

SOUTH AFRICA'S DRAFT AI POLICY WITHDRAWN - BUT DON'T THROW THE BABY OUT WITH THE BATHWATER!

Category: Artificial Intelligence AI
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Why is South Africa's Draft AI Policy being withdrawn?

Minister of Communications and Digital Technology - Solly Malatsi - announced yesterday that South Africa's Draft AI Policy would be withdrawn. It had [been published for comment](#) on 10 April 2026. It is being withdrawn because [news service, News24](#), identified numerous references that did not exist.

Quoted experts suggested that the fake references “*had been invented by an AI tool.*” Minister Malatsi has [agreed](#) that this is the likely cause.

Was the Draft AI Policy a good document?

It is a pity that South Africa’s Draft AI Policy has been withdrawn. The document’s substance made sense. Having considered it, the approach it took was practical and tailored to South Africa’s circumstances. The idea of having specific sectors draft their own regulations or guidelines made sense. A comprehensive, overarching piece of legislation like the EU’s AI Act would not have suited South Africa.

The fact that the Draft AI Policy’s references contained [hallucinations](#) (a problem where AI makes up certain information) is disappointing, but it does not mean that the Draft AI Policy’s substance is wrong. It was well considered and was not a slavish copy of another country’s AI policy or framework.

South Africa’s Draft AI Policy has a number of objectives. These include ethical governance of AI systems, fairness, bias mitigation and data sovereignty. It recognises “*South Africa’s socio-political landscape and the imperative to redress historical inequalities.*” . It adopts a practical, staged implementation approach, recognising the need to more speedily implement AI regulations and guidelines in critical sectors.

I think that, unlike earlier attempts, much work has gone into the Draft AI Policy. Embarrassing, hallucinated references aside, is a good piece of work and is tailored to South Africa’s circumstances.

What should be done while the Draft AI Policy is being fixed?

South Africa cannot afford to wait, while Draft AI Policy 2.0 is being fine-tuned. I anticipate 6-12 months before we see the next, fine-tuned version and at least 12-18 months before any act or regulation is promulgated. If South Africa waits until the next version is published, we are likely to miss the AI bus. As [Stafford Masie argues](#), we have a narrow global window to build a competitive AI economy.

To avoid missing the AI bus, while the Draft AI Policy is being fine-tuned, South Africa urgently needs to see sector specific regulators stepping in. This needs to happen even if it means issuing directives and guidelines, as opposed to regulations, which have a much longer legislative process. Financial services, communications, data protection and competition regulators, working with the private sector, must step in and issue directives and guidelines.

What have other countries done to reduce AI risk?

There is precedent for public-private sector co-operation, both locally and in other jurisdictions. Directives and guidelines could act as interim solutions while the Draft AI Policy is being finalised. The National Energy Crisis Committee, National Logistics Crisis Committee and National Priority Crime Operational Committee are all examples of [government and the private sector working together](#). In an AI specific example, South Africa’s Independent Regulatory Board for Auditors’ Committee for Auditing Standards recently published its staff audit practice alert titled [The Use of Generative Artificial Intelligence Tools and Emerging Technology in Audits](#). Internationally, the Monetary

Authority of Singapore's *Project MindForge* is an example of a regulator and the private sector working together to produce guidelines [for financial institutions implementing AI Risk Management](#) in their organisations.

South Africa's Draft AI Policy footnote [blaps](#) is embarrassing, but does not detract from the fact that the document's substance is solid, well thought through and relevant to South Africa's circumstances. In my view, it does not require substantial reworking, but must have the referencing verified and resolved. It can then be critiqued in greater detail once the public consultation process is reopened.

In the meantime, we need to speedily come up with interim solutions so that South Africa ensures that it is at the forefront of AI developments in Africa and contributes to developments across the globe.