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Ifeoma E. Nwafor

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Article

Cultural Diversity and Inclusivity in Africa's Internet Landscape: An Analysis of the African Union's Efforts on Data Governance

Ifeoma E. Nwafor
https://orcid.org/0000-0001-9288-2378
Godfrey Okoye University, Nigeria
nwaforifeoma@gouni.edu.ng

Abstract

The diverse and extensive variety of artificial intelligence (AI) systems can lead to cultural appropriation, misuse, and digital adaptation of Indigenous groups' data, art, and music. The dearth or inadequate consideration of cultural diversity and inclusion in the design, development, and implementation of AI systems will exacerbate marginalisation, discrimination, algorithmic oppression, and other ethical concerns in the AI sphere. This article investigates the African Union's (AU) data governance frameworks, including the AU Data Policy Framework and the AU Convention on Cyber Security and Personal Data Protection, to determine their impact on inclusivity and cultural diversity within Africa's digital realm. It adopts a practical model that presents the core methodological tool for assessing the AU's data governance frameworks, particularly concerning questions of cultural diversity and inclusivity in AI systems. The findings reveal limited efforts, with only the AU Data Policy Framework partially incorporating a somewhat culturally diverse and inclusive approach in the African data ecosystem. The AU Convention on Cyber Security and Personal Data Protection framework appears divorced from an inclusive and culturally sensitive approach. This article canvasses for more strategic efforts to entrench cultural representation, inclusion, and diversity by design in developing and implementing AI systems in Africa and for Africans. It provides recommendations on exploring emerging technologies for Indigenous culture preservation and inclusivity, and it offers valuable insights into how policy interventions can improve data governance for greater cultural representation and inclusivity.

Keywords: artificial intelligence; data governance; African AI governance; cultural diversity and inclusion in AI; culture and AI; DEI

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Introduction

Artificial intelligence (AI) systems' existing and prospective impacts are recognised globally and in Africa. Similarly, the negatives of AI and ethical concerns about bias, privacy, accountability, reduced human empathy and reasoning, etc., are an ongoing and unending discussion. Cultural diversity and inclusion (CDI) considerations in generative AI systems' design, development, and implementation within the context of the AU's digital landscape receive short shrift compared to other AI ethically contentious issues such as algorithmic bias, privacy, fairness, and transparency. Though these issues are significant, their prevalence in ongoing debates tends to water down the urgency of addressing the vital issue of CDI in AI systems, particularly generative AI. Previous works have theorised about specific issues of CDI within the African context, such as Balogun (2017), who underscores that decolonising knowledge in a globalised era of Western-imposed epistemic schemes of Africa would yield viable solutions to Africa's social and underdevelopment issues. Adediran et al. (2021) explore how Africa can manage its cultural and ethnic diversity for effective political development but did not address concerns about generative AI systems and content.

AI and decoloniality have been the subject of various conversations and academic debate. Birhane (2021) calls for rethinking algorithmic justice and ethics as comprehensive, flexible concepts, and ongoing practices grounded in relationality, centred on marginalised voices and not just a methodology or technical solution. Ayana et al. (2023) examine sub-Sahara African nations' advancement in AI governance decolonisation, centring on markers such as national strategies, data protection regulations, AI governance institutions, sovereign prioritisation, and adherence to local data handling requirements. The study found that African countries are not making noteworthy progress in AI governance, except Rwanda, which has shown responsiveness to decolonisation efforts. Meighan (2021) offers insights into how Indigenous communities, scholars, visionaries, etc., have contributed to an ongoing decolonisation of the digital landscape.

In recent years, a growing body of literature has called attention to diversity and inclusion in the development of AI technologies. Within these discussions, the role and quest of AI as a foundation for promoting diversity, equality, and inclusion has received considerable attention (Jora et al. 2022; Rathore et al. 2022; Shams et al. 2023). Indeed, the analyses of diversity and inclusivity integration in AI ethics guidelines (Cachat-Rosset and Klarsfeld 2023), corporate AI ethics documents (Chi et al. 2021), and within health AI have been analysed (Moser 2005). The measurement of diversity and inclusion in AI conferences (Freire et al. 2021), the successes (Kabudi 2022), and the challenges (Thrall 2018) of achieving diversity and inclusion in AI systems have been explored. Fosch-Villaronga and Poulsen (2022) argue that gender and sex considerations emerge as the most at-risk in AI applications and practices. Avery et al. (2023) explore how AI recruitment models can influence gender diversity in a male-dominated technology field.

An analysis of relevant academic papers shows that diversity and inclusion in AI systems, particularly from a gender, race, and sex perspective, have been considered extensively in certain developed countries. AI and decoloniality have received considerable attention. However, the assessment of CDI incorporation within the AU internet landscape has remained under-explored. There is a gap in the existing literature on the challenges of and solutions to CDI in the African AI ecosystem. This study contributes to filling this gap by investigating if and how CDI is integrated into the AU's internet legal framework. It is pertinent to mention that in 2023, the AU developed a Continental Strategy on AI to serve as a blueprint for national AI strategies. In July 2024, the AU Executive Council endorsed the AU Continental AI Strategy (African Union 2024). However, this article focuses on the AU data governance frameworks. For this paper, the internet landscape analysis will be limited to the AI ecosystem in Africa. While the internet landscape and governance cover a broad spectrum in the technology ecosystem, this article applies a narrow internet definition, focusing on the AI landscape and data governance.

The umbrella term AI includes artificial generative intelligence and generative AI. This article focuses on the absence or inadequate consideration of CDI in the design, development, and implementation of generative AI systems. Generative AI refers to "computational techniques that are capable of generating seemingly new, meaningful content such as text, images, or audio from training data …. Generative AI systems can not only be used for artistic purposes to create new text mimicking writers or new images mimicking illustrators, but they can and will assist humans as intelligent-answering systems" (Feuerriegel et al. 2024). Generative AI employs machine learning models to learn patterns from massive datasets and create new, original outputs that exhibit similar characteristics to the training data.

The study adopts a model/family of metrics as the methodological tool to evaluate if the AU legal data documents strived to reshape the internet landscape with CDI-sensitive provisions. The alignment or successful meeting of the AU legal document with this study's metrics equates to an encompassing internet governance framework illustrative of CDI. The study found that the documents did not fully adopt a CDI approach, particularly in the AU Cyber Security Personal Data Protection (the Malabo Convention). It provides recommendations on how policy interventions can improve data governance for greater cultural representation and inclusivity.

Following the introduction, this article consists of five parts: The second part provides the data and methods employed in this study; the third part provides an overview of CDI in the context of AI; the fourth part analyses the AU Data Policy and the Malabo Convention vis-à-vis the family of metrics for CDI evaluation; the fifth part provides concluding remarks; and the sixth part offers recommendations on how emerging technologies can ensure Indigenous culture preservation and inclusivity.

Data and Methods

The data analysed in this study are the AU's data governance frameworks, including the AU Data Policy Framework and the AU Convention on Cyber Security and Personal Data Protection. This research proposes a practical model/metrics that presents the core methodological tool for assessing the AU's data governance frameworks, particularly concerning questions of cultural diversity and inclusivity in generative AI systems. The study employs qualitative and analytical techniques and takes a data-centric approach to determining AI systems owing to the symbiotic relationship between data and AI.

This article identifies five factors/metrics as the assessment tool to measure the quality and effectiveness of AU's data governance frameworks. The metrics are as follows:

1. Does the framework prioritise CDI by obligating developers to integrate CDI principles in designing, developing, and implementing AI systems?
2. Does the framework highlight the mechanisms for achieving the CDI goal?
3. Do CDI-inclusive and non-discriminatory languages appear in the framework?
4. Does the AU framework endorse or necessitate the training of AI systems with culturally diverse datasets that represent a range of African cultures, cultural perspectives, and experiences?
5. Did the AU establish an independent agency/mechanism for AI oversight upholding CDI?

Response codes were as follows: "Y" – Yes; "N" – No; "P" – Partly.

The key performance indicators are the response codes, characterised as yes, no, and partly. "Yes" indicates that the framework assessed fully incorporated the metric considered. "No" indicates that the framework assessed did not integrate in any way whatsoever the metric considered. "Partly" demonstrates that the framework assessed is somewhat integrated in the metric considered. The yardstick for gauging each metric translates to incorporating the CDI-reactive goals of the evaluated frameworks.

This article investigates CDI incorporation in AU's internet legal frameworks. It builds on the concepts of diversity and inclusion and proposes a model comprising five factors to assess the AU's internet governance documents. The factors reflect the CDI-sensitive approach expected of an internet governance framework representative of diversity and inclusion. This approach would inform the metrics to measure CDI in the AU's internet governance documents. An essential factor in the CDI's language and implementation approach in legislation (legislative drafting) focuses on culture inclusion, African regions' cultural perspectives and expressions inclusion, and non-discriminatory language use in the AU's internet governance.

In analysing the frameworks, the article looks out for CDI-reactive words and phrases to gauge the quality and effectiveness of the framework evaluated. For instance, gender-inclusive language applies to all genders without distinction based on sex and gender. Legislative provisions are encouraged to "apply broadly to all persons or specific classes

of person without distinction based on sex, gender identity or gender expression" (Government of Canada 2024). The default masculine rule informs legislative drafting practices that limit gendered terms but reflect the legislative intention and ensure the gender-inclusive language of diverse readers to whom the law may apply (Government of Canada 2024).

Culture-inclusive language, etc., in legislation should broadly apply to all cultures of Member States within the AU without highlighting specific or popular cultures and ignoring others. Inclusive language in legislation is crucial to ensuring equal access, recognition, opportunity, and representation for all groups, and this should be measured and improved all the time. Using inclusive language involves avoiding terms that perpetuate marginalisation, erasure, or exclude people based on prejudices, social inequities, biases, and stereotypes while proactively using welcoming words that advocate for a more inclusive society. Cultural diversity is not based only on language, food, dress, and culture; the foundations of cultural diversity entail cultural recognition, relevance, respect, and inclusion. The CDI metrics focus on cultural recognition, relevance, respect, and inclusion of AU's Member State cultures, traditions, cultural perspectives, and expressions.

Cultural Diversity and Inclusion Meaning in the Context of AI in Africa

Culture and AI

There is a significant interrelationship between AI and culture, as cultural expressions play a vital role in how algorithms and automated applications function. It has been argued that the true pioneer in AI and automation is culture rather than science (Kulesz 2018). Culture and art historically paved the way for the AI imagination, and AI is hugely about culture (E-Relevance of Culture in the Age of AI 2018). However, culture and art are integral in algorithms and automated application design and development. The presumption that artistic and creative tasks can only be performed by humans is changing drastically with the recent advancement of AI-generated content that can no longer be differentiated from human craftsmanship (Feuerriegel et al. 2024). It is important to note that AI technologies cannot fully replicate cultures and traditions in their entirety. Culture comprises history, social values, authentic lived experiences, and tradition, not just language. Human experiences, consciousness, emotions, and subjective interpretations distinguish the output of AI and human productivity. However, AI systems' capability to amass and analyse massive datasets can offer more extensive insights than any human's experience (Gislen 2024). Though AI threatens cultural expression, representation, and diversity, it can also enhance cultural sensitivity and representation if appropriately adopted.

AI technologies act as a mirror reflecting the understanding of human intelligence, which inevitably comprises biases arising from AI developers' and engineers' intellectual and empirical limitations. AI technologies can perpetuate harmful stereotypes and lead to cultural appropriation, misuse, and digital adaptation of

Indigenous groups' data, art, and music. Cultural appropriation occurs when a dominant in-group adopts elements from the culture of a marginalised or disadvantaged out-group (Pitt 2023). It involves the unauthorised use of objects or components of a minority group by a dominant group without acknowledging the source and, in most cases, misrepresenting the culture itself or its historical background. AI-automated content creation like art, images, videos, or music can lead to cultural appropriation without due attribution or acknowledgement of the origin, which can commodify traditions and eliminate the cultural context (Caramiaux 2020). AI training data hugely reflect some demographics, cultures, and traditions, leading to AI-generated works inadvertently perpetuating cultural insensitivity and social inequalities. These are a result of limited diversity in AI development teams, absence of quality data, lack or inadequate understanding of a culture or tradition, and inherent biases by AI developers. Notably, the quality of data fed into AI systems will determine the effectiveness of its output.

The Relationship between Data and AI

It has been argued that data is the "new oil" (Yu et al. 2021). The accuracy of this statement has not been peacefully accepted or settled in scientific and contemporary literature owing to the harmful dangers such data framing/narrative can pose (Couldry and Mejias 2019). AI systems, such as machine learning models, natural language processing models, etc., are data-driven technologies that rely heavily on data collection and processing. AI systems depend on data from diverse sources and formats to exist, function, and learn algorithms to perform their intended tasks. Big data is a term for massive datasets that are too voluminous, more varied and heterogenous to be stored, visualised and evaluated using traditional research methods (Sagiroglu and Sinac 2013). AI systems need a large amount of data to function; these data are extracted, organised, and analysed despite the amount, linguistic complexity, and structure. In other words, data empowers AI and dictates its progress and success—this highlights the symbolic relationship between data and AI. However, scholars argue that AI needs data more than data needs AI (Sehgal 2024). The basis of the argument lies in the ability of data to exist and remain valuable without AI. Additionally, data is presumed to be one of the three critical pillars of AI, particularly, generative AI (Diepeveen and Kapoor 2024). It is essential to highlight the symbiotic nature of the relationship between AI and data: data and AI can benefit from each other.

In recent years, developers, researchers, and practitioners have recognised the crucial role of data in building AI systems, which has given rise to the emerging concept of data-centric AI. The concept of data-centric AI advocates an essential shift from system advancements to ensuring data quality and reliability (Zha et al. 2023). The quality and reliability of data are fundamental in designing, developing, and implementing effective and efficient AI-based systems. Good quality data determine the adequate performance of AI systems. Validity, accuracy, traceability, uniformity, and completeness are some requirements of good quality data (Nwafor 2021).

From the preceding discussion, it is evident that the existence and availability of data are instrumental to the incredible advancement of AI systems. Data is a vital driver of AI systems' quality, quantity, and results. It is important to note that the adoption of AI across Africa is not uniform. The problematisation of AI and data centres on several issues including lack of African representation in global AI development and decision-making, data sovereignty, data scarcity, digital divide, inaccurate data, and ethical implications of AI deployment in Africa (Hassan 2022). To avoid data exploitation in Africa, data about Africa should be collected and controlled by African entities to ensure data ownership. Additionally, Africa should be represented in global AI design, development, and policymaking to avoid ethical issues and ensure representation. The quality of data fed into AI systems determines the effectiveness of such systems. Valid, accurate, comprehensive, complete, and diverse datasets must be fed into AI systems to produce accurate outputs. It is essential that data relied on for automated decision-making are trained with diverse, varied, and comprehensive data to eliminate the chances of perpetrating historic injustices and cultural and structural inequalities.

Cultural Diversity and Inclusion Meaning in the Context of AI

In simple terms, diversity is described as counting heads, while inclusion centres on making heads count (Winters 2013). For instance, diversity in the workplace refers to the presence of differences among employees within a specific workplace. On the other hand, inclusion is the ability to ensure that all employees have a sense of belonging in the organisation. Fosch-Villaronga and Poulsen (2022) provide a detailed description of diversity and inclusion in the context of AI:

> "inclusion" of humans with "diverse" attributes and perspectives in the data, process, system and governance of the AI ecosystem. Diversity refers to the representation of the differences in attributes of humans in a group or society …. Inclusion is the process of proactively involving and representing the most relevant humans with diverse attributes; those who are impacted by, and have an impact on, the AI ecosystem context.

The attributes referred to above are known aspects of diversity comprising the attributes protected in Article 26 of the International Covenant on Civil and Political Rights (ICCPR). These attributes include race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and, given the non-exhaustive nature of law, including but not limited to age, disability, and intersection of these attributes.

The preceding description recognises the differences in attributes and traits of humans in various groups or societies as diversity and the involvement and representation of "the most relevant humans" with diverse attributes as inclusion. It is submitted that the concept of diversity is embedded in the unique characteristics of individuals, which can be a result of their origin, race, gender, ethnicity, religious beliefs, etc. Inclusion is acceptance, respect, and accommodation of these unique traits that various individuals,

societies, and groups bear. Employing inclusive words in defining diversity and inclusion is pertinent to avoid confounding the expected goal.

This article recognises that diversity is a broad term that comprises multiple aspects, including sex, gender, age, and race. However, this paper focuses on CDI, which is defined as the recognition, respect, accommodation, and promotion of the variety of human cultures, traditions, cultural perspectives, and expressions within a society or region. In this case, it is the African continent.

The African Union Internet Landscape

The AU Data Policy Framework

The AU Data Policy Framework was endorsed by the AU Executive Council in February 2022 and was published in July 2022. The framework is one of the continent's most significant data governance documents, providing principles and guidelines for AU members to collect, store, and transfer personal data seamlessly across the African continent. The document sets out the policy framework for African countries to fully harness the benefits of a data-driven economy to support data-driven value creation, innovation, and entrepreneurialism. The vision of the framework is "the transformative potential of data to empower African countries; improve people's lives; safeguard collective interests; protect (digital) rights; and drive equitable socio-economic developments" (AU Data Policy Framework 2022). The goal is to translate this vision into a framework which will, when implemented, yield the following results:

1. Empower Africans to exercise their rights through the promotion of trusted, safe, and secure data systems integrated on the basis of common standards and practices.
2. Create, coordinate, and capacitate governance institutions to regulate, as necessary, the ever-changing data landscape and increase the productive and innovative use of data to provide solutions and create new opportunities while mitigating risk.
3. Ensure that data can flow across borders as freely as possible while achieving an equitable distribution of benefits and addressing human rights and national security risks.

The framework's scope includes personal, non-personal, industrial, and public data. It is extended beyond personal data protection, which has been the prime centre of discussion internationally and on the continent in recent years. The framework provides high-level principle-based guidance to Member States in their data policy development to ensure data ecosystems built on trust and advance equitable and sustainable economic growth and development of Africans. From the preceding discussion, the framework hugely prioritises driving value in African countries' digital economy and economic growth.

The high-level principles that guide the framework are:

- Cooperation: The framework stresses the need for African Union Member States to exchange data as data is a crucial contribution to the global economy and cooperation in ensuring a flourishing African digital single market that entails data system interoperability.
- Integration: The framework makes commitments to promote intra-Africa data flows and eliminate legal barriers to data flow, subject only to necessary security, human rights, and data protection.
- Fairness and inclusiveness: To ensure inclusion and equitability, Member States are mandated to offer all Africans opportunities and redress national and global disparities by being amenable to the voices of those marginalised by technological systems.
- Trust, safety, and accountability: Member States are expected to foster a secured data ecosystem that prioritises accountability, trust, and protection of data subjects.
- Sovereignty: Member States, the African Union Commission, Regional Economic Communities, African institutions, and international organisations shall cooperate to create capacity to enable African countries to self-manage their data, take advantage of data flows, and govern data appropriately.
- Comprehensive and forward-looking: The framework focuses on creating an investment and innovation environment by advancing human capacity, infrastructure, and the harmonisation of regulations and legislation.
- Integrity and justice: Member States are mandated to ensure that data collection, processing, and usage are just and lawful, and data should not be used to discriminate against any individual unfairly or infringe people's rights.

Evaluation

The framework covers fairness and inclusion, striving to ensure that technologies do not exacerbate existing national and global inequalities. It also obligates Member States to ensure the lawful and just use of data and to avoid discrimination or infringement on people's rights. Although the framework covers fairness and inclusion, it does not prioritise CDI by obligating developers to integrate CDI principles in designing, developing, and implementing AI systems. Additionally, the AU commissioned a task team to create the framework implementation plan. However, the document does not highlight the mechanisms for achieving the CDI goal.

The framework also covers important data protection and ethics aspects, such as data justice. The framework describes data ethics as a concept that upholds a wider stance than data protection, political rights, and justice for social and economic rights. Data justice tackles the issue of fairness to address the scale to which the development of digital data can determine people's visibility, representation, underrepresentation, and discrimination. The framework stresses that contextually appropriate data ethics are instrumental in reducing risk and mitigating harm to AI's development and application. It recognises the criticisms of the code of ethics, such as ethical codes representing the

views of limited demographics, etc. The framework reiterates that ethical codes should be more inclusive and accommodate the voices and circumstances of citizens, consumers, and marginalised and minority groups. In its recommendation, the framework urges Member States to foster the development and adherence of ethical codes responsive to the African context, bearing in mind gender considerations to mitigate harm and the exclusion of women and girls.

Regarding data governance, the framework stresses that data protection authorities (DPA) need full empowerment, including remittance to data sovereignty, while adopting best practices for international and regional cooperation. The framework encourages a privacy-by-design approach in the development of AI systems. However, it is silent on the importance of culturally diverse data in designing, developing, and implementing AI systems. It is submitted that the framework made some efforts for inclusion, but it concentrates on gender. The framework is a forward-looking document with an inclusive agenda to propel economic development, sustainability, and growth. The framework's enactment signals the AU's commitment to assist Member States with high-level principles to develop effective data governance policies. However, the inclusive agenda of the AU Data Policy is not all-encompassing. The goal of CDI is not prioritised in the framework as much as gender considerations.

The AU Convention on Cyber Security and Personal Data Protection

The African Union Convention on Cyber Security and Personal Data Protection (the Malabo Convention) is Africa's legal framework for electronic commerce, data protection, cybercrime, and cybersecurity. The Malabo Convention came into force on June 8, 2023, nine years after its adoption on June 27, 2014, after receiving the minimum required number of ratifications by AU Member States (Article 36). The Malabo Convention is overly broad in scope, combining data protection, cybersecurity, cybercrime, and electronic commerce—the first of its kind globally (Nwafor 2023). The Convention outlines a unified framework for Member States to establish tailored AI legislation and policies aligning with continental standards, values, and international best practices.

The Malabo Convention comprises four chapters: chapter one focuses on electronic commerce, while the rest covers data protection, cybersecurity, cybercrime, and the final provisions. This article will focus on data protection as the topics of electronic commerce, cybersecurity, and cybercrime are beyond the scope of this study. The objective of the Convention regarding personal data is to ensure that Member States develop effective legal frameworks that uphold fundamental human rights, public freedoms, and protection of physical data, and provide privacy violation penalties without prejudice to the principle of free flow of personal data (Malabo Convention 2014 Article 8). The Convention offers some fundamental implications for AI governance in Africa.

Article 9 of the Convention outlines the scope of the application of personal data. It provides thus:

> Article 9 (1): The following actions shall be subject to this Convention:
> a) Any collection, processing, transmission, storage or use of personal data by a natural person, the State, local communities, and public or private corporate bodies;
> b) Any automated or non-automated processing of data contained in or meant to be part of a file of the Convention, with the exception of the processing defined in Article 9.2 of this Convention;
> c) Any processing of data undertaken in the territory of a State Party;
> d) Any processing of data relating to public security, defence, research, criminal prosecution or State security, subject to the exceptions defined by specific provisions of other extant laws.

The preceding provision comprises automated processing, which brings AI-driven data processing within the compass of the Convention. The Malabo Convention has fostered digital inclusion by drawing provisions on data subjects' rights and duties as data controllers and processors (Kaaniru 2023). Data subjects have the right to access (Malabo Convention 2014 Article 17), object (Malabo Convention 2014 Article 18), rectify, and erase their personal data at any time (Malabo Convention 2014 Article 19). These rights empower data subjects in the face of AI-driven data processing and use.

Article 11 of the Malabo Convention sets out specific requirements for independent DPA in Member States. It requires each Member State to establish an independent DPA that is accountable and empowered to implement data protection laws, impose sanctions for violations, etc. (Malabo Convention 2014 Article 12). This authority is responsible for overseeing the implementation of the Convention and ensuring compliance with its provision. Article 12 of the Convention provides the duties of DPAs. It empowers such authorities to mete out temporal or permanent withdrawal of authorisation or monetary sanctions on data controllers who fail to comply with the Convention's provision.

Article 13 of the Malabo Convention provides basic principles regulating the processing of personal data, including consent, legitimacy, lawfulness, fairness, accuracy, transparency, confidentiality, and security of personal data processing. The principles identified in Article 13 of the Convention align with the ethical considerations addressed in global AI ethical guidelines and principles. However, CDI principles, an essential requirement for designing, developing, and implementing AI systems, were not listed. Based on Article 14 of the Malabo Convention, State Parties are obligated to prohibit data collection and processing of sensitive data such as revealing racial, ethnic and regional origin, sex life, and genetic information of the data subject.

Evaluation

The Malabo Convention made provisions addressing some ethical issues surrounding automated data processing related to AI systems; CDI principles are not listed. It did

not prioritise CDI by obligating developers to integrate CDI principles in designing, developing, and implementing AI systems. It did not highlight the mechanisms for achieving the CDI goals or principles in Article 13 of the Convention. The Convention has been criticised for failing to establish a regional monitoring agency to enhance harmonisation within the AU internet governance space (Orji 2018). The Malabo Convention did not establish or commission a dedicated implementation agency with an oversight function at the continental level. State Parties are expected to develop regulatory bodies to implement its provisions that align with the Convention. The Convention partially used CDI-inclusive and non-discriminatory languages in the framework. It did not endorse or necessitate the training of AI systems with culturally diverse datasets representing a range of African cultures, cultural perspectives, and experiences.

Framework Evaluations

Evaluation Grid

Frameworks	The AU Data Policy Framework	The Malabo Convention
F1	Partly	No
F2	Partly	No
F3	Partly	Partly
F4	No	No
F5	No	No

Conclusion

This article evaluates the AU's internet governance frameworks, including the AU Data Policy Framework and the AU Convention on Cyber Security and Personal Data Protection, to determine their impact on inclusivity and cultural diversity within Africa's digital realm. It adopts a model comprising five factors as the methodological tool to assess the AU's internet governance documents. These factors reflect the CDI-sensitive approach expected of an internet governance framework representative of diversity and inclusion. The study analyses the AU Data Policy and the AU Convention on Cyber Security and Personal Data Protection vis-à-vis the model for CDI evaluation The results show limited efforts, with only the AU Data Policy Framework partly integrating cultural diversity and inclusive approaches into the African internet realm. The AU Convention on Cyber Security and Personal Data Protection framework did not embody an inclusive or culturally diverse approach. The article calls for more strategic efforts to entrench cultural representation, inclusion, and diversity by design in developing and implementing AI systems in and for Africans. It provides valuable insights into how policy interventions can improve data governance for greater cultural representation and inclusivity.

Recommendations

1. The AU data governance frameworks should adopt a CDI approach, which includes:

    a. Prioritising CDI by obligating developers to integrate CDI principles in the design, development and implementation of AI systems.
    b. Highlighting the mechanisms for achieving the CDI goals.
    c. Employing more CDI-inclusive and non-discriminatory languages in their internet governance framework.
    d. Endorsing or necessitating the training of AI systems with culturally diverse datasets that represent a range of African cultures, cultural perspectives and experiences.
    e. Establishing an independent agency/mechanism for AI oversight upholding CDI.

2. AU Internet Governance Frameworks should take an intersectional approach.

Recognising and addressing intersectionality and cultural diversity is pivotal to developing a CDI-sensitive framework. The AU should take an intersectional approach to create a comprehensive policy that acknowledges, respects and accommodates Member States cultures, traditions, cultural expressions, and perspectives.

3. The AU should mandate that culturally diverse teams and datasets are employed in designing, developing, and implementing AI systems.

The quality of data fed into AI systems determines the effectiveness of such systems. It is essential that data relied on for automated decision-making are trained with diverse, varied, and comprehensive data to eliminate the chances of perpetrating historic injustices, cultural, and structural inequalities. Involving diverse team members and stakeholders in the design, development, and implementation of AI systems ensures that the benefits of AI technologies are harnessed. AI systems should enhance inclusivity and empowerment of AI systems rather than being a mechanism of further marginalisation.

4. The AU should ensure public voice/participation in policymaking of internet governance documents and obligate Member States to do likewise.

The AU should establish a process for meaningful public participation in developing a framework governing the internet landscape. The public comment process would allow the public to express their views and comments or submit statements regarding the development of legislation representative of inclusion and diversity. The government must follow the public comment process to allow the public and stakeholders to express their opinions on the development, design and implementation of AI systems (Nwafor 2024). Meaningful public voice participation involves providing ample time for

comments and transparent means of assessing the collective inputs, which can be gauged against the policy drafts for which public comments were invited.

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