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The State of
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Editorial

The State of Artificial Intelligence in Africa

I am pleased and honored to present to you the third edition of the Journal of Intellectual Property and Information Technology Law (JIPIT). Through this special issue on '*The State of Artificial Intelligence in Africa*', JIPIT echoes its firm commitment to consistently champion legal developments in the Global South. In steadfast adherence to its established tradition, the Journal continues to illuminate the murky terrains of the relationship between the fast-paced emerging technologies and the evolving legal frameworks governing their application in society. Of equal import, within the context of this edition, JIPIT reaffirms its commitment to shedding light on African perspectives, entrenching the closely-held belief that African thought can, and ought to be, at the fore of all emerging arenas of intellectual discourse. Similarly, this Issue serves as a testament to the success of the Conference on the State of Artificial Intelligence in Africa (COSAA) 2023.

The conference, convened by the Center for Intellectual Property and Information Technology Law (CIPIT) at Strathmore University from March 16th to 17th, 2023, centered around four pivotal topics: Practical AI, delving into its use and impact across health, agriculture, law, and creative domains in Africa; AI and Data, scrutinizing privacy, surveillance concerns, and corresponding mitigation strategies; Responsible AI, examining policies, laws, and frameworks; and AI and Innovation, exploring infrastructure, capacity, and data. In this special edition, we embark on a more profound exploration of these discussions through five intellectually invigorating articles, dissecting various facets of the foregoing topics.

In a world currently witnessing a rapid surge and extensive integration of AI across diverse sectors, this Issue meticulously explores the African experience. This experience is undeniably diverse, transformative, and exciting – presenting a nuanced perspective on the adoption and impact of AI. Yet, this encounter raises significant concerns that demand swift and careful legislative responses. The articles in this edition cover issues such as AI's influence on the legal profession, its role in healthcare, border security, politics, and the associated legal frameworks that govern these interdisciplinary paradigms in Africa. The recurring theme across these articles underscores the necessity for robust legislation aimed at mitigating the risks associated with the adoption of AI across various sectors of African society.

While AI is still regarded as an emerging development globally, its status in Africa is particularly concerning. This is due to the continent's varied immediate socio-economic needs and the turtle-paced legislative strides, especially those needed to protect vulnerable demographics in society. Therefore, the articles below critically analyze the current state of AI in Africa and comprehensively inform the necessary steps to synergize this development, offering insightful guidance for effective legislative strategies.

Introducing the volume is Shila Nhemi who, in *'Law Without Lawyers: Examining the Limitations of Consumer-Centric Legal Tech Services'*, presents invaluable clarity on the tension between traditional legal services and the proliferation of AI-enabled legal services. Nhemi argues that, despite their innovation, convenience, and prevalence, these services inherently face socio-legal and intuitive limitations to autonomously meet the diverse needs of clients.

Sherry Bor and Nicole Cheptoo Koech, in *'Balancing Human Rights and the Use of Artificial Intelligence in Border Security in Africa'*, deliver insightful research on the implementation of AI in the context of border security in Africa. The authors advocate for a nuanced equilibrium between human rights considerations

and the integration of AI, emphasizing the need for transparency in algorithm design and human oversight in decision-making, positioning these not as idealistic aspirations but as essential prerequisites.

In *Beyond the Ballot: A Comparative Analysis of Political Microtargeting Practices and Regulations in Kenya and Nigeria*, Joshua Kitili conducts a comprehensive exploration of the presence and regulation of algorithmic politics, specifically political microtargeting, in Kenya and Nigeria. Kitili argues that the increasing population of social media users in the Global South has made political microtargeting a growing concern. Consequently, he advocates for the establishment of policies and regulations in Global South countries to mitigate the negative impact of this practice and informs the key provisions that such frameworks should consider.

Additionally, the noteworthy application of AI in the healthcare sector receives due consideration from Dr. Dorcas A. Akinpelu and Prof. Simisola O. Akintola. In their paper, *Navigating the Legal and Ethical Terrain of Artificial Intelligence in Enhancing Patient Safety in Nigeria*, the authors present thought-provoking analyses on algorithm bias and privacy concerns surrounding the integration of AI into Nigeria's healthcare system. Highlighting the absence of comprehensive frameworks to address these concerns, the authors advocate for prompt legislative action in this domain.

In a concluding piece, focusing on Kenya as a case study, Ikran Ali Abdirahman passionately addresses the urgent need to combat automated disinformation and its disruptive influence on election processes. In her paper, *Exploring Co-Regulation as a Solution to Automated Disinformation in Kenya*, Ikran critiques the current regulatory strategies geared toward addressing automated disinformation and she advocates for a co-regulatory model. This approach, she argues, should encourage collaboration between public regulators and private technology companies for a more effective response.

The success of this edition, exemplified by the notable papers highlighted above, is a result of the collaborative efforts among our peer-review editorial team, expert reviewers, and exceptional authors. In recognition of this, I sincerely appreciate the dedicated team of editors who, surpassing their regular professional commitments, played a pivotal role in ensuring the fruition of this Issue. Similarly, I extend my acknowledgment and heartfelt appreciation to the expert reviewers, namely *Dr. Audrey Mbogho*, *Ms. Grace Mutung'u*, and *Dr. John Olukuru*, for generously dedicating their valuable time to evaluate articles within their respective areas of expertise. Their commitment has significantly contributed to maintaining the high standards of scholarly excellence in our publication. Likewise, I appreciate and congratulate the authors for their commendable contributions to this scholarly endeavor.

I trust that you will find the ensuing pages enlightening to read, mirroring the joy we derived from, and the dedication we invested in, refining and hosting them. I hope that they catalyze similar scholarly, academic, and policy pursuits in Africa, inspiring positive change. As I look forward to witnessing the groundbreaking impact that this research collection promises, I encourage fellow research enthusiasts who share a similar vision and research interest to consider JIPIT as a platform for publishing. This edition not only signifies the culmination of a theme but also symbolizes the commencement of an ongoing discussion—and JIPIT stands as the ideal platform where diverse ideas converge for this intellectual adventure.

Yours truly,

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