

TOOLKIT

# A.I. GOVERNANCE FOR AFRICA

PART 3: BUILDING  
ADVOCACY STRATEGIES

# AI GOVERNANCE FOR AFRICA TOOLKIT SERIES

## PART 3: BUILDING ADVOCACY STRATEGIES

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This is **Part 3** of the Thomson Reuters Foundation's toolkit series on AI Governance for Africa. It explores options to build an advocacy strategy in pursuit of AI governance.

**Part 1** introduced AI governance principles and approaches, and outlined emerging international frameworks, with case studies from the European Union, the United States, and China.

**Part 2** examined emerging AI governance instruments and approaches on the continent, with a focus on Southern Africa – in particular, South Africa, Zambia, and Zimbabwe.

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At first glance, a less participatory ‘expert’ intervention (a ‘for the people’ approach) may seem best suited at this early stage. Some arguments to consider:

- **Speed:** Expert interventions can move faster, which may be vital to meeting the urgency of the moment, given the view that Africa is behind the curve on AI governance<sup>3</sup> and the need for safeguards against some of the potential harms of unregulated AI.
- **Limited public awareness:** In most countries, AI regulation is not widely seen as an urgent social issue. It is more difficult to build a broad public intervention (a ‘by the people’ approach) without a clear crisis or public outrage which brings people together.
- **Expertise:** AI regulation is an especially complicated policy question. A ‘for the people’ approach may be best suited to making detailed policy recommendations, and to building a working relationship with lawmakers, policy officials, and regulators.

But even at this early stage, there may be arguments in favour of building a broader and more participatory advocacy approach. For example:

- **Political clout:** A broad, inclusive campaign on AI regulation may be more likely to get noticed and to influence the policy outcomes, especially in contexts where policymakers tend to be dismissive of civil society.
- **Inclusion:** A more participatory approach to shaping AI regulation is more likely to include the views and voices of traditionally marginalised people and groups, potentially leading to more comprehensive regulation that is better shaped to their needs.

#### GUIDING QUESTION

Based on the political context and your organisation’s capacity, which elements of each approach feel best suited for an advocacy strategy on AI regulation?

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<sup>3</sup> Oxford Insights *Government AI Readiness Index 2022* (2022), at 34. (Accessible [here](#).)

## CASE STUDY | How African CSOs organised on digital ID laws

While AI regulation is still in its infancy, the issue of *digital ID* offers some useful case studies on how civil society groups can advocate on digital regulation in African contexts.

In Kenya, civic groups rallied to challenge the rollout of a national identity system commonly known as *Huduma Namba*. The government had rolled out the system without meaningful participation, and without adequate data protection and other safeguards. CSOs used a combination of informational campaigns, online protests and calls for boycott,<sup>4</sup> and legal challenges including the rights of marginalised communities, which led to a court ruling suspending the scheme and striking down aspects of the policy.<sup>5</sup>

In Mauritius, the government scaled back aspects of a similar biometric ID system in the face of widespread public criticism,<sup>6</sup> and after a private citizen successfully challenged aspects of the scheme in court.<sup>7</sup>

These examples illustrate the combination of tools, both legal and political, which CSOs have employed to shape digital policy and protect human rights – including on complex issues with far-reaching implications. It is likely that these same tactics and others can be brought to bear in the realm of AI.

However, a review of CSO work on digital IDs found that the advocacy was usually driven by a relatively small group of organisations,<sup>8</sup> and generally took place *after* the rollout of the system: “This meant that the work done by these actors often took the form of damage control, as they attempted to mitigate harms already taking place.”<sup>9</sup>

Applying these lessons to AI governance, civil society bodies should consider taking a proactive approach, intervening early to set a rights-based agenda in AI law and policy.

<sup>4</sup> Nation “Huduma Namba drive off to a slow start amid protests” (4 April 2019). (Accessible [here](#).)

<sup>5</sup> Privacy International “Kenyan Court Ruling on Huduma Namba Identity System: the Good, the Bad and the Lessons” (24 February 2020). (Accessible [here](#).)

<sup>6</sup> Le Mauricien “The Slippery National Identity Card” (14 October 2015). (Accessible [here](#).)

<sup>7</sup> Privacy International *A Guide to Litigating Identity Systems* (2020). (Accessible [here](#).)

<sup>8</sup> The Engine Room *Digital IDs Rooted in Justice: lived experience and civil society advocacy towards better systems* (2021) at 15. (Accessible [here](#).)

<sup>9</sup> *Ibid.*

## Aiming for total victory or quick wins?

There are arguably two main paths to AI regulation.

**Path 1:** the long road to enacting a single, comprehensive law to regulate all types of AI technology – such as the recent EU AI Act.

**Path 2:** a (slightly) shorter path to piecemeal regulation – securing quick wins through small changes in law and policy that combine to make a patchwork. This could include sectoral AI policies or rules (for example, rules issued by the Mauritius banking commission on the use of AI tools for investment products<sup>10</sup>). Or it could take the form of partial regulation of specific uses of AI which are bundled into a broader law. A common example of this is data protection law: of the 36 African countries with a data protection law, at least 31 include at least some regulation on the use of AI for data processing.<sup>11</sup>

Both approaches have their merits. Here are some of the common strengths and weaknesses of each:

	Comprehensive regulation	Patchwork regulation
<b>Pros</b>	<ul style="list-style-type: none"> <li>• Broader protection</li> <li>• Harmonised approach</li> <li>• Likely to include more stakeholders</li> </ul>	<ul style="list-style-type: none"> <li>• Can offer <i>partial</i> protection in the short term</li> <li>• Uses existing policy momentum</li> <li>• May offer more targeted/tailored policy solutions</li> <li>• Fewer interests to balance</li> <li>• Allows for policy approaches to be piloted in specific uses before developing national legislation.</li> </ul>
<b>Cons</b>	<ul style="list-style-type: none"> <li>• Probably <i>a lot</i> slower to enact</li> <li>• Requires <i>a lot</i> of policy momentum</li> <li>• More stakeholders to please</li> <li>• Once the law is enacted, typically hard to revise.</li> </ul>	<ul style="list-style-type: none"> <li>• Only <i>partial</i> protection: it leaves gaps and loopholes</li> <li>• Can result in major policy inconsistencies across sectors</li> <li>• Less likely to provide for a dedicated enforcement body</li> </ul>

### GUIDING QUESTION

Weighing the pros and cons of each approach, which would you prioritise in your advocacy strategy, and why?

<sup>10</sup> Financial Services Commission “Mauritius Financial Services (Robotic and Artificial Intelligence Enabled Advisory Services) Rules” (2020). (Accessible [here](#).)

<sup>11</sup> ALT Advisory “Data Protection Africa factsheets” *dataprotection.africa* (2024). (Accessible [here](#).)

## What evidence will help our case?

Evidence is crucial in any advocacy strategy.<sup>12</sup> Any effort to shape AI regulation based on principles of transparency, accountability, inclusion, and minimising harms to human rights, needs to include compelling evidence for its case.

The need is especially clear given the tendency for African governments’ rhetoric on AI policy to be bullish on the opportunities for economic growth and ‘magic fix’ technological solutions, often glossing over any of the attendant risks to human rights and social inclusion.

On the *risk* side, there is a growing body of evidence globally of the potential harms of unregulated AI. But as with many aspects of AI knowledge, the evidence of AI harms is often skewed to the Global North with many of the best documented examples and systematic studies occurring in North America and Europe. While evidence from other countries is an important part of making the argument, this suggests the need to build better bodies of knowledge of how AI is being deployed in African contexts.

On the *implementation* side, there are several new and emerging examples of AI regulation and governance frameworks across the world. This kind of evidence can help local policymakers too, and can be used by advocates to create a benchmark for best practice.

### Data mapping exercise

Advocates for AI regulation can map out their existing evidence base, and their existing data needs, using a simple data mapping exercise:

Key advocacy message	Key actors to persuade	Data needed to persuade key actors	What data do you already have?	What data do you still need?
[Example] “AI technologies need built-in transparency tools so users can understand what decisions are being made.”	Policymakers, technologists	Case studies of how lack of transparency leads to unfair outcomes	Research publication on AI bias in the United States	Local case studies of AI bias in my country
[Example] “AI governance is achievable – we can build on global best practice, and become a global leader on this!”	Policymakers, political leaders	Comparative policy.	UNESCO Recommendations on Ethics in AI	Comparative review of AI governance instruments

<sup>12</sup> Kaare, Chowdhury and Kazi *The Power of Evidence in Advocacy* ODI (2007), at 22. (Accessible [here](#).)



## What do you want from an AI framework?

In designing an advocacy strategy for AI regulation, a key step is to choose your policy priorities: to decide what features your desired regulation or legal framework should have. This process can draw on the emerging best-practice frameworks on AI governance, such as the UNESCO Recommendation<sup>13</sup>, and include tailored aspects for your unique local context.

These priorities can inform a test or benchmark against which any future proposed regulation can be measured.

As an exercise, use the table below to map out the key features you want in any future AI regulation. Feel free to draw on some of the trends and themes outlined in Part 2 of this toolkit or incorporate your own.

What key features do we want?	What mechanism could enable this?	Who should enforce this?
<i>e.g. AI technologies must be subject to rights-based impact assessments before being used.</i>	<i>e.g., Regulation must set guiding standards and procedures for conducting impact assessments.</i>	<i>e.g. Regulation should establish an independent AI watchdog.</i>

### GUIDING QUESTION

Can you think of any opportunities to pursue a ‘quick win’ on AI regulation through sectoral rules or issue-specific laws?

<sup>13</sup> UNESCO “Recommendation on the Ethics of Artificial Intelligence” (November 2021). (Accessible [here](#).)

## Regional or domestic: Which arena is best for advocacy?

A key question for advocates for AI governance in Africa: should we focus on the national or regional level? Ideally, an advocacy strategy would include actions and engagements in every available policy arena. But in reality, most civil society campaigners are working with limited time, energy, and resources – which means prioritising.

One of the benefits of regional and sub-regional law is that it can offer some leverage for civic actors working in less democratic countries (where it is easier or safer to organise in regional fora rather than domestically) or where local officials are particularly slow to undertake policy reforms.

On the other hand, regional instruments – particularly in the context of the African Union – have significant downsides, including:

- **Slow pace:** International law is rarely quick, and policy developments at the AU level are particularly slow. For example, the AU adopted the Malabo Convention in 2014 – but it took another nine years before the Convention came into force. During this time, domestic legislation moved a lot faster in many member states: at least 21 African countries passed their own data protection laws between 2014 and 2023,<sup>14</sup> and at least 26 enacted their own cybercrime laws.<sup>15</sup>
- **Lack of enforcement:** The AU and Africa’s regional economic communities have longstanding issues with the lack of enforcement powers among its members.<sup>16</sup> This means that there are few consequences if states choose to ignore or delay implementation of regional law.
- **Inconsistent respect for rights:** AU-level frameworks are subject to input from all its member countries, including some with a poor track record on human rights. As a result, the rights-based language in regional instruments can be vague or narrow.

This does not mean that regional platforms should be avoided outright. As a regional human rights institution, the **African Commission on Human and Peoples’ Rights** has produced important soft-law instruments on emerging digital rights issues, including early recommendations on ethical use of AI,<sup>17</sup> and has a track record of engagement with civil society bodies.

The African Commission’s **Special Rapporteurs** are also an important independent mechanism to document emerging rights-based issues on the continent and to set out (non-binding)

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<sup>14</sup> See ALT Advisory, [dataprotection.africa](#). (Accessible [here](#).)

<sup>15</sup> ALT Advisory, Database of African Cybercrime laws (forthcoming).

<sup>16</sup> See Imoedemhe “The AU and Issues of Institutional Capacity and Enforcement” in Amao, Olivier, and others (eds) *The Emergent African Union Law* (Oxford University Press, 2021), from 398-416.

<sup>17</sup> See for example The Declaration of Principles of Freedom of Expression and Access to Information in Africa (2019). (Accessible [here](#).)

recommendations for reform. The Special Rapporteur on Freedom of Expression and Access to Information would serve as an apt mechanism to make findings on AI-related harms, but the Commission’s other Special Rapporteurs could serve as increasingly important voices on intersectional aspects of AI harms.<sup>18</sup>

### GUIDING QUESTION

Based on the political context, my organisation’s capacity: should we prioritise national or regional advocacy?

### Case study | Thinking local on facial recognition

The rollout of surveillance camera networks in public spaces, often with AI-driven technology like facial recognition or license-plate reading, is a major digital rights concern in cities across the world, from New York to Nairobi.<sup>19</sup> The evident risks to privacy, freedom of expression and other civil liberties, and concerns about discriminatory policing and securitising of public space, have led to proposals for national laws to regulate these kinds of technology.<sup>20</sup>

But in the absence of such legislation, activists in the US have taken a different approach: pushing for hyper-local regulation at the community level.<sup>21</sup> Under pressure from campaigners, at least 23 US cities have passed local laws regulating the use of surveillance technology by law enforcement.<sup>22</sup> Drawing on a model bill developed by the American Civil Liberties Union (ACLU), these local laws vary from place to place, but can include outright bans on certain technology such as facial recognition, and new requirements for transparency, oversight, and public participation over the purchase and use of any surveillance technology.<sup>23</sup>

Could this approach be adopted to regulate the deployment of AI technologies in African cities?

<sup>18</sup> See, for example, African Commission Resolution on the Protection of Women Against Digital Violence in Africa, prepared by the Special Rapporteur on the Rights of Women (2022). (Accessible [here.](#))

<sup>19</sup> Allen “Future of facial recognition technology in Africa” ISS Today (6 July 2020). (Accessible [here.](#))

<sup>20</sup> Amnesty International “Amnesty International and more than 170 organisations call for a ban on biometric surveillance” (7 June 2021). (Accessible [here.](#))

<sup>21</sup> Hunter “Big Tsek: Joburg’s Private Surveillance Network and our Public Deficit” *African Studies*, 81:1 (2022) at 140. (Accessible [here.](#))

<sup>22</sup> ACLU “Community Control Over Police Surveillance (CCOPS)” undated, [aclu.org](#). (Accessible [here.](#))

<sup>23</sup> Sheard and Schwartz “Community Control of Police Spy Tech” Electronic Frontier Foundation (19 May 2021). (Accessible [here.](#))

## **THE WAY FORWARD**

Hopefully the guiding questions and exercises in this toolkit help civil society actors to engage in AI policy discussions in their own contexts and inform efforts to build rights-based approaches to AI governance. There is no one-size-fits-all advocacy approach, and no one-size-fits-all governance framework.

The rapid changes in AI technology, the complexity of the policy questions, and the staggering implications for human rights, make for a daunting challenge.

But as civil society actors continue to explore the opportunities to shape AI policy, there is room for optimism: these deepening discussions are part of the necessary work to build a future in which we can harness the benefits of AI technologies, while protecting and promoting human rights.

Ends.