

Joint Statement on Harnessing Artificial Intelligence, Facilitating Data Flows and Empowering Digital Upskilling Between the United States Department of Commerce and the Kenyan Ministry of Information, Communication and the Digital Economy

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Today, U.S. Secretary of Commerce Gina Raimondo announced a partnership to harness AI, facilitate data flows, and empower digital upskilling with Kenya during her participation in the AmCham Business Summit: U.S.-East Africa Trade & Investment Forum. Raimondo was joined by Kenyan Cabinet Secretary of Information, Communication and the Digital Economy, Eliud Owalo for the announcement.

The text of the following joint statement was released by the United States Department of Commerce and the Kenyan Ministry of Information, Communication, and the Digital Economy:

U.S. Secretary of Commerce Gina M. Raimondo and Kenyan Cabinet Secretary of Information, Communication and the Digital Economy Eliud Owalo affirmed their shared priorities for strengthening the digital economy, promoting innovation, and increasing digital trade and investment between the United States and Kenya. Secretary Raimondo and Cabinet Secretary Owalo noted the potential benefits of the digital economy, including economic growth, job creation, and the fostering of an inclusive, equitable, ethical, and sustainable digital future for our citizens and the global community.

Through our partnership, we are excited about the prospect of U.S. companies investing in Kenya as a digital hub, including the establishment of data centers, to support businesses and citizens in Kenya and throughout the region.

Secretary Raimondo and Cabinet Secretary Owalo acknowledged the transformative possibilities of artificial intelligence (AI) to shape economies and societies—across many sectors and in people’s daily lives—and the importance of harnessing the power of AI for good while mitigating its risks.

Both principals noted the important role data privacy, data protection, and cross-border data transfers play in developing critical and emerging technologies like artificial intelligence (AI). They also reaffirmed their intention to cooperate on establishing interoperable privacy regimes and facilitating trusted cross-border data flows.

The U.S. Department of Commerce and the Kenyan Ministry of Information, Communication and the Digital Economy noted that investing in the digital capacity of the workforce is critical to realizing the potential of digitalization and artificial intelligence. A shared core objective of the United States Digital Transformation with Africa initiative and the Kenyan National Digital Master Plan is for human capital development to facilitate inclusive access to important digital skills. The goal for this objective is to empower a skilled workforce to effectively learn and apply emerging technologies and become active and safe participants in the digital economy.

Secretary Raimondo and Minister Owalo welcomed cooperation between our governments and industry in the following areas:

Data Protection and Cross Border Data Transfers

- The U.S. Department of Commerce and the Kenyan Ministry of Information, Communication and the Digital Economy affirm our shared priorities to promote innovation, advance artificial intelligence and foster an open, interoperable, reliable and secure Internet.
- The U.S. Department of Commerce and the Kenyan Ministry of Information, Communication and the Digital Economy recognize that the ability to aggregate, store, process, and safely transmit data across borders is critical to the development of the digital economy and innovation. This need can be addressed by promoting robust data protections and enforcement while fostering interoperable mechanisms to facilitate trusted and secure cross-border data flows, including those essential to the development of emerging technologies like AI.
- Recognizing that these critical and emerging technologies also pose new challenges for policymakers and regulators, the U.S. Department of Commerce and the Kenyan Ministry of Information, Communication and

the Digital Economy intend to explore innovative solutions, such as participating in collaborative fora to bridge regulatory differences and promote compatibility and explore interoperability. The U.S. Department of Commerce also intends to continue sharing information on international mechanisms, including the certification systems under the Global Cross Border Privacy Rules (CBPR) Forum, that facilitate the transfer of personal data and data privacy best practices to promote interoperability between our privacy regimes.

- The U.S. Department of Commerce and the Kenyan Ministry of Information, Communication and the Digital Economy recognize the need to incorporate African countries' perspectives in the development of international mechanisms, and welcomed Kenya's close engagement with the Global CBPR Forum, which was created to facilitate and develop international data transfer mechanisms and encourage collaboration, knowledge sharing, and technological innovation.
- As the U.S. Department of Commerce and the Kenyan Ministry of Information, Communication and the Digital Economy intend to cooperate on data protection and cross border data transfers, we are aware of a need for strong interoperable data governance. Harmonized and compatible data governance plays a critical role in both data protection and enabling smooth cross-border data transfer. In this regard, we intend to cooperate in building and strengthening interoperable data governance structures and capacity.

Artificial Intelligence

- Emphasizing the indispensable role of data in fueling AI innovation and development, the U.S. Department of Commerce and the Ministry of Information, Communication and the Digital Economy are committed to identifying areas of alignment and possible cooperation in our respective approaches to AI, including potential engagement with the U.S. AI Safety Institute, with a focus on exchanging knowledge and best practices for the development and deployment of safe, secure, and trustworthy AI.
- The U.S. Department of Commerce and the Kenyan Ministry of Information, Communication and the Digital Economy intend to cooperate on identifying opportunities for participation in AI research and standards development. Secretary Raimondo and Cabinet Secretary Owalo applauded the global consensus achieved by the UN General Assembly resolution "Seizing the opportunities of safe, secure and trustworthy artificial intelligence systems for sustainable development."

- The U.S. Department of Commerce and the Kenyan Ministry of Information, Communication and the Digital Economy intend to work together to identify how AI can help meet the needs of the Kenyan economy and how AI adoption can advance our shared priorities in key sectors such as agriculture, manufacturing, transportation, and healthcare.
- The U.S. Department of Commerce and the Kenyan Ministry of Information, Communication and the Digital Economy also intend to cooperate in the enhancement of the AI environments through addressing its driving pillars: Data, digital infrastructure, power/green energy, governance policies, computing resources, digital skills relevant to AI, and partnership and collaboration between governments, industry specific organizations, academia, and civil society.

Digital Upskilling

- Advancements in labor saving technologies pose a new challenge for policy makers to upskill their workforce and to address the growing gap in digital literacy skills, including those relevant to utilizing AI. The U.S. Department of Commerce and the Kenyan Ministry of Information, Communication and the Digital Economy are committed to working together and with other countries to promote a digital economy that facilitates inclusive access to digital skills and literacy, particularly for youth, women, and under-represented communities.
- In support of the United States Digital Transformation with Africa and digital upskilling in the region, the U.S. Department of Commerce's National Telecommunication and Information Administration, through grants and in partnership with the U.S. Telecommunications Training Institute, intends to draw from applicants across Africa including Kenya to provide training, networking, and mentorship opportunities to help develop the next generation of tech leaders and entrepreneurs in Africa.

Based on this shared understanding, the U.S. Department of Commerce and the Kenyan Ministry of Information, Communication and the Digital Economy intend to promote adoption and implementation of policies and rules in our bilateral and multilateral economic relationships that support interoperability between our two privacy regimes and that identify areas of cooperation in our respective approaches to AI.

The U.S. Department of Commerce and the Kenyan Ministry of Information, Communication and the Digital Economy issue this joint statement without prejudice to their rights and obligations arising from the Marrakesh Agreement

establishing the World Trade Organization (WTO). This joint statement does not create binding obligations under domestic or international law.