ASSOCIATES FOR ADVANCEMENT OF AI (AAAI) 2026 WORKSHOP ON AI GOVERNANCE: ALIGNMENT, MORALITY, LAW AND DESIGN

Abstract: *Exploring The Development of AI Governance and Regulatory Frameworks in Sub Saharan Africa.*

The European Union has pioneered the development of a regulatory framework that governs the development and deployment of AI in the EU, notably the EU AI Act. At a continental level, the Council of Europe also adopted the Framework Convention on AI, Human Rights, Democracy and the Rule of Law.In Africa, AI regulation is still at an early stage. The AU adopted the Continental AI Strategy, while many African countries are at different stages of adopting national AI strategies and policies.

The African Union (AU) is currently revising its Convention on Cyber Security and Personal Data Protection (Malabo Convention), which provides a legal framework for countries to address issues like cybercrime, data protection, and e-commerce. Yet the slow pace of ratification, with only 16 out of 55 AU members having ratified it, highlights the challenge of harmonising data governance at the continental level.

This paper examines the development of national AI laws and policies in Africa, arguing that there is a need for a harmonised, responsible and inclusive approach based on ethical guardrails, and regional coordination.

Furthermore, as AI systems in Africa continue to evolve, the management and governance of the data on which these systems are trained and deployed have become increasingly crucial. These interconnected issues are shaping how AI is adopted and regulated across the continent. Several African nations have made notable progress in enacting data protection laws, although enforcement and institutional capacity remain uneven.

As of February 2025, 40 African countries have passed data protection legislations, with Kenya, Nigeria, Ghana, and South Africa taking the lead in enforcement. However, gaps persist in safeguarding citizens from AI-enabled surveillance and profiling, particularly by state actors. For example, digital rights watchdogs have raised concerns about the use of facial recognition systems by security forces in Uganda and Zimbabwe, often without judicial oversight. In response, civil society and regional organisations have been advocating for a Pan-African framework on AI and data governance

This paper explores the need for an AU Convention on AI, Human Rights, Democracy and the Rule of Law as a continental legal framework on AI governance, as well as the potential of national AI legislation within Africa that creates synergy for operationalization of AI laws and policies that promote human rights, democracy and the rule of law.