

RECOMMENDATION 2 OF 20

CONTINENTAL

Act within 30 days · by 28 October 2026

Agree one African set of rules on health data for health funding deals

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IN BRIEF

- Twenty-four African countries have signed health funding deals with the United States, and each deal has its own rules on who can see patients' data and samples of viruses.
- Africa CDC, the African Union's public health agency, should write one standard set of data rules that any African government can attach to such a deal.
- Kenya should use it first, because its Court of Appeal rules on Kenya's deal on 30 October 2026.

Why this matters

Of the 35 countries with US health deals, 24 are African. Human Rights Watch read seven of the deals. Six ask for wide sharing of health data, and five ask for samples of viruses and their genetic data. In Mozambique, Rwanda and Liberia, the deals allow access to "any data" without clear protections for patients.

Each government is having the same argument on its own. A Kenyan court suspended Kenya's deal in December 2025, and a higher court let it continue in May 2026. Zimbabwe ended talks in February 2026 and Ghana said no in April. On 25 September Zambia said the United States had agreed to replace its data terms.

Africa CDC has been drafting a continental framework for health data since July 2025, and its head has offered help to any country that wants to renegotiate. A framework sets out principles. Negotiators need ready-made clauses they can attach to a deal.

Sources for this section (7)

- [KFF: tracker of US health agreements](#)
- [Human Rights Watch: assessment of the US health agreements](#)
- [Capital FM: Kenya's Court of Appeal on the health deal](#)
- [Lawfare: Zimbabwe and Ghana](#)
- [Semafor: Zambia and the US health data dispute](#)
- [Africa CDC: Africa's health data framework](#)
- [CNBC Africa: Africa CDC offers help to renegotiate](#)

Four levels of action

1 What Africa asks of the world

Countries that fund health in Africa, starting with the United States, should accept the African data rules as part of every deal. WHO members should match the global rules on sharing pathogens, due in May 2027, to the same standard.

WHO

The US Department of State; members of WHO

WHEN

World Health Assembly, May 2027

2 What the African Union does

Africa CDC and the African Union's lawyers write the model rules and circulate them to all 24 African signatories and to Zambia. African health ministers endorse them.

WHO

Africa CDC and the AU Commission

WHEN

Draft by 28 October 2026; endorsement at the AU summit in February 2027

3 What regional groups do

The West African, East African and Southern African blocs check the rules against their own data laws. West Africa already limits sending personal data to countries without proper protection. The rules are published openly, so Burkina Faso, Niger and Madagascar, which are suspended from AU meetings but have US deals, can also use them.

WHO

ECOWAS, the East African Community and SADC

WHEN

By 15 December 2026

4

Which country goes first, and why

Kenya goes first. Its deal is the only one before a court, and Kenyan law already requires health data to be stored in Kenya. Whatever the court decides on 30 October, Kenya will need data terms that meet its own law.

WHO

Kenya's Ministry of Health and its Data Protection Commissioner

WHEN

At the first review of the deal after the ruling, by 31 January 2027

Before another country can do this

- ☒ A data protection law with a regulator that works. Of Africa's countries, 44 have such a law and 38 have a working regulator.
- ☒ A rule on where health data must be stored or when it may leave the country, as Rwanda and Kenya have.
- ☒ A deal that is being negotiated, renewed or reviewed, so there is a moment to add the rules.

What does not carry over from the first country

- Kenya's case is already before a court that has suspended the deal once. Most countries will need to use a review meeting instead.
- Kenya's deal already requires its data regulator to agree to data access. Others have no such clause.

Who else is ready

COUNTRY

WHY

SOURCE

COUNTRY	WHY	SOURCE
Zambia	Its \$1.5 billion deal is not yet signed, the data terms are being rewritten, and it has ratified the African Union treaty on personal data.	Source
Rwanda	Its 25-year deal allows "any data", while its own law requires personal data to be stored in Rwanda.	Source
Nigeria	It has the largest African deal, \$5.05 billion, with unclear protections for patient data.	Source
Ghana	It turned down a deal over data and has ratified the African Union treaty on personal data.	Source

Has this worked before?

In 2007 Indonesia stopped sending bird flu samples to WHO, after learning that drug companies had used its samples without permission. Four years later, WHO members agreed a framework that ties access to flu samples to a fair share of the vaccines made from them. One country's refusal changed a global rule. [Source](#)

Global Health Watch: the pandemic influenza framework

First steps

- 1 **AFRICAN UNION** Africa CDC sends a draft of the rules to all 24 African signatories and to Zambia by 28 October 2026.
- 2 **REGIONAL GROUPS** officials in ECOWAS, the East African Community and SADC check the draft against their data laws by 15 December 2026.
- 3 **KENYA** the Ministry of Health and the Data Protection Commissioner put the rules on the table at the first review of Kenya's deal, by 31 January 2027.

Who acts, and with what

WHO LEADS	Africa CDC with the African Union Commission; Kenya as the first country to use the rules
INSTRUMENT	A model set of rules issued by Africa CDC, endorsed by African health ministers and free for any government to use
HOW PROGRESS IS CHECKED	A draft by 28 October 2026, endorsement by February 2027, and ten countries using it at their next review
SIGNAL TO CHANGE COURSE	New or renewed deals are signed on the old terms
WHAT STANDS IN THE WAY	Governments need the money and may fear delays. The United States may refuse to change the terms.
COST AND MONEY	No budget has been published. The drafting can be done by lawyers already employed at the African Union, Africa CDC and national data regulators.

Who else contributes

WHO	CONTRIBUTION
Kenya's Ministry of Health	Uses the rules first and reports what happens
National data protection regulators	Check the rules against national law
ECOWAS, the East African Community and SADC	Match the rules to regional data laws
African negotiators at WHO in Geneva	Bring the same rules into the global talks
African research institutes	Advise on fair terms for genetic research

What each audience can do

Governments

WHAT YOU CAN DO

Add the rules to your deal at its next review

WHAT YOU GAIN

Health money without losing control of your data

AU and regional bodies

WHAT YOU CAN DO

Endorse the rules at the AU summit in February 2027

WHAT YOU GAIN

One African position in place of 24

NGOs and civil society

WHAT YOU CAN DO

Explain to the public what health data is shared and why

WHAT YOU GAIN

Citizens who know their rights

Researchers and media

WHAT YOU CAN DO

Set fair terms for genetic studies that use African samples

WHAT YOU GAIN

Fair credit and returns for African science

Business and investors

WHAT YOU CAN DO

Use the same rules in contracts with African laboratories

WHAT YOU GAIN

Clear legal terms

The briefings behind this

Sector · Strong inference

Health

Health money for Africa now comes through one-to-one deals, and patients' data is part of the price.

[Open the briefing](#)

Words used on this page

Africa CDC

The African Union's public health agency, based in Addis Ababa. It coordinates disease control across the continent. [Health briefing](#) · [Glossary](#) · [Source: africacdc.org](#)

African Union (AU)

The organisation of 55 African states, based in Addis Ababa. Its heads of state meet each February. It can suspend members after a coup. [Glossary](#) · [Source: au.int](#)

World Health Organization (WHO)

The UN's health agency. It sets health standards and coordinates responses to outbreaks. The United States left it in January 2026. [Health briefing](#) · [Glossary](#) · [Source: who.int](#)

Pathogen sharing and benefit-sharing

Pathogens are viruses and bacteria. Countries that share samples and genetic data on them want a fair share of the vaccines and medicines made from them. This is called benefit-sharing. [Health briefing](#) · [Glossary](#)

World Health Assembly

The yearly meeting of all WHO members, held in Geneva each May. [Health briefing](#) · [Glossary](#)

African Union Commission

The African Union's secretariat. It prepares decisions for heads of state and carries them out. [Glossary](#)

ECOWAS

The Economic Community of West African States. Mali, Burkina Faso and Niger left it in January 2025. [Politics and governance briefing](#) · [Glossary](#)

East African Community

A bloc of eastern and central African states, including Kenya, Uganda, Tanzania, Rwanda, Burundi and the Democratic Republic of the Congo. [Glossary](#)

SADC

The Southern African Development Community, 16 states from the Democratic Republic of the Congo to South Africa. [Glossary](#) · [Source: sadc.int](#)

Data protection law

A law that sets rules on collecting, storing and sharing personal information, usually enforced by a national regulator. [AI and technology briefing](#) · [Glossary](#)