

Foreword

African Voices on Regulating and Fostering African AI

When discussing AI policy in Africa, the key question is no longer whether AI will transform the continent, but rather: who will shape the terms of that transformation? This special Edition of the Journal of Intellectual Property and Information Technology Law (JIPIT) emerges at a moment when we, as African scholars, policymakers, and practitioners, are asserting our right to define responsible and ethical AI governance on our own terms.

Without any doubt, through this Issue of JIPIT, we are championing a distinctly African articulation of responsible and ethical AI governance, grounded in our reality, responsive to our challenges, and reflective of our values. This orientation is most evident in the specificity of the contributions themselves. Rather than speaking of ‘Africa’ as a monolith, these papers drill down into national legal frameworks, institutional contexts, and sectoral applications. They compare, contrast, and learn from regional and international approaches, but always with an eye toward precise local applicability. This Edition is a scholarship that understands that effective AI governance cannot be cut and pasted; it must be built from the ground up, informed by external models but not beholden to them.

The five papers collected here, presented as part of our celebration of the Second Biannual Conference on the State of AI in Africa, collectively signal a maturing body of African scholarship on AI governance. What they are is a deliberate and principled departure from the wholesale transplantation of Western regulatory frameworks into African legal systems. Attentive to the lived

experiences of AI deployment across various African contexts, including Kenya, Nigeria, and Tanzania, these contributions explore how emerging technologies are reconfiguring questions of consumer protection, data governance, dispute resolution, academic integrity, and fundamental rights within diverse African legal landscapes. What unites these diverse inquiries is a normative and common insistence on favoring nuance over dogma, context over abstraction, and engagement over prescription.

These themes find concrete expression in the analyses presented in this Edition. The second paper, for instance, on personal data identifiability, challenges us to avoid both regulatory extremes: the overly permissive approach that leaves individual data owners vulnerable, and the overly restrictive one that stifles innovation. This balance between protection and innovation runs as a thread throughout the Edition. We see it in the examination of Nigeria's consumer protection regime, which must evolve to address algorithmic harms without abandoning the efficiency gains of digital commerce. We encounter it in Tanzania's data protection framework, where stringent privacy safeguards must be calibrated against the data requirements of effective AI systems.

The papers on deepfakes in Kenyan mediation and AI-generated research in Nigerian academia remind us that AI governance extends far beyond data protection and competition law. These technologies challenge our epistemological foundations: what constitutes evidence, what qualifies as authorship, and how we establish truth in spaces where synthesis and fabrication have become increasingly indistinguishable. These are not merely technical problems requiring technical solutions; they are fundamentally human challenges that demand interdisciplinary engagement.

The timing of this publication is deliberate. Across the continent, national AI strategies and policies are being drafted, data protection authorities are being established, and legislative frameworks are being tested against new realities. The insights

contained in these pages arrive precisely when they are most needed: not as definitive answers, but as rigorous contributions to ongoing conversations about what responsible AI governance means in African contexts.

As you engage with these papers, I encourage you to read them not just as individual contributions, but as part of a broader intellectual and policy project that centers African agency in shaping the future of AI governance.

Dr. Melissa Omino

*Director, Centre for Intellectual Property and
Information Technology Law (CIPIT),
Strathmore University,
Nairobi, Kenya,
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