DATASPHERE INITIATIVE

REGULATORY ROUNDTABLE: DATA SANDBOXES AND AI

SUMMARY
JANUARY 24, 2024

INTRODUCTION

As part of the Datasphere Initiative's **Africa Forum on Sandboxes for Data**, the **second Regulatory Roundtable on Data Sandboxes and AI** was held on January 24, 2024. This document summarizes the main highlights extracted from the event where AI experts from the Datasphere Initiative's global network delved into the emerging challenges of AI, and discussed ways in which sandboxes can, and are already helping address data governance challenges.

Following the introduction from **Lorrayne Porciuncula**, Executive Director, Datasphere Initiative, the roundtable began with a poll that invited participants to share their thoughts, personal engagement, and the level of AI literacy and capacity building in the communities where they work.

AI POLICY CHOICES INFLUENCE OPPORTUNITIES NOW AND IN THE FUTURE

In this first part, moderated by **Justin Bryant**, Lead, Global Sandboxes Forum, Datasphere Initiative, four experts working in the field of AI regulation shared their policy perspectives on AI with a focus on the challenges in developing AI policies as well as the benefits AI can bring to the African continent.

Rachel Adams, Project Lead & Principal Investigator, Global Index on Responsible AI, shared her work on the African Observatory on Responsible AI and the Global Index on Responsible AI. The former project develops a policy mapping tool to inform what digital or AI-related policies have been developed in some different African countries, and the latter project aims to create a bedrock of data and evidence with which to ignite global action around responsible AI when filling the major data gaps. Rachel also supported the idea of policy experimentation, advocating policymakers to think about how to create open space to innovate on a policy level as well as to think about the outcome space for AI.

Nanjira Sambuli, Fellow, Carnegie Endowment for International Peace, presented the challenges and considerations in AI policy and governance from the perspective of public sector actors and governments in Africa. Specifically, Nanjira expressed concern about whether these actors are listening to local stakeholders or being more influenced by global norms, such as the "Brussels Effect" from Europe. It is important, Nanjira stated, that "AI policymaking or digital policymaking is rooted in the actual legal mechanisms that have been set up to protect social, economic, and cultural rights of citizens in Africa."

Leonida Mutuku, Board Director and AI Research Lead, Local Development Research Institute (LDRI), highlighted the benefits of AI in eradicating extreme poverty through data-driven interventions in food and nutrition security. Leo and her team have developed a project in Kenya in which an AI early warning system is used to monitor farming activities and support climate-smart agriculture. From a broader perspective, Leo supported accountable and inclusive guidelines and implementation of AI in both the public and private sectors. Leo further stressed the importance of including Kenyan voices in global dialogue and developing AI policies in a way that is tailored to the Kenyan context and African contexts.

Maxwell Ababio, Deputy Director, Data Protection Commission Ghana, argued that AI challenges and issues need to be addressed on the national level, but also across the entire continent of Africa. Maxwell shared Ghana's collaboration with the African Union and the United Nations to develop a national AI strategy and its bottom-up implementation methodology, which incorporated deep-dive consultations with the civil society, and private, and public sectors. Maxwell also highlighted the ethical concerns in Ghana's implementation of its AI strategy and pointed out the necessity of public awareness and education on data protection principles to ensure citizens understand their rights. Lastly, Maxwell advocated for a common African framework tailored to the continent's unique challenges rather than replicating Western models.

During the Q&A, speakers discussed ways to turn policy instruments into concrete actions to address issues of governance.

For Maxwell, governments play a crucial role in policy implementation, as he pointed out the importance for governments to support startups and provide incentives. Maxwell also underscored digital and physical infrastructure as key considerations, citing the significant costs of establishing data centers. Nanjira gave a more specific example in policy implementation, suggesting that if more countries can ratify the African Union Convention on Cyber Security and Personal Data Protection and if more small institutions that have similar frameworks can work together, more progress could be made. Part of this process entails—as Nanjira pointed out—stakeholders at the local, regional, and international levels working together at the same time. Leo also highlighted the importance of creating enabling environments, with human and monetary capital present. When asked about the main obstacles in leveraging AI regulation, Rachel argued that there are still many unknowns and uncertainties in AI, and suggested that more research is needed to better understand the issues and to inform decision-making.

The conversation delved into the potential influence of 2024, a year marked by numerous elections across African countries, on the landscape of AI regulations, as well as how AI might impact the elections.

Regarding the potential deep fakes and misinformation in campaigns, Nanjira encouraged a holistic approach that goes beyond categorizing challenges solely under the umbrella of AI safety concerns. Nanjira highlighted the need to consider the cohesiveness of society, drawing from her past experience in monitoring online hate speech. On the other hand, Leo approached the question by stressing the importance of bottom-up methodologies in drafting AI policies, irrespective of the political context. Leo also emphasized the need for local participation in African policymaking as a means of informing global perspectives.

SANDBOXES HAVE THE POTENTIAL TO HELP UNLOCK THE VALUE OF AI

The second part of the roundtable, moderated by **Giovana Carneiro**, Research Assistant, Datasphere Initiative, spoke to the critical topic of how sandboxes can be used to address AI challenges in Africa. Four AI and data governance experts from the Global South shared their opinions.

Bobina Zulfa, Data and Digital Rights Researcher, Pollicy, brought a feminist perspective into the discussion of sandboxes. By highlighting a specific project on feminist data governance across Ghana, Zambia, and Kenya, Bobina argued for the prioritization of gender data to bring diverse perspectives, particularly women's voices, into the decision-making processes related to digital governance.

Ernest Mwebaze, Executive Director, Sunbird AI, argued that sandboxes are particularly useful when dealing with new and not fully understood technologies because they offer a safe environment for testing and learning, allowing regulators to understand the integration of AI into public spaces. Policymakers can try different solutions, learn to predict outcomes and gain insights into risks and biases through sandboxes.

Miriam Wimmer, Director, Brazilian National Data Protection Authority (ANPD), provided insights from Brazil's AI Sandbox — which currently focuses on machine learning systems and generative AI. She echoed Ernest's point that sandboxes provide a controlled space to test and learn new technologies and business models while helping to ensure compliance with data protection principles. Miriam also highlighted that sandboxes can be used to better understand key concepts in AI regulation such as transparency, explainability, and interpretability, and that they help reduce information asymmetries between regulators and regulated entities transparently. Lastly, Miriam noted multistakeholder participation as an important aspect of the sandbox experiments.

Armando Guio-Español, Executive Director, Network of Centers, further enriched the discussion on sandboxes and their effects on AI regulation by sharing his experiences from Latin America. He emphasized that sandboxes require long-standing efforts, due to the challenging nature of experimenting with regulations. Armando advocated for early engagement with future participants during the design phase, citing the significance of attracting innovative technologies for effective sandbox outcomes. He stressed the necessity of clear objectives and policy goals for sandboxes and the importance of presenting results and evidence gathered from sandbox experiences. Lastly, Armando advocated for multistakeholder governance models for sandboxes, highlighting the need for committees and commissions that involve various government layers and external stakeholders.

The Q&A for the second part of the roundtable focused on the challenges in cross-border sharing and ensuring data protection. When asked about the main barriers in scaling up successful sandbox experiments, Armando identified the need to change the cultural mindset and be innovative in the legal frameworks. In addition, he indicated capacity building and team building as another major challenge, pointing out the difficulties in turning the complexity of sandboxes into something that public servants and individuals can understand.

Participants asked how to ensure active data protection among different stakeholders in cross-border collaborations. In response, Miriam argued that initiatives promoting data protection have to be connected, not only in the sense of promoting this culture among data protection authorities but also in dialogue with representatives of other sectors. Essentially, Miriam suggested that countries should work both domestically and internationally to foster proper data protection.

CONCLUDING THOUGHTS

Overall, the second roundtable provoked riveting conversations on current AI policy perspectives from the local, regional, and international levels and how these three levels interact with each other, as well as underscoring the keys and challenges for policymakers to turn policy instruments into concrete actions. The session also discussed the role of sandboxes in addressing AI challenges and how sandboxes are being approached in different places. It affirmed sandboxes' values in serving as a space for learning, testing regulatory models, and fostering cross-border collaborations, while also recognizing the potential time and resource challenges in conducting sandbox experiments.

To wrap up the roundtable, Justin shared the results of the poll. "Innovation", "automation", and "data" are the most popular words that come to mind when people think of AI. Moreover, most participants interact with AI on a day-to-day basis, and there is a general awareness of AI literacy capacity-building efforts that might be happening. These results echo what panelists shared and indicate that the future of AI governance in Africa is brimming with possibilities.

Unlocking the full transformative potential of AI requires multistakeholder input. Collaboration across local, regional, national, and international levels, involving actors from business, industry, government, academia, and civil society can be difficult and time-consuming. That said, this type of approach may be the best chance we have to craft robust regulatory frameworks that are not only tailored specifically to the unique contexts of the African continent but also to the varied needs of localities and regions across the world.

KEY QUOTES FROM THE SESSION*

"We're really hoping to fill major data gaps, but also to create a bedrock of data and evidence with which to ignite global action around responsible AI. I think we need more people involved in the conversation. We need more discourse and more stakeholders. We need more actions before we can say, this is what we want global governance to look like."

Rachel Adams
Project Lead & Principal Investigator, Global Index on Responsible AI

"Our approach to supporting the public sector is thinking about 3 fundamental aspects, especially when adopting emerging technologies: An enabling environment, human capital, and financing."

Leonida Mutuku
Board Director and AI Research Lead, Local Development Research Institute

"We need collaborative regional action, to address the skill gaps, and to actually give incentives to the startups, who are critical actors on the continent. We as policymakers will achieve their buy-in when we can offer clarity on regulation."

Maxwell Ababio
Deputy Director, Data Protection Commission Ghana

"Our approach to supporting the public sector is thinking about 3 fundamental aspects, especially when adopting emerging technologies: An enabling environment, human capital, and financing."

Leonida Mutuku
Board Director and AI Research Lead, Local Development Research Institute

"There is a limited understanding of gender data and the appreciation of the value that gender data has to offer, especially in terms of bringing the perspectives of women to the decision-making process."

Bobina Zulfa
Data and Digital Rights Researcher, Pollicy

> *"Sandboxes seem to work most when technology is new and when it's not fully understood. Especially now for AI, it makes a lot of sense because there are so many unknowns that we are getting to know as we apply this technology."*
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> **Ernest Mwebaze**
> **Executive Director, Sunbird AI**

> *"With sandboxes, we have the opportunity not only to better understand the technology but also to promote responsible and ethical innovation. We can actively promote the development of new technologies or new business models in a manner that adequately addresses the risk and takes data protection rights seriously."*
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> **Miriam Wimmer**
> **Director, Brazilian National Data Protection Authority (ANPD)**

> *"We have to be very clear about the complexity of sandboxes, but at the same time we have to take this complex methodology and turn it into something simple that many individuals can understand so that we can build capacity for public servants to feel engaged with these projects."*
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> **Armando Guio-Español**
> **Executive Director, Network of Centers**

**Quotations may be paraphrased or shortened for brevity or clarity.*