AfriSIG 2023 Practicum[1]: Guidelines for an inclusive and multistakeholder approach to implementing the African Union Data Policy Framework

Purpose

The purpose of the AfriSIG practicum is twofold: Firstly it is designed to give AfriSIG fellows a chance to experience multi stakeholder decision making in a realistic simulated environment using available methods and processes, while discussing a current issue of importance that is data governance. Secondly, it uses the unique opportunity of having a diverse group of existing and emerging leaders in internet governance in Africa together to generate an output document which can have practical value to participants in AfriSIG and beyond. For example, in 2016, the AfriSIG practicum produced an output document on internet shutdowns which has been used by many working on the topic. In 2022 AfriSIG produced an output document on cyber capacity building which informed an African Union input at the Open Ended Working Group meeting in New York.

This output document will reflect the perspectives, discussions and learnings on various stakeholder needs and priorities with regard to implementing the AU Data Policy Framework.

Context

The adoption of the Digital Transformation Strategy (DTS) for Africa 2020-2030, along with the operationalisation of the African Continental Free Trade Area (AfCFTA), opens up vast opportunities for creating more interconnected and interoperable markets. These developments also pave the way for the growth of tech start-ups and e-businesses across the continent.

In recognition of these transformative prospects, the African Union Commission took a significant step by crafting the AU Data Policy Framework (DPF). This framework received formal endorsement from the AU Executive Council in February 2022. The essence of the DPF lies in its acknowledgment of data as a strategic asset that has become integral to the modern economy and society. Data plays a pivotal role in

---

[1]   Practicum: **_noun_**:   (noun): a period of practical experience undertaken as part of an academic course.

shaping policy decisions, fostering innovation in both the private and public sectors, managing performance, and generating fresh entrepreneurial avenues for businesses and individuals alike.

Given the central role that data occupies in the contemporary landscape, it necessitates a high-level and strategic policy perspective. This perspective should strike a balance between various policy objectives, ranging from harnessing the economic and social potential of data to safeguarding against the potential harms associated with the mass collection and processing of personal data. Thus, the primary aim of the DPF is to establish a policy framework that empowers African countries to maximise the benefits of a data-driven economy. It does so by creating an enabling policy environment that supports private and public investments crucial for driving data-driven value creation and innovation. This enabling environment encompasses collaboration among various in-country sectors, institutions, and stakeholders, alignment of their development priorities, and harmonisation of policies across the continent.

Building a robust data-driven economy at both national and regional levels demands an unprecedented level of collaboration among stakeholders. This collaboration is essential to counter the economic, political, and policy pressures emanating from the global data economy. To ensure equitable and secure access to data for innovation and competition, Member States should establish a unified legal approach that is clear, unambiguous, and provides protection and obligations across the entire continent.

The DPF offers a comprehensive set of detailed recommendations and corresponding actions. These recommendations guide member states in formulating data policies tailored to their domestic contexts The main high-level overarching recommendations are that member states should:

- cooperatively enable **data to flow** on the continent while **safeguarding human rights**, data protection, upholding **security** and ensuring equitable sharing of the benefits;
- cooperate to create the necessary **data capabilities** to take advantage of data-reliant technologies and services, including the capacity to govern data so that it benefits African countries and citizens and enables development;
- promote **transversal data policy** and agile regulation to navigate the emergence of new dynamic data-driven business models that can foster intra-Africa digital trade and data-enabled entrepreneurship;
- create **co-jurisdictional frameworks** for the coordination of autonomous competition, sector, and data regulators to regulate the data society and economy effectively, formulate, implement, and review data policy in a dynamic, forward-looking and experimental way;
- develop national legislations on personal **data protection** and adequate regulations, particularly around data governance and **digital platforms**, to ensure that **trust** is preserved in the digital environment;
- establish or maintain **independent, well-resourced and effective Data Protection Authorities**, strengthen cooperation with DPAs from members of the African Union and develop mechanisms at the continental level to develop and share regulatory practices and support institutional development to ensure a high level of protection of personal data;
- promote **interoperability, data sharing, and responsiveness to data demand** through the setting of **open data standards** in data creation conform to the general principles of anonymity, privacy, security and any sector-specific data considerations to facilitate non-personal data, and certain categories of personal data are accessible to African researchers, innovators and entrepreneurs;
- promote **data portability** so that data subjects are not locked into a single provider and, in so

doing, promote competition and consumer choice and enable gig workers to move between platforms;

- **improve unevenly developed infrastructure** across the continent, leveraging existing REC regional efforts to support efficient broadband network coverage, reliable energy supply, and foundational digital (data) infrastructure and systems (FDI) (digital identity (Digital ID)), interoperable trustworthy payments, cloud and data infrastructure, and open data sharing systems, for cross border digital trade, e-commerce;
- establish an **integrated national data system** to enable data-driven public and private value creation, operating on the basis of harmonised governance frameworks that facilitate the flow of data necessary for a vibrant data economy, but with sufficient safeguards to be trusted, safe and secure;
- govern the integrated national data system according to the principles of access, availability, openness (where anonymity can be preserved), interoperability, safety, security, quality, and integrity;
- integrate sector-specific and specialists data codes or guidelines into national and continental data governance regimes;
- who have not yet ratified the AU Convention on Cyber Security and Personal Data Protection, do so as soon as possible to serve as the foundational step for the harmonisation of data processing; and
- in the forthcoming negotiations on Trade In Services and E-commerce protocols, as well as the Competition and Intellectual Property protocols, in the African Continental Free Trade Area **provide guidelines to promote access to data** to support local innovation, entrepreneurialism and pro-competitive purposes;
- prioritise politically neutral partnerships that take into account individual **sovereignty** and national ownership to avoid foreign interferences which may negatively affect the national security, economic interests and digital developments of AU Member States;
- promote research, development and innovation in various data-based areas, including Big Data Analytics, Artificial Intelligence, Quantum Computing, and Blockchain.

While all recommendations are important in equal measure, there are a few that we view as being pivotal to the successful implementation of the DPF. Essentially, if these recommendations can be implemented first, they would necessitate the successful implementation of the rest. These will be the focus of this practicum and these are:

1) **Building a trusted data environment** (Availability vs Protectionism. Think about data (cyber) security and data protection (collection, aggregation and storage & deletion) (both personal and non), human rights)
2) **Data flows** (Think about access to data (in public domain), free movement of data, interoperability, data sharing, data sovereignty.)

The scenario

The African Union is currently in the process of implementing the second phase of the DPF, which focuses on translating its recommendations into actions at the Regional Economic Community (REC) level. The aim of this implementation plan is to turn these recommendations into practical steps by adapting the Framework domestically.

The Framework recognizes the diverse economic, technical, and digital capabilities of member states. However, it is expected that African Union Member States will progressively work towards meeting the diverse demands of establishing an inclusive, equitable, and rights-preserving data ecosystem on the

continent. While it is important that implementation of the DPF is done systematically (ie RECS, Nationally etc), its ultimate success requires all affected stakeholders to play their part. It is therefore important to note that the implementation of the Framework requires the cooperation and collaboration of various stakeholders. It is imperative that the views and input of these stakeholders are considered in the ongoing efforts to shape a data ecosystem that benefits all.

Fellows at AfriSIG 2023 have been convened as a group of experts from different sectors, countries and stakeholder groups to develop guidelines on how the AU DPF can be implemented effectively and inclusive at the national level.

Main questions

1. What are the main challenges and opportunities in implementing data policies within the stakeholder group that you represent?
2. What are your main recommendations on how to implement the DPF in an inclusive way that will advance the interests of your stakeholder group.
3. What are some actionable steps that can be taken immediately to realise the success of the DPF.

Participants are free to present real-world case studies of successful data policy implementations but must bear in mind the unique circumstances and environments in which they operate.

Stakeholders

Role assignments

AfriSIG2023 participants include individuals from diverse sectors and stakeholder groups from approximately 10 different countries. What they have in common is their belief in the role that enabling policy and regulation can play in maximising the potential of data to bring benefit to Africa and its people. How they would prioritise and conceptualise this benefit, and their views on what makes policy and regulation "enabling" will differ dramatically.

But at AfriSIG our belief is that every view matters and every voice deserves to be heard.

Participants will be preassigned to the stakeholder groups we believe you generally work in. However, everyone has the option of joining a different group. Just let us know.

The main requirement is that everyone does their best to represent the interests of their stakeholder group and the constituencies whose interests matter to them (or whom they represent).

Each individual participant is free to negotiate positions and create "alliances" concerning negotiating positions. Participants are free to form groups, dissolve groups, or avoid grouping. While some of the practicum sessions will be stakeholder group oriented, participants are not limited to only working

within their assigned stakeholder groups. This is an exercise, so both fellows and faculty should stretch, and have fun with it.

We have pre assigned participants to the following groups, based on the information in your application forms:

1. Members of parliament
2. National government, regulators and intergovernmental organisations
3. Business (incl. startups and tech companies) and Internet technical community
4. Academia and Research Institutions
5. Civil Society and media

Faculty role assignment

Several of the faculty will have been asked to co-chair the practicum. Their roles will include chairing plenary sessions and working with the fellows to achieve consensus on an outcome. One of the co-chairs will be asked to coordinate the efforts of the chairs with the secretariat.

The co-chairs will also act as advisors on the project and can help facilitate the self-organisation of participants. Other faculty will be available for consultation as needed. Some faculty may be asked to take on key stakeholder roles.

The secretariat is there to help the participants with the work of the practicum. They will lead one working session in the drafting of the practicum report.

Methods

- Fellows gto sign up to a stakeholder group and to decide what role they will play (themselves or another)
- Breakfast/lunch: Tables will be set aside for project work. Fellows can use these tables either for general discussion on the project issues or they can self-organise them along with groups or alliances as they wish.
- Fellows to meet as necessary during off-meeting times.
- Co-chairs will work to help bring the participants to a satisfactory consensus, if possible.
- Advisors and other faculty will be available to assist and advise but will not direct the participants.
- Any group that is formed can self-organise to do its own work as it sees fit.
- The secretariat will provide a template for the draft outcome document.

Schedule

Thursday 14/09: Introduction: Setting the scene, presenting the case and participants allocated to stakeholder groups 1st and 2nd practicum sessions combined

Friday 15/09: 19:30-20:20: 3rd Practicum session - Practicum plenary - stakeholder groups will present their text contributions to the outcome document.

Saturday 16/09 16:30 - 18:00 **4th Practicum session:** Plenary and negotiations - groups to agree on text of the first full draft of the output document

Sunday 17/09 16:00 - 18:30 **5th Practicum session: Final plenary** - negotiations on final text of the output document

Monday 18/0912:15 - 13:00 Presentation of output document

Readings

1. AU Data Policy Framework Africa Union
    https://au.int/en/documents/20220728/au-data-policy-framework
2. The Digital Transformation Strategy for Africa (2020-2030) Africa Union
    https://au.int/en/documents/20200518/digital-transformation-strategy-africa-2020-2030
3. Data Governance and Policy in Africa. https://link.springer.com/book/10.1007/978-3-031-24498-8

Output document: To take the form of a policy brief that contains guidelines for an inclusive and multi stakeholder implementation.

Structure

Executive Summary
  - Chair/Co-chairs and/or faculty members to provide a high-level summary of the main findings, challenges, opportunities, and policy recommendations across all stakeholder groups.

Preamble
  - Brief description of the collaborative nature of the document, highlighting the participation of distinct stakeholder groups.
  - Brief introduction of the African Union Data Policy Framework and its relevance to all stakeholder groups.

Main Challenges and Opportunities Across Stakeholder Groups
  - Stakeholders to prepare a consolidated list of the primary challenges identified.
  - Faculty to highlight common challenges and opportunities that can benefit all stakeholder groups.

Tailored Recommendations for Each Stakeholder Group
   - This section looks at each of the stakeholder groups, summarizing their unique challenges, opportunities, and specific recommendations.

Recommendations
   - Identify and outline a set of overarching recommendations that are applicable and beneficial to all stakeholder groups.
   - Identify recommendations for international and intergovernmental organisations
   - Identify areas of consensus and shared priorities among the recommendations.

Compatibility and Synergy Among Stakeholder Groups
   - Discussion on how the recommendations from different stakeholder groups align and contribute to a coherent and comprehensive approach to data policy implementation.
   - Emphasis on the importance of collaboration and coordination among the groups.

Implementation Strategies
   - This section to provide insights into practical steps and strategies for implementing the unified policy recommendations.

Conclusion
   Key takeaways and conclusion.