



**Political Economy and Institutional Structure of Data Policy and Governance in Africa:
Opportunities, Challenges and Risks**

Linking Evidence to Policy Action in Data Governance

**Regional Policy Forum
Concept Note**

Thursday, 31 October 2024

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1. Introduction

The African Economic Research Consortium (AERC), established in 1988, is one of the world's most active Research and Capacity Building Institutions (RCBIs), focusing on Africa. The Consortium's mission to strengthen local capacity for conducting independent, rigorous inquiry into the problems facing the management of economies in sub-Saharan Africa is of utmost importance. The mission and objectives of the AERC are achieved through a long-standing collaborative and networking framework of its research and training programs, supported by an interactive communications and outreach program and backed by a comprehensive management and administration component. The AERC's mission rests on two premises: first, that development is core likely to occur where there is sustained and sound management of the economy; second, that such management is more likely to happen where there is an active, well-informed cohort of locally based professional economists to conduct policy-relevant research. This capacity building directly supplies economic policy analysts to SSA's public sector and think tanks.

Data governance stands at Africa's pivot axis of economic development and linking evidence to policy action in Africa is still a challenge. The integration and adoption of legislation and frameworks are evolving at a plodding pace, and there is an urgent need for change. Ten years later, after the African Union (AU) Malabo Convention of Cyber Security and Personal Data Protection legal framework in 2014, only fifteen countries, while the other 39 were non-committal¹. The slow adoption across the 54 member countries is negatively affecting the progressiveness of data governance systems in the continent. As of October 2023, 18 countries had signed the protocol, with 15 ratifying it simultaneously (African Union², 2023). Only 20³⁴⁵ out of the 54 countries in Africa have passed data protection legislation. Apart from Cape Verde (2001, amended 2021), Burkina Faso, 2004, repealed, with new 2021 Act), Senegal (2008), Tunisia (2004), Morocco (2009) Ghana (2012), Côte d'Ivoire (2013), Lesotho (2013) as earlier enactors before Malabo Convention of 2014, since 2015 more Africa countries have come on board and have made substantive legislative efforts⁶. Together with the Malabo convention, the African Union has come up with other initiatives, including The African Continental Free Trade Area (AfCFTA; 2018; 43 countries), the Africa Data Policy Framework (2022), and the Policy and Regulation Initiative for Digital Africa (PRIDA) Union -EU

¹ https://au.int/sites/default/files/treaties/29560-sl-AFRICAN_UNION_CONVENTION_ON_CYBER_SECURITY_AND_PERSONAL_DATA_PROTECTION_0.pdf

² https://au.int/sites/default/files/treaties/29560-sl-AFRICAN_UNION_CONVENTION_ON_CYBER_SECURITY_AND_PERSONAL_DATA_PROTECTION.pdf (Accessed 20/8/2023)

³ <https://www.opengovpartnership.org/documents/data-protection-in-africa-a-look-at-ogp-member-progress/> and (Accessed on 20/8/2023)

⁴ <https://www.bakermckenzie.com/en/newsroom/2022/04/data-security-and-privacy-laws-across-africa> (Accessed 20/8/2023)

⁵ Tanzania (2022), Swaziland (2022) <https://www.lexology.com/library/detail.aspx?g=baef72ee-10bd-4eb9-a614-a990c236bb45> (Accessed on 20/8/2023)

⁶ Madagascar (2015), Algeria (2018), Kenya (2019), Mauritius (2017), Nigeria (2019), Rwanda (2021), South Africa (2021), Togo (2019, ratified Malabo Convention, 2021), Uganda (2019 and 2021), Zimbabwe (2021) <https://www.bakermckenzie.com/en/newsroom/2022/04/data-security-and-privacy-laws-across-africa> (Accessed on 20/8/2022)



project. These initiatives may have separate objectives but have a common unit of enhancing data governance in Africa. The slow adoption of initiatives such as the Malabo Convention and the enactment of data protection legislation are causes for worry regarding the integration of shared economic development aspirations and goals within the continent. The gains from the open data policy which allows for data interoperability as well as the sharing of digital information while protecting personal data and privacy, is a catalyst for progressive development; despite the Malabo framework's slow uptake, some non-ratifying countries have passed progressive legislation towards data stewardship, quality, security, privacy, and management. Harnessing economic opportunities and good data governance will provide a practical approach to solving emergent social, political, and institutional challenges and risks bedeviling African growth prospects.

2. AERC-Hewlett Foundation Political Economy and Institutional Structure of Data Policy and Governance in Africa: Opportunities, Challenges and Risks

Through generous support from the Hewlett Foundation, the African Economic Research Consortium implemented the collaborative project '**Political Economy and Institutional Structure of Data Policy and Governance in Africa: Opportunities, Challenges and Risks**' from 2022 to 2024. This project is a sequel to Data Governance and Sound Policy in Africa, and the output has been published in a book volume, '[Data Governance and Policy in Africa | SpringerLink](#)'. This project commissioned eight papers focusing on five broad themes: a) Benchmarking Africa against global best practices on data policy and governance; b) Identifying institutional structures for data policy and governance frameworks that can be replicated across Sub-Saharan African countries; c) Exploring data interoperability platforms in Africa and related policy-making opportunities and risks; d) Exploring gaps, priorities, and opportunities in the digital revolution, digital technology, and the efficiency of data governance in Africa; e) Strengthen the prevailing weak cultural predispositions, data centrality, and governance – How users can start to see the link between using data to solve problems and innovation, and how they can act on fresh concepts and provide value in the process.

While significant progress has been made recently in improving data governance structures in Africa, much remains to be done to catch up with other regions with high percolation and robust frameworks. The African Union Data Policy Framework provides an excellent opportunity for synergy and collaboration to enhance safety use, access, and affordability and foster sustainable and inclusive development on the continent. Considering the lessons learned from developed regions such as the European Union and the United States of America, data governance systems will progressively propagate a functioning environment for efficient data collection, open data access, and establishment of data protection legislation and offices. On the theme of benchmarking Africa against global best practices on data policy and governance, the project aimed at first mapping and documenting the existing data management, assessing reforms, and recommending policy action pathways for a balanced data governance system or framework. Secondly, the production of knowledge and evidence on data governance systems reforms in sub-Saharan Africa and actionable policy adoption. Three papers were developed under this theme: are: '*Strengthening data-driven policy and data governance in Africa*' by Dube and Ohamadike (2024), '*Cross-border data transfers in Africa: An overview of the regulatory policies implemented in the continent*' by Ferracane and González (2024), and '*Data governance framework for improved sustainable finance in Africa*', by Olowookere (2024).

The rigidity of the African governance structure has primarily hindered the accessibility and use of data. This is due to legislative and regulatory barriers that make the cost prohibitive and data quality low, making it difficult to access for informed policy decision-making. Additionally, the challenges faced by African



governments in data policy and governance are cross-sectoral. For instance, critical socioeconomic data are collected in unreasonable time intervals and are rarely available to inform policy on time. They are inaccessible to researchers conducting studies to build the knowledge necessary to impact policy. In addition, making data available to researchers would generate feedback on the quality of data and lead to further improvements in the data collection process itself. Another concern is the fragmented, scattered, and poorly organized socio-economic and individual-level data, costing governments enormous resources and time to manage the economy. Important socio-economic surveys are designed and collected independently from each other, costing massive resources and, at the same time, limiting their significance for policy making. Other matters of concern are that most data governance studies are concentrated on privacy and security. Much more can be harnessed from the extensive data available in the virtual world. Studies on how it can be tapped for societal and economic progression are very important to human society. Studies on who has access, the cost of data, and the use of data evidence-based policymaking are limited. While open data policies by some governments in Sub-Saharan Africa (SSA) have made it easier to access data online, more interventions are needed for countries that are hoarding data and that can help generate or facilitate action that can lead to better social and economic policy outcomes. Most of the data governance and policy issues identified above are borne of the government's and the private sector's weak capacity to recognize the enormous potential data facilitates the advancement of society. Under the theme, 'Identifying institutional structures for data policy and governance frameworks that can be replicated across Sub-Sahara African countries, a paper on *'Africa's statistical tragedy: the causal relationship between statistical capacity and government effectiveness'* by Njikam (2024).

With the rapid evolution of digital technologies and more market and non-market activities transactions mainly taking place in digital places across the globe, the African government inevitably has to develop infrastructure that is safe, cost-effective, and accessible to all. Data governance systems facilitating seamless connection across borders to enable communication, trade, and movement of people, goods, and services are plausible pathways for integrated, globally shared development across regions. This can be fostered by augmenting privacy, cyber security, and interoperability and providing affordable internet access to the African population. Under the themes, 'Exploring data interoperability platforms in Africa and related policy-making opportunities and risks', 'Exploring gaps, priorities, and opportunities in the digital revolution, digital technology, and the efficiency of data governance in Africa', and 'Strengthen the prevailing weak cultural predispositions, data centrality, and governance', four papers were developed. The authors have broadly covered the following topics: *'Interrogating Africa's digital transformation through technological innovation: how endogenous, how inclusive?'* by Sebina and Soumonni, *'The Case for an African e-marketplace under the African Continental Free Trade Area (AfCFTA) Agreement'*, Omolo (2024), *'Exploring interoperability platforms in Africa: An examination of the adoption and implementation of interoperability standards for data exchange in Africa: Opportunities, risks, and policy considerations'*, by Hlomani and Ncube (2024), and *'Digital data and technology in Africa: the political economy of their governance and role in economic development'*, by Kedir (2024).

The Goal of the Regional Policy Forum

The goal of the proposed regional policy forum is to enhance the uptake of evidence generated from the political economy and instructional structures of data policy and governance to enable positive policy adoption and actions by African countries. The specific objectives of the regional policy forum are:



- i) To provide a platform for a policy dialogue on the political economy and institutional structures that influence the uptake of data policy and governance across Africa.
- ii) To promote discussions and deliberations that will contribute to pathways for policy actions to improve policy adoption and legislative action on African data governance.
- iii) To ignite a positive debate on the findings of the studies and suggest ways to address the bottlenecks that have hindered smooth policy adoption and legislative and regulatory actions on data policy and governance in Africa.
- iv) To facilitate peer learning between selected countries that have adopted the in-country and continental data governance policy initiatives and those that have not to enhance the uptakes across Africa.

3.0 AERC Theory of Change

AERC's institutional Theory of Change (ToC), presented in Appendix II of the 2020-2025 strategic plan, identifies and defines AERC's goal and strategic objectives/themes and presents the domains of change which are then linked to the end-of-strategy outcomes a range of intermediate outcomes, outputs, and activities that provide a pathway to that achievement. In addition, it explains the various assumptions upon which the ToC rests while also outlining the associated risks. The cornerstone of the ToC is the adoption of a proactive stance on capacity development for decision-making on economic policy in Africa. Based on many independent evaluations, AERC has recorded exemplary performance in economic policy research, collaborative graduate training in economics in public universities, and individual and institutional strengthening of economic management for over three decades. Based on AERC's experience and performance on the mission of bringing rigor and evidence to economic policymaking in Africa, a "theory of change" for the proposed AERC-Hewlett project investment on data governance can be formulated. Our a priori or existing hypothesis is that:

- i) Many countries face slow adaptation to changes in regulation and frameworks that are critical in enhancement of data policy and governance for Africa's future.
- ii) Even in countries where efforts are being made to produce legislation on data policy and governance issues, there seem to be differences in the scope, management, and implementation of data policy and governance practices.
- iii) The impact of pervasive data policy and governance issues on economic activities, democratization, and market competitiveness is little understood.
- iv) Though efforts have been made on policy platforms on data governance, more efforts through policy forums are needed to catalyze change in data policy and governance matters.

This project attempts to change these situations and make the AERC a leading regional organization that generates positive changes and influences policies, legislations, and practices on data policy and governance. The theory of change is predicated on the critical consideration of the 2020–2025 Strategic Plan, namely: to enhance AERC's mark of improved quality, that improved quality will define its momentum of sustainability, and working with national think tanks create a new era and platform for policy influence in SSA economies. It would benefit Africa's leading economic scholars to contribute to the ongoing debates about data policy and governance, and this project is designed to propel the AERC into that strategic position.



4.0 Stakeholders Attending the Regional Policy Forum

The regional policy forum brings key stakeholders in the data policy and governance space across Africa. Data governance technocrats, academicians, researchers as well international development agencies in the area policymakers. The participants include key government officials in charge of Ministries of Communication and IT, Office of Data Protection, and communication authorities; consumer protection organizations; researchers, think tanks, and universities.

5.0 Structure of the Regional Policy Forum

Four sessions are organized for sharing evidence. In the opening session, a synthesis paper on the project will be presented followed by a session for the data governance practitioners' panel. A parallel paper presentation session will be convened then followed by a high-level policy panel made of academicians and policy makers in the data governance spectrum. The data governance practitioner and high-level policy panels will provide an incisive platform for peer learning and sharing experiences, as well as suggestions of potential pathways for hastening policy action related to data governance across the African continent. A press conference will be organized for the stakeholders to share lessons from the regional policy forum and the way forward for future action on data policy and governance while focusing on the African countries' political economy and institutional structures.