

The EU AI Act and Voices from the Global South

Academy of International Affairs NRW (Bonn)

AI Policy Workshop: 02 March 2023

Executive Summary

The one-day policy workshop on the 'EU AI Act and Voices from the Global South', presented viewpoints in three sessions on the general nature and structure of the EU AI Act and how its risk-based approach is being framed. The workshop argued against the relevance of the Global North-South divide for regulating AI and suggested testing and verifying AI systems to prevent harm to citizens all over the world. The Brussels effect of the EU AI Act was discussed, and participants put across arguments that the EU AI Act would not have a GDPR-like effect due to its limited human rights approach. The concept of the Global South was explored in much detail and the diversity of Asia, Africa and South America presents a differentiated outlook on the use of AI systems in public and private spheres, particularly with regards to the use of AI for social impact. Comparison of the various regulatory approaches in respective Global South geographies was discussed and contextualization of the use of AI systems and technologies were made with the approach adopted to map the elements of the EU AI Act. The policy workshop showcases that the voices of the Global South and the AI based initiatives in the Global South are essential for a global normative framework to take shape that inculcates the concerns and requirements and complexities of the Global South.

Contents

CONTENTS	2
1 BACKGROUND OF THE AI POLICY WORKSHOP	3
1.1 LEGAL AND POLICY CONTEXT OF THE WORKSHOP.....	3
1.2 MAIN ISSUES ADDRESSED BY THE WORKSHOP	4
2 INTRODUCTION TO THE AI POLICY WORKSHOP	5
2.1 CONVENER’S OPENING REMARKS.....	5
2.2 ACADEMY OF INTERNATIONAL AFFAIRS WELCOME ADDRESS	5
2.3 KEYNOTE ADDRESS.....	5
3 THE EU AI ACT: CONSTITUTIONAL PERSPECTIVE (SESSION 1)	6
3.1 VIEWPOINT FROM THE UNESCO RECOMMENDATIONS ON THE ETHICS OF AI.....	6
3.2 INDIAN APPROACH OF HUMAN RIGHTS COMPLIANT AI SYSTEM	7
3.3 EU-GLOBAL SOUTH AI GOVERNANCE FROM A MULTILEVEL GEOPOLITICAL PERSPECTIVE.....	8
4 THE EU AI ACT: RISK-BASED APPROACH (SESSION 2)	9
4.1 COMMENTARIES ON THE SOUTH-NORTH CONCEPT AND ON INDIAN STRATEGIC DOCUMENT ON AI 9	
4.2 A COMPARISON BETWEEN THE AI ACT AND THE BRAZILIAN DRAFT BILL ON AI.....	10
4.3 THE HARRY BEFORE THE OXEN: A NARRATIVE OF THE PERUVIAN EXPERIENCE OF FACIAL RECOGNITION TECHNOLOGY DEPLOYMENT IN THE PUBLIC SPACE.	10
5 THE EU AI ACT: THE PROJECTS VIEWPOINT FROM THE GLOBAL SOUTH (SESSION 3) 11	
5.1 AI-BASED SOFTWARE AND THE ETHIOPIAN TOURISM SECTOR: LIFTING THE LANGUAGE BARRIERS	11
5.2 COMMENTARIES ON UGANDAN LEGISLATIVE INITIATIVE.....	12
5.3 THE ONGOING GIZ’S “AI FOR ALL” PROJECT IN GHANA: AN OVERVIEW FROM AN <i>INSIDER</i>	12
CONCLUSION AND NEXT STEPS	12

1 Background of the AI Policy Workshop

1.1 Legal and policy context of the workshop

On 21 April 2021, the European Commission presented a proposal for a Regulation on Artificial Intelligence (“AI Act”) and last December the Council of the European Union (EU) adopted its General Approach on the draft¹. The text sets up a uniform legal framework designed to ensure the free movement of AI systems in the EU market. It is a key element of the European policy to foster economic development and innovation, while promoting trustworthy AI that respects EU values and fundamental rights, enshrined respectively in the Treaty of European Union (TEU) and the EU Charter of fundamental rights². To this end, it lays down a set of requirements and obligations for AI systems providers (and other stakeholders of the AI systems value chain) following a risk-based approach.

This EU regulatory approach is original and, so far, rather unique. However, many states around the world have developed or are working on a national policy for AI. This is notably the case in the countries of the Global South³, i.e. countries from regions of Latin America, Asia, Africa, and Oceania. These countries are willing to fully participate in the development of the digital ecosystem and AI technologies, with all the economic and social benefits but also taking into account the drawbacks and risks that can be expected. Therefore, they have an obvious interest in closely following European normative developments.

In this context, it seems particularly interesting to consider the reception of the AI Act and more broadly of European regulatory AI policy in the Global South. How do public and private actors of these regions understand, assess and, where appropriate, uptake the forthcoming EU regulatory framework on AI systems? Addressing these questions and trying to come up with answers is essential. Indeed, the regulation of AI must be approached on a global scale because digital technologies have no borders. The European dynamism in this field must therefore be put in dialogue with other global political and cultural spaces. The perspective of the Global South is particularly relevant; it only receives yet little attention from EU or US based AI analysts⁴ and encompass more than the half of the world population, which constitute arguably a huge market potential, particularly for EU-based companies working in the AI industry.

¹ Proposal for a Regulation of the European Parliament and of the Council laying down harmonized rules on artificial intelligence (Artificial Intelligence Act), and amending certain Union Legislation Acts – General Approach, <https://data.consilium.europa.eu/doc/document/ST-14954-2022-INIT/en/pdf>

² Charter of Fundamental Rights of the European Union (EU), https://www.europarl.europa.eu/charter/pdf/text_en.pdf.

³ DIRLIK, A., (2007). Global south: predicament and promise. *The Global South*, vo. 1, n° 1, pp. 12-23. <https://www.jstor.org/stable/40339225>; CHINMAYI, A., (2019). AI and the Global South: Designing for other worlds, in DUBBER M. D. and *al.* (eds.), *The Oxford Handbook of Ethics of AI*, Oxford University Press. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3403010.

⁴ AI Governance: The ‘regulatory bottleneck’ in the Global South, <https://www.hertie-school.org/en/digital-governance/research/blog/detail/content/ai-governance-the-regulatory-bottleneck-in-the-global-south>

The advances and usage of AI in the Global South is making waves, especially in big Global South economies such as India⁵ and Brazil and the EU needs to take into cognisance the developments taking shape in the Global South , as AI technology fallout effects shall crossover into the EU.

1.2 Main Issues Addressed by the Workshop

On the 2nd March 2023, the Academy of International Affairs⁶ (AIA) held, in Bonn (Germany), a Workshop titled “The EU AI Act and voices from the Global South ”⁷. It aims to explore three mainstream questions, as follows:

- 1.** Based on the objective of the EU AI Act to promote a trusted AI that respects EU values and fundamental rights, how is this European constitutional approach to AI regulation being received by countries in the South?
- 2.** Regarding the core methodology for regulating AI systems in the AI Act, how is the risk-based approach perceived by actors in the Global South ? As concern more specifically high-risk AI systems, does it correspond to concepts shared by the technical community in AI across political and state borders?
- 3.** Lastly, the practical and everyday life impact of AI regulation and policies based on ongoing institutional projects and use-cases developed in the Global South was considered. As most practical AI use cases are financed by public and private philanthropic funds, how are AI practitioners from the Global South positioning themselves in relation to the AI Act?

To tackle these topical issues, the AI policy Workshop gave the floor to various actors involved in the regulation of AI from Global South countries, such as policy researchers, experts, and civil society voices, in dialogue with EU policy experts in the field of AI regulation (see *infra* the list of the participants at the end of the report). It allowed them to talk about AI regulation initiatives in their respective countries (e.g. national strategies, data protection and other issues) and to put them into perspective vis-à-vis EU AI policy and law. The workshop was unique in that respect as it allowed the reflection of the EU AI Act current discussions intertwined into the possible impacts from Global South standpoint.

⁵ AI for All: How India is carving its own path in the Global AI race, <https://oecd.ai/en/wonk/india>

⁶ Academy of International Affairs

⁷ The EU AI Act and voices from the Global South

2 Introduction to the AI Policy Workshop

2.1 Convener's opening remarks

Mr. Gaurav Sharma (*Fellow and Convener of the Policy Workshop*) welcomed the participants and introduced his learnings and what made him believe there is need to bring about an interaction of the voices from the Global South and map them with the current debate on the EU AI Act. Mr. Sharma shared his experience from the AI Summer School⁸ he attended at University of Law and Criminology (KU Leuven) and the workshop⁹ he set-up as part of the Internet Governance Forum (IGF) in Addis Ababa, Ethiopia. He explained how the distinct nature of thinking and policy articulation is driven in the Global North and the Global South. Hence, there is a pressing need for participation, cross-learnings and greater interaction between legislators and decision makers in the field. Mr. Sharma also thanked and welcomed the two co-chairs, Dr. Marion Ho-Dac (Professor of EU Law, Artois University & Fellow Researcher, AIA NRW) and Dr. Cécile Pellegrini (Associate Professor in Digital Law, Catholic University of Lyon).

2.2 Academy of International Affairs Welcome Address

An introduction regarding the setup of the Academy of International Affairs (AIA-NRW.org) which funded the workshop was given by Dr. Britta Padberg (Coordinator Fellowship Program). She explained the Academy key objectives and year 2023 events, programs, and initiatives, as well as the structure of the fellowship program (see here¹⁰ for the new 2023-2024 call for fellowship).

2.3 Keynote Address

The keynote was addressed by Mr. Kai Zenner (Digital Policy Advisor, European Parliament¹¹). Mr. Zenner first introduced the framework of the EU AI Act. He explained how its legislative process, including the current state and discussions on its main legal provisions is being held within the European Parliament¹². Mr. Zenner laid out the foundational political differences in the European Parliament that separates the rightwing MEPs¹³ from the leftists, with one section supporting the “terminator-based over-fear” felt from the rise of AI systems in general. For the rightwing it is not acceptable to overlook AI-related risks or hand them over to an “invisible hand”. As the EU is supporting the value addition of AI systems, especially with regards to promoting innovation and economic growth, Mr. Zenner argues that it is among the missions of policy advisors

⁸ Summer School on the Laws, Ethics and Policy of Artificial Intelligence, KU Leuven Faculty of Law and Criminology, <https://www.law.kuleuven.be/ai-summer-school>

⁹ AI: Need for Fundamental regulation for the Global South, <https://intgovforum.org/en/content/igf-2022-open-forum-30-ai-need-for-fundamental-regulation-for-the-global-south>

¹⁰ Fellowship call on the Geopolitics of Outer Space and other pressing research topics in the field of international politics, <https://www.aia-nrw.org/en/fellows/calls/>

¹¹ Digital Policy Advisor, European Parliament

¹² Trialogue on AI ACT expected to end by May 2023.

¹³ Members of European Parliament

in the EU context, to provide MEP with practical and objective policy advice in order to sort out the political differences.

Mr. Zenner highlighted the advancement in regulation by nation states such as Singapore and Canada as frontrunners referencing the Singapore's release of the first edition of its Model AI Governance Framework¹⁴ in 2019. It was indicated that the risk-based approach, in itself, is already used by Singapore; EU is then not the first to initiate this methodology.

Mr. Zenner, stressed on the need for EU to reinforce international cooperation¹⁵, particularly with Global South countries, some of which, at times, are voiceless on certain emerging technology based global issues. His closing remarks emphasized that the ability of the EU AI act to be impactful both in the North and the South will mainly depend on EU's ability to lay down clear and unambiguous rules and with reference to the Global South countries. Furthermore, some of the EU values shall not make much sense in a non-European context but the attraction of the EU single market should remain intact with the enactment of the EU AI Act for companies operating in the Global South. He also predicted a possible strategic avoidance of the EU market by Global South-based AI companies based on the level of stringent measures of conformity assessment and compliance of the EU AI Act, as AI companies might look for much fertile low legislation countries such as Saudi Arabia, India or Africa to set-up shops.

3 The EU AI Act: Constitutional Perspective (Session 1)

The session, chaired by Prof. Dr. Marion Ho-Dac, looked at the deep foundations of the AI Act and, more generally, of European policy on AI and advanced technologies, based on a fundamental rights oriented approach. Based on the future legal framework, AI systems in the internal market should comply with EU values and human rights. The AI Act is also seen by the EU lawmakers as a regulatory tool to promote the Union's values in the rest of the world. How is this European constitutional approach to AI regulation being received by countries in the South?

3.1 Viewpoint from the UNESCO recommendations on the ethics of AI

Dr. Doaa Abu-Elyounes (*PhD, Program Specialist Ethics of AI, Bioethics and Ethics of Science, SHS Sector, UNESCO*) presented the current set of UNESCO AI Ethics recommendations¹⁶ and their adoption via an inclusive process incorporating suggestions from the Global North and the Global South. It resulted that the recommendation had been adopted through an inclusive process. To illustrate, the expert's group that worked on the recommendation was appointed in accordance with high standards of equality and inclusion. And the draft recommendation has been submitted to a public consultation, which received numerous responses. The lack of actual global standards¹⁷ and the willing of UNESCO's top officials to help countries strike a balance between the potential benefits of AI-enabled solutions and their possible risks are the key motives that lead to the adoption of the recommendation.

¹⁴ Model AI Governance Framework

¹⁵ Policy area 4 of the UNESCO recommendation (p. 30).

¹⁶ Recommendation on the Ethics of Artificial Intelligence, adopted on 23 November 2021.

¹⁷ The OECD has a total number of 38 member states. So, its initiatives are not that global, compared to the UNESCO recommendation adopted by 193 members states, most of which are from the south.

She also talked about UNESCO Recommendation key values disseminated across the 11 policy areas. But only three policy areas of the recommendation were highlighted by Mrs. Doaa, namely: Ethics related policy (policy areas 1 and 2), Gender equality¹⁸ (policy area 6) and Data governance (policy area 3).

Policy areas 1 and 2 seek to encourage UNESCO member states to adopt regulatory frameworks that set out procedures to implement ethical impact assessment on AI systems so that risks can be mitigated. They are also invited to adopt effective enforcement mechanisms and remedial actions. In policy area 6 which is about gender equality, it is requested from member states to use the technical potential of technology to achieve and strengthen gender equality by promoting female entrepreneurship for example. The last policy area that Dr. Doaa talked about is Data governance. In this area, member states should ensure that the data used to feed AI systems are free of foreseeable errors.

She closed by sharing some comparative analysis between UNESCO recommendation and the EU AI act. In terms of similarities, it appears that they both have a strong focus on Human rights, transparency, and accountability. She conceded that, there is a major difference related to their respective legal status. Unlike the upcoming EU AI act, UNESCO recommendation has no legal binding force. So, UNESCO can only rely on its member states willing to line up their legal instruments with the principles and values laid down in the recommendation. Is India¹⁹ taking any step to line up with the UNESCO recommendation? Will the EU AI act have any impacts at all in India? These questions were addressed in Ms. Aishani Rai's dialogue.

3.2 Indian Approach of Human Rights Compliant AI System

Ms. Aishani RAI from India (Aapti Institute) presented to the audience the Indian National Strategy for AI²⁰ (here after the strategic document) and intertwined the above two speakers discussion by making comparisons between the Indian strategic document and the EU proposed AI Act. India's national AI strategic document identifies specific sectors²¹, portrayed as "priority sectors", where Indians should or could get the most out of AI deployment. Accordingly, it emphasizes the challenges related to AI deployment that need to be addressed so that India could reap benefits from the deployment of AI-enabled products and services. It is worth noting that currently India has no specific Data protection legislation. The Data Protection Bill (DPB) proposed by the Indian Government is still to be enacted. One may consider that Data protection and privacy related issues does not appear to be among very urgent preoccupations in India. Even though AI based technologies are considered as a key part the recently renewed EU-India²² bilateral trade agreement.

Commenting on the topic of possible interactions between the Strategic document and the AI act, Aishani Rai argues that the risk-based approach of the AI act is quite similar to the harm-based approach adopted by the strategic document. Nonetheless, she made it clear that, contrary to the strategic document, the EU AI act is deeply rooted in the fertile soil of constitutional rights; meaning that constitutional rights protection is among the top concerns of EU lawmakers. She also cited that, while India has not yet adopted any AI regulation, it does have sector-specific laws

¹⁸ Which is among the top priority of UNESCO's agenda.

¹⁹ India became UNESCO member state in 1946.

²⁰ National Strategy for AI in India

²¹ Healthcare, agriculture, education, smart cities and infrastructure, smart mobility, and transportation.

²² Or adversely, India-EU.

applicable to certain AI-enabled practices. The same remark can be formulated about the EU, as the AI act is yet to be adopted. According to Ms. Rai, the attention accorded to the protection of fundamental rights is what makes a big difference between the Strategic document and the EU AI act. The lack of performance on the part of the strategic document in the ground of fundamental rights can be to an extent attributed to the fact that use of AI in public sector and government's department capacities in implementing AI enabled solutions is still at its very infancy in India and much of the AI growth is driven by India's start-up eco-system.

Ms. Rai also discussed the question of the reception of the EU AI act in India. She indicated, almost emphatically, that from an Indian business' perspective, "it is a bit far-fetched [unrealistic] to expect" from Indian businesses to abide by the EU AI Act. However, Ms. Rai conceded that the EU AI act can be a useful "impetus stimulus" for governments across the Global South including, the Indian Government. She even added Indian-based AI-related businesses would like to have a clear legislation applicable to the deployment of AI-enabled products or services. Since the "responsible AI" concept contained in the Strategic document is neither easy to interpret nor to understand unambiguously.

3.3 EU-Global South AI Governance from a Multilevel Geopolitical Perspective

Dr. Karine CAUNES (Centre for AI and Digital Policy) firstly questioned the relevance of the conceptual opposition between countries of the South and of the North (i.e. mere concept of Global South regarding AI). She stated that this²³"accent on the Global South " – i.e. the workshop intention to "read" the AI Act through Global South "lens" – is possibly biased. She then went on to indicate that she would address the issue at hand from a European citizen perspective with geopolitical focus. Dr. Caunes referred to the political divide in the European Parliament highlighted in the keynote lecture by Mr. Zenner and structured her exposé in two parts. The first part dealt with the "reasons why we need to regulate AI". And the second was devoted to the potential "Brussels effect"²⁴ of the AI Act.

As far as the need to regulate AI is concerned, Dr. Caunes, suggested to systematically test and verify potential harmful AI systems before placing them into the market, whether locally within the EU single market or outside. This was based on the strong likelihood of the realization of identified AI-associated risks, for EU citizens and their fundamental rights caused by States' activities, typically the increased ability of states to exercise mass surveillance through AI-enabled solutions; and the example of deployment of facial recognition technologies (FRTs) by public authorities, was presented. Dr. Caunes indicated that with respect to the use of AI enabled surveillance technologies the South-North are tandemly handholding, as the reality of AI-enabled surveillance tools is simple, they are used both in the Global North and the Global South but are produced in the Global North .

²³ In reference to the workshop intended to "read" the AI act through global south "lens".

²⁴ "The Brussels effect refers to the EU ability to regulate the global market." The idea is that EU regulations "shape the global business environment", intentional or not. In the latter case it is called the "*de facto* Brussels effect". To which we opposed the "*de jure* Brussels effect" in reference to the tendency foreign governments across the world to emulate EU regulations or EU-style laws." To go further on this topic, see Anu BRADFORD, "The Brussels Effects: how the European Union rules the world", New York, Oxford University Press, 2020.

Dr. Caunes brought in the conclusion of the notion regarding AI enabled surveillance with reference to China. First, she emphasized that China should have been taken out of the Global South , due to its technological advancements in AI. Secondly, she believes that if we were to audit data coming from Chinese tech companies, we would surely find biases just as we found them in data coming from the United States or Europe. Thus, there is overlap in the data governance constructs regarding the validity, usability and cleanliness of datasets being used for AI systems in general globally.

With regards to the forthcoming AI Act's "Brussels effect", Dr. Caunes predicted that it will not have GDPR-like Brussels effect, because of its limited human rights approach. Dr. Caunes emphasized regarding the topic of rights human promotion, that very few criticisms can be fairly directed to UNESCO recommendation on the Ethics of AI. Yet there could be a better dialogue between the Recommendation and the EU AI Act, reflecting on the sentiments from Dr. Doaa Abu-Elyounes (UNESCO, Belgium), regarding the 'Way Forward for the Global South ' following the adoption of the recommendation. Indeed, most of UNESCO member states are Global South countries and have limited legislative and implementation capacities to ensure legislatures walk the talk and currently the UNESCO AI Ethics recommendations are normative frameworks and are not strict directives for states to implement.

4 The EU AI Act: Risk-based Approach (Session 2)

The session was chaired by Dr. Cécile Pellegrini and the opening remarks were presented by Mr. Udbhav Tiwari (Mozilla, Head of Global Product Policy).

4.1 Commentaries on the South-North concept and on Indian strategic document on AI

Mr. Tiwari explored the concept of Global South and possible *de facto* Brussels effect of the EU AI act in the Global South .

Mr. Tiwari elaborated on the concept of Global South , to which he opposed the "Global North ", highlighting the "economic differences" that exist[ed] between the North and the South that lead consumers from the Global South s to be specifically targeted by Western-based business at the expense of local business and sometimes of consumers. Mrs. Tiwari was critical about this "purely opportunistic" consideration without any concern for the betterment of the local standard.

Mr. Tiwari based his premise and said that the idea of Global South was primarily based on the concept of non-industrialized economies which face similar challenges. Mr. Tiwari did not adhere to this idea regarding the emerging technologies such as AI, because "it removes the [possible] diversity" of the concerned countries. For Mr. Tiwari, the Global South economies are seen today in an opportunistic way, and with the leaning of the economic growth shifting to Africa and Asia, Mr. Tiwari presented arguments supporting this notion in terms of GDP growth and market growth. This can be considered as one of the [perverse] effects of globalization.

Mr. Tiwari concluded his presentation by making general comments on both the Indian strategic document and the EU AI Act and considers the Strategic document of India to be more of a reputational document, at least in the area of fundamental rights protection and the EU AI Act is believed to have GDPR-like in the Global South according to Mr. Tiwari.

4.2 A comparison between the AI act and the Brazilian draft bill on AI.

Mr. Renato José L. De Pereira (Irights.Lab) took over from Mr. Tiwari and cross-linked the discussion putting in context what Brazil is doing and contextualizing with reference to India, and what exactly is currently going on in Brazil in terms of AI regulation. Mr. Pereira opened his presentation by introducing the attendees to the Brazilian regulatory context of AI and went on to compare the Brazilian approach to the approach adopted by the EU AI Act. Like India, Brazil also has adopted a National AI strategy²⁵ in 2021. The Brazilian AI strategic document had not been comprehensive as envisioned and thus to improve upon its inclusion framework a commission composed of reputed legal scholar was appointed²⁶ that released its final report in late December 2022. This report was intended to enlighten ongoing debates, in the Brazilian National Congress, on bills seeking to regulate the development and the deployment of AI systems as well as to promote the use of responsible AI. The bills seek to protect the rights of natural persons in their interaction with AI-enabled goods or services, as well as to increase the legal certainty for AI-related innovations.

The Brazilian current AI regulation discussions can be considered as an “EU-style regulation”, due to their pronounced tendency to protect key fundamental rights, Mr. Pereira does not believe the bills take enough into account societal context in Brazil. He closed his speech by raising a number of questions for discussion. To mention but few: Is AI technologies environmentally friendly? What are the power structures behind the machines? Should we always rely on technology related solutions? The last question echoed the proportionality principle that Doaa briefly talked about.

4.3 The harry before the oxen: a narrative of the Peruvian experience of facial recognition technology deployment in the public space.

Ms. Verónica Arroyo (Digital activist) from Peru, started her presentation with facts, regarding the larger Latin America footprint vis-à-vis data protection and current state of AI regulation in the region. Ms. Arroyo’s showcased that Latin America was the region that pioneered the ‘Data Protection’ regulations, but with the advent of time, the efficacy and usability of the drafted data protection has declined. Ms. Arroyo focused her presentation on the use of AI as a facial recognition technology (FRT) and gave example of her home country Peru. She indicated that in 2019 more than 100 facial recognition cameras were installed in one of Lima’s crowded market Neighborhood, and the reason provided was to make the marketplace more secure, as security had been a far-reaching issue. Although, some of the inhabitants seem to be happy about this fact, it raises critical fundamental rights issues guaranteed by the Political Constitution of Peru²⁷. She and other digital activist brought the fundamental rights issues related to this surveillance to the attention of the Peruvian government. The Peruvian Government took the issue seriously as a Directive for the processing of personal data by video surveillance systems²⁸ has been enacted in early 2020. Besides this directive, Peru has a general framework for personal Data protection²⁹ since 2011. The EU GDPR was adopted just in 2016.

²⁵ National AI strategy

²⁶ This commission was criticized for its lack of gender and ethnic inclusion.

²⁷ Political Constitution of Peru

²⁸ Available in Spanish here: Directive for the processing of personal data by video surveillance systems

²⁹ Available in Spanish here: general framework for personal Data protection

Like India and Brazil Peru has adopted a National Artificial Intelligence Strategy³⁰, which recognizes a legal gap in a sense that some potential harmful AI systems are currently being used in Peruvian Market. It is regrettable that the first edition of this strategic document for AI in Peru did not appear to have much consideration for topic of fundamental rights protection. In her speech Ms. Arroyo, highlighted that the existence of the legislations in Peru are good, but their effective enforcement and follow-up actions remains a fundamental bottleneck in the Peruvian context where, in the best scenario, data subjects may be deterred by high costs required to initiate legal actions. The worst case would be the ignorance of the data subject of her/his own rights.

5 The EU AI Act: The Projects Viewpoint from the Global South (Session 3)

The last session was chaired by Mr. Gaurav Sharma and showcased the use of AI systems in the Global South both from a policy and practitioners' perspective. The session included viewpoints from Ethiopia, Ghana, Uganda, and India.

5.1 AI-based software and the Ethiopian tourism sector: lifting the language barriers

Dr. Rosa Tsegaye (Ethiopian Artificial Intelligence Institute) in her opening remarks highlighted that the use of AI in Ethiopia was focused on helping the Ethiopian tourism sector solve the language barriers faced by tourists in their interaction with local residents and they were trying to solve this problem through the use of Natural Language Processing (NLP) (a branch of AI for understanding language by a computer).

Dr. Rosa Tsegaye showcased the projects on which she and her team are working on, in partnership with Ethiopian Ministry of Education. The project is intended to help foreign tourists, tourists guides and local residents to overcome language barriers in their interactions, particularly in the multiple Ethiopian dialects in regional contexts. The aim of the project is to provide, notably, a vocal software-based translator from Amharic to English and vice versa, as Amharic, along with English, are the two most widely spoken languages in Ethiopia. The project has also targeted other important local languages such as Afhanoromo and Somali, spoken widely in the border regions of Kenya and Somalia. It's also working on text transcription as well as on optical characters recognition methods (language translation methods) to ease the use of local dialects.

Unlike India and Brazil, Ethiopia does not have neither a strategic AI document nor a data protection regulation. The Ethiopian Artificial Intelligence institute is currently in the process of drafting a National AI Strategy for Ethiopia and the institute is investing heavily in materializing the Government's ambition to create condition for home grown AI-enabled solutions with particular focus on the use of AI technology for social sectors. The institute is internally responsible for creating conformity assessment, benchmarks, and testing of the AI systems before they shall be rolled out to the general public. Thus, there is a system of internal documentation and incident report management, inclusive of validation of high-quality training datasets and design logging features and human oversight which in many relate to the High-risk AI systems requirements listed

³⁰ National Artificial Intelligence Strategy

in the EU AI Act. Thus, in a nutshell, Ethiopian AI regulations are undertaken on a case-by-case basis and are rooted in internal self-regulation by a publicly funded research institution.

5.2 Commentaries on Ugandan legislative initiative

Ms. Sarah Kiden's (Researcher Doctoral, Northumbria University) sparked the discussion with a fundamental question, "Does average Ugandans need a regulation on AI or data protection" and presented end-user interests, from a Ugandan perspective.

Uganda is in the final stage of an opened process of drafting an ethical AI framework, which has some interesting "guidelines" like fairness, transparency, human oversight and so on. But she stated that the Ugandan approach of regulating AI lacks a crucial element: the context analysis. In the contextual reality of Uganda, illiteracy rate is high, electricity is erratic, internet is out of price, etc. Based on this contextual reality, Ms. Kiden thinks that the Ugandan initiative to regulate AI, without considering how to overcome the context-based challenges, is premature. Some criticism was also directed towards the African Union (AU), as not being a unison body that takes interest of all the African nation states and is influenced by some big economies in Africa. Ms. Kaden was critical of the fact, that national interests and community requirements are key in Uganda where the diversity and inequality is large and she closed by advocating for more human rights-oriented AI regulations, in order to resolve fairness issues like the underpaid data training workers who live in Global South countries like Uganda, Kenya or India.

5.3 The ongoing GIZ's "AI for All" project in Ghana: an overview from an *insider*

The last speaker for the session, Mr. Jonas Gramse, from the German Development Cooperation (GIZ), shed light on one of their ongoing engagements in Ghana (West Africa), as part of the Global Project, "FAIR Forward: AI for All". This project is part of the "FAIR Forward" program operating in seven (five in Africa, India, and Indonesia) countries. The initiative in African context originated with the work of the GIZ with Smart Africa Alliance. Its key objectives: is to assist beneficial countries achieve digital inclusion and create condition for competitive market. Ghana passed a Data Protection Act since 2012 and is framing itself as pioneer in data protection legislation. Considering, the huge potential that Ghanaian could get from AI-enabled solutions, the Ghanaian Ministry of Communication and Digitalization, supported by the GIZ, adopted in late 2022, a National Artificial intelligence strategy. The government³¹ is believed to be aware of the necessity to regulate evolving technologies like AI in social impact sectors such as agriculture, healthcare and education.

Conclusion and Next Steps

The policy workshop concluded with an insightful overview of AI regulation perspective from the Global South (Asia, Africa, and Latin America) and with a keen oversight of the current EU AI Act discussions. The Global South lens is not universal and demands distinguishing at least, two types of souths. One relatively well equipped, in a baseline legal sensibility and taking initiatives to integrate the emerging technologies such as AI and the other where necessary legislations are yet to be discussed and adopted. There is also a distinct perspective regarding the use and privacy of

³¹ <https://www.myjoyonline.com/ghana-to-develop-regulation-on-artificial-intelligence/>

personal and non-personal datasets, as most Global South economies do not have a strict data protection regime in place, which loops out of control in-context with AI regulation.

The EU AI Act, to some extent influences the Global South discussions in framing the AI approach based on risk frameworks, but the use of AI technology for social impact is the driving factor in most Global South economies. The lack of local AI-related expertise and infrastructure, particularly with the decision makers is what differentiates the Global South and the Global North. Furthermore, the absence (or the lack of power) of strong institutions to ensure the protection of individual, citizen, or consumer's basic rights, remains a cause of concern. There are cross-learnings that must be shared between the Global South and the Global North, and more interaction is desired to formulate a global comprehensive utilization and development of AI enabled services and applications that can benefit the bottom of the pyramid, without hurting the fundamental rights as christened in the UN charter.
