


Managing and Inheriting Digital Assets in Africa

Mine is Yours



POLLCY



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Executive summary

What happens to one's online life and digital wealth when they pass away? In Africa, the answer is evolving fast and it is time that every member of society took notice. Inspired by the need to raise awareness and appreciation of the value of digital assets, this research report investigates the complex landscape of digital asset management and inheritance in Africa, a region grappling with rapid technological advancement alongside deeply rooted traditional inheritance practices. This research examines how digital assets are managed and inherited in Africa focusing on Malawi, Ghana and Tanzania as pilot countries. It explores the gaps in the evolving legal frameworks, and the influence of social and cultural practices on asset planning.

Key findings include: (I) A lack of sufficient understanding of the scope and nature of digital assets, (II) Africa faces several complexities in generating her unique technological progress for innovation, especially in the development of digital inheritance platforms. (III) Current inheritance frameworks and policies do not adequately recognize digital assets and this has created significant uncertainty and disputes among heirs. (IV) Digital literacy on digital asset management and secure storage is still a new and complex matter for individuals and families across Africa. The reliance on subscription-based models, and cloud storage creates uncertainties in ownership and access, increasing the risk of digital asset loss and lastly, (V) African norms and customs do not adequately address digital asset planning, and remain in friction with modern technology.

This research report concludes with several recommendations for policymakers, human rights defenders, legal practitioners, and technology providers to address the challenges and maximize the opportunities presented by digital asset inheritance in Africa. These recommendations include: strengthening the existing inheritance legal frameworks to ensure they adequately address digital assets, promoting digital and financial literacy, supporting the development of digital inheritance solutions and engaging with various stakeholders in the digital inheritance space.

This research contributes to general knowledge as there is limited African literature on understanding digital asset inheritance. With this knowledge, there will be a greater appreciation that the future of inheritance lies in adapting to the digital world, ensuring that our online lives are as well-planned as our offline ones, and ensuring the just and equitable distribution of digital wealth in Africa.

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List of Abbreviations

| | |
|---------------|---|
| AfCFTA | Africa Continental Free Trade Area |
| AWS | Amazon Web Services |
| BOT | Bank of Tanzania |
| CSO | Civil society organization |
| CBDC | Central Bank Digital Currency |
| CVRS | Civil Registration and Vital Statistics |
| DAPPS | Decentralized Apps |
| DIFC | Dubai International Financial Centre |
| EAC | East Africa Community |
| ECOWAS | Economic Community of West African States |
| FGD | Focus Group Discussion |
| FSA | Financial Services Agency |
| GOT | Government of Tanzania |
| ICT | Information Communication and Technology |
| IPR | Intellectual Property Rights |
| JVCEA | Japan Virtual Currency Exchange Association |
| JSTOA | Japan Security Token Offering Association |
| KII | Key Informant Interview |
| MAS | Monetary Authority of Singapore |
| NFT | Non-Fungible Token |
| NGO | Non governmental organization |
| PAEA | Probate and Administration of Estate Act |
| PWD | People With Disabilities |
| SADC | Southern African Development Community |
| SEC | Securities and Exchange Commission |
| UAE | United Arab Emirates |
| UK | United Kingdom |
| UN | United Nations |
| USA | United States of America |
| VASP | Virtual Asset Service Provider |

Introduction and Background

A digital asset is any item that is stored electronically or is a digital representation of a physical asset,¹ and can be bought, sold, owned, transferred or traded like physical assets.² For an item to qualify as a digital asset, it must have potential to create value, transfer ownership through purchase, gifting or other means. Additionally, it must be discoverable and capable of generating value for its owner.³ The various types of digital assets include software, photography, logos, illustrations, animations, audiovisual media, presentations, spreadsheets, digital paintings, word documents, electronic mails, websites, and various other digital formats with their respective metadata.⁴ Unlike physical property, digital assets exist exclusively in electronic form and are secured through cryptographic techniques, most notably blockchain technology.⁵

The global adoption of digital assets is growing rapidly, with user penetration expected to reach 12% in 2025.⁶ New digital assets are constantly emerging, including cryptocurrencies such as Bitcoin which was introduced in 2009,⁷ and non-fungible tokens (NFTs) which emerged in 2014 and became popular in 2021.⁸ As of June 2023, there were over 25,000 other cryptocurrencies on the global market, with more than 40 having a market capitalization greater than US\$1 billion.⁹ The United States of America (USA) dominates the digital asset market, with projected revenue of US\$10 billion by the end of 2025.¹⁰ In China, the digital asset revenue totalled to US\$199 million in 2023, with forecasts predicting an increase in annual revenue to US\$ 411 million by 2028.¹¹ The volume of digital assets traded in Malaysia exceeded a billion by the end of September 2021, with user penetration rate expected to reach 14% by end of 2025.¹²

1 Yaga, D., Mell, P., Roby, N., & Scarfone, K. (2019). *Blockchain technology overview*. arXiv preprint arXiv:1906.11078.

2 IRS (2025). *Digital assets*. <https://www.irs.gov/businesses/small-businesses-self-employed/digital-assets>

3 Oloworaran, E.U (2024) *An Examination of the Regulatory Framework for Digital Assets in Nigeria*. *Kampala International University Law Journal (KIULJ)* Vol. 5, Issue I, [ISSN: 2519-9501]

4 Dowling, M. (1 January 2022). "Is non-fungible token pricing driven by cryptocurrencies?". *Finance Research Letters*. 44: 102097. doi:10.1016/j.frl.2021.102097. ISSN 1544-6123.

5 Dadzie-Yorke, K., and Owusu, A. R., (2024). *Regulatory Update on Digital Assets in Ghana* <https://iclg.com/briefing/21994-regulatory-update-on-digital-assets-in-ghana>

6 Statista Market Insights, (2024, July). *Digital Assets - Worldwide*. Retrieved on January 25, 2025 from <https://www.statista.com/outlook/fmo/digital-assets/worldwide#revenue>

7 Ibid

8 Dej, S. and Waliczek S., (2023). *Emerging Technologies. What are non-fungible tokens (NFTs) and where are they useful?* Retrieved on February 26th 2024 from [https://www.weforum.org/stories/2023/10/nfts-non-fungible-tokens-blockchain/#:~:text=Non%2Dfungible%20tokens%20\(NFTs\)%20are%20unique%20digital%20assets%20stored,sat%20up%20and%20took%20notice.](https://www.weforum.org/stories/2023/10/nfts-non-fungible-tokens-blockchain/#:~:text=Non%2Dfungible%20tokens%20(NFTs)%20are%20unique%20digital%20assets%20stored,sat%20up%20and%20took%20notice.)

9 Schwab Center for Financial Research. (2023, August). *Cryptocurrencies: What Are They?*. <https://web.archive.org/web/20230914003432/https://www.schwab.com/learn/story/cryptocurrencies-what-are-they>

10 Ibid

11 Slotta, D., (2024). *Revenue of digital assets in China from 2017 to 2023, with forecasts until 2028* Retrieved on February 25, 2025 <https://www.statista.com/forecasts/1498494/china-revenue-of-digital-assets>

12 Statista Market Insights. (2024, July). *Digital assets - Malaysia*. Statista. Retrieved on January 27, 2025 <https://www.statista.com/outlook/fmo/digital-assets/malaysia>

In Africa, the startup ecosystem is quickly thriving and backed by a population enthused by the idea of digital assets.¹³ The digital assets market in Africa is expected to grow to reach a revenue of US\$3bn by 2025 with the number of users projected to reach 54m users by 2025.¹⁴ As digital assets gain traction in Africa, Nigeria leads the way with its vibrant crypto community and increasing adoption of blockchain technology.¹⁵ In October 2021, the Central Bank of Nigeria launched the e-naira, a digital version of the national currency in order to create an inclusive economy, foster innovation and enhance transaction efficiency.¹⁶ As of December 2021, there had been over 666,000 e-naira speed wallets created, with 700,000 e-naira speed wallet app downloads across 160 countries and over 35,000 transactions.¹⁷

Malawi is also witnessing increased adoption, as individuals and businesses recognise the benefits of blockchain technology, with the digital assets market projected to generate US\$1 Million in revenue by 2025. The average revenue per user in the Digital Assets market in Malawi is estimated to be US\$7 by end of 2025.¹⁸ The digital asset sector in Ghana is also expanding with rising interest in crypto assets and blockchain, supported by a growing number of exchanges and initiatives within the financial ecosystem.¹⁹ Ghana is also one of Africa's leading digital asset markets, ranking ninth globally for adoption in a Finder survey, which found that 17% of Ghanaians had invested in digital assets.²⁰ In Tanzania, the average revenue per user in the Digital Assets market Tanzania is also estimated to be US\$38 in 2025 with the number of users is projected to reach 876k users by 2025.²¹ These trends indicate a growing recognition of digital assets across Malawi, Ghana, and Tanzania, which requires clear legal and regulatory frameworks to govern their use, ownership, and transfer.

13 Lebrau. C., (2024) *How digital assets may hold the key to Africa's economic growth*. *The Business Insider*. Retrieved on January 22, 2025 from <https://africa.businessinsider.com/local/markets/how-digital-assets-may-hold-the-key-to-africas-economic-growth/992jdxv>

14 Statista, (2025) *Digital Assets - Africa*. Retrieved on March 20th 2025 from <https://www.statista.com/outlook/fmo/digital-assets/africa>

15 Olufemi, A. (2025, January) *The Future of Cryptocurrency Regulation in Nigeria: Opportunities and Challenges*. Retrieved on March 11, 2025 from <https://medium.com/@roariyo/the-future-of-cryptocurrency-regulation-in-nigeria-opportunities-and-challenges-ff63c7f81caa>

16 PWC, (2022). *Digital Assets –an emerging trend in capital Markets*. <https://www.pwc.com/ng/en/assets/pdf/digital-assets.pdf>

17 Ibid

18 Statista, (2025) *Digital Assets - Malawi*. Retrieved on March 3, 2025 from <https://www.statista.com/outlook/fmo/digital-assets/malawi?currency=USD>

19 Bank of Ghana (2024). *Draft Guidelines on Digital Assets. Exposure Draft*. Retrieved on January 15, 2025 from <https://www.bog.gov.gh/wp-content/uploads/2024/08/Draft-Guidelines-on-Digital-Assets.pdf>

20 Kaaru, S. (2025, January 31). *Ghana urged to regulate the burgeoning digital asset sector*. *CoinGeek*. Retrieved on February 20, 2024 <https://coingeek.com/ghana-urged-to-regulate-burgeoning-digital-asset-sector/>

21 Statista, (2025) *Digital Assets - Tanzania*. Retrieved on March 2, 2025 from <https://www.statista.com/outlook/fmo/digital-assets/tanzania>

Legal and Regulatory Frameworks

The awareness and adoption of digital assets has increased worldwide, yet many countries, including major economies such as the USA, have limited existing governmental control and regulation in place for digital assets²². The absence of clear legislation or legal precedent has left digital assets in a legal grey area, creating uncertainty in ownership, transfer, and governance as many countries struggle with how to regulate them.²³ The rapid evolution, high degree of expertise and understanding needed, and decentralised, cross-border nature of digital assets presents unique challenges for regulators.²⁴ In Asia, Japan leads by example with having a regulatory framework for digital assets shaped by the Financial Services Agency (FSA), with additional oversight from the Japan Virtual Currency Exchange Association (JVCEA) and the Japan Security Token Offering Association (JSTOA);²⁵ However, high compliance costs have led some companies to exit the market due to stringent record-keeping rules and capital requirements.²⁶ Other countries like Singapore have digital asset regulations enforced by the Monetary Authority of Singapore (MAS) under the Payment Services Act 2019 and the Financial Services and Markets Act 2022, though industry players have raised concerns over strict measures such as the ban on lending and staking.²⁷

In Africa, this matter remains to be a complex and evolving legal question because traditional property law and beliefs in Africa have often centered around tangible, physical assets.²⁸ Nigeria's regulatory approach to digital assets began with the establishment of the Fintech Roadmap Committee by the Securities and Exchange Commission (SEC) in 2018, followed by the adoption of guidelines for Virtual Assets Service Providers by the Central Bank of Nigeria.²⁹ However, the Investment and Securities Act of 2007, was not designed to address the rapid evolution of digital assets.³⁰ There is a lack of clarity and consistency in Nigeria's legal framework for regulating digital assets which raises concerns about consumer and investor protection, market stability, and the potential for financial crime.³¹

22 World Economic Forum, (2024). *Digital Assets Regulation: Insights from Jurisdictional Approaches* Retrieved on December 29, 2024 from https://www3.weforum.org/docs/WEF_Digital_Assets_Regulation_2024.pdf

23 Waliczek, S., (2024, October). *Emerging Technologies How different countries are navigating the uncertainty of digital asset regulation in a complex election year*. Retrieved on March 17, 2025 from <https://www.weforum.org/stories/2024/10/different-countries-navigating-uncertainty-digital-asset-regulation-election-year/x>

24 Angotti, A., Angulo, T., Bolton, G., & Kusz, G. (2023). *The case for self-regulation for the digital assets industry*. *Journal of Financial Compliance*, 7(1), 15-34.

25 World Economic Forum (2024) *Digital Assets Regulation: Insights from Jurisdictional Approaches*. Retrieved on March 10, 2025 from <https://www.weforum.org/publications/digital-assets-regulation-insights-from-jurisdictional-approaches/>

26 Au, L. (2022, October 21). *Some, not all, crypto token screenings will be scrapped, Japan's JVCEA official says*. *CoinDesk*. Retrieved on March 10, 2025 from <https://www.coindesk.com/policy/2022/10/21/some-not-all-crypto-token-screenings-will-be-scrapped-japans-jvceaofficial-says/>

27 Ghosh, S. (2023, January 6). *Singapore's leading crypto group opposes proposed ban on lending tokens*. *Bloomberg*. Retrieved on February 10, 2025 from <https://www.bloomberg.com/news/articles/2023-01-06/singapore-crypto-group-opposes-proposed-ban-on-lending-tokens>

28 Garcia-Teruel, R. M., & Simón-Moreno, H. (2021). *The digital tokenization of property rights. A comparative perspective*. *Computer Law & Security Review*, 41, 105543.

29 Oloworaran, U.E., (2023) *An Examination of the Regulatory Framework for Digital Assets in Nigeria*. *Kampala International University Law Journal (KIULJ)* Vol. 5, Issue I, [ISSN: 2519-9501]

30 *Ibid*

31 Arop, J. (2023). *The Regulation of Digital Assets in Nigeria* Available at SSRN: <https://ssrn.com/abstract=4655847> or <http://dx.doi.org/10.2139/ssrn.4655847>

Malawi, Ghana and Tanzania were selected as pilot countries for this research. At the beginning of the study in mid 2024, Malawi and Tanzania held the newest data protection laws in South and Eastern Africa respectively. Malawi's legal framework for digital assets includes the Data Protection Act, 2024 that addresses different aspects of data protection,³² and the Electronic Transactions and Cyber Security Act of 2016, which supports the recognition of electronic transactions.³³ However, digital assets, particularly cryptocurrencies, remain largely unregulated within the existing laws.³⁴ The Reserve Bank of Malawi, under the Reserve Bank Act of 2010, does not provide oversight for cryptocurrency use, leaving a regulatory void and posing challenges in integrating digital assets into the formal financial system.³⁵

Ghana was selected for its unique inheritance legal frameworks - a separate law for when an individual passes away with a valid will in place, the Wills Act of 1971 (Wills Act); and another law for when an individual passes away without a will, the Intestate Succession Act of 1985, with a new bill of 2022 soon to be passed (Intestate Succession Act). Both frameworks have provided a structured approach to inheritance. Furthermore, the Bank of Ghana published new draft guidelines for virtual asset service providers (VASPs) in August 2024, which included a licensing mandate.³⁶

In East Africa, Tanzania is witnessing a significant surge in the awareness and adoption of digital assets, with youth and tech-savvy entrepreneurs leading the charge.³⁷ Revenue in the digital assets market of Tanzania is projected to reach US\$33Million by mid-2025.³⁸ The Government of Tanzania (GOT) expanded its tax base by introducing a tax on digital assets and income generated in 2024 by digital content creators due to the growing trend of ownership of digital assets.³⁹ The Personal Data Protection Act, 2022 of Tanzania is also commendable for making provisions for digital asset management by affording a data subject the right to make profit from his or her own data, whether living or not.⁴⁰

32 Mulindwa, C. *Review of the Malawi Data Protection Act 2024*. <https://cipit.strathmore.edu/review-of-the-malawi-data-protection-act-2024/>

33 Thangalimodzi, K. (2019, November). *The extent of cryptocurrencies in Malawi*. In *The 2019 Monetary policy Conference*, Mangochi, Malawi (pp. 1-51).

34 Makoza, F. (2022). *Analysing the cryptocurrency regulatory environment of Malawi using Pathetic Dot Theory*. *International Journal of Information Systems and Social Change (IJISSC)*, 13(1), 1-21

35 Ibid

36 Kaaru, S. (2025, January 31). *Ghana urged to regulate the burgeoning digital asset sector*. CoinGeek. Retrieved on February 20, 2024 <https://coingeek.com/ghana-urged-to-regulate-burgeoning-digital-asset-sector/>

37 Ponera S., (2024). *The future of digital assets in Tanzania*. *The guardian*. Retrieved on January 21, 2025 from <https://ippmedia.com/the-guardian/business/read/the-future-of-digital-assets-in-tanzania-2024-09-16-140800>

38 <https://www.statista.com/outlook/fmo/digital-assets/tanzania>

39 Songoro, F. H., (2024) *Residence of foreigners in Tanzania through acquisition of land property: legal implications on land ownership and investment*. Retrieved on January 23, 2025 from <https://victoryattorneys.co.tz/2024/12/09/in-depth-analysis-of-the-proposed-tax-on-digital-assets-and-digital-content-creators-in-the-finance-bill-2024/>

40 Section 35 (2): *Subject to subsection (1), a data subject may enter into agreement with a data controller for purposes of using or processing his personal data for pecuniary benefits*

Although these legal advancements mark progress, the lack of specific regulations addressing the ownership and transfer of digital assets after death remains a challenge. Many aspects of daily life have transitioned into a digital format.⁴¹ The absence of clear legal recognition in inheriting digital assets raises concerns over their security, inheritance rights, secure storage challenges, and the influence of cultural practices on asset planning. Asset planning must incorporate the digital world and efficient capacitation should be afforded to all respective actors in succession procedures, such as financial institutions, internet service providers, asset custodians, human rights defenders et cetera, to ensure Africans benefit from their assets.⁴²

The general objective of this research study was to examine how digital assets are managed and inherited in Africa, by exploring the challenges arising from the evolving legal frameworks, and the influence of social and cultural practices on asset planning. From this research, we aim to develop an African-centered visual guidebook focused on providing accessible, culturally relevant and practical steps for individuals and families to navigate the complexities of passing on digital assets.

41 Malter, A. J., & Rindfleisch, A. (2019). *Transitioning to a digital world*. In *Marketing in a Digital World* (Vol. 16, pp. 1-11). Emerald Publishing Limited.

42 Boda, R, Y., Beachen D., and Powell A., (2024). *Securing your digital legacy: The importance of digital estate planning*. *Ensignt*. Retrieved on February 2, 2025 from <https://www.ensafrica.com/news/detail/8354/securing-your-digital-legacy-the-importance-o>

Methodology

To study how digital assets are managed and inherited in Africa, an exploratory qualitative research approach was adopted. Purposive sampling was employed in selecting participants from the three countries based on their experiences as legal practitioners, technology experts, finance actors, and human rights defenders in the digital space. In total, 28 participants were selected including of whom 13 were female and 15 were male.

Data was collected using focus group discussions (FGDs), key informant interviews (KIIs) and documentary review. Four key informants were interviewed each (virtually) from Malawi and Ghana whereas 24 participants from Tanzania participated in the physical FGDs. Finally a desk review was conducted to understand the existing frameworks, regulations, and literature surrounding digital asset management and inheritance in the African context. The study adhered to ethical guidelines, ensuring that all research activities were conducted with respect for participants' rights and well-being.

Study Limitations

We acknowledge that the sample size is relatively small and physical consultations could not be held in all three countries, which limits the generalizability of the study's findings. Nevertheless, we believe that these findings can provide valuable insights to inform decisions aimed at addressing the challenges of digital asset management and inheritance in Africa. Additionally, as the study focused on participants from only Tanzania, Malawi, and Ghana, this may not fully represent the diversity of experiences across the entire African continent. Furthermore, the exploratory nature of the research means that the findings are not definitive but serve as a starting point for further investigation.

Findings

The management and inheritance of digital assets in Africa present a complex landscape influenced by technological developments, changing legal frameworks, and cultural factors. This section explores participants' perceptions on digital asset management and inheritance, highlighting key challenges related to ownership and possession, secure storage, intellectual property rights, technological infrastructure and legal landscape. Additionally, it presents the cultural influences on asset planning.

Management and Inheritance of Digital Assets

Definition and Scope of Digital Assets

Digital assets are increasingly becoming vital in society because they are utilized for business, investment, personal legacy, and national security, to name a few.⁴³ They have become more popular and valuable as technological advances integrate into people's personal and professional lives. One response was:

"A digital asset is anything on an e-related platform or an e-tool for personal or business use. For example websites, social media, e-wallets". - FGD Participant.

This response highlighted two important components - one, that digital assets exist in electronic format and two, they encompass far more than just financial or monetary items, which are typically the primary focus in discussions about them.

The nature of digital assets has also caught the attention of tax regulators in the focus countries, where for example, Tanzania updated its income tax laws in 2024 to clearly define digital assets as

anything of value that is not tangible including crypto-currencies, token code, number held in digital form and generated through cryptographic means or any other means, by whatever name called, providing a digital representation of value without can be transferred, stored or exchanged exchanged with consideration that or electronically; or a non-fungible token or any other token of similar nature.⁴⁴

In addition, any transfer, exchange or payments involving digital assets will be subject to a 3% withholding tax obligation on the digital asset platform owner.

In defining digital assets, two categories were addressed in this study - virtual assets and non-fungible tokens (NFTs). The study found that in Tanzania, virtual assets are recognized by the Government as digital representations of value that can be traded, transferred, or used for payments and investment with the exclusion of digital currencies, securities, and financial assets already regulated by law.⁴⁵ Simply put, virtual assets refer to cryptocurrencies and tokens used for specific financial purposes, often tied to blockchain or decentralized platforms. NFTs, on the other hand are broader digital items

⁴³ Lebrau. C., (2024) *How digital assets may hold the key to Africa's economic growth. The Business Insider.* Retrieved on January 14, 2025 from <https://africa.businessinsider.com/local/markets/how-digital-assets-may-hold-the-key-to-africas-economic-growth/992jdxv>

⁴⁴ Section 83C (2) (a) & (b) of the Income Tax Act, Cap 332 R.E 2024

⁴⁵ Interpretation, Section 3 of the Anti Money Laundering (Amendment) Act, 2022 of Tanzania

representing real world objects such as artwork, images, recordings, gaming items etc.⁴⁶ Together, both categories form digital assets.

Management of Digital Assets

The significance of digital assets is undeniable. It has a wide scope and extends across various domains including finance, governance, communication, and social accountability, as highlighted by one of the key informants:

“Digital assets ranging from social media accounts, to crypto currencies are deeply embedded in our daily life and are highly significant because they play a crucial role depending on how they are used. For instance people use digital media for accountability by documenting events, exposing corruption, and holding authorities responsible. It also ensures visibility by enabling individuals and organisations to be able to share information, and also combating disinformation through fact checking content. There are also digital currencies, cryptocurrency mining, and other financial innovations that positively influence growth of national economies” - KII Participant.

Despite the significance of digital assets, they also present challenges related to management, ownership, and possession, like other digital innovations. Traditionally, data, images, video, and written content have been recognised as digital assets with ownership rights.⁴⁷ Participants in this research were of the opinion that digital assets should have the same legal rights as tangible property due to their inherent value, transferability traits, exclusion rights, disposal rights, protection from theft and most importantly, ownership.

The intangible nature of digital assets has amounted to their legal consideration and treatment as property. For instance, a digital asset can be used as collateral when applying for personal loans from financial institutions, listing it as property.⁴⁸ This practice is already in place in Tanzania, where individuals are able to receive bank loans using their mobile money transactional history as collateral.⁴⁹ Literature reviewed in this research study also highlighted that the recently adopted United Nations (UN) Convention on Cybercrime of 2025 explicitly defines ‘**Property**’ as assets of every kind, whether corporeal or incorporeal, movable or immovable, tangible or intangible, including virtual assets.⁵⁰ As members of the UN, Tanzania, Malawi and Ghana are all expected to incorporate this definition into their national legal frameworks.

46 Putnings, M., (2022) “Non-Fungible Token (NFT) in the Academic and Open Access Publishing Environment: Considerations Towards Science-Friendly Scenarios”, *The Journal of Electronic Publishing* 25(2). doi: <https://doi.org/10.3998/jep.2574>

47 Chavarria, A., and Marcus R., (2024). *Digital Asset: Meaning, Types, and Importance* The Investopedia Team. Retrieved on January 27, 2025 from <https://www.investopedia.com/terms/d/digital-asset-framework.asp>

48 Haentjens, M., & Lehmann, M. (2023). *The Law Governing Secured Transactions in Digital Assets*. In *Blockchain and Private International Law* (pp. 456-478). Brill Nijhoff.

49 FGD2_Tanzania 2024

50 Article 2 (i) of the United Nations Convention against Cybercrime

Although digital assets can be categorized as property, they still exist in a digital environment making it essential to distinguish between ownership and possession. Ownership and possession, though used interchangeably, carry different meanings.⁵¹ From a general definition, ownership is treated as the most comprehensive right of a person over an item that is enforceable against the whole world and the owner can use and dispose of that item,⁵² whereas possession is usually understood as the actual holding of something as one's own and simply means having physical control over it.⁵³ For instance, a tenant may possess furniture in a rented apartment, but the landlord retains ownership. In the digital realm, findings from the KIs revealed that digital platform developers own digital assets stored on their platforms since they control the digital infrastructure, dictate the terms and conditions of use and are able to make the updates that users must consent to in order to continue accessing their platforms. The platform users simply possess the digital assets; they can interact with and store the data on those platforms;

"I know that the creators and developers of these digital assets have a key role to play when it comes to ownership and the users are mostly the possessors because every now and then there's going to be an update, and you have to accept the terms and conditions to even be able to access the platform." - KI Participant.

Ownership and/or possession have also indicated an individual's desire for digital immortality. In Africa, as elsewhere, many people seek to preserve their legacy beyond their physical lives and are actively doing so through their online presence.⁵⁴ To ensure these assets remain accessible and their legacy endures, individuals may implement strategies for passing on their digital wealth. One of the most effective methods is through the creation of a digital inheritance plan, which designates heirs or trusted individuals to manage or access online accounts upon death.⁵⁵ For example, digital platforms like Facebook and Apple allow users to designate a "legacy contact" who can manage the account after the user's passing, while platforms like Google offer an "inactive account manager" that allows users to set up automatic notifications and account transfers in the event of inactivity.⁵⁶

Managing digital assets further raises the need to address intellectual property rights (IPRs), which simply refer to protecting original works of an individual or institution, such as software applications, music, brands, or research work.⁵⁷ Additionally, IPRs also feature trademarks (brand names and logos associated with digital products and services) and patents (unique inventions and innovations related to digital technologies), all of which are governed by copyright laws and legally grant creators exclusive

51 Agrawal, A., (2024 January 5) *Difference Between Possession and Ownership in Jurisprudence*. Lawbhoomi. Retrieved on February 25, 2025 from <https://lawbhoomi.com/difference-between-possession-and-ownership-in-jurisprudence/>

52 *Black's Law Dictionary, 2nd Edition (n.d) Ownership Definition & Legal Meaning*. Retrieved on January 28, 2025 from <https://thelawdictionary.org/ownership/>

53 *Black's Law Dictionary, 2nd Edition (n.d). Possession Definition & Legal Meaning*. Retrieved on January 28, 2025 from <https://thelawdictionary.org/possession/>

54 Perdana, A., (2024) *Africa: An Eerie 'Digital Afterlife' Is No Longer Science Fiction. So How Do We Navigate the Risks?*. The Conversation. AllAfrica

55 Ali, A., Salleh, M. A. M., & Mustaffa, N. (2022). *Digital Inheritance Exploration (DIE) Through Digital Inheritance Model (DIM)-A Guideline for Digital Assets Planning After Death*.

56 George, D., & Mamedova, S. (2024). *Digital Afterlife: Preserving Online Legacies Beyond Death*. Zenodo. *Partners Universal International Innovation Journal (PUIJ) Volume: 02 Issue: 01*

57 Brook, C., (2022, August) *4 Types of Intellectual Property Protection & IP Rights*. Retrieved on January 19, 2025 from <https://www.digitalguardian.com/blog/4-types-of-intellectual-property-protection-ip-rights>

rights to reproduce, distribute, and display their creations.⁵⁸ Addressing IPR in digital asset inheritance is crucial because it clarifies ownership and user rights, prevents disputes among heirs over valuable digital creations and ensures the creator's legacies are protected and preserved.

Inheritance of Digital Assets

Inheritance Practices and Perceptions

Inheritance is the process by which property, assets, rights and legacies are passed on to individuals after the death of a person. It is governed in three different ways - customary traditions, statutory law by government, and religion. While all three methods have their unique places in society, this research study found that in the event of conflict, statutory law will often take precedence over traditional and religious customs.⁵⁹

Traditional African cultures have various systems of asset planning and inheritance. Usually determined by their norms and customs, practices in Ghana for instance, may favour the matrilineal side of the deceased above the spouse and children or the patrilineal side where a man will pass on his property to his children and not the widow.⁶⁰ This custom further confirmed our findings on the aspect of gender where it was noted that African women, more often than African men, are denied property and inheritance rights, which can extend to digital assets. Patriarchal systems and customary laws frequently limit women's access to digital literacy, causing less access to technological tools and education, which can also inhibit their ability to manage, protect, and inherit digital assets.⁶¹

Socio-economic status is a large contributor to the practice or lack thereof of digital asset inheritance in Africa. Respondents emphasized how asset planning and inheritance are normally

“not considered to be relevant for youth or for one who has less properties, for example only owning a phone, small room/residence, clothing and small cash. Rather, most people will start to plan for inheritance when they know they are approaching death.” - FGD Participant.

Religion was the second component in understanding inheritance practices and perceptions in Africa. Mostly addressed in the FGDs, participants observed that religion is a highly effective measure in encouraging individuals to manage their assets before and after death. This is because members of society are more likely to listen and implement what their religious leaders tell them to do. Islamic law was greatly discussed in this research because its inheritance practices are not governed by statutory provisions. The practice of writing wills is generally not followed (with the exception of a few sub-denominations within Islam) because the Holy Quran provides clear guidelines on how the deceased's assets should be managed and who is entitled to inherit those assets.⁶² The Sheikh or designated

⁵⁸ *Ibid*

⁵⁹ Ephraim V. Pastory (2001) AHRLR 236 (TzHC 1990)

⁶⁰ Kutsoati E., Morck R. (2016). *Family Ties, Inheritance Rights, and Successful Poverty Alleviation: Evidence from Ghana*. Retrieved on January 28, 2025 from <https://www.nber.org/system/files/chapters/c13378/c13378.pdf>

⁶¹ Saturday, B., and Mwendwa, I., (2024). *Bridging the Digital Gender Divide: Lessons from the Thrive Digitalisation Project*. Retrieved on February 5, 2025 from <https://policy.medium.com/bridging-the-digital-gender-divide-lessons-from-the-thrive-digitalisation-project-d200b4e4bfa7>

⁶² NNN Nditi (Jr) (2017). *Succession & Trusts in Tanzania: Theory, Law and Practice*. (pp. 303-305). LawAfrica Publishing (K) Limited

family member is appointed to manage or distribute the assets, and will distribute according to the rations provided by the Quran and depending on the remaining beneficiaries. Note that in Islam, only children born in marriage will be recognized as heirs.

The introduction of digital assets into Islamic inheritance law raises questions about how such assets fit into the traditional division of wealth outlined in Islamic jurisprudence. One of the major questions centers on whether digital assets should be considered part of the estate and how they should be distributed according to Islamic inheritance rules. Although the research study focused on Africa, literature reviewed showed that in progressive Islamic States such as the United Arab Emirates (UAE), Sharia law governs inheritance but recent innovations like the **Digital Asset Will** have been introduced under the Dubai International Financial Centre (DIFC) and enacted by the Digital Assets Law No. 2 of 2024. This electronic platform manages and guides individuals on how to pass on their digital assets after death.⁶³

Lastly, with Government rule, inheritance matters fall under succession laws. For Tanzania, the governing law is the Probate and Administration of Estate Act, 1963 (with subsequent amendments) and it mandates the High Court of Tanzania as the implementing body authorized to execute wills, appoint administrators to distribute assets if there is no will, and where necessary, make amendments to said appointments.⁶⁴ Ghana, as earlier mentioned, has the Intestate Succession Act and the Wills Act. Similar to Tanzania, the High Court in Ghana acts as the authorized body to supervise all inheritance matters.⁶⁵ Malawi has the Deceased Estate (Wills, Inheritance and Protection) Act of 2011, which similar to Tanzania and Ghana, also lays provisions for how a property may be managed and distributed upon the death of the owner.

Digital Asset Inheritance Systems and Stakeholders

Inheriting digital assets involves a diverse range of parties and stakeholders. At the family and community level, these include the respective family members and the chieftaincy institution because;

“they play a middle role when it comes to inheritance in Ghana, if they are educated on the existence of digital assets, after the law has been passed, or even before it is passed. If the chiefs and heads of families are pushing the agenda for digital asset inheritance to be recognised in Ghana, then it would make the process easier. Since they play a significant role in the inheritance system in Ghana, introducing digital asset inheritance to them, gaining their acceptance, and having them push for it would go a long way in recognising digital asset inheritance in Ghana.” - KII Participant.

Other stakeholders are financial institutions, telecom companies, national regulators in the banking, tax and communications sectors, tech companies, and land registration authorities. Participants also

⁶³ Rasma Legal (2024). *The Future of Inheritance: DIFC's Digital Asset Will Service for A Digital World*. Retrieved on February 5, 2025 from <https://www.linkedin.com/pulse/future-inheritance-difcs-digital-asset-service-world-rasmalegal-hwt3c/>

⁶⁴ Section 3: *The High Court shall have jurisdiction in all matters relating to probate and the administration of deceased's estates, with power to grant probates of wills and letters of administration to the estates of deceased persons and to alter or revoke such grants.*

⁶⁵ Order 66 of the High Court (Civil Procedure) Rules, 2004 (with subsequent amendments)

recognized the importance of different Government Ministries in the inheritance process. Specifically, they noted:

“The Minister of Justice in Malawi, who does all these particular laws and regulations as well as the Minister of Information and Digitization in terms of putting in the policy framework, as well as the programming, which are the interventions that are necessary to tell people that these are assets that they need to register.” - KII Participant.

Cultural and Social Influences

The increased awareness of digital assets is sparking a unique blend of curiosity, tradition and transformation in Africa, challenging age-old perceptions and opening new doors of cultural evolution. One of the most common perceptions lies in the gender digital divide, where the patriarchal nature of African societies tends to limit women’s engagement with digital tools. Although women may have less access to technology, respondents from Malawi argued that they (women) prove to be better strategists and forward thinkers when it comes to managing their assets, including digital assets:

“For most men, it’s very difficult to find them being comfortable with even the thought of writing a will because they will have to think about who to give what, and they tend to hide. Women have a higher chance of doing that, to actually put in writing and leave instructions about their assets, they tend to be very straightforward.” - KII Participant.

Another observation was the lack of awareness of the monetary value of digital assets. When individuals recognize the financial value of digital assets, they are likely to adopt more strategic approaches to planning for their preservation and transfer upon death. Because digital assets are becoming increasingly significant in the global economy, more communities are learning to understand their potential wealth. This understanding could lead to the development of culturally appropriate frameworks for managing digital assets, blending traditional values with modern financial tools.

“One advantage Ghana has is that if a digital asset is explicitly mentioned in a will, it can be inherited. For example, if a publication generates revenue, copyright laws ensure that the family continues to benefit from it. A good example is the works of deceased authors, such as Agatha Christie. Her books such as Murder on the Orient Express continue to generate revenue, benefiting her estate and family. As long as one can provide the necessary documentation proving family ties, inheritance is possible.” - KII Participant.

Cultural Perceptions of Will Writing & Asset Planning

Writing a will is one of the most effective means of ensuring that assets are properly distributed after death. In the context of digital assets, a will helps to clarify ownership and intent, designating a digital executor, preventing digital asset loss, providing for the continuation of digital life, and compliance with legal and tax considerations.

The research study found that writing a will is not a common practice in Africa. This is because of the fear that doing so may invite an early death or provoke jealousy among witnesses or family members,

particularly if they are not named as heirs.⁶⁶ Another perception shows that asset planning and writing a will appear to be largely class-based. Respondents expressed how many individuals, particularly those from lower socio-economic backgrounds are reluctant to acknowledge or plan for death while they are still alive.⁶⁷ In contrast, wealthier individuals are more proactive about creating wills, as they seek to protect their families from being dependent on external relatives after their passing.⁶⁸

In Africa, where the adoption of digital technologies is accelerating, having a clear and well-drafted will ensures that digital assets are passed on according to one's wishes. African societies often rely on manual documentation, including wills, due to the fact that the region is not fully digitized. A digital/electronic will offers more benefits than a will on paper because it can be easily secured online, accessible and convenient in terms of time and geographical limitations.⁶⁹ In Malawi, physically written wills exist but that may change soon:

“The moment a death is registered in the Civil Registration and Vital Statistics (CVRS), it triggers an alert that goes out to the digital registry which holds your assets and it goes to your lawyers and your family. It triggers the succession process to identify the deceased's beneficiaries. So you're almost like a digital will in a manner of speaking. At the moment, wills exist in a physical form, but is there a way of creating a digital will that will then be activated automatically by these events of death, as they happen and are registered in these databases?” - KII Participant.

Apart from digitally typed wills, the format may further evolve from to something even more personal and dynamic - a video will, where an individual can choose to record their final wishes in a more direct way, replacing the written statement with a more personal and accessible medium.⁷⁰

In order to write a will that effectively addresses the inheritance of digital assets, the following best practices should be considered. One is the inventory of all digital assets whereby an individual creates a comprehensive list of all digital assets including account credentials, security questions, and recovery options. Two, providing clear and detailed instructions on how to access digital assets and the specific platforms or services involved. Three, it is important to regularly update the will so that as digital assets evolve, one is able to reflect changes in asset holdings. Periodic reviews ensure that all assets are accounted for and that the instructions remain current. Lastly, it is advisable to consult legal professionals and seek guidance on local inheritance laws and the management of digital assets.

A traditional will often designates an executor who manages the deceased person's estate but for digital assets, it is important to appoint a digital executor who is responsible for accessing, managing,

66 KII1_Malawi 2024

67 KII_Ghana 2024

68 Baxter and Borowicz (2025). *Why Wills Aren't Just for the Wealthy*. Retrieved on February 22, 2025 from https://baxterandborowicz.com/why-wills-arent-just-for-the-wealthy_ae7/

69 Lebrau. C., (2024) *How digital assets may hold the key to Africa's economic growth*. *The Business Insider*. Retrieved on January 22, 2025 from <https://africa.businessinsider.com/local/markets/how-digital-assets-may-hold-the-key-to-africas-economic-growth/992jdxv>

70 Petro-Anne Vlok (2017). *What To Do With The Digital You*. Retrieved on 31st January 2025 from www.drum.co.za

and distributing digital assets. This individual should be trusted with the knowledge of how to access online accounts, passwords, and private keys. It is recommended to select someone who is not only trustworthy but also tech-savvy enough to handle digital assets. Many digital assets, particularly cryptocurrencies, may become permanently inaccessible if proper steps are not taken. For example, if the deceased person's private keys to a cryptocurrency wallet are not shared with their heirs, the assets in that wallet could be lost forever. A will can include instructions on how to securely transfer access information too.

Legal and Regulatory Frameworks

Existing laws on digital asset management and inheritance

The research study found four main legislative frameworks governing digital asset inheritance from the focus countries - inheritance laws, copyright laws, financial laws and Information and Communication Technology (ICT) frameworks. Additionally, other frameworks that are helpful to consider are those pertaining to Marriage and Children.

The inheritance laws, as earlier mentioned in Section 3.2 outline the legal requirements for making a valid will, allowing individuals to determine how their assets should be distributed upon their death. It also provides the legal framework for appointing executors and the process of administering estates. These frameworks recognize the rights of surviving heirs and establish a clear hierarchy for the distribution of the deceased's estate. Though these legal frameworks phrase "properties" in a general manner, there is room to maintain that the procedures outlined are also applicable to digital assets.

Copyright laws address intellectual property and protect digital content, for example computer programs, online publications, artistic work, or music. All three focus countries have enacted Copyright laws and have provisions allowing heirs to inherit intellectual property of the original owners through contract, by operation of law, or by a will,⁷¹

"There are laws regarding copyrights and intellectual property that protect digital content. These laws safeguard media and digital properties. Copyright and intellectual property laws protect individuals' digital properties. Yes, digital assets can be inherited under copyright law, which protects digital property. If Ghana were to expand its inheritance laws, such as the Intestate Succession Act, digital assets could be formally included. Even without explicit laws on digital asset inheritance, copyright laws allow families to benefit from content created by deceased relatives." - KII Participant.

Thirdly, financial laws play an important role in digital asset inheritance because they govern virtual/ financial digital assets. Financial legislation is broad, covering the banking sector, securities exchange, unclaimed assets, and tax regimes. Banking laws ensure that digital asset holders' bank accounts and electronic wallets are securely managed and can be accessed by authorized heirs or executors. Securities laws govern the transfer of digital assets that are categorized as investments, such as

⁷¹ Section 9 (3) of the Copyright Act, 2005 of Ghana, Section 18 of the Copyright and Neighbouring Act, 1999 of Tanzania & Section 54(1) of the Copyright Act, 2017 of Malawi

cryptocurrencies, ensuring that they are passed on in compliance with relevant market regulations.⁷² Unclaimed asset laws facilitate the process of recovering and distributing digital assets when the owner has failed to designate beneficiaries or lost access to their accounts. In Tanzania, for example, when assets such as mobile money accounts remain unclaimed or abandoned for five consecutive years, the funds will be surrendered to the central bank, the Bank of Tanzania (BOT) and regulated by the Banking and Financial Institutions (Compulsory Liquidation) Regulations, 2024.⁷³ Finally, tax laws dictate how digital assets are valued and taxed, ensuring proper reporting and the fulfillment of any outstanding tax obligations during the inheritance process.

Lastly, ICT regulatory frameworks encompass data protection, telecom and cybersecurity legislations. These frameworks play a key role in digital asset inheritance by providing guidance on technological execution such as storage and backup systems, electronic communications and the preservation of sensitive data. Unlike Malawi and Tanzania, Ghana has had data protection legislation since 2012, and is now advancing efforts to regulate digital assets across the country while fostering innovation.⁷⁴ Because digital assets are found in decentralized and often encrypted platforms holding sensitive personal information, ICT frameworks offer insight on accessibility, transfer and security of these assets, assisting heirs to inherit what has been passed down to them.⁷⁵

At the continental level, The African Union Convention on Cybersecurity and Personal Data Protection (**Malabo Convention**) is a good example of a regional framework seeking to innovate the way information and technological platforms manage digital assets. Though it does not define the scope of digital assets, it explains that the culture of cyber security should lay emphasis on security in the development of information systems and networks, and on the adoption of new ways of thinking and behaving when using information systems as well as during communication or transactions across networks.⁷⁶ Additionally, it imposes obligations on member states to foster the involvement of the civil society entities in generating mass awareness and knowledge programs on digital asset management for different community groups, schools, businesses, and family level.

Gaps and Challenges

While digital assets offer numerous opportunities, their unique nature presents significant challenges for inheritance laws because these laws date back between 10 - 30 years ago, tend to focus on physical assets and do not adequately reflect the current technological developments in society. Respondents observed that;

“For Tanzania, there is a need to have a new law on digital assets. The succession law we have now is not sufficient” - FGD Participant.

whereas in Malawi, it was observed that;

“Most of the time you will find that any legislation that has to do with succession, primarily was written with physical tangible assets in mind.” - KII Participant.

⁷² KII4_Ghana 2024. *The Securities Industry Act, 2016 of Ghana*

⁷³ Regulation 12 (3) of the Banking and Financial Institutions (Compulsory Liquidation) Regulations, 2024 of Tanzania

⁷⁴ Central Bank of Ghana (2024) *Draft Guidelines on Digital Assets from the Central Bank of Ghana*. Retrieved on January 25, 2025 from <https://www.bog.gov.gh/wp-content/uploads/2024/08/Draft-Guidelines-on-Digital-Assets.pdf>

⁷⁵ *The Electronic Transactions and Cybersecurity Act (2016) of Malawi*

⁷⁶ Article 26 (1) (a) - *Culture of Cybersecurity*

The Intestate Succession Act of Ghana also speaks generally of assets, mentioning household items, houses, and premises.⁷⁷

Another challenge is that legal frameworks do not directly define digital assets as property or address ownership and control of said assets after an individual passes on.⁷⁸ In this respect, governments ought to prioritize understanding technological advancements and developing laws that clearly define the rights of digital asset holders, create mechanisms for secure asset transfer, and establish tax policies for digital wealth. As aptly stated by legal scholar and accredited mediator, Luke Lee, “what the law cannot classify, it cannot regulate.”⁷⁹

Despite these challenges, Africa maintains resilience in developing innovative frameworks. Ghana, for instance, is actively exploring legislative reforms by creating guidelines on how to manage digital assets, known as the Draft Guidelines on Digital Assets.⁸⁰ Further, with the introduction of the Central Bank Digital Currency (CBDC), digital assets will also likely undergo new considerations for inheritance.

Challenges in Digital Asset Management and Inheritance

Lack of Digital Literacy and Skills

In Africa, the lack of digital literacy and skills presents a significant challenge for effective digital asset inheritance. The research study found that the areas most lacking are in knowledge of what a digital asset is, how to use security features, taxation of digital assets, and proper registration of digital creations.⁸¹ Without proper comprehension on how digital platforms work, individuals may struggle to securely store or even access vital assets, leaving families and heirs unable to inherit them. This challenge is compounded by the limited availability of comprehensive digital estate planning tools and resources, alongside the barriers posed by internet connectivity issues.

At the Government level, digital literacy and skilling was also found to be lacking among legislators, thus causing a significant barrier when drafting ICT and tech-related laws. Lawmakers often lack the necessary understanding of digital technologies and their implications on society. This gap in knowledge and comprehension results in legislation being passed without grasping how it will affect society or the broader technological landscape. As one participant highlighted, legislators may pass bills without fully understanding the content inside, which underscores the importance of electing informed individuals with a solid grasp of technology and its potential.⁸²

As a result, there is an urgent need for improved digital education, legal frameworks, and accessible tools to ensure that digital wealth and assets are properly passed on to future generations.

⁷⁷ Sections 3, 4, 12 & 13

⁷⁸ Wendehorst, C., (2023). Chapter 5 Proprietary Rights in Digital Assets and the Conflict of Laws, Retrieved on January 25, 2025 from <https://brill.com/edcollchap-0a/book/9789004514850/BP000014.xml?language=en>

⁷⁹ Lee L. (2024) Examining the Legal Status of Digital Assets as Property: A Comparative Analysis of Jurisdictional Approaches. Retrieved on February 5, 2025 from https://www.researchgate.net/publication/381666202_Examining_the_Legal_Status_of_Digital_Assets_as_Property_A_Comparative_Analysis_of_Jurisdictional_Approaches

⁸⁰ Central Bank of Ghana (2024) Draft Guidelines on Digital Assets from the Central Bank of Ghana. Retrieved on January 26 2025, from <https://www.bog.gov.gh/wp-content/uploads/2024/08/Draft-Guidelines-on-Digital-Assets.pdf>

⁸¹ KII4_Ghana 2024

⁸² KII1_Malawi 2024

Secure Storage and Management of Digital Assets

It is increasingly becoming a necessity for individuals and organizations to ensure the effective management and secure storage of digital assets, due to the increased volume of content created, shared, and stored.⁸³ One participant highlighted the absence of structured frameworks and technological innovations for digital asset storage, stating,

“We have no technological innovations or advancements or even structured frameworks to facilitate the secure storage and effective transfer of digital assets. There is a need within these digital spaces and platforms to create an international depository or structured storage framework that registers digital assets, issues them a unique identifier, and ensures they are stored in a trusted location.” - KII Participant.

Thus the absence of a structured framework to ensure the effective registering, management and secure storage and transferring of digital assets raises concerns over ownership security, access control, and inheritance. In addition, several technical challenges must be overcome to ensure that digital assets can be transferred to the appropriate parties after a person's death.⁸⁴ This also depends on the type of asset and the conditions attached to its ownership and the availability of technological infrastructure to support the inheritance as one of the key informants shared;

“It depends on the type of digital asset. Some can be inherited without problems, but others that may have conditions. For example, as long as I maintain the domain name registration, which usually requires an annual fee paid to a registrar, it's mine and I can do whatever I want with it. But if I don't maintain that registration, the domain name will be put on hold, suspended for a certain period of time for me to reclaim it. If that time expires, that's it. It's gone. In such cases, as long as that domain name is valid, it can be inherited.” - KII Participant.

Digital assets depend on centralised platforms, subscriptions, and cloud storage, requiring continuous access and authentication. Weak technological infrastructure increases the risk of loss, making inheritance uncertain and limiting the ability to pass on digital wealth. Addressing the technological infrastructure needed to support the management of digital assets is essential.

Africa's diverse technological landscape varies significantly between countries, with internet connectivity, mobile access, and cybersecurity standards being uneven across the continent.⁸⁵ To enable the secure management of digital assets, there needs to be a concerted effort to improve access to reliable and secure internet services, along with robust cybersecurity measures.⁸⁶ This could involve implementing blockchain-based solutions that offer transparent and immutable records of digital asset ownership, as well as partnering with fintech companies to develop decentralized

⁸³ Ban, H., Pokhrel, L., & Lakhey, S. (2025). Digital Financial Literacy and Digital Financial Behavior: Evidence From an Emerging Economy. *Journal of Financial Counseling and Planning*.

⁸⁴ Eigenmann, A., and Harbinjav, E. (2023). *ELI Succession of Digital Assets, Data and other Digital Remains*. European Law Institute.

⁸⁵ Udo, O. O., & Agbai, E. P. (2023) *The Nexus Between Africanization Technology and Economic Development of African Countries*. *World Journal of Innovation And Modern Technology* E-ISSN 2756-5491 P-ISSN 2682-5910 Vol 7. No. 2 2023

⁸⁶ Sendjaja, T., Irwandi, E. P., Suryani, Y., & Fatmawati, E. (2024). *Cybersecurity In The Digital Age: Developing Robust Strategies To Protect Against Evolving Global Digital Threats And Cyber Attacks*

applications (dApps) that facilitate safe, peer-to-peer transactions.⁸⁷ Furthermore, the creation of a digital asset custodian ecosystem where trusted third parties securely manage assets on behalf of owners could provide an additional layer of security for those who lack the technical know-how to manage their digital assets independently. With the right infrastructure, education, and legal frameworks, Africa can create a standardized platform for transferring ownership or access to digital accounts can complicate the inheritance process. This platform would be able to consolidate all of one's digital assets in a single location, reducing the need to consult various platforms with different rules on account access and transfer upon death.

“If there was some way for me to be able to have a registry somewhere, where I can register and store all my digital assets. And then inside that registry, I also describe and identify the beneficiaries so that if anything happens to me, they can come in or they are even notified by the registry; the storage and transition process would be much faster, would be streamlined because everything would be in one place, and aspects of control have been consolidated in a single storage system.” - KII Participant.

Currently, the world's first decentralized inheritance platform called **Inheriti** was launched in 2024 and offers data backups, secure account management and digital inheritance tools, allowing for an individual to easily transfer their assets to their heirs upon death.⁸⁸ Participants also raised the concern that although developing such a tool in Africa would prove innovative, there are significant challenges that would have to be solved first. For instance, the limitations of local technological infrastructure and server capabilities which result in relatively slow and unreliable operations of complex digital platforms. Participants mentioned that:

“We often suffer from lower bandwidth, inadequate maintenance, and inconsistent power supply. This limits our ability to effectively manage and access digital assets, hindering the overall functionality and reliability of digital platforms.” - FGD Participant.

As a result, most African platforms tend to rely on Western cloud servers, such as Amazon Web Services (AWS) or Microsoft Azure, which hold high-speed networks and extensive global infrastructure.⁸⁹ Additionally, other individuals may opt for blockchain technology or smart contracts to secure the transfer of cryptocurrencies or NFTs to specific addresses, ensuring that their digital assets are passed on securely and in accordance with their wishes. This is a form of digital immortality and allows individuals to extend their legacy far beyond their lifetime, creating a lasting digital presence that can continue to be enjoyed or managed by loved ones or beneficiaries. For such tools to be effective, they require careful planning, legal recognition, and the use of secure platforms to avoid complications arising from platform-specific limitations or technological gaps.

87 Renduchintala, T., Alfauri, H., Yang, Z., Pietro, R. D., & Jain, R. (2022). A survey of blockchain applications in the fintech sector. *Journal of Open Innovation: Technology, Market, and Complexity*, 8(4), 185.

88 Inheriti (2024). *Secure Your Digital Life*. Retrieved on 22nd January 2025 from <https://inheriti.com/>

89 Bourne, J., (2019). *Why Africa's cloud and data centre ecosystem will – eventually – be a land of serious opportunity*. CloudTech.

Future Planning and Recommendations

Government

This research urges governments in Africa to amend and revise existing inheritance laws. This will ensure that digital assets are recognized as property and clear guidelines for their inheritance are in place. A dedicated and revised law would provide clarity on issues such as how to locate and identify digital assets within a deceased person's estate, how to gain access to and control over digital assets after the owner's death, considering factors like passwords, private keys, and multi-signature arrangements. The proposed framework should also offer guidance on how to transfer and distribute digital assets among heirs, ensuring secure and efficient transfer while respecting the deceased person's wishes, best practices in resolving disputes related to the inheritance of digital assets, including issues of ownership, access, and valuation, and lastly, establish robust data protection frameworks to ensure the privacy and security of personal information associated with digital assets.

Academia

The research highlights the critical need to raise awareness among local grassroots communities about digital assets and their implications for inheritance. Many individuals in these communities may be unaware of the existence and significance of digital assets, their potential value, and the importance of including them in estate planning.

The three best measures will be one, to have targeted educational programs to inform the public about different types of digital assets, their potential risks and benefits, and the importance of proper estate planning. Two, community outreach programs should be conducted through local community centers, religious institutions, and other relevant channels to reach individuals who may not have access to traditional sources of information.

Third and lastly, collaboration with local leaders, such as traditional rulers and community elders, can be crucial in disseminating information and addressing concerns within local communities.

Citizens

The research emphasizes that all citizens of legal age ought to recognize the importance of integrating digital assets into estate planning processes. Through comprehensive estate planning, individuals ought to update their estate planning documents, such as wills and trusts, to include provisions for the inheritance of their digital assets. This will involve designating beneficiaries for specific accounts, providing access instructions, and appointing a digital asset executor.

It is important to seek professional guidance from estate planning attorneys and financial advisors who have expertise in handling digital assets. These professionals can help individuals understand the legal and practical implications of digital asset ownership and develop appropriate estate planning strategies.

Lastly, exploring and utilizing technological solutions, such as digital asset management platforms and secure storage solutions, can facilitate the management and inheritance of digital assets. For instance, blockchain technology and other innovative solutions can be used to facilitate the secure and efficient transfer of digital assets.

Pollicy

From this research, Pollicy aims to develop an African-centered visual guidebook focused on providing accessible, culturally relevant and practical steps for individuals and families to navigate the complexities of passing on digital assets. It will integrate clear and easy to understand infographics that demystify the often technical processes of digital asset management, highlighting the importance of protecting digital legacies in ways that align with African values of family, inheritance and community. This guidebook will incorporate Swahili, English, French, Twi and Chichewa languages, contexts and perspectives, empowering individuals across Africa to make informed decisions about their digital futures.

The successful integration of digital assets into the inheritance landscape requires a multi-faceted approach. This includes the development of comprehensive legislation, robust public awareness campaigns, and the integration of digital assets into estate planning practices. By addressing these issues proactively, we can ensure that the inheritance of digital assets is fair, equitable, and aligns with the evolving digital landscape.

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