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State of AI Regulation in Africa: Trends and Developments

Report

Tech Hive Advisory
Center for Law & Innovation

MARCH 2024





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Executive Summary



Artificial Intelligence (AI) has been described as a beacon of innovation that can improve industries and foster socio-economic growth across Africa.¹ Beyond merely overcoming developmental challenges, AI emerges as a driver of indigenous innovation, potentially significantly enhancing different sectors and boosting the continent's GDP.² Nevertheless, realising AI's full potential requires overcoming infrastructural, governance, and regulatory hurdles, among others, making the creation of tailored, ethical regulatory frameworks essential. These frameworks aim to ensure AI's benefits are fully harnessed to align with the continent's unique needs and aspirations, promoting inclusive growth.

Africa's journey towards AI regulation is marked by strategic efforts and governance measures at national and continental levels; from different national initiatives, the African Union's foundational steps to working towards a continental AI strategy illustrate the effort to shape a digital future that leverages AI for meaningful socio-economic advancement. Africa is gradually navigating the AI landscape, moving beyond outdated narratives of dependency to forge a future where AI is leveraged for inclusive

growth and development. This report highlights the different efforts across the continent toward AI regulation, detailing the challenges and providing stakeholders with targeted recommendations for regulatory considerations.

African countries are embracing a multi-faceted regulatory approach to ensure the responsible development and use of AI technologies. Key trends identified in this report are as follows:

- Adoption of national strategies.
- Adoption of national policy, roadmap, and charter.
- Establishment of an AI task force, expert body, agency, council, or committee.
- Adoption of AI ethical principles.
- The role of data protection authorities in regulating AI.
- Africa contributing to global AI governance.
- Growing attempt to enact AI-specific legislation.
- Emergence of sector-specific regulatory intervention for AI.

Further, the report identifies some challenges to AI regulation on the continent, including:

- The absence of specialised laws and the inadequacy of existing laws to tackle ethical issues like algorithmic bias.
- The lack of specific data protection laws in some countries or under-resourced enforcement authorities where laws do exist leaving individuals unprotected.
- Existing laws are often outdated and ineffective against AI's novel challenges, often compounded by a lack of political will for amendment.
- The preference for rigid, rule-based regulations over flexible, principle-based approaches.
- Regulatory interventions sometimes overlook broader issues like competition, energy sustainability, local content, and environmental impacts.
- Weak institutional frameworks manifested through limited judicial capacity, fragmented laws, poor enforcement, and a shortage of skilled personnel, leading to operational inefficiencies.

Building on the identified challenges, this report presents a number of recommendations for stakeholders engaged in AI regulation across Africa, aiming to transform these challenges into actionable strategies:

- Global engagement and principle-based flexibility to rule-making.
- Informed and sector-specific AI regulation to address needs and requirements.
- Leveraging and refining current laws to address AI's unique challenges.
- Embedding sustainability, human rights, local content, and ethics into AI regulation.
- Establishing AI standards and metrics.
- Formalising red teaming and impact assessment for AI accountability.
- Promoting a multi-stakeholder approach to AI regulation.
- Collaborating for enhanced AI safety, ethics, and oversight.
- Adopting innovative regulatory models for AI.
- Co-regulation and outcome-based regulation.

The journey towards comprehensive AI regulation in Africa should reflect the continent's commitment to steering technological progress in line with its socio-economic ambitions and national priorities. In conclusion, navigating the complexities of AI regulation in Africa demands a strategic, inclusive, and adaptive approach. We believe this approach can partly address current challenges but also anticipate future developments, ensuring that AI and similar emerging technologies serve as a force for good, propelling the continent towards a future where technology and humanity advance harmoniously.

Introduction

AI represents a frontier of technological innovation with the potential to transform industries, economies, and societies globally.³ In Africa, AI is not just a means to bypass developmental hurdles but a catalyst for home-grown innovation and progress.⁴ It holds the promise to improve healthcare, agriculture, and financial services, contributing significantly to socio-economic development and potentially bolstering the continent's GDP.⁵

However, harnessing AI's potential on the continent necessitates navigating a complex landscape of infrastructural, data, resource, governance, and regulatory challenges, among other issues. Critical to this journey is the development of coherent regulatory frameworks that address ethical considerations, guarantee regulatory consistency, support for the development of the technology and ecosystem, and promote the development of expertise and infrastructure. Such an approach is pivotal in ensuring AI's alignment with African societies' unique needs and aspirations, promoting a model of growth that is inclusive and reflective of Africa's diverse context. This approach transcends the traditional narrative of Africa needing salvation, showcasing a continent actively shaping its digital future through strategic regulation and harnessing AI for tangible socio-economic impact.

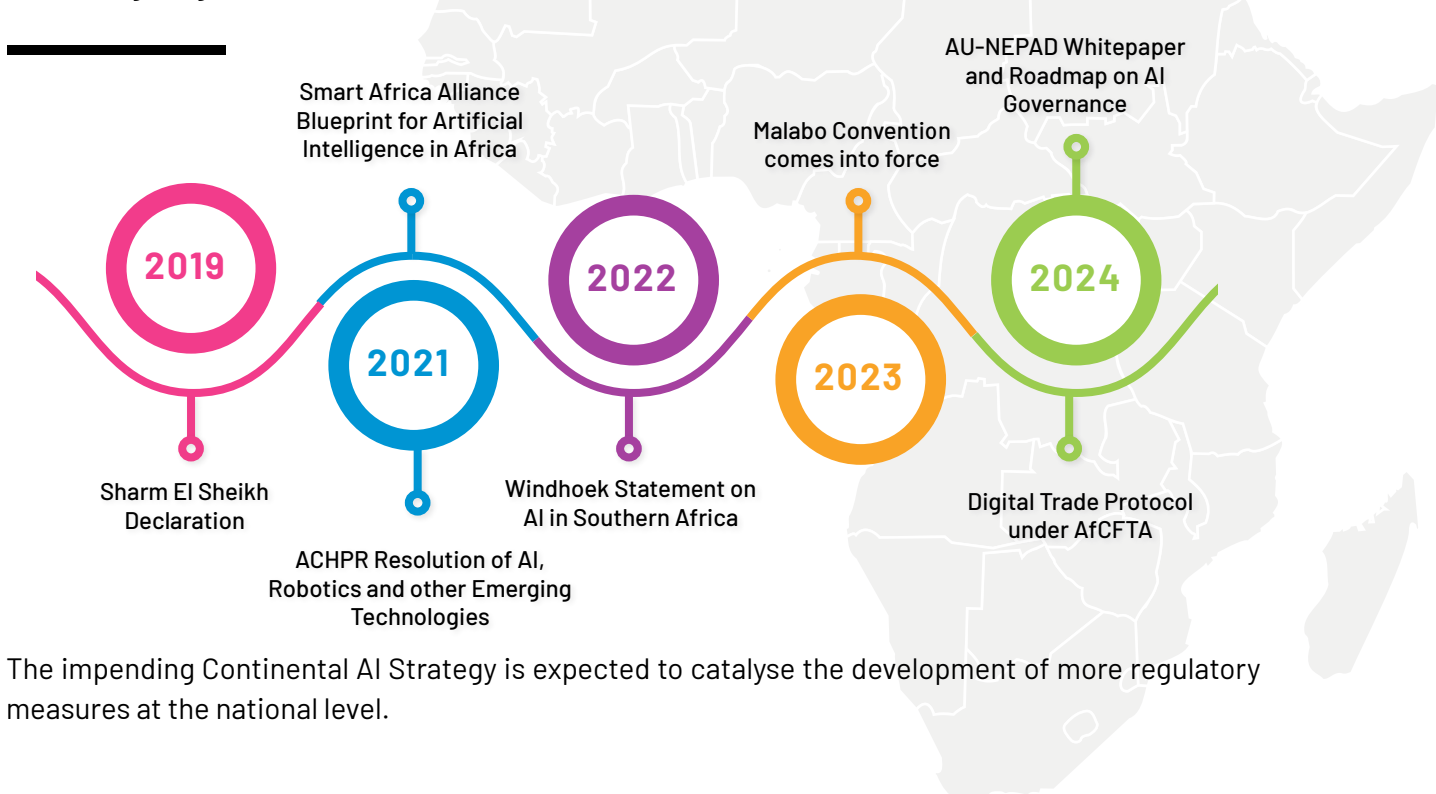
Background

Africa is witnessing a growing effort to harness the benefits of AI within its socio-economic landscape.⁶ This is marked by strategic initiatives to adopt and responsibly use the technology. These efforts are characterised by various governance measures designed to ensure the ethical use of AI across the continent. The timeline of initiatives adopted on the continent reflects a commitment to leveraging AI for sustainable development, innovation, and integration. From the foundational steps taken by the African Union (AU) Ministers for Communications and ICTs to the latest progress towards a continental AI Strategy formulation, it highlights Africa's unique approach to navigating AI deployment and regulation.

In 2019, the African Union (AU) Ministers for Communications and ICTs initiated the Specialised Technical Committee on Communication and Information Technologies (STC-CICT) and adopted the Sharm El Sheikh Declaration.⁷ This declaration recommended forming a Working Group on AI to align with the AU's Agenda 2063 and the UN Sustainable Development Goals (SDGs). Following this, in 2020, South African President Cyril Ramaphosa emphasised the need for a cohesive regional AI strategy to guide African member states in crafting AI policies and regulations. This led to the publication of the Blueprint for Artificial Intelligence in Africa in 2021, in partnership with the Smart Africa Alliance, which offers governance and ethical recommendations for AI regulatory measures and prescribes ethical principles.⁸ The African Commission on Human and Peoples' Rights (ACHPR) furthered this momentum in February 2021 by adopting a "resolution on the need to undertake a study on human and peoples' rights and Artificial Intelligence (AI), robotics and other new and emerging technologies in Africa", urging the development of a comprehensive legal and ethical governance framework.⁹

members of the Southern Africa Development Community (SADC) adopted the Windhoek Statement on Artificial Intelligence in Southern Africa to facilitate designing and implementing AI policies among member states.¹⁰ The document recommends that SADC member states co-create Africa-centric governance frameworks for AI, emphasising sustainable and ethical development aligned with strategic national goals. It suggests reviewing, updating, and developing regulatory and legal frameworks concerning AI, considering legislative tools for high-risk AI use, and promoting AI algorithm transparency to ensure public oversight and mitigate biases. In 2023, the African Union Convention on Cybersecurity and Protection of Personal Data came into effect after the fifteenth ratification by Mauritania,¹¹ marking a significant step towards data governance on the continent. That year also saw the release of the 'AI for Africa' report by the African Union High-Level Panel on Emerging Technologies (APET) and the African Union Development Agency (AUDA-NEPAD), advocating for a unified AI policy approach that will explore the benefit and mitigate the risks of the technology.¹² In November 2023, the AU held its inaugural data governance and innovation forum, which offered a platform for stakeholders to discuss new and innovative approaches to data governance and innovative data policies and regulations.¹³ The discussion included the regulation of emerging technologies like AI.

By February 2024, the Digital Trade Protocol under the African Continental Free Trade Agreement (AfCFTA) was adopted.¹⁴ This protocol addresses key areas such as data protection, cross-border data transfer, data-driven innovation, and cybersecurity. It also mandates state parties to promote the adoption of emerging and advanced technologies. Furthermore, it mandates state parties to establish governance frameworks that ensure these technologies are used ethically, safely, and responsibly. In March 2024, AUDA-NEPAD unveiled a draft Whitepaper¹⁵ and Roadmap¹⁶ for a continent-wide AI strategy, emphasising the need for AI governance frameworks prioritising data protection, transparency, partnerships, establishing ethical principles, and accountability. This progression underlines Africa's strategic moves towards integrating AI governance into the continent's broader digital and socio-economic development agenda, aiming to maximise AI benefits while mitigating associated risks.



The impending Continental AI Strategy is expected to catalyse the development of more regulatory measures at the national level.

Balancing Innovation and Regulation: Diverse Perspectives on AI Regulation

Private entities are integrating AI into existing products or developing new solutions to address perceived problems. While there are instances of AI solving tangible problems, it also exacerbates harm and is often deployed without sufficient safeguards and accountability mechanisms.¹⁷ Public authorities are also deploying AI to address various issues, sometimes without the requisite impact assessment, leading to opacity, harm, and lack of accountability.¹⁸

AI technology, with its promise and potential, has sparked a variety of viewpoints on how to approach its regulation. While some voices advocate for immediate regulation to harness the benefits and mitigate the risks,¹⁹ others propose focusing on building the necessary infrastructure and addressing attendant challenges before implementing regulations.²⁰ There is also a perspective that not every new technology requires specific legal intervention, cautioning against hastily legislating on every technological advancement.²¹ This viewpoint highlights that existing laws already cover various AI-related risks, including data protection, intellectual property, anti-discrimination, consumer rights, and competition, among other domains. However, given the documented risks associated with AI technology and its increasing deployment by private and public entities, there is a growing consensus on the need for some form of regulation.²²



Considering the history and context of Africa, there's a potential for AI to replicate existing harms if not properly governed. Therefore, the conversation around AI regulation in Africa is not just about regulation but also about building robust systems that ensure transparency, inclusion, accountability, and adequate safeguards.

Trends and Developments in AI Regulation in Africa

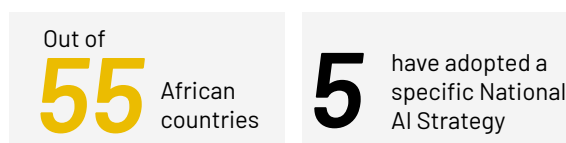
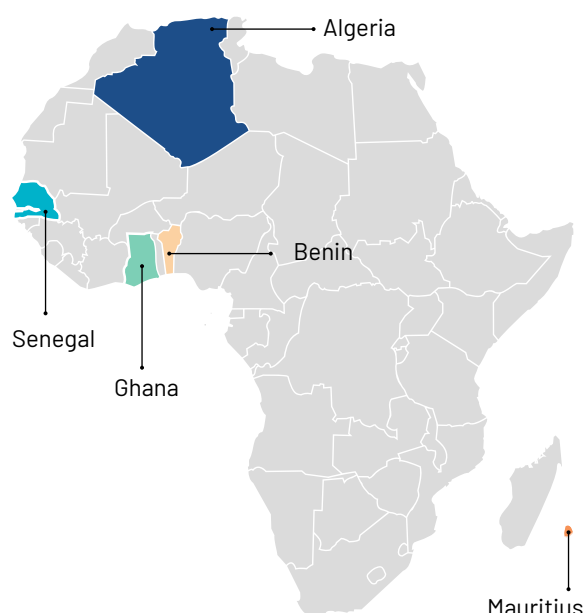
The regulation of AI in Africa is gradually taking shape and can be described as carefully evolving.²³ Although no African country has enacted specific AI legislation, various governments and institutions are making strides. These efforts are evident in developing national AI strategies and policies, often standalone or integrated into broader data or digital strategies. Additionally, initiatives to address AI regulation have also emerged at the continental level, reflecting a multi-layered approach to navigating the complexities of AI regulation. Also, some African countries have drafted or are drafting proposed AI laws, and various governments have received ongoing calls for enacting such laws. There has also been an increase in the establishment of AI task forces, agencies, or expert bodies to drive conversations on the use of AI in some countries. Although some countries with these expert bodies have yet to adopt a strategy or policy on AI, their creation shows the government's readiness to adopt a regulation on AI. Data Protection Authorities (DPA) are also significantly contributing to the evolving landscape, demonstrating commitment towards addressing data protection concerns arising from adopting AI technology. They highlight the growing recognition of the need for legal frameworks to manage the complexities and challenges posed by AI technologies effectively.

To demonstrate the effort at the existing AI regulation landscape across Africa, we highlight the diverse trends emerging on the continent.

1. Adoption of National Strategies

A growing number of African countries have recognised AI's potential and are taking decisive steps by introducing national AI strategies. Out of 55 African countries, 5 have adopted a specific National AI Strategy, while others are in the draft stages of their strategies. The countries with a specific AI Strategy include Algeria,²⁴ Benin,²⁵ Ghana,²⁶ Mauritius,²⁷ and Senegal.²⁸ These strategies are tailored to harness AI for economic development, enhance public service delivery, and address societal challenges. For instance, Benin's National Strategy for Artificial Intelligence and Big Data²⁹ aims to position the country as a digital hub in West Africa. These national strategies signify a proactive approach to embedding AI into national development plans, potentially accelerating economic growth and innovation.

Additionally, there are also countries working on developing AI strategies. For example, in Nigeria, the Minister of Communication and Digital Economy has disclosed efforts to develop a National AI Strategy.³⁰





This strategy is expected to complement the National AI Policy by outlining specific actions, targets, and initiatives designed to promote AI research and development, enhance AI education and workforce capacity, and stimulate investment in AI technologies. Tunisia is also working on developing its national AI strategy.³¹ Similarly, Botswana has announced plans to develop its AI strategy in partnership with Estonia.³² These Strategies often include governance as a pillar, where regulation is recognised.

While some countries are introducing AI-specific Strategies, a trend has emerged where AI or emerging technologies, are incorporated into broader National Data or Digital Strategies. In Uganda, while there is no specific AI strategy, the government published the National Fourth Industrial Revolution (4IR) Strategy, which sets out plans for leveraging the 4IR technologies including AI, to advance Uganda's digital economy.³³ Also, Nigeria³⁴ and Senegal³⁵ have recognised AI in their National Data Strategies, which also include a governance pillar to regulate the responsible use of the technology. Furthermore, Nigeria's Digital Economy Policy and Strategy recognises AI as an emerging technology and mandates the development of policies that foster innovation.³⁶ Furthermore, the Smart Zambia E-Government Master Plan recognises the potential of emerging technologies and recommends suitable policy responses to capitalise on the benefits.³⁷ Also, Sierra Leone's National Innovation & Digital Strategy identifies AI as a key emerging technology, highlighting its potential benefits and emphasising the need for appropriate policy and regulatory frameworks to capitalise on its advantages fully.³⁸ In 2021, the government of Morocco published the New Development Model,³⁹ which also recognised AI as a catalyst for growth.

As government-led initiatives play a significant role, the AI expert community has also contributed significantly to the development of National AI Strategies in certain countries. For

instance, in 2023, MoroccoAI issued recommendations to guide the development of a National AI Strategy for Morocco.⁴⁰ These strategies are expected to drive a coordinated approach to AI development, promoting synergy among government, academia, and the private sector and ensuring that AI contributes positively to economic diversification and digital inclusion.

2. Adoption of National Policies, Roadmap, and Charter

Some countries have developed a national AI policy, adopted a roadmap, or a charter for AI. There is currently one country in Africa with a specific National AI policy. Rwanda has the only specific national AI policy, which underscores its commitment to integrating AI into its digital transformation agenda,⁴¹ serving as a roadmap to enable the country to harness the benefits of AI and mitigate its risks.⁴² In 2023, the National Council for Artificial Intelligence in Egypt published the Egyptian Charter for Responsible AI. The charter represents Egypt's early effort to define ethical and responsible AI guidelines within its local context.⁴³ The charter defines implementation guidelines and ethical principles for the responsible development and use of AI in the country.⁴⁴ Tunisia has a National AI Roadmap that sets out the country's ambition for AI development.⁴⁵

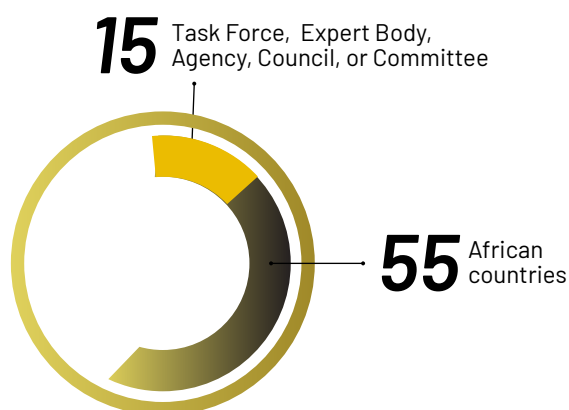
Some countries are also working on developing their national AI policy. Ghana,⁴⁶ Ethiopia,⁴⁷ and Nigeria⁴⁸ have draft versions awaiting approval. Further, in Nigeria, the National Information Technology Development Agency (NITDA) is spearheading the creation of the country's National AI Policy, which, though pending publication, signifies a strategic move towards harnessing AI for national development. This policy aims to lay down principles and guidelines for AI development and use, ensuring it aligns with Nigeria's socio-economic objectives and ethical standards.

These policies provide a framework that guides AI

development while addressing ethical considerations. For instance, Rwanda's National AI Policy underscores its commitment to integrating AI into its digital transformation agenda,⁴³ serving as a roadmap to enable the country harness the benefits of AI and mitigate its risks.⁴⁴ National policies are crucial in setting standards for responsible AI use and fostering a trustworthy AI ecosystem.

3. Establishment of an AI Task Force, Expert Body, Agency, Council, or Committee

The continent is also seeing the establishment of task forces and expert bodies. These bodies are instrumental in driving the development of AI policies, strategies, and regulatory frameworks. Out of 55 African countries, 15 have created a task force, agency, national council, or expert body on the responsible adoption of AI.⁴⁹



For instance, Egypt established its task force, the National Council for Artificial Intelligence, in 2019, chaired by the Minister of Communications and Information Technology.⁵⁰ The Council plays a significant role in the implementation of the AI strategy. Also, these expert bodies are in the form of a committee or body in charge of the Fourth Industrial Revolution, like Rwanda,⁵¹ South Africa,⁵² and Uganda.⁵³ Some countries have established a specific agency for AI. For example, in Nigeria, the government created the National Centre for Artificial Intelligence and Robotics "to promote research and development on emerging

technologies and their practical application in areas of Nigerian national interest."⁵⁴ There have also been calls for the establishment of a national council responsible for AI. For instance, the Ghanaian⁵⁵ legislature has called for establishing a body responsible for AI regulation.

Their creation reflects a deliberate, structured approach to navigating the complexities of AI technology and its implications for society. While the core function of this task force is not exclusively regulatory, regulatory-related issues naturally emerged as a central pillar of their work. This task force or expert bodies are typically charged with the exploration of the potentials of AI, assessing their benefits and challenges, and proposing a path forward for harnessing the technology for national development. Expert bodies' multidisciplinary composition ensures a comprehensive understanding of AI's technical, ethical, economic, and social dimensions, facilitating informed, balanced decision-making while pinpointing risks and devising strategies to mitigate them.

Also, these expert bodies could be in the form of a committee or body in charge of the Fourth Industrial Revolution, like Rwanda,⁵⁶ South Africa,⁵⁷ and Uganda.⁵⁸ Some countries have also established a specific agency for AI. For example, in Nigeria, the government created the National Centre for Artificial Intelligence and Robotics "to promote research and development on emerging technologies and their practical application in areas of Nigerian national interest."⁵⁹ There have also been calls for the establishment of a national council responsible for AI. For instance, the Ghanaian⁶⁰ legislature has called for establishing a body responsible for AI regulation.

4. Adoption of AI Ethics Principles

AI ethical principles are being integrated into national and continental documents. Some of the recurring principles include focusing on transparency, accountability, fairness, and non-discrimination. For instance, Rwanda's National AI Policy emphasises ethics as crucial for ensuring that AI advances are beneficial and equitable, proposing concrete guidelines for

ethical AI implementation.⁶¹ Mauritius, through its National AI Strategy, highlights the ethical application of AI and suggests establishing ethics committees to navigate AI's ethical considerations.⁶² One of the key purposes of Egypt's Charter for Responsible AI is to provide a guide for the responsible use of AI, inform stakeholders about the ethical considerations related to AI, and incorporate them into their AI adoption plans.⁶³ It sets out a list of ethical guidelines, which include human-centeredness, transparency and explainability, fairness, accountability, security, and security and safety.⁶⁴ These principles align with the Organisation for Economic Co-operation and Development (OECD)⁶⁵ and United Nations Educational, Scientific, and Cultural Organisation's (UNESCO's)⁶⁶ ethical principles and recommendations for AI.

At the continental level, efforts to solidify AI ethics in regulation are evident, with the AUDA-NEPAD whitepaper on AI regulation urging member states to align with UNESCO's ethical AI recommendations.⁶⁷ Before this, the SmartAfrica AI for Africa Blueprint also included a section dedicated to ethics, advocating for inclusivity and urging companies to establish ethical guidelines for AI systems.⁶⁸ It acknowledges that "privacy and fairness" hold varied meanings across different contexts and to diverse groups. It also emphasises principles like explainability, safety, trustworthiness, and sustainability. This inclusion forms a crucial part of the broader trend towards integrating AI ethics principles into regulatory frameworks. Although non-binding and relative, these principles serve as foundational norms and delineate the boundaries of acceptable AI development and use, which are crucial to building a responsible and sustainable AI ecosystem.

There is also a growing trend of collaboration among African countries to enhance their understanding and capacity in AI. For example, in 2023, a Senegalese delegation from the Ministry of Communications, Telecommunications and Digital Economy and other stakeholders visited Rwanda to learn from its experience in

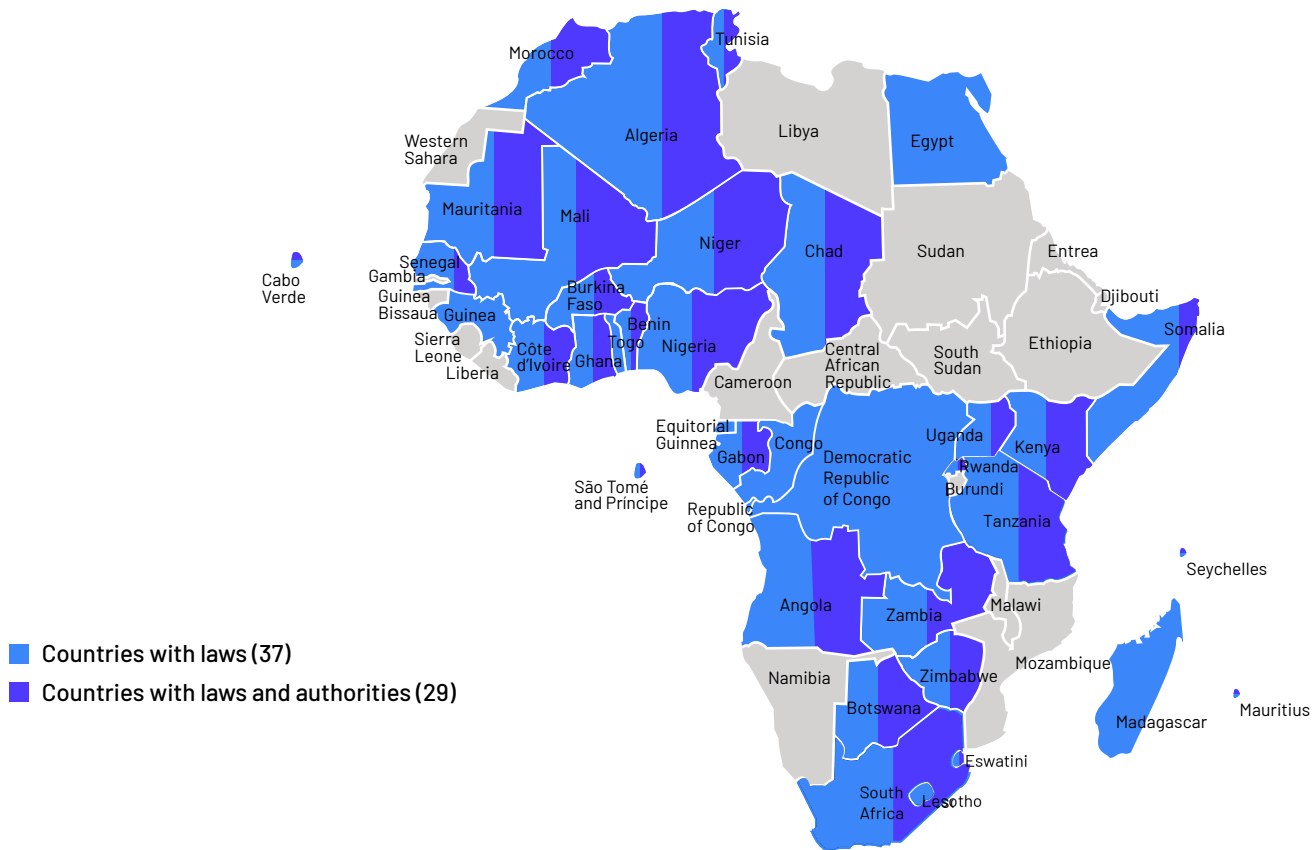
implementing its national AI policy and apply the insights gathered to operationalise Senegal's own National AI Strategy effectively.⁶⁹ The visit was also an opportunity to engage and further deepen their understanding of the complexities of AI in an African context and ensure the effectiveness of regulation.

a. Data Protection Authorities (DPAs) and AI Regulation

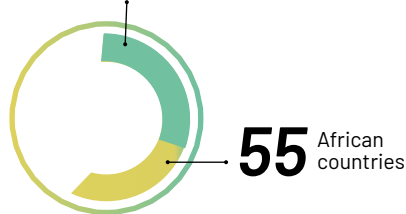
The increased integration of AI into various sectors has brought to the forefront a series of data protection issues that require vigilant oversight. One of the primary concerns is the extensive collection and processing of personal data without consent where it is the appropriate lawful basis,⁷⁰ risking individuals' rights. Others are AI's capacity to analyse and infer sensitive information from data,⁷¹ the use of AI in surveillance and facial recognition technologies misidentifying people and unauthorised monitoring,⁷² which pose significant risks to anonymity and freedom. The opaque nature of AI algorithms also introduces challenges in ensuring transparency and accountability in data processing, leaving individuals in the dark about how their data is processed and how decisions that affect them are made.⁷³ Moreover, AI systems' potential for perpetuating biases can lead to unequal treatment and discrimination, indirectly violating data protection rights by unfairly targeting certain groups.⁷⁴ Despite ongoing debates regarding the effectiveness of laws, the competence and independence of DPAs, and the existence of outdated laws,⁷⁴ the increasing number of countries enacting data protection laws and establishing their authority underscores the crucial role of data protection in providing a regulatory framework for AI use.

Data protection laws and authorities are pivotal in regulating AI, chiefly overseeing data processing activities and safeguarding data subjects' rights. Of the 55 African countries, 37 have enacted data protection laws, while 29 have established or designated an authority to

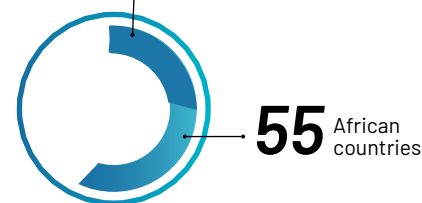
enforce the law. Two of the many key safeguards under the laws include the principle of fairness, which ensures data subjects are protected from risks, harms, and biases, and the right not to be subjected to decisions made solely through automated processing that could significantly impact the data subject. Among the 37 African countries with data protection laws, 33 recognise the right not to be subject to automated decision-making, and 30 specify fairness as a principle of data processing. DPAs in Africa are increasingly focusing on the data protection aspects of AI. Their involvement is crucial for addressing data protection concerns and establishing data governance standards in AI applications. Their interventions have focused on conducting studies, issuing guidelines, announcing



33 provide for the right not to be subject to automated decision-making



30 specify fairness as a principle of data processing



plans to regulate AI in the context of data protection, and, in an extreme case, banning the use of applications (facial recognition), reflecting a keen awareness of the challenges and opportunities presented by emerging technologies. DPAs are positioning themselves as key stakeholders in AI regulation. This mirrors global practice, where DPAs continue to play an influential role in AI regulation and highlight the importance of privacy and data protection in the AI discourse, ensuring AI technologies respect individual rights and freedoms.⁷⁶

DPA's have issued and published advisories on the responsible use of AI. As early as 2018, the Senegalese Commission de Protection des Données Personnelles (CDP) advised entities in the financial sector to integrate data protection measures into technological innovations, such as AI and online banking, in a manner compliant with data protection laws.⁷⁷

Furthermore, some DPAs have taken administrative actions to ensure the safe use of AI in their countries. In 2019, Morocco took a significant step by announcing a seven-month moratorium on facial recognition technology,⁷⁸ a decision driven by the need to regulate and strictly control the use of the tool. This initial ban, extended through the end of 2020,⁷⁹ set the stage for broader public and stakeholder engagement. Following this period of reflection and consultation, In 2023, Senegal's CDP rejected a company's application to use facial recognition for monitoring employees, citing significant privacy risks.⁸⁰ This decision was accompanied by a directive limiting the use of biometric data in the workplace, highlighting the authority's stance on safeguarding data subjects.

Some DPAs have published opinions, guidelines, and regulations. In 2020, Morocco published two opinions on the use of facial recognition technologies.⁸¹ This publication highlighted the nuanced approach to balancing technological advancements with data protection rights and ethical considerations. The same year, the Mauritius Data Protection Commission published the "Guide on Data Protection for Health Data and Artificial Intelligence Solutions."⁸² This guide provided crucial insights into handling sensitive health data within AI solutions, emphasising the intersection of healthcare innovation and data protection. In addition, Senegal's DPA published guidance on using biometric technologies in the workplace, including considerations for using facial recognition technology.⁸³ Eswatini's DPA echoed this sentiment by indicating its intention to publish Guidelines on Artificial Intelligence and Data Protection in 2024, further contributing to the evolving discourse on AI regulation.⁸⁴

The role of DPAs in regulating AI has often come up during discussions between DPAs on the continent. The regulation of AI took centre stage in Senegal's CDP engagement with other DPAs on the continent. These discussions focus on the continent's role in regulating its data amidst the rapid development of technologies like AI. Meetings with DPAs from Niger,⁸⁵ Mali,⁸⁶ and Mauritania⁸⁷ expanded the conversation to include technological innovation, digital identity, and health data, laying the groundwork for increased and efficient cooperation between African nations in the realm of data protection.

Some DPAs have called for public contribution through consultation to understand AI. This trend is noticeable in Senegal,⁸⁸ where the DPA has called for public contributions to understand emerging technologies, including AI and the Internet of Things (IoT), exemplifying the inclusive approach. Similarly, Côte d'Ivoire's DPA initiated a comprehensive study to assess the impact of emerging technologies, including drones, video surveillance, biometrics, and AI, on professional and private sectors, inviting public input to ensure a well-rounded regulatory intervention.⁸⁹

Meanwhile, during a meeting with the country's National Committee of Ethics for Health and Life Sciences in 2023, Mali's DPA raised concerns about the difficulty of protecting personal data in the age of AI and algorithms.⁹⁰ This discussion underscored the complex challenges at the intersection of technology and ethics. In a parallel development, Kenya's Office of the Data Protection Commissioner (ODPC) announced that one of its priorities in 2024 is addressing data protection concerns in AI, signalling a forward-looking approach to regulation.⁹¹

This progression of initiatives and actions from DPAs across Africa illustrates a dynamic and thoughtful approach to navigating the challenges of AI and data protection.

African DPAs are taking significant strides towards ensuring that technological advancements are harnessed responsibly and ethically, with privacy and human rights at the forefront of their efforts. As the landscape of AI continues to evolve, DPAs are increasingly positioned to become the proxy regulators of AI technology. Collectively, while the identified role of DPAs marks notable progress, much remains to be done across the continent. These documented actions signify strides towards ensuring AI technologies align with public interest and individual data protection rights. However, further efforts and broader implementation by more DPAs are essential to extend protection to more Africans.

5. Africa in Global AI Conversation

African countries are engaging in the international AI regulation and governance discourse, showcasing a commitment to shaping global standards and practices. In 2023, during the AI Safety Summit organised by the United Kingdom, Kenya, Nigeria, and Rwanda signed the Bletchley Declaration for Responsible AI Use.⁹³ Also, Nigeria endorsed the United Kingdom's (UK) guidelines for secure AI development.⁹⁴ This signifies an indication of a collective step towards influencing global AI regulation norms, emphasising responsible and ethical AI development.

Furthermore, some African DPAs have shown leadership on the global stage by co-sponsoring resolutions at the Global Privacy Assembly (GPA). In 2023, the Moroccan DPA co-sponsored resolutions on Generative Artificial Intelligence Systems⁸³ and AI and Employment.⁹⁵ Also, Burkina Faso's DPA co-sponsored resolutions on the Principles and Expectations for the Appropriate Use of Personal Information in Facial Recognition Technology and Facial Recognition Technology,⁹⁶ Accountability in the Development and Use of Artificial Intelligence,⁹⁸ and Facial Recognition Technology.⁹⁹ These resolutions

reiterated the importance of privacy by design and data protection considerations in AI development. Additionally, African DPAs are also lending their voice to other global initiatives and collaborating with DPAs outside Africa. For instance, the Moroccan DPA collaborated with 11 global data protection authorities in issuing a joint letter to major technology companies, addressing the critical issue of data scraping.¹⁰⁰ This letter, highlighting the privacy risks associated with data scraping, calls for action from these companies to protect individuals' data and reduce privacy risks. These moves indicate a proactive stance in addressing the complexities of AI and its implications for data protection globally.

In 2018, during the United Nations Convention on Certain Conventional Weapons (CCW) meeting, six African countries, Ghana, Sierra Leone, South Africa, Uganda, Zambia, and Zimbabwe, advocated for the creation of a legally binding agreement to tackle the challenges posed by legal Autonomous Weapons Systems (LAWS) that operate using AI without human intervention.¹⁰¹ Also, in 2022, eight African countries, including Algeria, Côte d'Ivoire, Djibouti, Madagascar, Nigeria, Sierra Leone, South Africa, and Tunisia, actively contributed to the Group of Governmental Experts on Emerging Technologies in the Area of LAWS. They echoed the previous recommendations for a binding agreement and advocated for the continuation of the group's work.¹⁰² In 2019, Ghana and Uganda participated in the "Ethical Policy Frameworks for Artificial Intelligence in the Global South," a pilot initiative led by UN Global Pulse. This project was designed to foster the creation of local AI policy frameworks.¹⁰³ Additionally, more African voices are joining the global AI conversation; an example is the OECD-AU facilitated dialogue in March 2024, where a group of African experts participated.¹⁰⁴ Also, the United Nations High-Level Advisory Body on AI includes some Africans.¹⁰⁵

This indicates Africa's active participation in global AI governance discussions, particularly on critical issues like autonomous weaponry, underscoring the continent's role in international efforts to address AI's ethical and safety implications in warfare.

Collectively, these indicate a dynamic and multifaceted approach to AI regulation and also lays the foundation for developing AI regulations best suited to the continent's local context while addressing its unique challenges.



6. Legislation

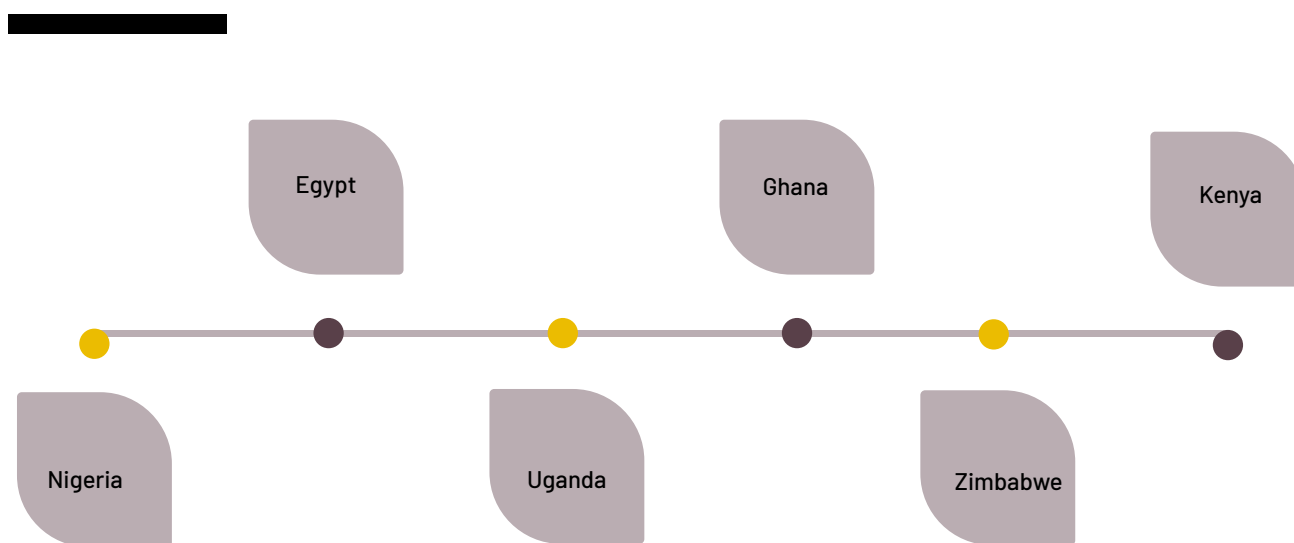
Some countries are taking proactive steps to shape the future of AI regulation by attempting to enact a law. Countries like Zimbabwe have recently stressed the need to enact specific AI legislation.¹⁰⁶ The National Assembly also proposed the establishment of a committee to steer the country towards the responsible use of AI. A similar sentiment is expressed in Uganda, where the deputy speaker of the parliament has called for introducing a law to regulate AI.¹⁰⁷ Similarly, in Ghana, members of the parliament debated the need to regulate AI and proposed the need to establish a National Council for AI.¹⁰⁸

In Kenya, the President directed the ICT Cabinet Secretary to commence work on drafting an AI-specific law.¹⁰⁹ The increasing call for legislation indicates a growing appetite by different governments to regulate technology.

Further, some countries are also attempting to introduce legislation. In Nigeria, in 2023, two bills came up before the Nigerian legislature to regulate AI. One is the National AI and Robotics Sciences Bill,¹¹⁰ and the second is the Control of Usage of Artificial Intelligence Technology,¹¹¹ both scaling through the first reading at the House of Representatives. A few years before, an Artificial Intelligence and Robotics Research Regulatory Agency Bill was proposed in 2021 but did not complete the full legislative cycle.¹¹² Similarly, Egypt is working on developing AI-specific law¹¹³ as there are ongoing discussions on the development of the Act by AI experts. In Kenya, a Robotics and Artificial Intelligence Society Bill was presented for public consultation.¹¹⁴ Collectively, it appears like a race to be the first African country to enact concrete legislation to position the country as a responsible AI development and application leader.

Efforts to introduce AI-specific legislation or regulation aim to create legal frameworks that address the complexities of AI technology, from ethical issues to socio-economic impacts. While still in the early stages, such attempts underscore the need for legal norms tailored to the digital age.

Countries attempting to enact a law or that has announced plans to:



7. Sector-specific Regulation

Some African countries are adopting a sector-specific approach to AI regulation, recognising each sector's distinct regulatory needs and risks. This method offers a more tailored and effective regulatory framework than one-size-fits-all solutions, ensuring regulations are fit for purpose. In 2021, the Mauritius Financial Services Commission introduced the Financial Services (Robotic and Artificial Intelligence Enabled Advisory Services) Rules, which provide a regulatory framework to address the adoption of AI in financial advisory services.¹¹⁵

These rules mandate that AI-based financial service providers obtain a license, establish risk management procedures, governance and policies, and operate responsibly. Similarly, Nigeria's Securities Exchange Commission published its Rules on Robo-Advisory, requiring registration and emphasising transparency and the governance of algorithms to mitigate harms and biases.¹¹⁶ A similar requirement exists in Egypt through the Law on Regulating and Developing the Use of Financial Technology in Non-Bank Financial Activities, where robo-advisory is regulated.¹¹⁷ Additionally, the Media Council of Kenya (MCK) announced the formation of a technical committee tasked with developing media guidelines for the ethical use of AI, data, and social media in Kenyan journalism.¹¹⁸ The committee presented its report earlier in ²⁰²⁴ together with the draft Media Guide on the Use of Artificial Intelligence in Kenya.¹¹⁹

Further, in 2022, the Tanzanian Ministry of Health launched a Policy Framework for Artificial Intelligence in the Health Sector¹²⁰ to outline "processes, technologies, capabilities, stakeholders, principles, and recommendations" for AI's application within the health sector. This framework promotes the development, investment, and use of AI. It also addresses key challenges, such as the lack of AI-specific policies, guidelines, regulatory frameworks, and inadequately defined governance structures for stakeholder collaboration. The framework amplifies the importance of ethical AI adoption, urging the government to ensure AI applications in healthcare are safe, effective, and equitable and adhere to ethical standards throughout their lifecycle. It also makes a case for reviewing and harmonising existing policies to facilitate AI implementation, ensuring governance and regulation are at the forefront of AI advancements in the health sector. According to the OECD AI Policy Observatory, Tunisia is updating its intellectual property laws to include protection for algorithms, marking a sector-specific intervention in aligning AI advancements with intellectual property rights.¹²¹

Some regulators have also been taking steps to regulate the use of AI. In Nigeria, NITDA announced plans to develop a Code of Practice on generative AI, demonstrating a careful approach and understanding of generative AI models' distinct challenges and opportunities.¹²² In ²⁰²³, competition authorities from Egypt, Kenya, Nigeria, South Africa, Mauritius, Gambia, Morocco, and Zambia published a joint statement to strengthen their collaboration on regulating digital markets and services.¹²³

They committed to forming a working group, enhancing operational capabilities, sharing intelligence, and implementing strategies to address digital competition challenges. Following this, in March 2024, the Federal Competition and Consumer Protection Commission (FCCPC) observed World Consumer Rights Day with an event focusing on fair and responsible AI, particularly its impact on consumer experiences in developing economies.¹²⁴ This sequence of events highlights the increasing involvement of competition authorities in AI-related issues, signalling a move towards closer scrutiny of AI's effects on competition and consumer protection.

The sector-specific approach enhances the precision and applicability of AI regulations, aligning them closely with the unique requirements and challenges of different sectors, especially when developed with contributions from all relevant stakeholders.¹²⁵

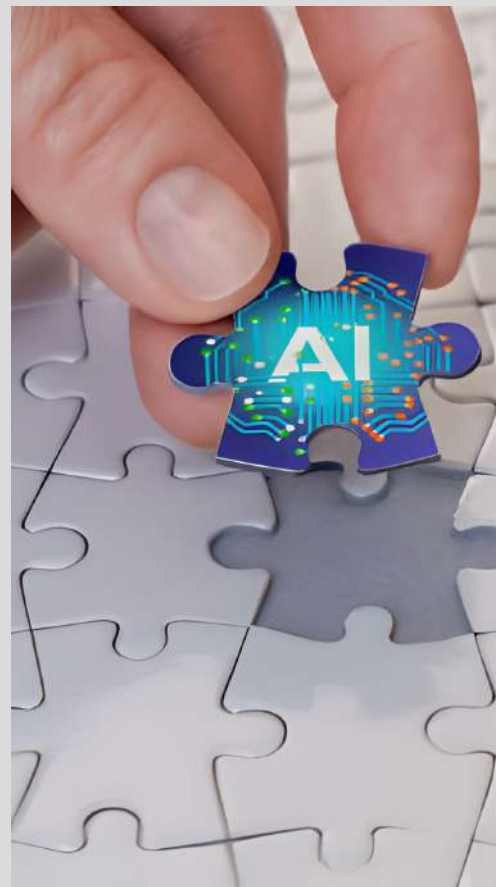
Challenges to Regulating AI in Africa

Regulating AI in Africa presents multifaceted challenges, from the absence of specialised regulatory frameworks to address critical ethical issues like algorithmic bias to the widespread issue of data protection inadequacies.¹²⁶ Some African countries either lack specific data protection laws or, where such laws exist, enforcement authorities are under-resourced, leaving individuals without sufficient protection in a rapidly digitising environment.¹²⁷ Additionally, data localisation requirements pose significant obstacles, limiting the cross-border data flow essential for AI's global development and application.

Outdated laws further complicate AI regulation, proving ineffective against the novel challenges AI introduces, often due to a lack of political will to update these laws or craft new, more adaptable legislation.¹²⁸ This is exacerbated by a prevalent reliance on rigid, rule-based legal drafting instead of adopting a principles-based approach that offers the necessary flexibility to accommodate future technological advancements. Moreover, the regulatory landscape often overlooks broader issues such as competition, local content, energy sustainability, and environmental impacts, which are crucial for holistic AI governance.

The challenges are compounded by weak institutional frameworks, limited judicial capacity, lack of expertise from policymakers, fragmented laws, and poor enforcement mechanisms, where laws, even if existing, are seldom applied. Financial constraints and a shortage of skilled personnel, as highlighted by Mauritius' struggles with budget cuts and staffing issues for its data protection authority, underline the resource gap hindering effective AI governance.¹²⁹ For context, from 2016 to 2022, the Commission faced significant operational challenges due to the lack of approval for crucial staff positions such as Data Protection Officer/Senior Data Protection Officer, Legal Executive, and Assistant Data Protection Officer. This stagnation in recruitment, coupled with no replacements for departing staff and insufficient budget allocations, has markedly hindered the Commission's operational efficiency.

To navigate these challenges, Africa needs a concerted effort towards developing comprehensive, flexible, and enforceable AI regulatory frameworks that are inclusive and capable of fostering ethical AI development.



Opportunities for Strengthening AI Regulation

Despite these challenges, significant opportunities exist to strengthen AI regulation in Africa. African countries can develop inclusive and ethical AI regulatory frameworks by adopting a multi-stakeholder approach that includes governments, the private sector, academia, and civil society. Furthermore, integrating AI governance into broader digital transformation strategies can ensure that AI development aligns with national development goals and the Sustainable Development Goals (SDGs). This strategic alignment underscores the importance of AI as a technological tool and a means to foster equitable and sustainable development across Africa.

As African countries continue to advance in AI, creating a regulatory framework that is both robust and adaptive is essential. Below are key considerations for stakeholders aiming to regulate AI effectively:

Global engagement and principle-based flexibility to rule-making: African countries should actively contribute to global AI discussions while transitioning to flexible, principle-based regulatory frameworks. This dual strategy ensures global alignment and local adaptability of AI regulations.

Informed and sector-specific AI regulation to address needs and requirements: Regulatory authorities must deepen their AI understanding through consultations, research and regulatory impact assessments before regulatory responses. For example, DPAs can publish an advisory or guidelines on the use of personal data in AI. Also, policymakers and regulatory authorities should clarify their rulemaking intent, focusing on whether to regulate risks inherent to AI technology, its application, or both. Simultaneously, adopting sector-specific regulations will address AI's distinct risks and opportunities in varied industries, ensuring regulations are both informed and contextually relevant.

Leveraging and refining current laws to address AI's unique challenges: Before introducing new legislation, existing data protection, consumer protection, anti-discrimination, intellectual property, and competition laws, among others, should be optimised (by leveraging and enforcing them) and, where necessary, supplemented with subsidiary legislation or amendments by sector-specific regulators or the legislature. For instance, the Human Rights Commission should be able to leverage its authority to enforce constitutional rights against discrimination to tackle algorithmic bias and exclusion issues effectively. This approach leverages the existing legal framework to promptly address AI's unique challenges.

Embedding sustainability, human rights, local content, and ethics into AI regulation: Incorporate energy, environmental, local content, and human rights considerations into AI regulatory policies. Mandating the implementation of appropriate metrics and impact assessments ensures that AI technologies are developed sustainably, respect human rights, and align with ethical standards.



Establishing AI standards and metrics: Establish or strengthen institutions similar to the National Institute of Standards and Technology (NIST) at national or continental levels to create or strengthen research institutions and standard organisations at national or continental levels to develop AI standards, benchmarks, evaluation metrics, and tools tailored to African contexts.

Formalising red teaming and impact assessment for AI accountability: Formalising red teaming exercises as part of the regulatory requirement will ensure AI systems are rigorously tested for security and ethical compliance. It can be formalised as a legal requirement for accountability in AI systems, leveraging it to proactively address potential threats and ensure the responsible development of AI technologies.

Promoting a multi-stakeholder approach to AI regulation: Encourage a multi-stakeholder approach in AI policy formulation involving regulatory bodies, AI developers, academia, and civil society. This includes promoting inclusivity in AI development, fostering local content, and ensuring AI systems' transparency through comprehensive documentation.

Collaborating for enhanced AI safety, ethics, and oversight: Facilitate partnerships between governments, corporations, and local AI governance bodies to enhance AI technologies' safety, ethical standards, and governance. This collaborative effort will align AI development with societal values and standards.

Adopting innovative regulatory models for AI: Regulators should embrace innovative and flexible regulatory models to adapt to the rapidly evolving AI technology landscape. This includes implementing regulatory sandboxes and allowing real-world experimentation with AI technologies under regulatory oversight that encourages innovation while ensuring

consumer protection, and establishing safe harbours for using sensitive information in anti-bias experimentation is critical, promoting a proactive stance on mitigating biases in AI systems.

Co-regulation and outcome-based AI regulation: Regulators should consider co-regulation models, where industry standards and self-regulation are harmonised with formal legislative frameworks, ensuring that AI development is dynamic and responsible. Another creative approach is adopting outcome-based regulation, focusing on the desired outcomes rather than prescribing specific methods, providing AI developers with the flexibility to innovate within defined ethical and safety parameters.

Conclusion

In conclusion, the journey toward effective AI regulation in Africa is both complex and critical, requiring a concerted effort from a broad spectrum of stakeholders, including governments, regulatory bodies, industry players, and the academic community. The recommendations outlined partly reflect a comprehensive strategy to navigate the multifaceted landscape of AI regulation, emphasising inclusivity, sustainability, global engagement, and the adoption of adaptable legal frameworks. These measures are vital for fostering an environment where AI can be developed and deployed responsibly, ensuring that it serves as a catalyst for innovation, societal benefit, and economic growth across the continent. African countries have the opportunity to lead by example, crafting AI regulations that address the continent's unique challenges and contribute to the global discourse on AI ethics, safety, and governance.

¹ 'AI Is Here to Stay! How Artificial Intelligence Can Contribute to Economic Growth in Africa - World Relief Web' (23 June 2023) Available [here](#), accessed 9 March 2024.

² 'Experts Call on African Countries to Utilise Artificial Intelligence for Development - Xinhua' Available [here](#), accessed 9 March 2024

³ "Artificial Intelligence: What AI Means for Economics." Finance & Development, December 2023, Volume 60, Number 4. A Quarterly Publication of the International Monetary Fund. Available [here](#), accessed March 5, 2024.

⁴ Access Partnership: "Artificial Intelligence for Africa: An Opportunity for Growth, Development, and Democratisation". Available [here](#), accessed 12 March 2024.

⁵ 'AI for Africa: Artificial Intelligence for Africa's Socio-Economic Development | AUDA-NEPAD'. Available [here](#), accessed 5 March 2024.

⁶ Kinyua Gikunda & Denis Kute (December 2023). Empowering Africa: An In-depth Exploration of the Adoption of Artificial Intelligence Across the Continent. Available [here](#), accessed 12 March 2024.

⁷ STC-CICT. (2019). "Specialized Technical Committee on Communication and Information Technologies (STC-CICT) Third Ordinary Session, 22 - 26 October 2019, Sharm El Sheikh, Egypt" (conference proceedings Available [here](#)). The third ordinary session of the specialised technical committee on communication and information technologies (STC-CICT), October 22-26, 2019, Sharm El Sheikh, Egypt.

⁸ Blueprint: Artificial Intelligence for Africa, First Edition, (2021). Available [here](#), accessed 5 March 2024.

⁹ 'Resolution on the Need to Undertake a Study on Human and Peoples' Rights and Artificial Intelligence (AI), Robotics and Other New and Emerging Technologies in Africa - ACHPR/Res. 473 (EXT.OS/ XXXI) 2021' (African Commission on Human and Peoples' Rights, 14 February 2024). Available [here](#), accessed 5 March 2024.

¹⁰ Southern African Sub-regional forum on Artificial Intelligence, "Windhoek Statement on Artificial Intelligence in Southern Africa Windhoek", 9 September 2022. Available [here](#), accessed 12 March 2024

¹¹ 'African Union Convention on Cyber Security and Personal Data Protection | African Union | Digital Watch Observatory'. Available [here](#), accessed 5 March 2024.

¹² 'AI for Africa: Artificial Intelligence for Africa's Socio-Economic Development | AUDA-NEPAD'. Available [here](#), accessed 5 March 2024.

¹³ 'Unlocking Africa's Data Potential: Data Governance and Innovation Forum Kicks off Focused on Continental Digital Transformation. | African Union' Available [here](#), accessed 12 March 2024

¹⁴ Ninth (9*) Extraordinary Session of the Specialised Technical Committee on Justice and Legal Affairs (STC - JLA), 7-10 February 2024, Durban, South Africa. Draft Protocol to the Agreement Establishing the African Continental Free Trade Area on Digital Trade, dated 09/02/2024. Available [here](#), accessed 5, March 2024.

¹⁵ AUDA-NEPAD White Paper: Regulation and Responsible Adoption of AI in Africa Towards Achievement of AU Agenda 2063. Draft 1.0. Available [here](#), accessed 5 March, 2024.

¹⁶ AUDA-NEPAD Artificial Intelligence Roadmap for Africa: Contributing Towards a Continental AU Strategy on AI. Available [here](#), accessed 5 March, 2024.

¹⁷ Nathalie A Smuha, 'Beyond the Individual: Governing AI's Societal Harm' (2021) 10 Internet Policy Review. Available [here](#), accessed 5 March 2024.

¹⁸ Stankovich, Miriam, Behrens, Erica, & Burchell, Julia. (August 2023). Toward Meaningful Transparency and Accountability of AI Algorithms in Public Service Delivery. Available [here](#), accessed 5 March 2024.

'Tanzania Plans to Adopt AI in E-Govt Platforms' (The Citizen, 7 February 2024) Available [here](#), accessed 12 March 2024.

¹⁹Speaker Calls for Laws to Promote AI' (The Herald). Available [here](#), accessed 5 March 2024.

²⁰"Strengthening International Cooperation on AI." Brookings, Available [here](#), accessed 6 March. 2024.

²¹ Leenes, Ronald E. and Leenes, Ronald E., Framing Techno-Regulation: An Exploration of State and Non-State Regulation by Technology (October 10, 2011). *Legisprudence*, Vol. 5, No. 2, pp. 143-169, October 2011, Tilburg Law School Research Paper No. 10/2012, Available at SSRN: [here](#) or [here](#)

²² 'Africa Needs Effective Policies and Infrastructure to Prosper from Artificial Intelligence, Experts Say | United Nations Economic Commission for Africa'. Available [here](#), accessed 5 March 2024.

²³ In this context, AI regulation refers to the strategic policy measures implemented by African countries or organisations to manage AI. This includes preparing for its adoption, enabling its use, and leveraging its benefits, while simultaneously mitigating associated risks. These measures may take the form of comprehensive strategies, specific policies, or targeted legal interventions.

²⁴ The National Artificial Intelligence Strategy 2020-2030 (January 2021). Available [here](#) accessed on 12 March 2024.

²⁵National Strategy for Artificial Intelligence and Big Data 2023-2027 for the Republic of Benin . The French version of the Strategy is available [here](#), accessed 12 March 2024.

²⁶ The final validation exercise for the document was done in October, 2022. see [here](#)
The Future Society, 'Stakeholder Consultation Workshops Drive Insights for National AI Strategies in Tunisia and Ghana' (The Future Society, 9 June 2022). Available [here](#), accessed 9 March 2024.

²⁷ Mauritius Artificial Intelligence Strategy (November 2018). Available [here](#), accessed on 12 March 2024

²⁸ National Strategy and Roadmap for Senegal on Artificial Intelligence and Big Data 2023-2027. Available [here](#), accessed on 12 March 2024.

²⁹ National Strategy for Artificial Intelligence and Big Data 2023-2027 for the Republic of Benin . The French version of the Strategy is available [here](#), accessed 12 March 2024

³⁰ Victor Fakiya, 'Nigeria to Create National AI Strategy' (Tech Point, 29 August 2023). Available [here](#), accessed 12 March 2024.

³¹ The Future Society, 'Stakeholder Consultation Workshops Drive Insights for National AI Strategies in Tunisia and Ghana' (The Future Society, 9 June 2022) Available [here](#), accessed 9 March 2024.

³² 'Botswana and Estonia partner to develop AI Strategy' Available [here](#)

³³ Uganda's National 4IR Strategy (2020). Available [here](#).

³⁴Rukayyat Sadauki, 'NITDA Unveils National Data Strategy To Drive Nigeria's Digital Economy' (19 July 2023) Available [here](#), accessed 5 March 2024

³⁵ Besides having a Data Strategy, Senegal is one of the African countries with an AI-specific Strategy. 'Senegal Unveils Its National Data Strategy – Smart Africa' (30 March 2021). Available [here](#), accessed 5 March 2024.

³⁶ National Strategy for Artificial Intelligence and Big Data 2023-2027 for the Republic of Benin . The French version of the Strategy is available [here](#), accessed 12 March 2024

³⁷ Smart Zambia Electronic Government Master Plan 2018-2030. Available [here](#), accessed

³⁸Directorate of Science Technology and Innovation, 'Sierra Leone National Innovation & Digital Strategy' (2019). Available [here](#) accessed 12 March 2024

³⁹ The New Development Model (Summary of the SCDM's General Report, April 2021). Available [here](#) accessed 12 March 2024.

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- ⁴⁰ Morocco AI 'Recommendations Towards a National AI Strategy For Morocco' (2023). Available [here](#), accessed 12 March 2024.
- ⁴¹ Rwanda Ministry of ICT and Innovation, 'The National AI Policy' (2022) Available [here](#), accessed 12 March 2024.
- ⁴² ICT Works, 'Introducing the National Artificial Intelligence Policy for Rwanda' (20 December 2023) Available [here](#), accessed 12 March 2024.
- ⁴³ The National Council for Artificial Intelligence's 'Egyptian Charter for Responsible AI v1.0' (2023). Available [here](#)
- ⁴⁴ 'Egypt Launches Responsible AI Charter' (EgyptInnovate, 30 April 2023). Available [here](#), accessed 9 March 2024.
- ⁴⁵ Tunisia AI Roadmap, Available [here](#), accessed 12 March 2024.
- ⁴⁶ Raymond Arthur, 'Govt Develops Policy to Regulate Artificial Intelligence' (Graphic Online 12 January 2024) Available [here](#), accessed 12 March 2024.
- ⁴⁷ National AI Policy, Ethiopia (December 2020). Available [here](#), accessed 12 March 2024.
- ⁴⁸ Isaac N, 'NITDA Seeks Stakeholders' Contribution To National AI Policy' (Science Nigeria, 11 August 2022) Available [here](#), accessed 9 March 2024
- ⁴⁹ 'Algeria, Benin, Burkina Faso, Egypt, Ethiopia, Kenya, Mauritius, Morocco, Namibia, Nigeria, Rwanda, Senegal, South Africa, Tunisia, and Uganda.
- ⁵⁰ Ministry of Communications and Information Technology, "Artificial Intelligence". Available [here](#), accessed 5 March 2024
- ⁵¹ 'Main Home - C4IR' (13 July 2023). Available [here](#), accessed 5 March 2024.
- ⁵² Department of Communications and Digital Technologies. (23 October 2020). Notice 591 of 2020. Staatskoerant, 23 October 2020, No. 43834, p. 121. Available [here](#), accessed 5 March 2024.
- ⁵³ 'Uganda Prepares to Harness Opportunities of 4th Industrial Revolution - Xinhua | English.News.Cn'. Available [here](#), accessed 5 March 2024.
- ⁵⁴ 'About Us - NCAIR' (Nitda.Gov.Ng2024) Available [here](#) Accessed 9 March 2024.
- ⁵⁵ Maxwell Suuk, 'Ghana Debates Regulating Artificial Intelligence' (26 June 2023) Available [here](#), accessed 12 March 2024.
- ⁵⁶ 'Main Home - C4IR' (13 July 2023). Available [here](#), accessed 5 March 2024.
- ⁵⁷ Department of Communications and Digital Technologies. (23 October 2020). Notice 591 of 2020. Staatskoerant, 23 October 2020, No. 43834, p. 121. Available [here](#), accessed 5 March 2024.
- ⁵⁸ 'Uganda Prepares to Harness Opportunities of 4th Industrial Revolution - Xinhua | English.News.Cn'. Available [here](#), accessed 5 March 2024.
- ⁵⁹ About Us - NCAIR' (Nitda.Gov.Ng2024) Available [here](#) Accessed 9 March 2024.
- ⁶⁰ Maxwell Suuk, 'Ghana Debates Regulating Artificial Intelligence' (26 June 2023). Available [here](#), accessed 12 March 2024.
- ⁶¹ Rwanda's National AI Policy, Page 18.
- ⁶² Mauritius National Artificial Intelligence Strategy, page 67.
- ⁶³ The National Council for Artificial Intelligence's 'Egyptian Charter for Responsible AI v1.0' (2023). Available [here](#), accessed 12 March 2024.

⁶⁴ Ibid.

⁶⁵ 'AI-Principles Overview' Available [here](#), accessed 9 March 2024.

⁶⁶ United Nations Educational, Scientific and Cultural Organisation, 'Recommendation on the Ethics of Artificial Intelligence'. Available [here](#), accessed 12 March 2024.

⁶⁷ AUDA-NEPAD White Paper: Regulation and Responsible Adoption of AI for Africa Towards Achievement of AU Agenda 2063. Available [here](#) accessed March 6, 2024.

⁶⁸ SmartAfrica Blueprint for AI in Africa (²⁰²¹), Page 44

⁶⁹ 'Implementing a National AI Policy: Key Lessons from Rwanda - D4dhubdev'. Available [here](#), accessed 12 March 2024

⁷⁰ 'An AI Firm Harvested Billions of Photos without Consent. Britain Is Powerless to Act' (POLITICO, 18 October 2023) Available [here](#) accessed 7 March 2024.

⁷¹ Gai Sher and others, 'The Privacy Paradox with AI' Reuters (31 October 2023) available [here](#) accessed 7 March ²⁰²⁴.

⁷² Kashmir Hill, 'Another Arrest, and Jail Time, Due to a Bad Facial Recognition Match' The New York Times (29 December 2020) available [here](#) accessed 7 March ²⁰²⁴.

⁷³ Miriam Stankovich, Erica Behrens, and Julia Burchell, 'Toward Meaningful Transparency and Accountability of AI Algorithms in Public Service Delivery' (August 2023) Available [here](#), accessed 12 March 2024.

⁷⁴ 'New Study Finds AI-Enabled Anti-Black Bias in Recruiting' (Thomson Reuters Institute, 18 June 2021) available [here](#) accessed 7 March ²⁰²⁴.

⁷⁵ 'Roundup of Data Protection in Africa, 2021.' available [here](#) accessed 7 March ²⁰²⁴.

⁷⁶ 'How Data Protection Authorities Are De Facto Regulating Generative AI - Future of Privacy Forum'. Available [here](#), accessed 3 March 2024.

⁷⁷ Commission de Protection des Données Personnelles du Sénégal (CDP). "Avis Trimestriel N° 02-2018." CDP. Available [here](#), accessed 3 March 2024.

⁷⁸ Délibération N° D-194-2019 Relative à Un Moratoire Sur La Reconnaissance Faciale. (2019). Available [here](#) accessed 3 March 2024.

⁷⁹ Burt, C. (2020). Morocco Extends Facial Recognition Moratorium to Year-End, Proposes Biometric Authentication Service. Biometric Update. Available [here](#), accessed 3 March 2024.

⁸⁰ Commission de Protection des Données Personnelles du Sénégal (CDP). "Avis Trimestriel N°01-2023." CDP. Available [here](#), accessed 3 March 2024.

⁸¹ Délibération n°D-195-EUS/2020 du 30/12/2020 relative à la définition de l'usage des technologies de reconnaissance faciale CNDP. Available [here](#), accessed 3 March.
https://www.cndp.ma/wp-content/uploads/2023/01/CNDP_Deliberation-n-D-126-EUS-2020_29-07-2020.pdf

⁸² Guide on Data Protection for Health Data and Artificial Intelligence Solutions, Available [here](#), accessed 3 March.

⁸³ Commission de Protection des Données Personnelles (CDP). Délibération de Portée Générale N°00645/CDP du 13 avril 2023 Relative à l'Utilisation de Dispositifs Biométriques dans les Lieux de Travail. CDP. Available [here](#), accessed 3 March 2024.

⁸⁴ Eswatini Data Protection Authority. Available [here](#), accessed 3 March 2024.

⁸⁵ 'Visite de Travail de La Haute Autorité de Protection Des Données Personnelles (HAPDP) Du Niger à La CDP | CDP'. Available [here](#), accessed 3 March 2024.

⁸⁶ Coopération: La CDP et l'APDP Du Mali Instaurent Un Nouveau Partenariat | CDP'. Available [here](#), accessed 3 March 2024.

⁸⁷ Coopération : La CDP partage son expertise avec l'autorité de protection mauritanienne. | CDP'. Available [here](#), accessed 3 March 2024.

⁸⁸ Commission de Protection des Données Personnelles du Sénégal (CDP). "Avis Trimestriel N°03-2023." CDP. Available [here](#), accessed 3 March 2024.

⁸⁹ APDCP, 'Etudes sur les technologies avancées' (Autorité de protection, 4 December 2023). Available [here](#), accessed 3 March 2024.

⁹⁰ 'L'APDP Au Comité National d'Ethique Pour La Santé et Les Sciences de La Vie (CNESS)| APDP Mali'. Available [here](#), accessed 3 March 2024.

⁹¹ 'Immaculate Kassait: Data Boss Reveals Sectors Giving Her Office Headaches about Privacy' (Business Daily, 28 December 2023). Available [here](#), accessed 3 March 2024.

⁹² Malinga S, 'InfoReg Examines Regulation of ChatGPT, AI in SA' (ITWeb, 6 April 2023) Available [here](#) accessed 11 March 2024

⁹³ 'The Bletchley Declaration by Countries Attending the AI Safety Summit, 1-2 November 2023' (GOV.UK). Available [here](#), accessed 3 March 2024.

⁹⁴ 'UK and US Develop New Global Guidelines for AI Security'. Available [here](#), accessed 3 March 2024.

⁹⁵ 45th Closed Session of the Global Privacy Assembly. (October 2023). Resolution on Generative Artificial Intelligence Systems. Available [here](#), accessed 3 March 2024.

⁹⁶ 45th Closed Session of the Global Privacy Assembly. (October 2023). Resolution on Artificial Intelligence and Employment. Available [here](#), accessed 3 March 2024.

⁹⁷ Global Privacy Assembly, 'Resolution on Principles and Expectations for the Appropriate Use of Personal Information in Facial Recognition Technology' (A Resolution passed at the 44th Closed Session of the Global Privacy Assembly, October 2022). Available [here](#), accessed 12 March 2024.

⁹⁸ Global Privacy Assembly, 'Adopted Resolution on Accountability in the Development and Use of Artificial Intelligence' (A Resolution adopted at the 42nd Closed Session of the Global Privacy Assembly, October 2022). Available [here](#)

⁹⁹ Global Privacy Assembly, 'Resolution on Principles and Expectations for the Appropriate Use of Personal Information in Facial Recognition Technology' (A Resolution passes at the 44th Closed Session of the Global Privacy Assembly, October 2022). Available [here](#), accessed 12 March 2020.

¹⁰⁰ Morocco World News, 'Morocco Joins Global Appeal on Tech Giants to Protect Personal Data' (2018). Available [here](#), accessed 3 March 2024.

¹⁰¹ Report of the session of the Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems (2022), Available [here](#), accessed 12 March 2024.

¹⁰² Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, 'Report of the 2022 session of the Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems' (July 2022) Available [here](#), accessed 12 March 2024.

¹⁰³ 'United Nations Global Pulse (UN Global Pulse) (AI for Good). Available [here](#), accessed 9 March 2024.

¹⁰⁴ 'Rachel Adams on LinkedIn: Honoured to Have Participated in Such a Dynamic Exchange between The...'. Available [here](#), accessed 9 March 2024.

¹⁰⁵ 'United Nations, 'Members' (United Nations). Available [here](#), accessed 9 March 2024.

¹⁰⁶ 'Speaker Calls for Laws to Promote AI' (The Herald). Available [here](#), accessed 5 March 2024.

¹⁰⁷ 'Tayebwa Calls for Law on Artificial Intelligence' (Monitor, 1 February 2024). Available [here](#), accessed 5 March 2024.

¹⁰⁸ 'Ghana Debates Regulating Artificial Intelligence – DW – 06/26/2023' (dw.com) Available [here](#) accessed 6 March 2024.

¹⁰⁹ Correspondent, 'President Ruto Directs ICT Ministry to Develop Legislation on Artificial Intelligence' (Capital News, 28 September 2023). Available [here](#), accessed 5 March 2024

¹¹⁰ House of Representatives of the Federal Republic of Nigeria, LinkedIn post (11 October 2023). Available [here](#), accessed on 12 March 2024.

¹¹¹ Chukwuyere Ebere Izuogu post on LinkedIn (Dec 2023). Available [here](#), accessed on 12 March 2024.

¹¹² A Bill For An Act To Establish The Artificial Intelligence And Robotics Research Regulatory Agency And For Related Matters. Available [here](#), accessed on 12 March 2024.

¹¹³ 'AI Policy: Egypt's AI Act | Sahar Albazar Posted on the Topic | LinkedIn'. Available [here](#), accessed 5 March 2024.

¹¹⁴ The Kenya Robotics And Artificial Intelligence Society Bill (2023). Available [here](#), accessed 12 March 2024.

¹¹⁵ The Financial Services Act (June 2021). Available [here](#), accessed on 12 March 2024.

¹¹⁶ Nigeria's Securities Exchange Commission, Rules on Robo-Advisory (August 2021). Available [here](#), accessed 12 March 2024.

¹¹⁷ 'Law to Regulate and Develop the Use of Financial Technology in Non-Banking Financial Activities' (Masaar) Available [here](#), accessed 9 March 2024.

¹¹⁸ 'MCK Unveils Taskforce on Data and AI Guidelines | Media Council of Kenya' Available [here](#), accessed 5 March 2024.

¹¹⁹ AI Taskforce delivers its reports to the Media Council of Kenya. Available [here](#), Accessed March 11, 2024.

¹²⁰ The United Republic Of Tanzania – Ministry Of Health's Policy Framework for Artificial Intelligence in Tanzania Health Sector (February 2022). Available [here](#), accessed 12 March 2024.

¹²¹ 'Intellectual Property Policy for AI Policy' Available [here](#), accessed 9 March 2024.

¹²² Punch, FG to release practice code for ChatGPT, others (13 June 2023). Available [here](#), accessed 12 March 2024.

¹²³ Joint statement of the African Heads of Competition Authorities Dialogue on Regulation of Digital Markets (8 February 2023). Available [here](#), accessed 12 March 2024.

¹²⁴ FCCPC Nigeria post on X (11 March 2024). Available [here](#), accessed 12 March 2024.

¹²⁵ The Artificial Intelligence (AI) global regulatory landscape (September 2023). See [here](#) Page 9

¹²⁶ Musoni, M. (January 2024). Envisioning Africa's AI governance landscape in 2024. ECDPM Briefing Note 177. Available [here](#), accessed 3 March 2024.

¹²⁷ 'Round up of Data Protection Africa' (Techhive Advisory.africa 2023). Available [here](#), accessed 3 March 2024.

¹²⁸ 'The Three Challenges of AI Regulation' (Brookings) Available [here](#), accessed 5 March 2024.

¹²⁹ Data Protection Office's ANNUAL REPORT (2022). Available [here](#), accessed 12 March 2024

