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The National AI Policy Framework: A step closer to aligning with international trends

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On 14 August 2024, the Department of Communications and Digital Development published the draft National AI Policy Framework for public input. This initial step in the development of South Africa's national AI Policy is intended to serve as the framework underlying the National AI Policy which, in turn, will serve as the foundational basis for creating AI regulations and potentially an AI Act in South Africa, with a view to guiding the responsible and ethical development and utilisation of AI across all industries. Anyone can comment on the draft AI Policy Framework by sending an email to dsondlo@dcdt.gov.za and mmashologu@dcdt.gov.za before the end of September 2024.

On the 12th of July 2024, the European Artificial Intelligence Act was published in the Official Journal of the European Union. It is complex legislation which entered into force on the 1st of August 2024, but whose provisions will come into operation gradually, with some provisions applying as early as 2 February 2025, while the Act will generally apply starting on the 2nd of August 2026.

The European AI Act is over four years in the making, with the European Commission having published its *"White Paper on Artificial Intelligence – A European Approach to excellence and trust"* in February 2020. A long road now lies ahead for the European AI Act, with many milestones to be achieved before the substantive provisions of the AI Act begin to apply.

Several bodies will be established to implement and enforce the European AI Act, involving both public authorities and private sector participation, including –

- An AI Office established by the European Commission, to coordinate the implementation of the AI Act in EU member states
- A European Artificial Intelligence Board, with one representative from each EU member state, to provide recommendations, opinions, expertise and the like
- An Advisory Forum to provide technical expertise and contribute stakeholder input on the implementation of the Act
- A scientific panel of independent experts, to advise the AI Office and national authorities in EU member states.

The commencement of the EU AI Act broadly coincided with the publication, here in South Africa, of the draft South African National Artificial Intelligence Policy Framework by the Department of Communications and Digital Development.

The draft AI Policy Framework acknowledges global trends in AI governance and the need to harmonise with international standards, pushing South Africa to develop its own AI policies. It seeks to align with international norms and standards to ensure ethical and effective AI deployment.

The draft AI Policy Framework articulates the Department's ambition for South Africa to be a leader in AI within the African continent and a significant player on the global stage, influencing global AI ethics and governance frameworks.

According to sources within the Department, the draft AI Policy Framework is intended to provide a framework which sets out, in broad strokes, the framework for AI policy in South Africa, drawing on international benchmarking done by the Department.

This initial step in the development of South Africa's national AI Policy is intended to set the stage for a future where AI is harnessed responsibly and effectively, driving digital transformation and promoting inclusive growth.

The development of a South African National AI Policy is a strategic imperative by the Department to guide the responsible and ethical development, deployment and utilisation of AI across all sectors of society.

The National AI Policy is intended to serve as the foundational basis for creating AI regulations and potentially an AI Act in South Africa, and guide the development of robust regulatory mechanisms that ensure that AI applications are safe, ethical and in the public interest. It aims to ensure that AI systems are developed and implemented with considerations for fairness, accountability, transparency and inclusivity, while mitigating potential risks such as bias and discrimination in AI applications.

Ultimately, the National AI Policy is intended to provide clear guidelines and a structured approach to harnessing AI's potential, while mitigating its risks and ensuring that AI technologies are developed in a manner that aligns with South Africa's socio-economic goals and values.

One of the Department's key rationales for establishing this policy is to foster sectoral strategies that will address specific needs and opportunities within different industries, such as healthcare, education and finance. The Department hopes that, by laying down overarching policy positions, the National AI Policy will enable the development of tailored strategies that leverage AI to drive innovation and efficiency in each sector.

The draft AI Policy Framework outlines key pillars such as robust data governance frameworks, infrastructure enhancement, and significant investments in research and innovation, which the Department believes are crucial for creating an enabling environment where AI technologies can thrive and contribute meaningfully to sectors such as healthcare, education and public administration.

Overall, the draft AI Policy Framework seeks to lay the groundwork for South Africa to emerge as a leader in AI innovation while addressing challenges and opportunities in a holistic and sustainable manner.

Anyone can comment on the draft AI Policy Framework by sending their comments to dsondlo@dcdt.gov.za and mmashologu@dcdt.gov.za before the end of September.



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