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# JIPIT

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Responsible and  
Ethical AI Governance  
in Africa



**Strathmore University**  

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## Editorial

We are pleased to present this Fifth-Anniversary Edition of the Journal of Intellectual Property and Information Technology Law (JIPIT). This Special Issue, themed '*Responsible and Ethical AI Governance in Africa*', marks an important milestone in our journey of growth and impactful scholarship on data protection, artificial intelligence (AI), intellectual property (IP), and ICT law in the Global South.

This Edition situates itself at the intersection of law, ethics, and policy in Africa's ever-evolving AI governance landscape. In doing so, it reinforces the Centre for Intellectual Property and Information Technology Law's (CIPIT) commitment to producing rigorous, context-sensitive research on responsible AI governance across the continent. As importantly, this Edition serves as a scholarly record of the intellectual energy and depth brought about by the 2<sup>nd</sup> Conference on the State of Artificial Intelligence in Africa (COSAA 2025).

On the 3<sup>rd</sup> and 4<sup>th</sup> of June, 2025, CIPIT hosted COSAA 2025 under the theme 'Shaping Responsible and Ethical AI Governance, Policy, and Regulation in Africa'. COSAA 2025 provided a forum for sustained engagement with the transformative implications of AI across the continent. It addressed emerging trends in AI regulation, challenges and opportunities in AI governance, policy development, ethical frameworks, and the role of AI governance in fostering creativity and innovation tailored to Africa's unique context. The discussions at COSAA aimed to chart a path for stakeholders in the African AI ecosystem to actively participate in the development and implementation of AI regulatory frameworks. In this Special Issue of JIPIT, the discussions and insights emerging from COSAA are developed into rigorous, peer-reviewed academic contributions that examine AI deployment realities in Africa.

The five papers in this Edition examine the development and implementation of AI regulatory frameworks across three African countries: Kenya, Nigeria, and Tanzania. These papers collectively address the African AI realities and AI governance through different critical angles, including data privacy, consumer protections, copyright and ownership, and mediation and the justice system.

Ihuoma K. Ilobinso's '*Gaps in Consumer Protection Regimes: Protecting Nigerians from Algorithmic Harms in the Digital Economy*' sets the stage for this milestone Issue. In her paper, Ilobinso explores how emerging technologies, such as AI, are altering traditional consumer protection safety nets. These alterations manifest through practices such as dark patterns, algorithmic pricing, and personalized advertising. Drawing on examples from other jurisdictions, Ilobinso analyses Nigeria's existing limitations in consumer protection and proposes recommendations to strengthen the regulation of the digital economy in order to safeguard consumers against these evolving threats.

This is ably followed by Josphat I. Ayamunda's interrogation of a central doctrinal pillar of contemporary data protection law. In '*Reinterpreting the Identifiability of Personal Data in the Age of Artificial Intelligence*', Ayamunda contends that identifiability—the concept used to delineate personal data, define the data subject, and trigger the obligations of controllers and processors—is increasingly destabilized by AI-driven technologies. In particular, the paper demonstrates that AI-enabled aggregation and inferential techniques can transform ostensibly non-personal data into personal data, rendering individuals identifiable over time. Therefore, to facilitate data-driven economic activities, Ayamunda proposes that identifiability should be assessed at the time of processing, by reference to the controller or processor, and to those reasonably likely to receive the information, rather than by reference to the public or the broader community of users, without a time limit.

Next, in '*Strengthening the Kenyan Court-Annexed Mediation Against the Threat of Deepfakes and Digital Deception*', Ra-

phael M. Okochil examines fabricated evidence and deepfakes, both of which are increasingly prevalent and sophisticated. Okochil decries the risks they pose to alternative dispute resolution mechanisms such as mediation, which often operate without comprehensive evidentiary rules or the oversight of an independent adjudicator. Because mediation is largely party-driven and the mediator's role is neutral rather than investigative, Okochil argues that deepfakes can amplify injustice by exploiting parties' psychological vulnerabilities, creating information asymmetries, and entrenching power imbalances. Contextually situated in Kenya, he concludes that safeguarding the future of court-annexed mediation will require mediators to become more vigilant facilitators, equipped with digital literacy and supported by institutional frameworks that enable them to broker settlements in an era in which realities can be artificially altered or engineered.

Shifting the focus to Tanzania, in *'From Privacy Safeguards to Innovation Barrier: Assessing Tanzania's Personal Data Protection Act in the Age of AI'*, Mark-Silas A. Malekela and Tupoki-gwe Isagah examine Tanzania's data protection regime, with particular attention to restrictions on data exchange—the backbone of AI development and deployment. Although the authors acknowledge that the Personal Data Protection Act (PDPA) is not AI-specific, they argue that its controls can operate as excessive constraints on lawful data access and reuse. They therefore propose regulatory sandboxes and risk-based compliance approaches to preserve meaningful privacy safeguards while enabling responsible AI innovation.

The final article contribution to this Edition returns to foundational questions of authorship, ownership, and ethics in the context of AI-generated scholarship. In *'Authorship, Ownership, and Ethical Issues in AI-Generated Research: Implications for Nigerian Academia'*, Oluchi C. Maduka, Temiloluwa M. Oyundoyin, and Professor Adebayo O. Adejumo situate this inquiry within Nigerian academia. The authors interrogate the ethical dilemmas raised by AI-assisted scholarship. They also assess how Nigerian copyright law and related principles of authorship

and ownership apply to AI-generated academic works. Finally, they propose practical, institution-facing solutions for universities and research bodies.

We would be monumentally remiss not to acknowledge the authors for their insightful contributions, which deepen and sharpen the discourse on responsible AI governance in Africa. We are equally grateful to our peer-review editorial team and expert reviewers, whose diligence, intellectual generosity, and attention to detail ensured the quality and integrity of this Special Issue. This Edition was produced through sustained collaboration and careful editorial labor.

As we mark this fifth volume of JIPIT, we stand true to our originating commitment to building a credible platform for Global South scholarship that is both analytically grounded and practically relevant. We invite readers to engage critically with these papers and to carry their insights into policy design, institutional practice, and further research.

Looking ahead to 2026, we will continue to expand JIPIT's reach and ambition by publishing the next Issue with the same commitment to doctrinal rigor, interdisciplinary relevance, and Africa-centered problem-solving. We welcome submissions that interrogate emerging questions in IP, data governance, AI regulation, ICT law, and the broader digital economy, and that offer grounded proposals capable of shaping law and policy across the continent.

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