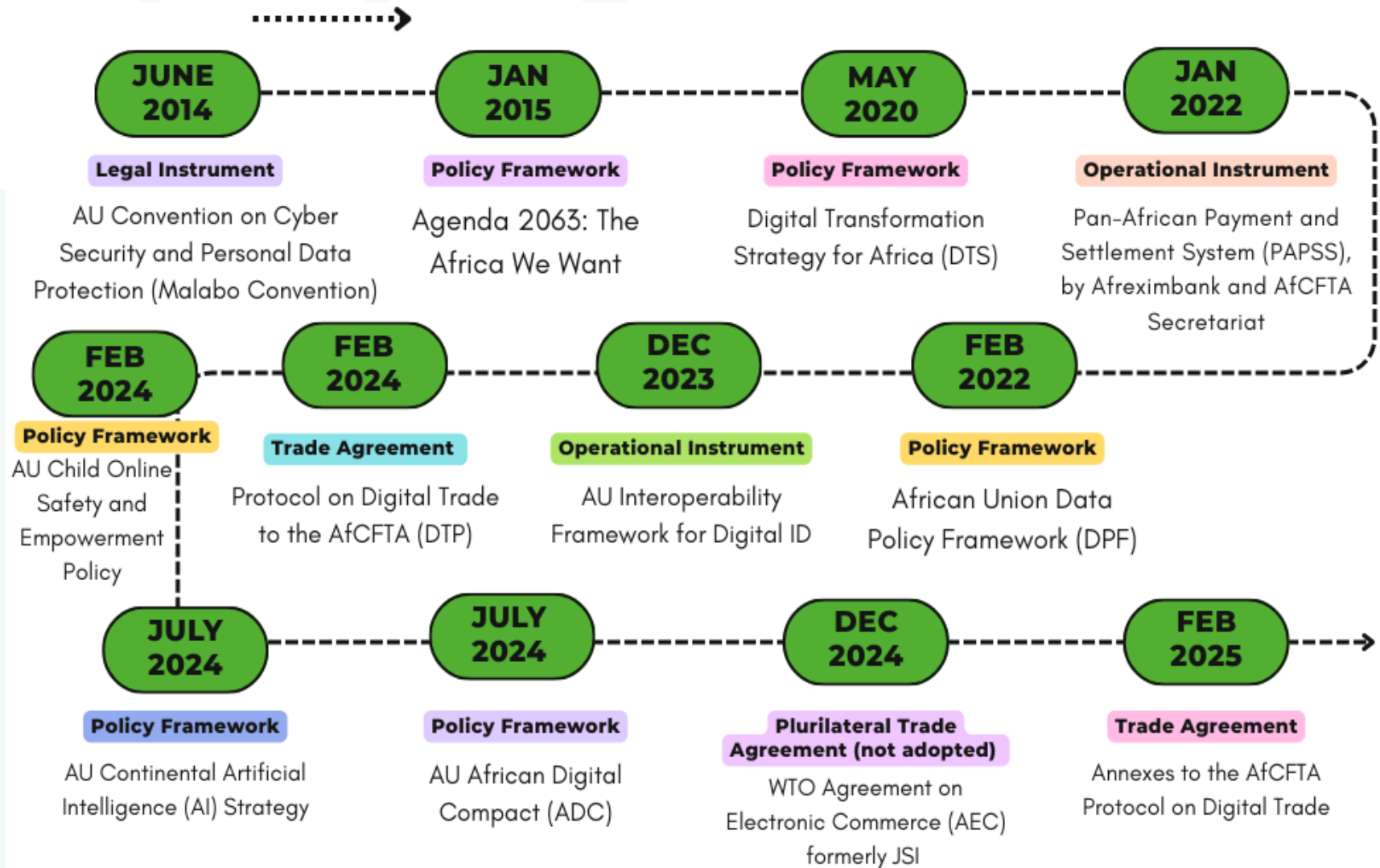




Geneva (In-Person)
WTO Public Forum
18 September 2025

Mapping Africa's Digital Trade: AfCFTA, AEC, and AU AI Strategy

Timeline of Digital Instruments: AU, AfCFTA & WTO AEC



Africa's Digital Architecture



COHERENCE

- Shared Principles: Sovereignty, inclusion, structural transformation across AU frameworks.
- AfCFTA as Anchor: DTP makes AU principles binding (data, DPI, origin, inclusion).
- Normative Flow: Vision (DTS) → safeguards (DPF) → binding law (DTP) → frontier governance (AI Strategy).
- Child Protection & Accountability: Alignment on online safety, algorithmic fairness, source code access.
- Digital Public Infrastructure: Treated as a public good and codified in DTP.
- Cybersecurity: Reinforced consistently across Malabo, DPF, DTP, ADC.

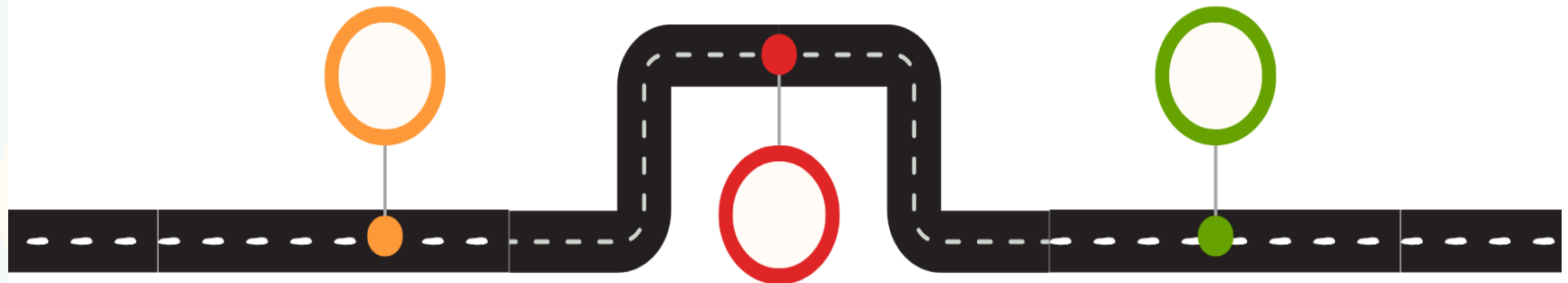


TENSION

- Data Flows: AfCFTA/DPF require adequacy & reciprocity; WTO AEC pushes universal flows with weak safeguards.
- Moratorium: AfCFTA limits to intra-Africa; WTO AEC's blanket scope cuts fiscal options.
- Institutions: Overlapping AU/AfCFTA committees risk duplication.
- Financing & Assistance: Development section is the longest in the AEC, yet provisions on technical assistance and capacity building are non-binding and depend on voluntary support.
- Legal Pluralism: Diverse national laws strain harmonisation.
- Infrastructure: Rules assume HPC & interoperability not yet in place.
- Integration Models: AfCFTA builds positive integration; WTO AEC pursues trade-liberalising model without complementary safeguards

Digital Trade Regimes: AfCFTA vs WTO

- A trade-liberalising model with universal moratorium that structurally undermines Africa's sovereignty-anchored approach.
- Reflects limited African engagement, with participation dropping to 4 countries by 2025.



AfCFTA DTP Feb 2024

- Embeds sovereignty-conditioned integration through adequacy rules, territorial moratorium, and African ownership of digital trade.
- Builds a positive integration architecture, turning AU digital principles into binding treaty obligations with enforceable cooperation mechanisms.

WTO AEC Dec 2024

AfCFTA DTP Annexes Feb 2025

- Operationalise digital sovereignty via digital rules of origin, adequacy-based data transfers, and protection of sensitive data.
- Fill global governance gaps by codifying rules on DPI, child protection, AI pathways, and source code access.

AU Continental Artificial Intelligence Strategy – Main Features

- ❑ **Africa-Centric Vision:** Positions AI as a tool for Agenda 2063 and SDGs, embedding African values (e.g. Ubuntu, inclusivity, dignity, cultural heritage).
- ❑ **Guiding Principles:** Ethics, human rights, diversity, fairness, accountability, and people-centric development.
- ❑ **Five Focus Areas:**
 - Harnessing AI's benefits for development (agriculture, health, education, climate, governance).
 - Building AI capabilities (skills, data, infrastructure including HPC, innovation).
 - Minimising risks (bias, discrimination, safety, surveillance, job losses, disinformation).
 - Stimulating public and private investment in AI.
 - Fostering regional and international cooperation and Africa's participation in global AI governance.
- ❑ **Action Areas (15 in total):** Governance frameworks, public and private sector adoption, AI in priority sectors, support for startups, quality datasets, skills and reskilling, ethical standards, technical standards, R&D, and partnerships.
- ❑ **Global Agency:** Calls for African participation in international AI governance to counter "AI colonialism" and shape standards.

Safeguarding Coherence in Africa's Digital Trade Agenda

Prioritise Implementation of Regional Frameworks First

Effective roll out of the AfCFTA DTP and AU AI Strategy should come first so Africa engages multilaterally from a coherent and unified baseline.

Translate Strategic Vision into Binding Rules

Bridging AU strategies with AfCFTA annexes, particularly on AI and Digital Public Infrastructure, will ensure Africa's values and development priorities are embedded in enforceable trade law.

Preserve Coherence on Data Flows

The AfCFTA model conditions data transfers on adequacy and reciprocity, while the WTO AEC promotes universal flows. Safeguarding the continental approach will prevent erosion of sovereignty

Protect Policy Space by Limiting the Moratorium to Intra-Africa

The AfCFTA limits the moratorium on customs duties to intra-African trade, whereas the WTO AEC applies it universally. Aligning positions around the AfCFTA baseline will protect Africa's ability to design future digital tax and industrial policy measures.

Shaping Global Standard-Setting with African Concepts

1. AfCFTA and AU Frameworks as Negotiating Baselines

Global South coalitions can use the AfCFTA DTP annexes (on data transfers, DPI, AI, child protection) and the AU AI Strategy's Ubuntu-based fairness principles as reference texts in Geneva and New York. By citing these as existing “regional standards,” they can push for their recognition in WTO MC14 deliberations, the UN Digital Compact implementation phase, and OECD/ITU standard-setting bodies, amongst various ongoing processes.

2. Coordinated Intervention in Multilateral Review Processes

2025–2026 offers concrete hooks:

- **WTO Work Programme on E-commerce** negotiations on the MC14 Ministerial Decision will commence soon, where African proposals on DPI and data adequacy can be tabled to enhance discussions.
- **UN Global Digital Compact follow-up mechanisms**, where coalitions can frame inclusive DPI and algorithmic fairness as contributions from the South to global governance, positioning them as normative innovations rather than defensive exceptions.

Aligning the Draft Annex on Emerging Technologies with the AU AI Strategy

- **Institutional coordination:** Have structured dialogue between the AfCFTA Digital Trade Committee and the AU AI governance bodies to address growing discourse on trade-related AI and discuss AU AI principles (e.g. Ubuntu values, fairness, accountability) with trade provisions.
- **Embedding AU principles:** African institutions could explore ways to reflect the AU AI Strategy's ethical commitments within AfCFTA annexes, for example through provisions on transparency, algorithmic accountability, and support for African-owned innovation.
- **Sequenced implementation:** Article 46 of the DTP offers a pathway to introduce new annexes as the AU AI Strategy develops, helping to keep trade rules aligned with evolving continental priorities.

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