





## Data and AI in Africa: Key Frameworks and Initiatives

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## Focus of the session

- This session provides an overview of the core continental frameworks and initiatives shaping Africa's data and AI governance landscape. Each framework offers unique principles, mechanisms, and institutional guidance for achieving developmental justice, human rights, digital sovereignty, and economic integration through responsible data and AI practices.
- Participants will examine how these initiatives align with the four thematic areas of the CSTD Working Group on Data Governance:
  - Section A: Fundamental principles of data governance
  - Section B: Proposals to support interoperability between national, regional and international data systems
  - Section C: Considerations of sharing the benefits of data
  - Section D: Options to facilitate safe, secure and trusted data flows, including cross border data flows



## Continental data governance landscape

- Malabo Convention
- AU Digital Transformation Strategy for Africa (2020–2030)
- African Continental Free Trade Area (AfCFTA) Protocol on Digital Trade
- AU Data Policy Framework (AUDPF)
- ACHPR/Res.620 (LXXXI) 2024 Promoting and Harnessing Data Access for Advancing Human Rights and Development in the Digital Age
- Continental Al Strategy





#### **Questions:**

- □ What are the key gaps in ratification and enforcement across member states?
- □ How can the Malabo Convention help establish fundamental principles for trustworthy data governance?
- □ In what ways can it support alignment between national data protection laws and global norms?



#### Introduction to the Malabo Convention:

- Adopted by the African Union in June 2014 in Malabo, Equatorial Guinea.
- Aims to establish a continental legal framework for cybersecurity, personal data protection,
   and electronic transactions.
- Addresses the growing digital risks and the need for trust, security, and privacy in Africa's digital transformation.
- The Convention came into force on June 8, 2023 after Mauritania ratified it on May 9, 2023



#### **Objectives of the Malabo Convention:**

- Promote a Harmonized Legal Framework for cybersecurity, electronic transactions, and personal data protection across African Union member states.
- Establish legal mechanisms to prevent, detect, and respond to cybercrime to strengthen trust and security in the digital environment.
- Protect Individuals' Rights and Freedoms, particularly the right to privacy in the digital age, through robust data protection standards.
- Facilitate Regional and International Cooperation in combating cybercrime and managing cross-border data flows.
- Encourage the development of national cybersecurity policies and strategies that are aligned with continental and global standards.
- Ensure legal certainty and trust in online interactions to support the growth of a digital economy, thereby fostering innovation and investment.

#### **Current Status and Call to Action**

- As of 2025:
  - Many AU states have signed, but few have ratified.
  - Somalia has not yet ratified the Convention.
- Call to Action:
  - Review the Convention's alignment with national priorities.
  - Consider ratification and implementation to strengthen legal infrastructure.
  - Engage with AU and RECs for technical support and guidance.





## **AU Digital Transformation Strategy**

#### **Questions:**

- What is the role of this strategy in enabling interoperability and integrated digital markets?
- □ How does the strategy ensure digital sovereignty and people-centred data governance?



## Digital Transformation Strategy

#### **Introduction to the Strategy**

- The Digital Transformation Strategy for Africa (2020–2030) is a comprehensive roadmap developed by the African Union to harness digital technologies and innovation for the continent's socio-economic development. It aims to create an integrated and inclusive digital society and economy across Africa.
- Adopted by the African Union in 2020 to guide the continent's digital transformation.
- Aims to build an integrated and inclusive digital economy that drives sustainable development.
- Aligned with the AU Agenda 2063, the AfCFTA, and the Sustainable Development (SDGs).

## Digital Transformation Strategy

#### **Key Objectives**

- Build a Digital Single Market (DSM) by 2030: Facilitate seamless digital trade and services across African nations by harmonizing policies, legislation, and regulations.
- Enhance Digital Infrastructure: Improve digital networks and services to ensure affordable and ubiquitous access, targeting 99.9% of Africans to have a digital legal identity by 2030.
- Promote Digital Skills and Literacy: Empower citizens with the necessary skills to participate
  effectively in the digital economy.
- **Foster Innovation and Entrepreneurship**: Support the development of digital solutions and startups to stimulate job creation and economic growth.
- Strengthen Cybersecurity and Data Protection: Establish frameworks to protect personal data and ensure secure digital environments.
- Digitize Key Sectors: Transform sectors like agriculture, education, health, and finance to digital technologies to improve efficiency and service delivery.

## Digital Transformation Strategy

#### **Foundational Pillars**

- Digital Infrastructure
  - Expanding broadband, data centers,
- Digital Skills and Human Capacity
  - Integrating digital literacy in education and training
- Digital Governance
  - Strengthening data protection, cybersecurity, and digital ID systems
- Digital Innovation and Entrepreneurship
  - Supporting Start ups, tech hubs, and innovation ecosystems





#### **Questions**

- □ How does AfCFTA intersect with data governance, what role does it play in shaping data flow policies?
- What are the risks of misalignment between trade rules and data protection regimes?
- □ How can AfCFTA's digital trade protocol support SMEs and innovation while protecting data rights?



#### Introduction to AfCFTA

- Launched in 2021, AfCFTA is the world's largest free trade area by number of countries.
- Aims to create a single continental market for goods, services, and investments.
- Covers 55 AU member states, with a population of over 1.4 billion people and a combined GDP of \$3.4 trillion.
- Part of the AU's Agenda 2063 to promote inclusive and sustainable economic growth.

#### **Objectives of AfCFTA**

#### Create a Single Market

 Establish a unified market for goods, services, and investments across Africa, covering 55 AU member states.

#### **Boost Intra-African Trade**

• Increase trade among African countries by reducing or eliminating tariffs and non-tariff barriers.

#### **Enhance Competitiveness**

 Promote industrialization, economic diversification, and value addition by encouraging regional value chains.

#### Promote Sustainable and Inclusive Development

Support SMEs, women, and youth to participate in regional trade and ensure equitable benefits.

#### Facilitate the Movement of People and Capital

 Enable freer movement of labor, capital, and investment, complementing initiatives like the African Passport and Protocol on Free Movement.

#### **Key Implementation Issues**

**Tariff Liberalisation**: Gradual removal of tariffs requires coordination and capacity.

Rules of Origin: Complexities in defining "African" goods may hinder market access.

Customs and Border Infrastructure: Weak infrastructure slows trade flow.

**Trade Facilitation**: Limited adoption of digital systems and harmonized procedures.

**Dispute Settlement Mechanisms**: Need for trust and enforcement of rulings.



#### **Digital Trade and Data Governance Challenges**

- Growing importance of e-commerce and digital services under AfCFTA.
- Lack of harmonized rules on cross-border data transfers and digital taxation.
- Concerns over data localization, cybersecurity, and digital trust.
- Need for alignment with AU's Digital Transformation Strategy and Malabo Convention.





## African Union Data Policy Framework (AUDPF)

#### Questions

- □ How does the AUDPF define the concepts of data sovereignty vs. data localisation?
- □ How can the AUDPF support African countries in contributing meaningfully to the CSTD Working Group?



## African Union Data Policy Framework (AUDPF)

#### **Scope and Objectives of the Framework**

- Collaborate on data governance issues in order to achieve the common goals of sustainable development across the continent.
- Inform and assist AU Member States in domesticating continental policy.
- Enable free data flow across borders while considering fairness, risks, and Member-State interests.
- Create trust mechanisms for data sharing among Member States while respecting sovereignty.
- Maximise the benefits of datafication of the economy and society, including a single digital market.
- Ensure that data is used for the benefit of society in a sustainable manner.
- Utilise data in novel ways to promote public benefits, particularly for decision-maken planning, and monitoring and evaluation (M&E) in the public sector.

## What is data control?

- Data control refers to the policies, procedures, and practices a country uses to manage and protect its data.
- Data control is an important element for extracting value from data.
- Policy helps to limit the manner in which control can be exerted and also encourages mechanisms for control that align with the strategic objectives of a data policy.
- An important role of policy is helping to ensure clarity in terms of control for the assignment of obligations and responsibilities.
- Data control spectrum:
  - Data sovereignty
  - Data localisation



## Data Control: Indigenous Data Sovereignty

- Current practices often exclude indigenous communities from decision-making processes about their data. The use of AI also impacts the collective data rights of indigenous communities "who require limitations on access to their data and knowledge systems".
- Data processed from communities have immense cultural and economic value and need to be subjected to the values upheld by communities around their data. The data needs to be used to the benefit of communities and in a manner that upholds their values and practices.
- A significant power imbalance exists between data subjects (indigenous communities) and data controllers (corporations).
- Ensuring inclusivity requires involving indigenous communities in all stages of data use, from collection to application, to respect their rights and uphold their requires in their requirements.

## Data control: Localisation

- While data localisation is often seen as an expression of state sovereignty, as a possible policy option, data localisation needs to be assessed on a cost-benefit basis.
- Data localisation involves the artificial erection of legislative barriers to data flows, such as through data residency requirements and compulsory local data storage.
- Strict data localisation rules requiring the storage of all data locally, and not merely a copy, renders such data susceptible to security threats, including cyber-attacks and foreign surveillance.



## Data control: Localisation

- Data localisation laws are often enacted or threatened because of fears relating to data security. Fears include profiling or surveillance by foreign governments or any other third party without consent.
- Strict data localisation rules can increase security threats such as cyberattacks and foreign surveillance because they require the concentration of data relating to a country in a few data centres in that country.
- Data localisation is technologically inefficient for many African countries and impossible for some. Most African countries are currently confronted by capacity constraints in that localisation capacity demands may vastly exceed national data centre capacity.
- As data yields value only when it is processed, transmitted, stored and combined in the right way, narrow data localisation can be counter-productive to the protection and data value creation.

## AU DPF Recommendations on Data Sovereignty and Localisation

- Bilateral and multilateral agreements need to be established to exert domestic sovereignty and control, and recourse avenues for infringements are required.
- Localisation needs to be evaluated against potential harm to human rights.
- Data localisation requirements require data specificity.
- Data policy requires clarity not just through specificity but also in relation to data categorisation.
- Data infrastructure development should be explored as a mechanism for exerting control.
- Data subject rights should be designed and expressly provide effective per data control.



# ACHPR/Res.620 (LXXXI) 2024 – Promoting and Harnessing Data Access for Advancing Human Rights and Development in the Digital Age Questions

- □ How does this resolution embed rights-based governance into data access frameworks?
- What are the implications for public interest data use and ethical Al deployment?
- □ How can this resolution guide equitable benefit sharing in data-driven systems?





## **Continental Al Strategy**

#### **Questions**

- What governance mechanisms are needed to ensure responsible AI aligned with African values?
- □ How can data quality, accessibility, and representation be improved to support African AI systems?
- □ How does the strategy propose to safeguard against algorithmic bias and digital exclusion?



## **Continental Al Strategy**

#### What is Africa's Al Strategy?

- A continental initiative spearheaded by the African Union to guide the responsible development and deployment of AI technologies in Africa.
- Part of Africa's broader digital transformation agenda under Agenda 2063.
- Supports inclusive innovation, sustainable development, and global competitiveness.



## The Continental Al Strategy

#### **Strategic Vision and Objectives**

- Harness AI for development, peace, and prosperity.
- Promote African-led innovation in AI research and application.
- Ensure ethical and inclusive adoption of AI technologies.
- Build capacity, infrastructure, and governance frameworks to support AI ecosystems.
- Position Africa as a global contributor and beneficiary in the AI economy.



## **Continental Al Strategy**

#### **Key Strategic Pillars**

#### 1. Al Governance and Regulation

- a. Develop human rights-based, African-led Al policies.
- b. Address issues of transparency, accountability, and algorithmic bias.

#### 2. Data and Infrastructure

- a. Access to high-quality, representative African data.
- b. Invest in cloud computing, broadband, and computing power.

#### 3. Capacity and Skills Development

- a. Strengthen STEM education, technical training, and AI research networks.
- b. Promote youth and women's participation in Al sectors.

#### 4. Innovation and Entrepreneurship

- a. Support Al startups and African Al researchers.
- b. Foster collaboration with academia, government, and private sector.





# Data Governance in Africa Initiative (GIZ/EU & AUDA-NEPAD)

Questions

- □ What lessons can be drawn from the initiative's implementation in countries like Somalia?
- □ How does this initiative support national alignment with the AU Data Policy Framework?
- □ What role can development partners play in ensuring locally driven, rights-based, and sustainable data ecosystems?



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