker stands behind the words.”
