

Decoding the Ballot: How Might AI Reshape Democracy on the African Continent?

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About Research ICT Africa

Research ICT Africa (RIA) is an African think tank that has operated for over a decade to fill a strategic gap in the development of a sustainable information society and digital economy. It has done so by building the multidisciplinary research capacity needed to inform evidence-based policy and effective regulation in Africa. RIA's dynamic and evolving research agenda examines the uneven distribution of the benefits and harms of the intensifying global processes of digitalisation and datafication.

About Just AI

The report is an output of the IDRC-funded flagship programme, the African Just AI Project, which seeks to build an African evidence base for policy to redress the unequal impact of harms and the uneven distribution of opportunities associated with advanced data-driven technologies currently. The Principal Investigator is Alison Gillwald, the Programme Lead is Araba Sey and the programme is managed by Naila Govan Vassen.

More broadly, the Just AI Project relies on knowledge grounded in the historical and contemporary contexts of African countries, advocating for people-centred, beneficial AI innovation, and building local capacity and awareness, both for the development of AI systems and their just governance. In this way, the Just AI Project brings international and continental human rights instruments into national policy and regulation, moving away from AI ethics discourses driven by multinationals, as well as researchers and activists from the Global North. More information on the project can be found [here](#).

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Matters related to interpretations, errors and omissions remain our responsibility.

Executive Summary

This report explores the potential impact of artificial intelligence (AI) on democracy in Africa, pointing to both challenges and opportunities. While there are good reasons to conclude that external forces are driving the deployment of AI in Africa, which can be – but need not be – indifferent to local desires, meaningful African self-determination requires skilfully navigating these globe-spanning dynamics. The impact of AI largely depends on its interaction with existing power structures, social and economic contexts, and policy frameworks, only minimally under the control and influence of African governments, as well as regional and continental bodies.

Through a comparative analysis of political and legal structures, interests and institutions, the report identifies potential intervention sites and existing legal guidelines that could be utilised to manage the rollout of AI in Africa. Despite longstanding challenges, such as weak institutions and unfulfilled expectations that shape African democracy, the primary policy concern is the convergence of several additional factors. These include global power dynamics around AI, the aspiration for digital self-determination in Africa, and the potential for improved oversight and accountability through democratic reforms. Civil society and multi-stakeholder groups also have a role to play in monitoring and shaping the AI agenda, contributing to accountability and inclusive participation in the digital public sphere.

As this report concerns politics, an interdisciplinary approach, incorporating sociological context along with political and economic considerations, allows a more rounded assessment to inform viable AI governance proposals to promote democracy. An integrated perspective acknowledging both the structural roots of issues and practical pathways for progress provides a useful vantage point to examine power relations and interests as well the interplay of institutions, States and markets. Furthermore, regulatory updates are necessary and political will is likely to be a major factor in realising democratic outcomes of that process. Concurrently a sociologically sensitive understanding of the causes of democracy deficits and their remedy can enhance equitable and just context-specific AI governance around elections.

Selected trends and challenges

- ❖ Democratic governance is undergoing transformation through technology. In Africa, the introduction of AI technology in governance brings the promise of accountable and fair democratic processes but it also has the potential to subvert democratic processes, even beyond national jurisdictions on a scale never previously witnessed;
- ❖ The adoption of biometric systems in elections has been improve trust in the voters' roll in post-conflict societies, in turn improving the chances of fairer elections and accepted outcomes than had these technologies not been adopted. We expect AI systems to have a similar role in democratic elections in the same circumstances;
- ❖ Dominant tech firms' platforms continue to hold and expand critical channels through which political discourse and participation takes place and are simultaneously major developers and implementers of AI. This raises questions of where ultimate control of AI technologies and the ability to limit and leverage them resides, whether it is with Big Tech companies, governments, independent regulators, or citizens exercising their will through their representatives or collective action;

- ❖ Long-standing conventional rights and freedoms around privacy and personal data protection, gender equality, freedom of expression, internet access and affordability, the right to development, and access to knowledge and information remain relevant. Their realisation and enforcement though remain difficult considering AI advances.
- ❖ Due to the real global political economy in which the sale of AI products is intended to benefit shareholders of major tech firms and platforms, the goods of AI may bypass specific populations, amplifying known social inequalities around digital technology. With universal suffrage being the cornerstone of the democratic process, if, as we expect, durable digital inequalities carry over into AI, this development would undermine effective, equal, and full democratic participation in politics.
- ❖ Given that some African military and police forces are purchasing advanced AI-assisted surveillance equipment, issues of civilian-military relations during elections are also important matters to study to understand if and how state security forces have used (or are using) AI tools to repress citizens;
- ❖ Some ‘leaders for life’ might be so entrenched that they need not turn to AI technologies to pursue and secure their statecraft. Indeed, the question of whether AI will ultimately contribute towards democratisation or undermine it largely depends on who has the power and authority to shape AI systems by encoding values, priorities and biases into software, algorithms, and training data. The quality of the underlying structure of democracy in Africa is a primary contributing factor in this regard with the justness of elections determined by the quality and freedom of information available to the citizenry.

Fair elections are crucial for democracies and are important events through which indicators of democracy are sought. Introducing AI into electoral processes carries risks if not implemented carefully. While AI has potential to improve efficiency and accessibility, through creating a more accurate voters’ roll, for example, it could also reinforce existing inequalities and subtle exclusions. It would be overly simplistic to claim AI itself will necessarily solve or exacerbate democratic challenges in Africa. The root causes of democracy deficits like authoritarian rule, social divisions, and injustice are complex and contextual. No technological solution alone can resolve them. Rather, the social and political impacts of AI depend significantly on how it is governed. With proper safeguards and oversight aligned with democratic principles, AI may assist elections and expand participation. But without sufficient foresight and ongoing adequate oversight, AI could undermine already fragile political processes. While African democrats must focus on AI’s inherent computational traits, they must also focus on ensuring its development and deployment occurs through inclusive democratic deliberation. If harnessed carefully, AI can be part of strengthening rather than weakening African democracies.

Recommendations

As AI systems spread across the African continent, digital divides threaten to undermine free and fair elections if the advantages of elites who can afford cutting-edge technologies and possess the skills to utilise them become further entrenched. However, the extent and nature of AI diffusion is not inevitable, given the mix of actors involved, and the nature of this rollout can be changed. Further research is required to ensure the ethical and just application of AI in elections, with adequate regulation and oversight to prevent exacerbating existing inequalities.

While AI can aid in improving the democratic processes, policymakers and civil society actors should not blindly fetishise AI technologies without evaluating their effectiveness. They should also be aware that adopting new instruments creates new opportunities for abuse, misuse and corruption that may undermine their intended aspirational impact.

Election management bodies need effective ongoing multi-year strategic communication campaigns which emphasise transparency and public scrutiny to aid information integrity related to AI and to prevent exacerbating existing inequalities. This is especially important given that current intellectual property regimes enable corporate secrecy around algorithms and data sets used in AI systems. The proprietary nature of major tech firms and platforms limits external auditing and accountability regarding how their AI models are developed and deployed, including those impacting election information.

An independent election management body can help secure the integrity and impartiality of AI systems during elections, but capacity needs to be developed to do this, and its independence needs to be assured to maintain public trust.

To realise the potential of AI for democracy, African governments and civil society need to adopt a comprehensive approach to AI governance that ensures data quality, security, privacy, and openness. Concurrently, policymakers and civil society actors should consider the opportunity costs of investing in AI technologies, which may divert resources from other more urgent or effective interventions. The African Union Data Policy Framework is a good resource for these groups and election management bodies to help with this contextual implementation.

Assessing what existing laws and regulations require additional measures to manage the impact of AI on democratic processes is, and will continue to be, a necessary task. Concurrently, while regulations can offer valuable insights and guidance in addressing AI's impact on elections, it is crucial to acknowledge that any expansion of regulatory mandates to incorporate the field of AI requires the collective determination and commitment of political and judicial authorities.

The involvement of civil society in election processes is critical to open more spaces for citizen engagement and build public trust. As more African countries adopt new technologies like AI in elections management, adequate transparency and accountability measures must be instituted to ensure citizen participation.

Governments could create formal avenues through which credible civil society organisations can access and scrutinise algorithmic systems and associated data that support critical electoral functions. Independent oversight is vital to evaluate these 'black box' technologies. Additionally, civil society groups conducting election observations should update their manuals and methodologies to effectively monitor technological systems and their impacts on electoral integrity.

The persistence of social and global inequalities highlights the need for African countries to coordinate regulatory approaches to AI governance at the continental level. Harmonised regulations across Africa would enable more consistent and effective oversight of AI systems compared to fragmented national policies. However, continental alignment should not come at the expense of engagement with emerging international AI governance institutions and dialogues. There must be a substantial African presence in the venues where norms and rules for the

democratic governance of AI are being discussed and developed globally. African nations and regional bodies need to organise effectively to represent shared interests and priorities in international AI policymaking arenas. Continental regulatory harmonisation and global policy engagement are complementary efforts for Africa to enact ethical, rights-protecting AI systems while also shaping AI governance to be more equitable worldwide. By linking arms regionally and raising voices globally, African stakeholders can pursue AI governance that advances both local and global equality.

Advancing the democratic policy agenda of social and economic justice can be partially accomplished through technical audits of computer code and algorithms of any one product or programme. However, tech companies would likely resist these initiatives through counter-lobbying even as they are increasingly compelled to submit to algorithmic impact assessments and transparency requirements in global and regional governance frameworks. As a complimentary exercise, sophisticated social, political and economic critique of assumptions and worldviews that both explicitly and implicitly inform AI can provide additional methods of monitoring transparency and processes that produce injustices.

We maintain that African democrats need contextual and political understandings of AI and its implications for the democratic process across the continent. Moreover, there is a risk that the use of AI will subvert democratic processes in African countries. A more robust conceptual and political understanding of AI in Africa can help African democrats improve their empirical studies, regulatory advocacy initiatives and initiatives to promote AI literacy to aid democratisation. Together this can improve the chances of ushering in more just and inclusive societies even as we are concurrently witnessing the rise of more complicated electoral processes.

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Acronyms

ACDEG	African Charter on Democracy, Elections and Governance
ACHPR	African Commission on Human and Peoples' Rights
APC	All Peoples Congress
ACHPR	Application Programming Interface
AU	African Union
DSR	Digital Silk Road
INEC	The Independent National Electoral Commission
MDC-T	Movement for Democratic Change - Tsvangirai
OAU	Organisation of African Unity
PDP	People's Democratic Party
UDHR	Universal Declaration of Human Rights
US	United States
ZANU	Zimbabwe African National Union
ZANU-PF	Zimbabwe African National Union-Patriotic Front
ZAPU	Zimbabwe African People's Union
ZEC	Zimbabwe Electoral Commission

1. Introduction

Africans are leveraging Artificial Intelligence (AI) for their political futures. They do so not under chosen circumstances, but with the weight of history. Different pathways of institutional consolidation, democratic maintenance and politics through violence have led to Africa being described as “a divided continent” (Cheeseman 2019). Some have gone as far as to conclude that overall de-democratisation trends outweigh democratisation in Africa (for a holistic assessment that supports this conclusion, review Cheeseman & Garbe 2020), and that “more Africans live under fully or partially authoritarian states today than at most points in the last two decades” (Campbell & Quinn 2021). It may nevertheless be fair to say that democracy in African countries is on split trajectories – advancing in some countries, regressing in others – with a range of contentions underway in local settings. AI, as configured as a disruptive technology, is being recruited in service of both trajectories.

There have been some noteworthy recent developments in African democracy in action. For example, in South Africa, supporters of Jacob Zuma begrudgingly accepted the outcome of the African National Congress’s 2018 party conference which saw Cyril Ramaphosa elected president; the 2022 Somali election resulted in a peaceful transfer of power; and the courts in Lesotho and the Central African Republic rejected unconstitutional attempts to amend constitutions. These examples show that robust mechanisms have been established in some countries in support of democracy. These mechanisms are supported by the public, with opinion surveys indicating a strong demand for democracy in many countries (Mattes 2019).

Conversely, authoritarians have become further entrenched and de-democratisation has also taken place. A series of military coups in the Sahel region and a civil war in Sudan have undermined the prospects of democracy in those regions. A low-intensity civil war has erupted in the Tigray region after local officials held an election in defiance of the democratically elected Ethiopian government, which has been accused of human rights violations and ethnic cleansing. In Uganda, the government is persecuting the LGBTQIA+ community in a cynical quest to prop up a failing autocracy with fundamentalist Christianity. The monarchy in Eswatini has aggressively repressed the democratic movement, leading to violent protests and a crackdown by security forces.

The retreat of democratic life can be seen in how counter-terror legislation is used to militarise responses to political disputes, oftentimes by deploying surveillance equipment purchased from global powers. Tighter electoral contests have also seen incumbent governments criminalise opposition parties and civil society organisations (Cheeseman 2021). There are records of journalists being assassinated (Obijiofor 2015; Timcke et al 2023). Terms such as ‘dangerous elites’ and ‘leaders for life’ are commonly used in African politics, alongside mounting threats involving political violence from the formation of ‘competitive political militias’ as well as mercenary groups employed by African countries (Chipkin et al 2022; Klobucista 2021; Raleigh 2016; although some militias prefer banditry to politics, see Stearns 2022).

To gain or retain power, some political actors employ ‘coercive campaigning’ to demobilise opposition voters in the lead up to elections (Daxecher & Rausenbach 2023). Other tactics to retain power include the use or encouragement of constitutional amendments by rulers to extend or remove term limits so that they can stay in office – and their coalitions can stay in power – for

longer. Between April 2000 and July 2018 there were 24 instances of executive term limits being extended in 18 countries. In the same period, there were six failed alterations. These amendments are sanctioned by legislatures and courts, but the reasoning is spurious. When efforts to cling to office fail, elite networks rig elections (Mohlamenyane 2021).

While AI products have been used to support democracy, states have been purchasing these products, including military systems, to further repressive aims and to stifle political dissent (Kafeero 2020). For example, Bayraktar TB2 drones have been purchased by several African states. At least 15 countries have drone capabilities, many of which have been deployed against domestic rebellions (see Kurpershoek, Muñoz Valdez & Zwijnenburg 2021). Ethiopia's TB-2 drones have been used in Tigray, killing more than 300 civilians in the first 16 months of that conflict according to media reports (Bearak, Kelly & Lee 2022). The Uganda police have confirmed that their national CCTV system has AI-powered licence plate readers and facial recognition systems (Anon 2020; for more on the use of facial recognition technology, see Allen 2020). These systems are being deployed against political dissent (Kafeero 2020). Similar capabilities have been procured and deployed by Zimbabwe (Africa Defence Forum 2023), while studies show that influence has been commodified and traded in African digital spaces (Allen, le Roux & Beti 2023; Timcke 2022; Timcke et al 2023).

In addition to high stakes elite contests driving political instability there are complexities involving geography and demographics, ideology and circumstance, issues which will be covered later in this report. Drawing up Afrobarometer's multicounty survey data, Robert Mattes provides a fair summary of the general conditions. He writes that most Africans are "strongly committed to democracy and opposed to authoritarian rule and [have] remained so for more than a decade" but also that "Africans say they get less democracy than they want" (2019, 1). This perspective is supported by surveys of the public attachment to democracy which find that Africans generally maintain a favourable view of democracy. Keeping in mind how cross-country averages can eclipse important social changes and significant local fluctuations, in 2019 Afrobarometer found that out of 34 African countries 68% viewed democracy as the best form of government and prefer this system. In the same report, 78% of participants rejected 'strong-man' rule, while 74% rejected one party rule and 72% were opposed to military rule (Mattes 2019). Likewise, the 2022 African Youth Survey found that 74% of respondents endorsed the statement that "democracy is always preferable to any other kind of government, and should be pursued" (2022, 33).

Given these circumstances, this report considers how AI might come to reshape the image, practice, and spirit of democracy. Soon AI is likely to begin to change the nature of contention within democracies. Current developments suggest that there are profound internal shifts underway in AI governance, whether from national frameworks in China, the United States (US) and the European Union (EU) or at the global level through the UN's High-Level Advisory Body on Artificial Intelligence (Gillwald, Timcke et al 2023). Additionally, in line with other analyses about the current conflict between democracy and capitalism (Timcke 2021, 2023; Wolf 2023), there are good grounds to believe capitalist uses of AI may hinder prospects for democracy in Africa; but even then, there are also underlying historical circumstances and structural issues that render it more difficult to effectively regulate this technology. There are also different stances towards the use of AI. For example, some African elites have a perception that the technology may aid their projects, which may be contrary to the public interest. These developments may transform

societies into less cohesive entities, intensifying existing contradictions and conflicts thereby creating more volatile but less predictable political contention.

1.1 Politics, technology and AI in contemporary Africa

To make sense of recent trends around how AI products and systems are shaping the prospects and practices of African politics, a wide lens is required. Considering how capitalist globalisation ultimately puts a burden on democracy via exploitation of weak labourers in the Global South (Kaldor 2008), it is useful to examine AI through the lens of the market forces that drive this investment, as well as any resultant stain upon the practice of democracy. The development and use of AI requires huge capital investments, demands significant energy resources, and routinely involves extractive data practices and exploitative labour practices. But AI products are also encoded within political and institutional practice.

Iginio Gagliardone (2016) argues that the politics of technology in African situations is an expression of how power is distributed in a particular national context, the discourses permeating it, and the actors advancing these interests. For example, the Ethiopian State's ICT policy says that the aim of ICT infrastructure development is to ensure all citizens have equal and equitable access to government services and to knowledge and information (also see Beyene & Zerel 2014). This highlights how technologies are social products, which means that they are encoded with, carry, and are put in service of interests and values, some known, others not. Additionally, political actors use digital tools and platforms for pro-democracy advocacy in ways that are adjacent or parallel to formal politics.

AI is, in this sense, rife with politics, as well as with novel adoptions and affordances embedded in value systems. To unpack the values and interests in the term 'AI', it is useful to appreciate that it is used as an umbrella marketing term for a range of software products that lean on statistically weighted operations. The term covers several fields such as robotics, optics and computer vision, unsupervised pattern recognition, and natural language processing, with many technological vendors use these kinds of terms to sell their products. However, while these are presented as neutral advances in AI, and representing cutting-edge creative uses in the products they are trying to sell, they are shaping political processes across the world, with particular implications for democracies through embedding values and biases in applications and usage. Examples include the formation of algorithmic political cultures, the reformation of the digital public sphere, the translation of electoral strategy into computationally optimised rhetorical appeals, the rapid dissemination of visual propaganda on platforms, micro-targeted political advertisements, frequent data breaches that violate rights to privacy, and the ease of amplifying the range of information integrity which RIA is tracking in related projects (Timcke et al 2023; Timcke, Orembo & Hlomani 2023). The meaning of the term 'AI', in this respect, comes from its application.

There is considerable advantage in thinking about AI in an expanded fashion. What we mean is that technologies are not merely devices and artefacts with properties and operations, but that devices and artefacts themselves nest within a series of organisations and institutions that allow or constrain particular affordances. Choices, contexts, circumstances and conditions give as much, if not more meaning about the relative (and selective) adoption of AI, the worldview it is set to serve, as well as how humans relate to one another when using these kinds of technologies (Feenberg 1999, 2017; Timcke 2021).

Any rich discussion of AI and democracy would therefore need to include a treatment of broader social circumstances. In the case of African politics, these include patronage, the austere neoliberal sabotage of State organs and social protection, and nationalist movements rallying around the negative effects of unprecedented global market integration. Additional considerations include how and who carries the burdens brought about by AI. Keeping in mind the political nature of technologies like AI (see Winner 1980; Timcke 2021), throughout this report we foreground the distribution of material power and dominant discourses, and how a disjuncture between the two aid or hinder the interests of various actors that have a stake in Africa.

1.2 Democratic guidelines on the African continent

African governments are signatories to important norms, treaties and charters respecting democracy and democratic processes. These documents provide some understanding of how key institutions on the continent understand the democratic process while specifying criteria for a credible election.

Building upon the 1981 African Charter on Human Rights and People's Rights (AU 2007) which endorses citizens' free participation in selecting their government, the African Charter on Democracy, Elections and Governance (ACDEG) is a legally binding document adopted by the African Union (AU) in 2007 and ratified in 2012. The aim of the Charter was to promote democratic governance and human rights by establishing a set of principles and standards that AU member states ought to uphold. The ACDEG covers a wide range of issues, such as the rule of law, human rights, elections, political participation, and the fight against corruption. The Charter is reasonably comprehensive on matters of democratic governance; this scope makes it useful for civil society and policymakers to appeal to in order to strengthen their democratic institutions and processes. In this respect, the ACDEG carves out a role for civil society in promoting democratic governance. The key virtue of the ACDEG is that it positions the AU as a democratic norm-setter.

Still, there are weaknesses around the implementation of ACDEG. At times AU member states do not follow through on the Charter. The lack of follow through ranges from member states lacking granular administrative State capacity, to the lack of political will which itself emanates from national-State projects that are suspicious – hostile even – to democracy in general. Without enforcement mechanisms, the Charter has little real authority and reach. Another weakness of the ACDEG relates to technology. Recently Ennatu Domingo and Lidet Tadesse Shiferaw (2022) have argued that the ACDEG has not kept pace with commercial and consumer digital technologies. They are more enthusiastic about the AU's Data Policy Framework and its proclamations around freedom of speech. Still, they propose that the Charter be revised to “[include] stipulations on the diverse uses of digital technologies by state and non-state actors, particularly during electoral processes” (Domingo & Shiferaw 2022). RIA's interim findings about the nature and character of information integrity during African political contests seems to support Domingo and Shiferaw's conclusion about the need to focus on how advanced technology is reshaping political contests in Africa (Timcke et al 2023; Timcke, Orembo & Hlomani 2023).

The African Commission on Human and Peoples' Rights's (ACHPR) Guidelines on Access to Information and Elections in Africa (2017) was the first continental instrument to specifically link access to information to democratic elections in Africa. The Guidelines assert that access to information is crucial for citizens to make informed political choices and participate meaningfully

in elections. They call on states to proactively publish information related to elections, such as voter registers, political party financing, electoral district boundaries, and election results. The guidelines recommend electoral laws be amended to guarantee the right to access election-related information. They urge unfettered access to information from the media, civil society and others during elections to enable public oversight. Importantly, the Guidelines affirm the right to access information between elections as well as during election periods. They aim to promote transparency, combat disinformation, empower voter participation, and improve the integrity of electoral processes. The Guidelines provide specific guidance to states on implementing access to information laws and policies in the context of elections. They represent an important standard for African states to uphold access to information during elections and as part of democratic processes. The Guidelines are significant in linking access to information as a key requirement for the realisation of democratic rights in Africa's elections.

The ACHPR Declaration of Principles on Freedom of Expression and Access to Information in Africa (2019) emphasises the importance of proactive disclosure of information held by public bodies, including budgets, policies, data sets, and contracts. It also says that right to information laws should apply to private bodies that receive public funds or perform public functions. It says states should require public and private bodies to publish information on issues like the environment, health, and consumer products to protect rights. This expands transparency requirements. The Declaration calls on states to harness new technologies to achieve maximum disclosure of information. States should embrace online means of disseminating information and public bodies should publish information in open and machine-readable formats, to enable the re-use of data. It supports adopting open data policies and open government data portals. This facilitates transparency through technology. The Declaration emphasises the importance of access to information laws keeping pace with technological changes. It calls for periodic reviews to address the impact of technology.

Both the Guidelines and the Declaration promote using technology to enhance transparency and access to information held by public and some private bodies. They emphasise proactive disclosure, open data formats, and adapting laws to technological changes.

Additionally, in 2018, former UN Secretary-General Kofi Annan's foundation (2020) convened the Commission on Elections and Democracy in the Digital Age. This commission examined and reviewed the opportunities and challenges for electoral integrity created by technological innovations. It sought to answer the question of how to mitigate the risks of digital innovation to elections while harnessing the opportunities to strengthen democracy worldwide. The commission focused on the use of social media and the internet to interfere in elections around the globe, acknowledging how disinformation has been weaponised to discredit democratic institutions, sow societal distrust, and attack political candidates. The commission's report made recommendations for public authorities and civil society to invest in talent, establish norms on technology use and campaigning during elections, and for platforms to play a more active role in policing social media.

The report was instrumental in highlighting that many of the issues attributed to the internet and social media – such as extreme polarisation of democratic politics; decline in trust in governments, traditional media, and fellow citizens; partisan media; and the spread of disinformation – predate the rise of social media and the internet. Furthermore, democracies vary in their vulnerability to

disinformation based on pre-existing polarisation, distrust, and partisan traditional media. New and transitional democracies in the Global South are particularly vulnerable. However, for African studies, research on the technological effects on elections is limited due to the reluctance of major platforms to share data with researchers.

While it is not always respected in practice, African countries are also signatory to Article 21 of the Universal Declaration of Human Rights (UDHR) which states that everyone has the right to take part in the government of their country and freely choose their representatives. The International Covenant on Civil and Political Rights states that people have the right to enjoy “civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights” (United Nations 1948). This means that electorates of any country have a right to choose their leaders of their own free will.

Furthermore, there are basic tensions between Africans’ desires for democratic life, and the failure of elites and the State to deliver on that aspiration. The African Declaration on Internet Rights and Freedoms Coalition (2020) has drawn attention to the extensive violations of digital rights during the COVID-19 pandemic. From their perspective the pandemic provided an opportunity for some African governments to justify the dragnet collection of behavioural data thereby allowing identification and traceability of citizens, opposition party members, and dissidents. Similarly, the coalition has a reasonable concern about whether legislation intended to disincentivise health misinformation would later be abused to criminalise journalism.

A key question this report raises is whether guidelines and laws need any amendment or elaboration to specifically respond to the new wave of AI-powered tools that are being integrated into African societies.

1.3 Methods, techniques of inquiry and case selection

This report focuses on selected political sociological and legal aspects of AI. To do so we draw on perspectives from the academic fields of law and political sociology to present some key considerations for AI and African democracy. Through adhering to the paradigm that technological organisation and political organisation co-constitute one another, the overarching methodological framework in this report is comparative case analysis (See Boix & Stokes 2007). The main objective of this methodology is to “[explain] political dynamics by comparing the historical trajectories of two or more cases” to “ask questions about the causes of major outcomes” (Mahoney & Villegas 2007, 73, 74). This involves observations about “big structures, large processes, huge comparisons” to invoke Charles Tilly’s (1984) work. Observations of this kind can involve cross-case analysis, or even the application of typological theory to better understand issues related to the interplay of power, interests, and institutions.

Comparative case analysis accommodates the view that the “roots of major political outcomes often rest most fundamentally with causal processes found well in the past” (Mahoney & Villegas 2007, 73). This method is also open to how these same institutions accommodate, facilitate, or suppress the social ramification brought about by technological change. It is typical that comparative case analysis “[looks] closely at the unfolding of events over substantial periods of time” (Mahoney & Villegas 2007, 74). Comparative case analysis guides a variegated set of primary techniques for data collection. One fair critique of monitoring involves limitations born from the researcher’s (untested) assumptions. What this means is that assessments of causes and effects

are not clear, especially when there are unknown variables that cannot be observed or measured (see Przeworski 2007). To mitigate these issues, comparative case studies can leverage multiple data sources and collection methods, transparently state assumptions, and acknowledge limitations. Such steps can still provide valuable insights in AI and the democratic process, even if definitive causal claims remain elusive.

Our study also uses comparative legal analysis. This method involves comparing legal systems from different countries or jurisdictions. It is used to identify similarities and differences between legal systems, and to understand how different legal systems approach the same legal problem. The methodology typically begins with the selection of jurisdictions or legal systems to be compared. In this instance we identified Nigeria, Sierra Leone, and Zimbabwe as countries of interest. These countries recently held elections that were deemed to be some of the most important to occur on the continent in 2023 (Africanews 2022; Oxford Economics 2023). Additionally, these three cases also provide geographic range and different political situations that offer some comparative evaluation.

This step was followed by the identification and collection of relevant legal sources, in this instance any electoral laws, policies and any related ancillary laws that may have a bearing on the use of AI tools in democratic processes. These sources were then studied and analysed, focusing on legal concepts, principles, interpretations, and their practical applications. Comparative legal analysis aims to provide a deeper understanding of legal systems, facilitate the identification of best practices, and enable the evaluation and development of legal frameworks.

1.4 Organisation of report

Drawing upon normative and descriptive elements of democratic theory, Chapter 2 focuses attention on the intersection of (post)colonial path development, political parties and electoral contests, and developmental aspirations. Chapter 3 focuses on the likely friction points for AI and African democracy. There are common indicators to help evaluate the quality of freedom in and legitimacy of the broader democratic process. To this end, RIA has devised a series of questions to identify policy levers that can be used to reinforce free and fair elections in Africa. For example, in Chapter 4 we ask whether existing electoral laws can produce guidance on current and anticipated AI products. If not, how do these laws need to be augmented to account for microtargeting and botnets, for instance?¹

Typically, a democratic election features universal and equal suffrage for eligible citizens where all votes have equal weight and value and are cast via a secret and secure ballot. With some countries moving to electronic systems, attention must be given to the cybersecurity around how ballot information is tabulated and transmitted to an independent election management body. Accordingly, Chapter 5 examines advocacy for using AI in elections considering previous attempts to incorporate and adapt digital technology into and for the democratic process.

¹ Microtargeting is the practice of tailoring advertising or other messages to specific individuals or small groups based on their characteristics or behaviour, often using data analysis and algorithms. Botnets are networks of computers that have been compromised by malware and can be controlled remotely to carry out various actions such as spreading misinformation or amplifying certain voices.

2. African Political Structures in the 21st Century

Grand debates about the meaning of democracy in the latter half of the 20th Century occurred along several axes. These debates also mapped to pressing political questions like how to scrub fascism from Europe or the promotion of Cold War liberalism. Without diminishing the role of Western military objectives in the dispersion of democracy (and capitalist markets), it is equally important to stress how exploited, oppressed and alienated groups persistently struggled for enfranchisement, full rights of citizenship, and sovereignty for themselves. From the civil rights and national liberation to the feminist and labour movements, minority and majority groups insisted upon their participation at the ballot box. Many died fighting for this right. As casting a ballot is an act of consciousness weighing different considerations and consequences about the future of society, it is fit and proper that democracy theory exists to do justice to those who fought for eligibility and enfranchisement.

Within these questions, one axis for democratic theory has been the dialectical exchanges between normative and descriptive approaches. Normative theories of democracy tend to derive principles from prior ethical commitments to justice, equality, and freedom, however they might be construed and constructed. For these reasons, normative approaches tend to be prescriptive about the design of elections, the relationship between elections and society as well as other democratic institutions and processes. When it comes to elections, descriptive theories tend to evaluate how they are conducted, whether there are suitable conditions for elections, and whether democracy ‘actually works’ to deliver fair and binding results. Whether from the work of Hans Kelsen and Norberto Bobbio who stipulated criteria for legitimacy, or Robert Dahl and Adam Przeworski who drew attention to how elites intercede to ward off democracy through excess bureaucracy, there has been productive exchange about the potential audits required to promote democratisation. We use both approaches when assessing AI in the democratic process. We do so with the intention of providing a more comprehensive understanding of AI for African democrats.

2.1 How to think about democracy

Too often democracy is depicted, according to Lenoir & Anderson, “as a process of individual, rational evaluations of self-interest”. One consequence is politics is understood “in exceptionally narrow ways...[a view that] posits that citizens and politicians make decisions using information infrastructures which most often work, but in recent years sometimes fail” (Lenoir & Anderson 2023). Within this paradigm, AI is seen as a threat because it can ‘break’ information infrastructures or be used as an aid that can ‘repair’ them in a way that caters to those with the most social and economic power in a society. These conclusions give too much power to technology, and too little to social organisation in which technology such as AI is used and adopted.

A better understanding of democracy is as a form of governance where institutions function in accordance with processes and norms that centre equality, participation, representation and liberty (Przeworski 2010). On this view, democracy is characterised by accountability and inclusiveness. Citizens have the liberty to exercise their fundamental rights such as the freedom to express how they would want to be governed.

As the various ‘competitive authoritarian regimes’ in Africa well illustrate, elections are insufficient to sustain democracy. Depending on the circumstances, this could be because elections are often

constrained and crosscut by legal and institutional frameworks that protect the interests of the most powerful and the incumbents. Or it could be because the opinions and worldview of senior State managers and policymakers oftentimes align with the most powerful stakeholders in the society, resulting in preferential policy choices that cater to those groups. Increasing isolation between constituents and policymakers and leaders can erode the legitimacy of representation. These conditions are by no means unique to Africa, but rather they are part of a global trend wherein “authoritarian leaders are using the language of democracy in an attempt to conceal the abusive systems through which they cling to power” (Smeltzer 2023).

For these reasons, democracy is best understood as a dynamic system in which holding elections to form governments is but one part. There is value in adopting a broader understanding of democracy as a form of social organisation that respects the rights and freedoms of its citizens while also reflecting the majority’s will (and that of their elected representatives, which may or may not align) and preferences on pressing questions of the day. At the same time there may be some utility in recognising that the main goal of democracy is not to create consensus. Rather, it is to periodically make binding decisions that settle differences about what direction a government must take to address the priorities of the government and/or wider society. In short, partisanship is an inevitable component of democratic life.

Much like in other places, democracy is not universally accepted in Africa. Some ethno-nationalist groups reject democracy as an allegedly non-African form of governance imposed by Western powers and assert that, whatever the impetus, this form of government therefore cannot meet the needs or sociopolitical worldviews of African peoples. These groups prefer other forms of governance that emphasise tradition, identity, militarism, or religion. Kenneth Kalu and Toyin Falola (2019) argue that the indigenous political structures that existed before European colonialism were ‘weakened’ or, in other cases, ‘destroyed’ by them. Colonialists replaced these political structures with governments that reflected European institutions and political systems that were alien to Africa. After Independence, African societies and nations experienced issues as a result of the ways in which Africans integrated and transformed the legacy of colonialism. As these governmental institutions rejected the indigenous political systems on which African society was built, they generally failed to bring political stability. Some critics argue that the promotion of democracy is a cover for the advancement of Western neoliberal agendas (Adejumo-Ayibiowu, 2019). And finally, there are developmental authoritarians who argue that democracy detracts from economic growth, which they rank higher in need and urgency.² Authoritarians and other detractors of democracy in Africa pose a challenge to democratic consolidation and the development of the continent.

2.2 How to think about AI

The term ‘AI’ has roots in post-war era computational research and development. AI research gained renewed attention in the 2000s and 2010s when advances in deep learning became feasible – mainly due to the availability of large amounts of human-generated data on the internet and networked devices. These advances enabled widespread applications such as voice assistants,

² The difficulty with developmental authoritarian regimes is that their self-reported economic data is untrustworthy as it does not match third-party academic tests. For more on this systematic overestimation and evaluation techniques see Martínez 2022.

recommendation systems, and automated driver assistance.³ Concurrently the term ‘AI’ is used over-broadly in ways that obscure and exaggerate a range of data-centric techniques that usually require resources which only a few companies possess.

Relatedly, on the topic of ‘open’ AI, David Gray Widder and colleagues write about language and obscurity. They “find that the terms ‘open’ and ‘open source’ are used in confusing and diverse ways, often constituting more aspiration or marketing than technical descriptor, and frequently blending concepts from both open source software and open science” (Gray Widder, West & Whittaker 2023, p2). These techniques are often shielded from validation and scrutiny by trade secrecy (Burrell 2016). Concurrently, a good portion of AI systems rely upon poorly paid human labour located in the Global South (e.g. Anna & Musambi 2023). Josh Dzieza’s (2023) investigations show that “as the technology becomes ubiquitous, a vast tasker underclass is emerging”. For example, heavily exploited Kenyan clickworkers were sub-contracted to categorise and train some generative AI models (Perrigo 2023).

These comments are not meant to imply that the term ‘AI’ has absolutely no utility in Africa or that it and its associated practices are inherently anti-democratic. Rather they are raised to emphasise that AI is not one ‘thing’. It is more accurate to understand it as a set of practices associated with historical data and human labelling mixed with weighted statistical analysis. The inputs for AI systems are created through human labour, and humans with power determine how the outputs will be used. These practices are shaped by existing power relations, which should be acknowledged in any definition of AI. While many definitions include machine learning as a key aspect of AI, it is important not to reify technology as something with an inherent open configuration. The configuration of AI systems reflects the values and goals of the humans that design and control them, not an unbiased technological imperative. By recognising the social forces that configure AI practices, one can have a more nuanced understanding of this technology and its impacts.

Finally, it is important to address issues around how concentrated wealth effectively gives de facto control rights over technologies like AI, in turn leading to unequal influence over the democratic process. Social relations in capitalist societies allow some classes to accumulate wealth through the exploitation of labour, like the Kenyan clickworkers mentioned above. Put succinctly, this excludes many citizens from meaningfully participating in self-government. This means that redistributive justice is necessary to ensure that unfair social inequality derived from ownership of stocks, shares, and assets are minimised. Progressive taxation, strengthening of labour rights, and regulation of activities like speculation, market manipulation, and hidden forms of exploitation, can directly and indirectly facilitate free and fair elections.

As with any set of practices around power, its distribution and instruments matter for the quality of democratic life. Given the amount of capital invested in AI research and product development, it is wise to pay attention to how this investment is introducing new and amplifying existing social and global inequalities, all of which work to place more strain on democratic systems (for the extensive argument and evidence of this point see Timcke 2021).

³ As a form of ‘machine learning’, ‘deep learning’ refers to a computer model’s ability to ‘optimise’ for predictions while training on data by updating the weights in a complex set of statistical calculations that work through multiple layers.

2.3 The structures of African political systems

The end of the Cold War and the rise of global neoliberalism stimulated forces for change which in turn allowed “the long suppressed democratic aspirations of Africans to rise to the surface” (Fomunyoh 2005, 13). In the 1990s the measure of success of democratisation was the increasing number of countries which switched from one party states to multi-party states. The management of elections and its implications became a major concern in many African countries. With more groups participating, the need to ensure a fair and trustworthy process became paramount. African democrats and international development agencies focused on the rule of law during elections, but without much attention to the institutional or ideological support structure that sustains the rule of law (Erbeznik, 2011).

There is an expectation that post-conflict elections establish norms and patterns for future elections, and otherwise proceed in a legitimate manner to aid with the reconstruction project. At the same time, these elections occur in unfavourable circumstances, where infrastructure and institutions may have been damaged, and where citizens are fearful of reprisals if new groups gain power (Dutton 2014). There is an inherent difficulty in creating democracies in post-conflict societies. According to David Harris “the installation of unsuitable over-powerful governments” are factors that explain prospects for a “return to war” (2003, 1). Due to institutional arrangements, like a winner-takes-all system, African elections are high-stake events (Aniekwe 2017). Within these parameters, African democrats have strategically sought to make elections more peaceful while also recognising that a re-designed decentralised system would lower the stakes.

Congruent with core commitments to human rights, African democrats are convinced that democracy brings long-term material improvements that are more equitably distributed, in part due to inclusive planning. Nevertheless, there are many unmet expectations because democracy has been hampered by the predatory State, the extreme personalisation of politics, and poverty. Furthermore, as Luc Sindjoun (1994) argued, in the 1990s Africans confused neoliberalisation with democratisation which led to a weaker understanding and attribution of social, political, and economic fault. This “tremendous confusion” led to a conception of democracy as a passive process, which ultimately helped incumbents retain power even if their performance was poor. Shortcomings of opposition parties, like in Cameroon between 1992 and 2007 (see Ngwane 2013), were also factors that explain weak democratic performance in some African countries. Same too with accountability exercises heavily leaning on funding provided by richer democracies (see Mkandawire 2010).

In addition to contestation within African democracies, there was contestation about the transition to democracy. Both introduced civil strife that spanned the entire democratic process. A decade ago, experts anticipated that electoral violence would feature in many of the 20 national elections scheduled in the then coming year (see Adolfo 2012). Their recommendations to reduce violence included lowering the stakes of elections through the devolution of powers while concurrently improving economic performance so that there were fewer incentives to use political posts for self-enrichment and patronage. Furthermore, the consolidation of democratisation was slow while democratic transitions in North Africa highlighted the political complexity of managing the process (see UNECA 2013). For example, the structure of some African political systems provides enormous incumbent advantages. This arises because the executive branch of

government can set the voting calendar, have authority over appointments and budgets of election management bodies, and may have indirect influence over the infrastructure used to transmit election results. In summary, “the institutionalisation of democracy has been making gradual progress. While there is no predetermined way to advance democracy, the reiteration of elections can be instrumental in such advancement” (Cassani & Carbone 2016, 33).

In the 21st Century, almost every African country has held elections (Darracq & Magnani 2011), even if the process has yielded a family dynasty in some places. As Andrea Cassani and Giovanni Carbone (2016, 33) explain, “elections do not always advance democratisation, yet they can”. Repetitive competitive elections show a degree of democratic maturation. While elections can be thought of as a ‘learned trade’ in which parties and citizens improve their political literacy over time, it is important to recognise the relative starting points of post-conflict societies and other transitional regimes. As most citizens in these societies have had “little interaction with national political processes or leaders” (Deegan 2009), much like normative and descriptive approaches inform the development of democratic theory, so ideals and practical issues inform the agenda for democratisation in Africa.

2.4 African political actors’ shifting relationship with digital technology

Another axis of inquiry in the African democratisation literature considers the mixed record of democratisation projects in post-colonial African countries. Momentarily setting aside regime breakdown and the era of despotism that followed in the 1980s and 1990s, it is useful to recall how the post-independence experience had explicitly socialist and capitalist parties. Socialist parties included the *Partido Africano para a Independência da Guiné e Cabo Verde*, the United National Independence Party, *Union Soudanaise-Rassemblement Démocratique Africain*, *Frente de Libertação de Moçambique*, *Conseil National de la Révolution*, *Movimento Popular de Libertação de Angola*, Convention People’s Party of Ghana, the Tanganyika African National Union and more. Parties promoting capitalism included the *Parti Démocratique de Côte d’Ivoire*, the United Party, and the *Union Camerounaise*.

In contrast to the period around decolonisation where parties presented distinctive programmatic agendas and embraced identifiable ideological labels, the neoliberal era is distinctive for the lack of ideological unity within parties, at least where despotism did not set in. This lack of unity occurs against the backdrop of the narrowing of ideological contests (for example see Heffernan 2016). This narrowing has several secondary causes, including sovereign debt, the closure of fiscal space in the State treasury, and dependency on foreign aid, each of which makes prolonged discussion about political options practically moot. Additionally, externally imposed austerity and structural adjustment programmes catered to the rise of reactionary politics within a narrowing field of political ideas in the African neoliberal period.

Within these parameters there are other sociological accounts that lead to the decline of strict ideological contests and the decline of attitudes and beliefs clustering in distinct ways. To begin with, the absence of ideological cues permits a political flexibility that is conducive for party switching. Without any disqualifying tethers of prior ideological commitments, political entrepreneurship is made easier, thereby underscoring how parties can act as vehicles for charismatic leadership. There are additional factors. Regardless of whether it is desired by electorates, parties campaign on tropes of ‘strong leadership’, meaning the willingness to engage

in patronage. Will and capacity have a sociological role in regime stability as patronage is used to broaden coalitions to shore up support for rulers to remain in office. Indeed, statistical modelling shows that patronage lowers the risk of a coup by more than one percentage point of economic growth (Arriola 2019).

Notwithstanding ethnopolitical fragmentation, party sizes have nevertheless increased, likely because there are few principal tenets that act as criteria for recruitment and membership. Studies of party members show high rates of incoherence, dissonance, and contradiction on programmes of action. Political beliefs are “not anchored by broader, distinct themes”; nor is there a “discursive superstructure” to guide political education within a party (Conroy-Krutz & Lewis 2011). In this regard, “African party systems are not qualitatively different from party systems in more established democracies” according to the analysis conducted by Thomas Brambor and colleagues (Brambor, Clark & Golden 2007).

When all these factors are considered, the pursuit of rule within African politics has tended to gravitate towards the “use of patronage as an instrument for managing political relations” (Arriola 2019). With patronage entrenched as a system of gathering the resources of rule, populism is used to cast existing rulers as corrupt (Makulilo 2013). Then as opposition parties move into government, they necessarily repeat the sins of their predecessors. Charismatic leadership and clientelistic practices are a response to political environments where there is no centralised party machinery that collects and disperses funds for electioneering or devises programmes of action.

Pragmatic, non-ideological, anti-systems politics often lacks a clear programmatic vision for social change. Without the intellectual discipline provided by party education, for example, the critiques advanced by charismatic populism tend to become hollow and reactionary. Political diagnosis lacks study; prescription lacks imagination. Instead, politics becomes simplistic (see Timcke 2021). Human rights, trade, development, and indeed now AI, by themselves, become the apparent gateways to prosperity. This vision of social change treats politics as an impediment to improving the human condition, rather than as a vehicle for collective action and social transformation.

2.5 Digital transformation and the perniciousness of digital divides

Many of the early advocates for the internet insisted that it would boost democracy across the world whilst also levelling the playing field between unequal groups. In the mid-1990s, relishing the capitalist-democratic triumph of the Cold War and propelled by the social imagery that ‘information wants to be free’, they articulated a political hope in which digital networks and devices would allow ordinary people to bypass traditional gatekeepers (e.g. Berman & Weitzner 1997; Raymond 2000). African democrats tended to adhere to this view, even as they sought to adapt digital networking to their conditions and circumstances (e.g. Dobra 2012).

At the most extreme, some proponents argued that cross-border digital networks would undermine the legitimacy of state sovereignty, legal regimes, and enforcement mechanisms to the point that these concepts would cease to be meaningful. In 1995 Jean-Marie Guéhenno (1995) declared “the end of the nation state”. Similarly, John Perry Barlow’s (1996) ‘A Declaration of the Independence of Cyberspace’ and David Johnson and David Post’s (1996) law review article, ‘Law and Borders: The Rise of Law in Cyberspace’ ring with these sentiments. What kind of polity would subsequently emerge was to be a product of experimentation.

While they themselves were sceptical of those kinds of grand claims about the natural flow of democracy from technological change, Richard Barbrook and Andy Cameron (1996) did detect important social changes on the horizon. “By integrating different technologies around common protocols, something is being created which is more than the sum of its parts,” they wrote. Still Barbrook and Cameron insisted on a wider analytical lens to capture how “capitalism’s relentless drive to diversify and intensify the creative powers of human labour is on the verge of qualitatively transforming the way in which we work, play and live together”. As it became progressively easier for ordinary people to send and receive information on previously inaccessible systems, analysts proposed that there was to be a social, technical, political and economic revolution, even if it did not quite materialise in the ways Barlow, Johnson and Post anticipated. Through a combination of the internet and imperialism, the US gained an ‘information edge’ (Nye & Owens 1996) that continues to stand, despite Thomas Friedman (2005) declaring that ‘the world is flat’ in 2005.

Within this decades-long conversation that spanned the globe, one agenda of African democrats has been to find ways to enfranchise the disenfranchised. Keeping caveats about generalisations in mind, African democrats have actively and eagerly explored whether and how digital transformation could deliver on the promise of improved effectiveness, efficiency and opportunities for enfranchisement. African democrats were among the first to suggest that the internet and digital networks could be leveraged to increase meaningful political participation and aid movements for democracy. This has been difficult to achieve because the continent is deeply affected by poverty, inequality, and, more recently, global issues such as climate change.

In the political realm, the African digital transformation gradually resulted in increased political participation on platforms. While early adopters had used social media and platforms for politics, in the early 2010s as more Africans ‘came online’ these spaces became venues for mass political engagement. With the help of social media, for example, the events around Ghana’s 2012 presidential election exposed flaws in the electoral system setting in motion a reform movement (Atengble 2014; Bob-Milliar & Paller 2018). Democracy can become more robust through universal participation as outlined in the UDHR. While governments started adopting technology to expand access to information and e-government services, over time many political parties started using digital technologies for organising, campaigning, and increasing participation in political discourse. Later technologies were deployed to assist with voter registration, automating the voters’ roll, and various aspects of election management and administration (Ibeanu 2022).

While the internet (with its key actors, institutions, regulatory apparatuses etc) has the potential to reduce inequality by providing access to information and opportunities, disparities in access, usage and capabilities persist. As RIA’s research demonstrates, digital transformation initially marginalises those already socially and economically excluded (see Gillwald 2023; Partridge 2023; GPAI 2022). In Africa, women are less likely to be connected or have access to digital technologies for example. These risks are associated with the ‘digital divide’.

The digital divide denotes unequal patterns of material access to and benefits from communication technologies caused by stratification processes in the information society and participation in institutions governing ICTs. The perniciousness of the digital divide undermines political equality. Social inequality can and does influence the diffusion of technology with the wealthy better positioned to benefit than the poor. Due to the geography of profitability, those living in urban areas tend to have greater opportunity to adopt digital technologies and services

relative to those located in rural areas. Advantages and disadvantages of this sort compound and reinforce other kinds of social equalities, ultimately undermining some fundamental principles of democracy (see Timcke 2023).

One stark example of the perniciousness of the digital divide is how the English language is the dominant-by-default language for many platforms. African countries are multilingual, yet many platforms or e-government services do not adequately cater to African languages. These linguistic barriers not only pose problems in ensuring the equitable and inclusive participation of all citizens, but they also pose serious challenges in mitigating harms in the online spaces. For example, platforms may conduct content moderation in specific African languages only, or AI content moderation tools are not calibrated to local customs. Therefore, certain segments of the population risk being bypassed if access to services is determined by profitability alone.

While digital technologies have facilitated relatively low barriers of entry for users, AI has created and expanded spaces for dialogue between stakeholders, including the government. These developments have facilitated the rise of new types of political commentary, including ‘new ways of regarding’ and ‘new ways of considering’ what politics is and who it is meant to benefit. The adoption of platforms for ‘routine politics’ has helped create political pluralism, facilitated the creation of tools to assist with designing campaigns for government accountability, and helped to extend political discussions beyond formal venues (Domingo & Shiferaw 2022). Along with social mobilisation, all of these changes have helped to create ‘voices’ that have reconstituted African politics.

Even so, depending on conditions and circumstances, these benefits can be exaggerated. For example, peoples’ social media experiences vary across platforms, and are determined by a platform’s profit-driven algorithmic design. As we mentioned at the outset of this report, in elections, the online experience is also mediated by the content and other interventions from resourceful actors who can pay for advanced online political campaign strategies. Hence online popularity of a political candidate on social media may not carry over to the ballot box.

In summary, the historical experience of the digital divide provides a caution. Without democratic regulations and redistributive policies, the rollout of corporate AI may reinforce and amplify social inequality, while governments, authoritarian or otherwise, may abuse these tools to protect their power from citizens demanding democratisation. Moreover, when civic ascriptions like race, gender, and sexuality as well as relations like class are ‘made to matter’ through becoming politically and commercially charged, these can become the basis of exclusion.

2.6 AI and election management

It is well known that the effectiveness of election management bodies largely depended on institutional autonomy (Mozaffar 2002). Ethnopolitical fragmentation and patrimonialism can undermine the autonomy of these bodies, as too can the inertia of colonial institutional patterns in post-colonial settings. Hence there has been encouragement to insulate election management boards from the executive branch (see Fall et al 2011). The difficulties of high-stakes elections are made even more acute when election management bodies side with incumbents, either due to institutional design and other structural factors or the person at the helm aligning themselves with the ruling party (Akokpari 2012).

African countries have continued to adopt more technology applications in election management, with the hope that technology will increase efficiency and credibility of the process as well as effective reach of campaign messages. There are several technical considerations to guide initiatives like electronic voting and implementation strategies (e.g. International IDEA 2011). Advocates for AI propose that these systems can foster citizen engagement and participation while assisting with data-driven electoral decision-making. For example, voter registration is among the costliest activities in an electoral process and can ‘make or break’ an election, as well as the subsequent prospects for peace, stability and the acceptance of the result.

Advocates arguing that AI can help with this activity (UNDP 2021) overlook that voter registration is not merely a technical and administrative exercise; it involves political components like liaising with parties so that they ‘buy into’ the process (Evrensel 2010). With some countries moving to electronic systems, attention must be given to the cybersecurity around how ballot information is tabulated and transmitted to an independent election management body. The independence of the election management body is also an important part of the trust that needs to be built when introducing technology in election systems. A lack of independence can compromise the most robust technical system. Mechanisms to protect the independence of election management bodies need to be established so that they maintain integrity and practice impartiality while ensuring that the election processes are not influenced by undemocratic forces.

While the past is not the future, consider how throughout the 2010s there was much enthusiasm in development circles for biometric technology to aid with voter registration. Expensive biometric systems were presented and sold by the development sector to smoothen fraught voter registration and avoid disputed voter rolls (Basse & Netshipise 2013). These systems were said to be the “new standard for voter registration in Africa” even as on the ground experience proved that they showed that political actors still interfered in subtle ways. Where democracy is struggling, these systems do work to create more credible outcomes in circumstances. But some evidence suggests that these systems are less effective in consolidated democracies (Gelb & Diofasi 2016). Due to ‘spatial differentials’, rural Nigerian voters are less accustomed to biometric technology, for example (Iwuoha 2018). Victor Iwuoha (2018) recommends that institutions wishing to adopt this kind of technology must not gloss over these differences as they shape public perceptions. Indeed, “technology is no guarantee of fair and transparent elections, even with a ‘comprehensive’ biometric system, from voter registration to the polling booths” (Debos, 2016).

Election management bodies could adopt open data protocols to make election data available for secondary use without any restrictions or limitations. Provided that appropriate formats are used, this practice could aid with transparency initiatives, by allowing civil society, journalists, electoral observers and citizens to undertake their own analysis. Access to data allowed citizens to compare official results to those of independent observers in Burkina Faso in 2015 (Carolan 2015; Carolan & Wolf 2017). Bearing in mind how political financial reporting and auditing rules help with ensuring credible elections (see Jones 2017), with open datasets of these expenditures, statistical and AI analytical tools could conceivably be developed by civil society to foster transparency and accountability.

To recap this chapter, efforts to generate a democratic evolution is one reason for the current trend on the continent to focus on the conduct and management of elections as a critical

component of this evolution. This explains why there has been interest in biometric systems to aid with voter registration, or data-analysis packages to undertake digital election observation and real-time tests for fraud. While there is some utility to the digitalisation of the democratic electoral process, one must be cautious that this turn does not deflect attention from more fundamental forces that shape African political contests. Additionally, an over-enthusiastic use of AI may create vulnerabilities for rigging that are harder to detect (see Cheeseman, Lynch & Willis 2018). In short, African elections can occur in an ‘atmosphere of insecurity’ (Akokpari 2012), especially when the stakes are incredibly high, and control of state machinery is a method of accumulating wealth. The next chapter pinpoints friction points for AI and democracy in Africa.

3 Friction Points for AI and Democracy in Africa

AI is impacting democratic processes. Platforms and algorithmic culture mediate how people parse and practise everyday politics. More broadly new forms of production shape how key groups form their judgement about legitimate governance. Comprehending – then addressing – these technological developments through adhering to normative commitments of ‘basic fundamental justice’ requires an international collaborative effort (see Timcke 2023).

Currently African democracy is a terrain for and an object of contention. On the one hand, consolidated democracies feature ‘routine’ politics that amounts to minor variation in the quality of democratic life as parties pursue this or that policy and move in and out of power. On the other hand, there are countries which exhibit some anti-democratic features or have not consolidated their democratic systems, institutions and norms. These ‘hybrid’ regimes have seen a retreat in the exercise of rights and a decrease in the supply of democracy, a development that was intensified by the COVID-19 pandemic (Campbell & Quinn 2021). While there are well-known methodological flaws with composite indexes (Timcke 2020), Freedom House codes five of 54 African countries as ‘free’. The five free countries are Botswana, Ghana, Namibia, Mauritius, and South Africa (Freedom House 2023). Given the inherent value of self-determination in personal and political affairs, it is lamentable that more African countries are not democratising.

The text box summarises prior reviews of trends in African electoral democracy from credible organisations and networks, some of which address issues around technology (International IDEA 2016; Sanusi & Nassuna 2017; Campbell & Quinn 2021; Abebe Hudson & Towriss 2022; International IDEA 2023).

Prior observations about emerging trends in African electoral democracy

The International Institute for Democracy and Electoral Assistance, noted the following in 2016:

- ❖ authoritarians mimicking formal democratic mechanisms, i.e. competitive authoritarian regimes;
- ❖ while ethnic affiliation still matters, demographic change with new cohorts of voters has introduced new heuristics for casting ballots;
- ❖ executive term extension occurs when there are weak parties;
- ❖ corporate media are taking on a ‘watchdog’ role;
- ❖ election management bodies work in very charged environments; and
- ❖ near-to-impossible requests by fellow democrats.

The South African Institute of International Affairs found in 2017:

- ❖ alterations to constitutions and term limits;
- ❖ tampering with the electoral calendar;
- ❖ harassment and intimidation of opposition candidates; and
- ❖ regional organisations are eager and willing to promote democracy, but can receive low voter turnout.

The Council for Foreign Relations meanwhile reported the following in 2021:

- ❖ gradual gains for authoritarians;
- ❖ geographic clustering is evident in democratic stability and backsliding;
- ❖ younger voters use platforms to engage in politics;
- ❖ COVID-19 was used as a pretext to silence the media and civil society;
- ❖ foreign influences are becoming starker and more visible; and
- ❖ developmental authoritarianism is a competing system of government for those who see democracy as an impediment to development.

According to the International Institute for Democracy and Electoral Assistance, in 2022:

- ❖ the East African Stabilisation Force may help bring peace to the Democratic Republic of the Congo;
- ❖ there are indications that West African countries are resisting inputs from regional bodies;
- ❖ while resisted by judiciaries, constitutional revisions remain on the agenda of some ruling parties; and
- ❖ Russia's invasion of Ukraine has altered strategic relationships with major powers, if even more established African democracies have condemned the invasion.

The Afrobarometer indicated, in 2023:

- ❖ when compared to other systems of government, most Africans prefer democracy and endorse its norms, institutions, and practices;
- ❖ notwithstanding the demand for democracy, Africans are not satisfied with the current performance of democratic states; and
- ❖ young Africans are softening towards using the military to address gridlock in national politics.

Listed below are a series of AI-related issues that are having or will likely have an impact on the prospects of African democracy. The dynamics of these conditions are clearer in some areas than others, and at times they may be congruent with what is happening elsewhere in the world. The problems and issues described below are not inevitable or fixed, but rather anticipated outcomes given current conditions across the continent.

3.1 Platform injustices and multinational Big Tech firms

It is well known that, because Big Tech firms commodify their users' data for advertisers, data brokerage, and to train AI models, they are reluctant to voluntarily alter or even reveal their recommendation algorithms lest these actions decrease engagement (see Jordan 2019) or show their implication in harming human rights. The internal disincentives to undertake adequate content management (and the consequences of failure to do so) introduce a series of 'platform injustices' like ethical concerns, algorithmic harms, and societal oppression.

Platform injustices stem from the design, operation and use of digital platforms. They involve an array of issues, impacts and affects, including but not limited to the attention economy, automated advertising systems, external manipulators using loopholes in terms and conditions to propagate and/or commodify misinformation, company spending priorities and flaws in

platforms' policies, knowledge deficits and misinformation, and state and self-censorship. Platform injustices cater to oppressive government actors as well as bad-faith content creators who can profit from pursuing business models that amplify disinformation and hate speech.

While many platform injustices go beyond the intentional design of platforms, African experiences with platform injustices, as is the case with users based in other places in the Majority World, are often overlooked or marginalised due to current power dynamics in the international system. Partly due to colonialism and its reverberations, local institutions lack the capability to effectively regulate Big Tech. Treaties, international agreements, and economic diplomacy by major powers could also exert pressures that discourage State-sponsored research into platform injustices, and subsequent efforts to curb them. The result of all these factors means that people in the Majority World experience disproportionate harm from platforms, at least compared to users in the Global North, on issues like language inequality, responsiveness linked to tiered markets, and uneven election monitoring capacity (Jang et al 2023). Due to the distribution of power in the international system, it is also rare for alternative solutions and governance models that have been advanced in the Majority World to gain traction in international bodies.

There are good reasons to think that current and future uses of AI will exacerbate platform injustices and engender new challenges. For example, predictive automated decision-making AI tools are trained on user data, thereby creating financial incentives for data surveillance by Big Tech companies on social media and in other domains (Timcke 2021). Ordinary AI-powered products already require significant data surveillance; corporate incentives will normalise AI injustices. Put differently, AI products will amplify and accelerate corporate (and State) surveillance in the form of monitoring, data mining, assessing, and even inferring (i.e. profiling) further information about a person. Without significant and coordinated regulation of these activities at the global level, existing corporate business models will ensure that AI is not leveraged as a democratising force or produce public good/s for all.

Concurrently, some governments like the US are scapegoating Big Tech platforms for government weaknesses, especially the consequences which stem from their prior refusal to regulate markets (see Landau 2020 and Creser 2021 for examples in the areas of intellectual property and data protection). Certainly, platform companies have considerable clout through their moderation practices and platform architecture. But to attribute all social ills to these entities is a flawed understanding of the root causes of social problems, which may vary from one country to another.

3.2 Media freedom and disinformation

Media freedom is a necessary concomitant of freedom of expression, a thread in the woven tapestry in which democratic institutional culture guided by the rule of law is kept honest through the watchful eye of the fourth estate (Rens, Adams & Timcke 2023). In this orthodoxy, states have obligations to ensure that restrictions to constituents' rights of expression are duly justified, at the minimal level, and adhere to the rule of law. Relatedly, j. Siguru Wahutu (2019) is correct to note that "scholarship on fake news points to the fact that fake news might also emanate from mainstream media". In effect, certain kinds of disinformation are a by-product of the exercise of media freedom.

Addressing disinformation is difficult in part because suppression can inadvertently amplify a message or idea among audiences who have not heard it before and are sensitive to the

implications of media or State censorship. Without knowing the specifics or harm of the misinformation campaign, new incidental secondary audiences can view de-platforming as undue suppression of thought (Timcke, Orembo & Hlomani 2023). Another difficulty arises because disinformation practices involve the development and cultivation of credulous audiences before mainstream fact-checkers become aware of the misinformation. Big Tech platforms propose that AI content moderation can address these kinds of issues through their internal policy and calibration of their proprietary systems. Even so, as currently designed, these automated systems generate several major platform injustices.

3.3 Generative AI and bias

Generative AI applications have encouraged considerable attention among people who are curious about the wider impacts that new kinds of software may have on social and working life. While some generative AI promises to be a ‘conversational companion’ that can answer follow-up questions, challenge incorrect premises, and reject dangerous requests, there are many good reasons to be wary of these promises by AI developers, especially when interfaces are designed to create the appearance of credibility and keep people engaged. A more realistic appraisal of generative language models would consider how historical inequalities are embedded into databases and other sources of information from which these models develop.

Despite being presented as neutral, generative language models necessarily reflect the values of groups that wield the most social power in the societies in which those large language models (LLMs) are developed. “The literature suggests that LLMs exhibit bias involving race, gender, religion, and political orientation,” according to recent research (Motoki, Neto & Rodrigues, 2023; for a deeper engagement with the engineering theory on this topic see Bender et al 2021). This pattern also holds for cultures, with ChatGPT reflecting US values (Cao et al 2023). Meta’s computer scientists recently found that “existing LLMs are still far from being perfect in terms of their grasp of factual knowledge” (Sun et al 2023). Therefore, much like other types of AI products, bias is a factor that may likely have downstream effects on the quality of democratic life. This may be the case when considering issues involving representation and identity, how these factors into presumptions about who belongs, and who can undertake associated claim-making.

3.4 Tech dependency and the geopolitics of decoupling

Prospects for AI and democracy are not only influenced by national factors, but also by regional and global dynamics. Contemporary African politics is caught up in global geopolitical struggles, developments which have been made even more acute by a rapidly shifting terrain. This terrain is linguistically marked by the appearance of terms like ‘decoupling’, ‘home-coming’, ‘friendshoring’, ‘near-shoring’, and ‘neo-mercantilism’. While countries like Russia, France and the Gulf States have considerable interest and sway in Africa, for brevity we focus on the actions of China and the US.

The prerogatives held by the AU, EU, China, and the US (among others) vary considerably and may greatly affect the development and governance of AI in Africa. A country deciding to pursue a close trade relationship with one of those external entities, or to design their laws and regulations in a way that is congruent with a particular global power, may have long lasting consequences. For example, Christopher Mutsvangwa, once a high-ranking Zimbabwean State official and former ambassador to China, has announced that Chinese headquartered technology companies will be

contracted to “spearhead an AI revolution in Zimbabwe” (Quoted in Ngwenya 2021, p20). In return for being this ‘spearhead’, the Zimbabwean State provided CloudWalk, a Chinese headquartered technology company, with their citizen’s biometric data as training data for AI systems (Hawkins 2018). As Motolani Agbebi (2022) summarises, “decades on from their expansion into the African market, Chinese technology companies permeate almost all layers of Africa’s telecommunications technologies, from undersea cables, satellites, and backbone infrastructure to applications and platforms for individual consumers. This dominance draws African countries further into China’s technological sphere of influence”.

Building upon its history of supporting decolonial movements in Africa during the 20th Century, in the 21st Century China has been expanding its economic, diplomatic and technological engagement with African countries. Arguably China has the biggest role in the development of technology infrastructure on the continent. For example, approximately 50% of Africa’s 3G networks and 70% of its 4G networks are said to have been built by Chinese headquartered Huawei (Xi 2021). This extensive investment in telecoms infrastructure is a part of China’s Digital Silk Road (DSR) Initiative which was launched in 2015 to connect China and its neighbours in Asia, Africa, Europe, and beyond by investing in infrastructure, such as undersea cables and data centres, and by promoting the use of Chinese technology (Kurlantzick & West 2020).

Chinese involvement in Africa is frequently characterised in hyperbolic terms, with references to either neocolonialism and debt traps or, less frequently, win-win collaboration and investments in ‘frontier’ areas. While some perceive China as a partner for innovation, infrastructure, and development, others see it as a threat to human rights, democracy, and sovereignty. China’s digital technology in Africa has often been subjected to moral panic and stereotypes, with prevailing sentiments implying that technologies from China are tools for surveillance and repression (Gagliardone 2021). Therefore, while the DSR is a technical project, its scale and application are also a political one.

To the extent that one can generalise perspectives, the US posture towards Africa has three components, these being defence, diplomacy and development. The diplomatic component broadly adheres to the perspective that “Africa doesn’t need strongmen, it needs strong institutions”, a remark made by US President Barack Obama when he addressed the Ghanaian Parliament in 2009 (White House 2009). More than a decade later this continues to be a leading stance. According to US analysts there was remarkable continuity in the US African policy between the Obama and Trump administrations. Language about ‘constructive’ engagement, bipartisan agreement, as well as continuity of key officials reflected this consistency (Campbel 2020). With the transfer of power to the Biden administration, some African analysts expressed reservations about US-Africa foreign relations. “Given the scale of the priorities that will occupy the administration,” Gilbert Khadiagala (2021) writes, “Africa is not going to feature prominently in US foreign policy”.

As of July 2023, US Secretary of State Antony Blinken had undertaken four tours to Africa. The Assistant Secretary for African Affairs Molly Phee (2001) frames Blinken’s visits as a “[demonstration] that the United States values our relationships in Africa, and we’re invested in making those partnerships even stronger”. Some drivers of this engagement include the wider geopolitical contest to secure critical raw material located in Africa, shoring up alliances and spheres of influence through advocating for the ‘rules-based order’ (Schneidman 2021). Indeed,

the Biden administration hosted a US-Africa Leaders Summit at the end of 2022 which covered many of these issues. While the US views itself as engaging in democracy promotion, their officials frequently speak about how their offices are inadequately funded. Then Commander of US Africa Command General Stephen Townsend's 2022 posture statement to the US Senate repeatedly contrasts the ever increasing strategic and multidimensional importance of the African continent with "modest" investments (Townsend 2022). Likewise, "funding for Africa is heavily earmarked" Phee has said, elaborating that "[t]here is only a limited amount of discretionary funding for bilateral and regional programming; discretionary programming would enable us to seize opportunities and respond quickly to rapidly changing conditions" (Phee 2021). So there are definitely elements of truth to Khadiagala's assessment, even if some basic features are changing due to wider circumstances.

There are aspirations in Africa to create a technological autarky in advanced semiconductors and national computing power, a motivation that also emerges in data sovereignty-national computing discourse (Abdullahi 2023). The materials required to manufacture semiconductors (including silica sand and quartz which Africa has in abundance, for example) are essential for the development of AI products and systems (Mungadze 2020). Nevertheless, given the scarcity of rare earth elements, the prevailing global intellectual property regime, and the limited number of corporations who can produce these kinds of computer chips, only a few developed countries have the advanced industrial base to manufacture AI systems. These global powers are themselves reliant on global trade to acquire raw materials and fabricated sub-components.

This is one reason why the manufacturing of semiconductors has contributed to geopolitical tensions. Consider how over the past two years the US has begun to pursue a neo-mercantilist technology policy course as an extension of their national security policy, a policy course that anticipates a dispute between the US and China over Taiwan, which is a major source of advanced chips. Indeed, as Scott Timcke (2023b) has stated, "how African countries navigate the international political economy of AI, a dynamic complex interwoven with multiple competing interests, will be key to meeting the aspirations found in Agenda 2063". Furthermore, "whether we wish it or not, Africans will be drawn wholeheartedly into geopolitical contests. And the bargaining with major powers will often be bilateral, behind the scenes, and likely to undermine pan-African solidarity if the work to keep these continental coalitions together does not continue" (Timcke 2023b). The point is not to single out one global power, but rather to draw attention to how 'the scramble for AI' has geopolitical dimensions that will push and pull African countries in the coming years (Agrawal 2023, also see Timcke 2017).

Like with other policy areas, African democrats will have to think about how to simultaneously pursue democracy locally and in the international system around the topic of AI, especially as geopolitical developments will have significant implications for the resources and partnerships available to African counties. Navigating these dynamics will require savvy diplomacy.

3.5 Data sovereignty and neocolonial data practices

As it is sometime used in Africa and other places in the majority world, data sovereignty is a concept that aims to protect local interests from neocolonial influences (see Lynch et al, 2023). One extrapolation of the concept asserts that the State has the legal authority to require entities to store data within the national borders, based on the rights of citizens to privacy and the

potential for local economic development. For some, the concept also appeals to essentialist notions of identity and culture that are threatened by unequal exchange (see Munyaradzi & van Stam 2020).

Moreover, data sovereignty enables the State to hold accountable those who are responsible for data security, storage standards, and legal compliance in case of data breaches or misuse (Hlomani 2022). However, while sometimes conflated with data localisation, data sovereignty does not necessarily require it. The AU in its Data Policy Framework highlights that data localisation is dependent on technological, educational and legal capacities that may not be readily available to some African states or impose costs that outweigh the anticipated benefits. According to the AU's Data Policy Framework (2023a), data sovereignty can also be exercised by states setting conditions for cross-border data transfer which permits storage outside a country provided the conditions are met by the recipient country, for example legal protection of personal data.

However, a country's ability to remain 'sovereign' as it relates to data is also contingent upon its computing capabilities in areas such as data storage, data transmission speeds, and other forms of computational capacity. National computing is a development priority for many African states and expressions can be found in industrial policy proposals. Nevertheless, evaluating the fit between infrastructure investment and institutional direction in industrial policy requires updating long-standing assumptions about the antagonism between public and private investment. The State is the key agent in making marketplaces, which are the venues for creating private prosperity. Notwithstanding other drawbacks, strategic assertions of democratic self-determination may be one way to partially address data and AI injustices.

Without adequate guardrails that encourage corporate and State actors to adhere to existing privacy protection legislation, data collection agreements stand to reproduce aspects of scientific racism associated with the colonial experience during the 19th and 20th Centuries (see Dubow 1995), while courting detrimental effects for the Majority World more broadly. Neocolonial data relationships are not the sole province of – or defining feature of – any one major power. These are by-products of unequal exchange in the late 20th and early 21st Centuries. Accordingly, care should be taken that data collection agreements between African governments and foreign third parties do not inadvertently result in circumstances where historically oppressed people become experimental subjects for identification technologies by more powerful global powers (Romaniuk & Burgers 2018).

3.6 AI surveillance and State security

Fourteen African countries are currently using AI surveillance in some form, whether for smart city, facial recognition, and/or smart policing activities.⁴ There is also extensive evidence that State security forces use AI tools on battlefields (Allen & Okpali 2022). Keeping in mind how State security forces have been used by governments to target minority communities, political opponents, and journalists, it is wise to consider the role of AI surveillance in State-civilian relations. The implications – or threats – of military-grade AI surveillance being deployed against the citizenry under the pretext of counterterrorism and crime prevention operations are acute and

⁴ The Carnegie Endowment for International Peace (n.d) has an online tracker for AI surveillance, covering what specific types of AI surveillance governments are deploying and which countries and companies are supplying this technology.

may jeopardise established freedoms, rights, and participation in politics. There may be value in African democrats encouraging a coordinated campaign to introduce regulations to impose strict, narrow usages of military-grade AI surveillance products and independent oversight.

The well of data created and collected by AI systems also creates the possibility of excessive government interference. Indeed, many African citizens lack effective protection from their State's intrusive monitoring of their digital devices and information sources. With AI products creating and synthesising more data, African democrats must be cautious about how they use and interface with these systems to avoid attracting unwanted attention from authorities. National comprehensive data protection laws and baseline privacy protections have merit because they could significantly limit how much information corporations can collect and store thereby limiting what the government can request. At the same time, when examining data protection in Africa, it is important to analyse the regulatory record on this issue, which reveals sparse action from most African governments. Keeping in mind how the topics covered in this report can aggregate and reinforces one another, Cory Doctorow (2023) projects that the "toxic mix of corporate greed, mass surveillance, data localization, and monopolisation in payment processing, internet service providers, and mobile operating systems has finally put the Great Firewall ... in reach of every government". This is why encryption needs to be treated as a key pillar of African democracy (also see CIPESA 2021).

Finally, there are calls for the shared governance of AI (as outlined by Gasser & Virgilio in 2017). This perspective acknowledges the knowledge gaps that exist due to the complex nature of Big Tech firms' capabilities and business models, which may not be fully understood by legislators worldwide. Currently, only a select few states have the capacity to regulate Big Tech effectively, and this is often achieved through collective efforts, as demonstrated by the EU's Digital Services Act. However, it's important to note that some Big Tech companies may view government regulations as potential hindrances to innovation and profit maximisation while others want government regulation to serve as a moat that blocks competition from smaller players less able to meet regulatory standards. Additionally, a portion of the inaction on platform injustices may be attributed to the shift in government roles from elected representatives to State managers during the neoliberal era. Still, it is clear that Big Tech and governments do not share the same level of understanding about platform injustices and often find themselves at odds in the regulatory space. In essence, while Big Tech may be hesitant to collaborate if it involves constraints, and governments may struggle with informed collaboration, these political dynamics underscore the need for regulatory advocacy at the continental level in Africa. Furthermore, it highlights the importance of ensuring a significant African presence in all discussions pertaining to AI governance.

To recap, there are several friction points for AI and democracy. African democrats require a deep appreciation of the various ways in which technology, power relations, and governance affect representative democracy. Understanding the intended and unintended consequences of AI, both positive and negative, is of particular significance when considering issues such as platform inequity, media freedoms, and data sovereignty. In the following chapter, the analysis will shift to the legal landscapes of Nigeria, Sierra Leone, and Zimbabwe, providing African democrats with a nuanced perspective on how these countries navigate the evolving technological landscape in the context of electoral laws, and valuable insights for shaping future democratic processes.

4 A Legal Analysis of AI in Selected African Elections

Elections are a crucial mechanism for ensuring democratic governance and accountability in any country. The conduct and outcome of elections can also be influenced by various factors, like the legal frameworks, the electoral system, the political culture, and technology. In this chapter, we examine the history of elections in three African countries: Nigeria, Sierra Leone, and Zimbabwe. Thereafter we discuss their electoral laws and undertake a comparative legal analysis. While these three case studies are by no means representative of all African electoral circumstances, the comparative legal analysis can be helpful to African democrats and policymakers to aid them in identifying which issues related to AI require more extensive discussion and consideration.

From our inquiries, political parties and regulators seem to be circumspect about how (or whether) they are directly using or monitoring the use of AI-systems in elections. Information is not publicised and there seems to be a culture of secrecy around proprietary AI systems. For these reasons the legal analysis in this chapter also refers to technology more broadly. By evaluating how existing laws can cater to issues introduced by technology, we aim to assess the prospects of using these laws to address issues related to AI, such as deep fakes, voice cloning, and algorithmic influence.

4.1 The brief history of elections in Nigeria, Sierra Leone, and Zimbabwe

4.1.1 Nigeria

Through independence from Britain, Nigeria held its first democratic elections in 1959. In part due to the inertia of the institutions of British colonialism, the country shortly thereafter experienced extended periods of military dictatorship, from 1966 to 1979 and 1983 to 1999. The hanging of Ken Saro Wiwa in 1995 drew international media attention to the brutality of military rule while his activism allowed different democratic factions to find common ground which helped to usher in democracy (see Osha 2016). Currently Nigeria is a multi-party State. The two major parties in Nigeria are the All Progressives Congress (APC) and the People's Democratic Party (PDP). They have held the most seats in the National Assembly and since 1999 have won presidential elections (Mutsoli & Wangare 2023).

Elections in Nigeria feature boycotts, violence, and allegations of rigging and fraud (Adebajo 2022). With more than 250 ethnic groups, tribalism is also a feature of Nigerian politics. Major parties tend to reflect regional and ethnic groups (Adeyemi 2023). Partisan violence along ethnic and sectarian lines begets retaliation. According to the Nigeria Election Violence Tracker, political violence spikes during election periods. The height of this violence came around the 2011 election period where approximately 800 people were killed with more lives being lost in subsequent elections (Human Rights Watch 2011). There are several causes of election violence in Nigeria. At one level, violence is a mechanism to consolidate power, delegitimising the democratic process itself, or undermining opposition parties' campaigning (Oyewole 2022). Even so, other sociological explanations put cynical actions into an historical context. Owing to the period of colonial and military rule, throughout the 2000s, Nigerian State institutions struggled to create conditions for electoral democracy to flourish. Efforts to improve conditions were undermined by the "shortsightedness" of political leadership, which also lacked a "commitment to and experience in the democratic management of diversity in the context of restrained governance", at least

according to Adigun Agbaje and Said Adejumobi (2006, 25). They add that elections had become “an instrument of warfare by other means” (Agbaje and Adejumobi 2006, 25).

The 2015 Nigerian elections were seen as unexpectedly successful. They occurred against the backdrop of security concerns around Boko Haram, claims around rotating the executive branch between the North and the South, and some unpreparedness by the election managers (Orji 2015). The success of the outcome was partly due to how ‘issue-determined’ the election was plus the transfer of power from an incumbent to the opposition (Buhatimeter Report 2016).

In the lead-up to Nigeria’s 2023 elections, President Muhammadu Buhari signed the Electoral Act 2022 into law, which introduced several technological innovations aimed at streamlining the voting procedure and reducing the risk of fraud. Buhari expressed his hope that these new innovations would “positively revolutionise Nigerian elections” (Adewole 2022). They include the Bimodal Voters Accreditation System, which uses biometric technology to authenticate voters, the INEC Voter Enrolment Device, which is used to register new voters and update voter information, and the INEC Results Viewing Portal, which allows the public to view real-time election results (Gana 2022). On 29 September 2022, political parties and their presidential candidates signed a peace accord for the 2023 general elections. The pact sought to ensure “the conduct of free, fair, credible, transparent and verifiable elections” (Egbejule 2023).

The 2023 Nigerian elections were shaping up to be some of the most competitive and closely watched in the country’s history. The new Electoral Act had the potential to improve the transparency and credibility of the elections, but questions remained about effective implementation. The peace accord was also a positive development, but political parties and their candidates had to uphold their commitments and ensure that the elections were conducted peacefully.

The elections were held on 25 February 2023, and were widely regarded as peaceful notwithstanding their competitiveness. Through the attraction of the African and other international press, arguably these elections were the most closely watched elections since the end of the era of military dictatorship. With approximately 36% of the overall vote, Bola Tinubu of the APC won the election. He defeated Atiku Abubakar of the PDP and Peter Obi of the Labour Party, who each received approximately 29% and 25% of the overall vote respectively. Tinubu’s victory represents a continuation of the APC’s rule, albeit with a candidate from the South-West. This matters for the regional and ethnic politics in the country. With the three main candidates each receiving more than a quarter of the overall vote the 2023 election is suggestive of political pluralism, competitiveness, and perhaps a coming period in which turnout and mobilisation give voters more leverage over their representative. It is thus a promising sign for Nigerian democracy as these dynamics give rise to structural incentives to engage in negotiation, bargaining and cooperation.

Even so, the growing popularity of social media and online platforms have introduced a new layer of complexity to Nigerian politics and rhetoric around election rigging, threats of violence and tribalism. For example, in the 2023 elections, social media platforms were vectors for disinformation and misinformation. WhatsApp, the most popular messaging app in over 40 countries, is the most used platform in Nigeria. The platform was used to campaign by various candidates. However, it was also used to disseminate unsubstantiated reports like how Nigeria’s Independent National Electoral Commission (INEC) rigged the election count to favour the APC,

and to circulate videos proclaiming that the Commission's server had been breached with unknown entities uploading fabricated results (Nwonwu & Tukur 2023).

AI and voice cloning in the 2023 Nigerian election

Days before the presidential election, an apparent recording of the presidential candidate of the PDP, Atiku Abubakar and his running mate, Ifeanyi Okowa, was circulated on different platforms. The viral voice recording was purported to be Abubakar making comments about the INEC. Upon analysis by fact checkers and running the audio through deepware, it was concluded that the audio had been manipulated and was 97% fake.

Another voice cloning incident arose of a voice recording purporting to be that of the presidential candidate of the Labour Party, Peter Obi, having a conversation with the presiding pastor of the Living Faith Church, Bishop Oyedepo. The recording had what sounded like the voices of Obi and Oyedepo in which Obi was urging Oyedepo to canvas for Christian votes. This recording led to people accusing Obi of being a religious bigot. Although no independent investigation was carried out, Obi's camp, however, denied it, describing it as deep fake audio produced by the opposition forces to tarnish his image and abort his quest of seeking redress for the outcome of the presidential election in court.

While the instances have an impact on individual persons, their repercussions extend beyond the individual. As discussed in chapter 3, due to recent sociological forces, African politics has the tendency for political parties to personify themselves through a presidential candidate. Subsequently, targeting an individual is an attack on the party. As such, AI-powered deep fakes are being used to try instigate discord in the electoral process. Given the precarity of post-conflict electoral contests and the prevalence of platforms like WhatsApp which can rapidly spread deep fakes, there is value in African democrats giving this issue more attention.

4.1.2 Sierra Leone

After the civil war ended in 2002, Sierra Leone held multiparty elections and made three peaceful transitions of power through the ballot (Freedom House 2021). The 2007 Sierra Leone elections review report however noted that delays with announcing election results presented risks of poll violence (ACE Electoral Knowledge Network 2012). In the 2007 elections, there were cases of major delays where it took more than one week for election sheets to reach the tallying centres. As part of the recommendation from the review, in 2012 Sierra Leone incorporated a distributed tallying system where reports on the results entered at the polling station are scanned, numerical data entered into an electoral management software system, and transmitted to district and regional tallying centres. The system resembles that in Nigeria partially because Nigeria's INEC provided the technical assistance to Sierra Leone to set it up. The democratic process involves voter registration, manual voting, manual counting, and then the votes being transferred electronically for national tallying. The elections body announces the final results through traditional mass media (see Al Jazeera 2023).

Still, there have been incidents of election violence and claims of poll irregularities. Unlike most African countries which have followed ethnic patterns of voting and election violence, political

divisions in Sierra Leone revolve around access to economic opportunities. Regional strongholds and an effective two-party system have made it difficult for other forces to enter the political space. Violence around elections has erupted as a form of protest over unemployment by the youth who make up 60% of the voting population (see Ray 2023). Some analysts have attributed violence and protests in Sierra Leone to inflation (Akinwot 2022). Others suggest increased competition within and between parties (Bruijne 2020). The architecture of violence and political allegiance in Sierra Leone is very local and centralised. The main providers of public goods are often health volunteers, traditional authority groups, and non-State police forces who through their allegiance control how power is distributed (Kars 2020).

Platforms shape political participation and expression to a limited degree in Sierra Leone as internet access in that country is among the lowest in the world. The Electoral Commission for Sierra Leone (ECSL) uses platforms to undertake public engagement, including relaying live information. These dissemination efforts are supplemented by the ECSL's partnership with the National Telecommunications Commission to engage telecommunications service providers to support electoral procedures (Harding 2022). Nevertheless, the increased digitisation of the electoral process in Sierra Leone has brought with it information disorders including coordinated and stochastic hate speech on platforms. Former military officials and the youth are supposedly recruited to intimidate political opponents on platforms (Bangura 2021). The main competing parties, All Peoples Congress (APC) and Sierra Leone People's Party (SLPP) similarly use political militias to cause political disorders (see de Bruijne 2020). Recent efforts have been made to guard against the use of platforms to spread misinformation. In 2023, the Sierra Leone Association of Journalists (SLAJ) together with the Independent Radio Network (IRN) launched the iVerify platform, a fact-checking site to tackle disinformation and hate speech ahead of the elections (United Nations Development Programme, 2023).

AccessNow (2023) views Sierra Leone as one of Africa's 'big offenders' in issues involving digital rights. This is as a result of the government having initiated two internet shutdowns in 2022 (Access Now 2023), and one in the runoff of presidential elections in 2018 (Africa Freedom of Information Exchange 2018). This shutdown was with the justification of preventing electoral body officials from sharing the election results to party affiliates. Both also involved disconnecting all mobile communications services. While elections laws and frameworks in Sierra Leone have been considered fair by Freedom House, claims are nevertheless made that the elections in practice are not free, fair and transparent. Comparisons between the 2022 census and the voter register reveal obvious discrepancies (Bangura 2023).

The 2023 elections were marred by violence and procedural inefficiencies. Supporters of the APC held protests accusing the electoral commission and its chairman Mohamed Konneh of alleged bias in favour of the ruling party. A reported 66 opposition protesters were arrested (Koroma 2023) and others shot at by the military in response to these protests (Sahara Reporters, 2023). Additional mismanagement meant that the elections were delayed, with voting polls opening late, and an inadequate provision of voting equipment and instructions (Welle 2023; Hoije 2023). Julius Maada Bio was declared the winner in the first round of the 2023 elections, by 1%, with 56% of the votes (The Economist 2023). These results were rejected by the opposition and various observers (Fofana & Macaulay 2023), including the EU Observer Mission (EU EOM) which called on the

elections body of Sierra Leone to publish its disaggregated data at the polling station level for public scrutiny (EU EOM 2023).

4.1.3 Zimbabwe

Zimbabwe has held elections every five years since gaining independence in 1980. A significant development occurred when the primary political parties – Zimbabwe African National Union (ZANU) and Zimbabwe African People’s Union (ZAPU) – merged to establish the Zimbabwe African National Union Patriotic Front (ZANU-PF), which became the de-facto one-party State. In 1999, ZANU-PF’s dominance in national politics faced a challenge with the rise of the Movement for Democratic Change – Tsvangirai (MDC-T). The MDC-T drew support from urban and labour-oriented Zimbabweans. With political competition in a shrinking economy from 2000 onwards, Zimbabwe experienced election violence as ZANU-PF sought to retain power (Nyandoro 2022). Additionally, there was a lot of pressure for the reform of electoral laws and regulations (for an extended treatment of the country’s electoral history see Sachikonye 2002). Despite this, and with much international controversy, the 2000 election process was deemed credible by the Electoral Supervisory Commission (now called Zimbabwe Election Commission (ZEC)) (Pottie, D 2001; Ranger T, 2002).

Zimbabwe’s political structure in the 2000s and early 2010s can be partly explained by the reconfiguration of the political economy that occurred in the 1990s, and when coercive politics were used to safeguard incumbents who believed their power was threatened. As John Makumbe wrote in 2006, “the majority of Zimbabweans are now accustomed to electoral fraud as practised by the ruling ZANU-PF led by President [Robert] Mugabe”. He added that

elections are generally not conducted in a manner that can be deemed to be free, fair and transparent. The major electoral malpractices include lack of transparency in the electoral procedures, lack of information on electoral regulations among both the electorate and the contestants, numerous amendments to the laws, most of which are aimed at disenfranchising sections of the electorate who are suspected of supporting opposition political parties, and fraudulent tallying of the votes at counting. (Makumbe 2006, 45)

The 2008 presidential election was a historic albeit controversial event that marked a turning point in the country’s political and economic situation. The election followed the peak of Zimbabwe’s hyperinflation period, with most expecting the results to be close as Mugabe faced his toughest challenge to date due to Zimbabwe’s dire economic crisis (Ahmed 2008). The results of the first round of the election were not announced for more than a month, despite the legal requirement to do so within five days. The delay raised suspicions of vote rigging and manipulation by the government (Kwashirai 2023). When the results were finally announced, they showed that Morgan Tsvangirai of the MDC-T won 47.9% of the vote, followed by Mugabe (ZANU-PF) with 43.2%, and Simba Makoni (independent) with 8.3%. As none of the candidates received more than 50% of the vote, a run-off was required between Tsvangirai and Mugabe.

The period between the first and second round of the presidential election was marked by an escalation of violence and repression by the government and its allies against the opposition and its supporters. According to human rights groups, more than 200 people were killed, thousands were injured, and hundreds of thousands were displaced by the violence. The government also

imposed restrictions on the media, civil society, and observers, and denied humanitarian aid to areas affected by the violence (Kasambala, 2011). The conditions led to Tsvangirai pulling out of the run-off election which saw Mugabe win the election unopposed.

The aftermath of the election saw intense pressure from regional and international actors for a peaceful resolution of the conflict and a power-sharing agreement between Mugabe and Tsvangirai. After months of negotiations mediated by former South African president Thabo Mbeki, Mugabe and Tsvangirai signed a Global Political Agreement on 15 September 2008, which provided for the formation of a Government of National Unity, with Mugabe as president and Tsvangirai as prime minister. The GPA also outlined a roadmap for constitutional reform, economic recovery, human rights protection, national healing, and free and fair elections. Despite various teething issues, the GNU achieved some progress in stabilising the economy, restoring basic services, improving human rights conditions, drafting a new Constitution, and preparing for new elections.

Further reprieve occurred after the 2013 election as the ZANU-PF government sought economic assistance from the West, which required signals of political reform (Raftopoulos 2014). The ZEC conducted elections within the framework of the SADC Principles and Guidelines as well as a new Constitution (Nyandoro 2022). State-owned radio stations were the main digital channels used for promoting campaigns. There was also an increased use of digital channels and social media channels for political marketing and campaign tools (Mututwa, Osunkunle & Mututwa 2019). AU election observers noted in their report that there were more licences for radio stations distributed, yet radio stations were still generally biased toward the ruling party. These observers also noted that the electronic voters' roll could not be made available in a searchable and analysable format despite the Electronic Act's stipulation that all parties have the right to access the roll (African Union 2013). Although it was far from being the determining factor, during the 2013 election there were two rights-based discourses, one invoked by the opposition that appealed to morality and human rights, and one invoked by the incumbents that appealed to the State's right to self-determination against interference by the international system (Ncube 2013).

The succession battle within ZANU-PF saw the return of coercive politics in subsequent elections. The 2018 elections came under the backdrop of the 2017 military coup and was the first time that Mugabe did not hold the presidency. More political figures embraced technology with the main presidential candidates using mobile applications and social media platforms to advance their political agendas (Magaisa 2018). This turn to digital politics was mediated by an increase in internet access (MISA 2019). During these elections, the use of technology had a significant impact on shaping the political landscape allowing more citizen participation with the benefit of political deliberation and activism. One assessment at the time was that a "democratic solution to the country's travails is pretty much a non-starter, and the best that can be hoped for is a not-too-violent political transition to a post-Mugabe order" (Southall 2017, 118).

After the 2018 elections, the ZEC (2018) published a strategic report on the necessary electoral reforms. The report highlighted the need to digitise the democratic process. To date, the commission has launched an integrated electronic management system. Various complaints have been raised regarding unsolicited political messages by the ruling party (Tom 2023). Online abuse and harassment of female journalists and politicians is on the rise (MISA 2022). Regulatory enactments such as the Private Voluntary Organisation Amendment Bill (2021) seeks to severely

restrict civic space and the right to freedom of association. In addition, the Criminal Law Codification and Reform Act (2022) was amended to include the crime of “willfully injuring the sovereignty and national interest of Zimbabwe”. This vaguely worded provision may raise concerns regarding restrictions on freedom of speech and political activism.

The passing of these regressive legal provisions and acts of intimidation resulted in a climate of fear in the 2023 harmonised Zimbabwean elections. Regulatory breaches in the lead up to the elections further undermined its legitimacy. It emerged, for example, that traditional leaders had been called to ensure the win of ZANU-PF. Such behaviour constitutes a violation of sections 282 and 285 of the Constitution, which mandates traditional leaders to refrain from political activism. In early August of 2023, a few weeks shy of the elections, an outbreak of political violence claimed the life of a ZANU-PF activist, Tinashe Chitsunge (The Herald 2023). Attempting to curtail the violence, political parties signed a peace pledge at the instigation of the Zimbabwe Heads of Christian Denomination. During the engagement, ZANU-PF deputy secretary Cd Fortune Chasi expressed his party’s “commitment to peaceful elections and peaceful campaigning” adding, “we have always been a peaceful party” (The Herald 2023). Then, just days after the pledge was signed, Douglas Mwonozora, Presidential Candidate for MDC-T, announced his withdrawal from the election. Echoing political analysts, he described the election as a ‘sham and a farce’ (The Zimbabwe Mail 2023). Moreover, the Good Governance Africa team, which, with permission had arrived to conduct research on the country’s election conditions, was illegally deported (Good Governance Africa 2023).

Emmerson Mnangagwa from ZANU-PF was ultimately declared the winner of the 2023 elections having garnered 52.6% of the vote. His closest challenger, Nelson Chamisa from the Citizens Coalition For Change, polled 44%. This outcome has since been rejected by the opposition and questioned by observers (European Union Electoral Observer Mission in Zimbabwe 2023; Al Jazeera 2023). In its interim report, for example, the SADC Election Observation Mission confirmed that the electoral process had failed to meet the constitutional requirements as set by the SADC Principles and Guidelines Governing Democratic Elections (SADC 2023).

4.2 Electoral laws in the case studies

4.2.1 Nigeria

As part of its mandate to streamline and improve the efficiency of elections, the INEC has introduced the use of technologies for several processes. Outlined in the Electoral Act of 2022, these initiatives include biometric voter registration, voting by using electronic voting machines (Section 41 and Section 54[2]), smart card readers (Section 47 and Section 64), and transmitting results electronically (Section 62). The INEC has undertaken online voter education to improve the credibility and efficiency of the democratic process. The Nigerian election legislation does not explicitly address the incorporation of technology in democratic processes, particularly in relation to the specific applications of AI that we are concerned with. However, other laws that are not specific to election procedures may fill this gap.

When it comes to the dissemination of information online, the Cybercrimes (Prohibition, Prevention, Etc) Act of 2015 criminalises actions including unsolicited messages (spamming), tricking users into downloading malware, sharing sensitive information or personal data (phishing) (Section 32), unlawfully accessing computer networks (hacking) (Section 6),

cyberstalking (Section 24), and the dissemination of false information (Section 24[1b] and Section 15). These elements are frequently crucial for the accomplishment of acts like voter manipulation, electoral fraud and intimidation. Thus, the aforementioned crimes, even in the context of technological use, are somewhat provided for by broad application of the law. However, this law has been criticised by some civil society groups and activists for being vague, broad, and prone to abuse by the authorities to suppress dissent and free speech (Luckscheiter 2022).

Another law pending before the Senate is the Protection from Internet Falsehoods and Manipulations Bill (2019, this bill is also known as the ‘Social Media Bill’). The proposed legislation aims to stop the dissemination of false claims, whether they are made by a person or organisation, and to enable counteractions to address the effects of such transmissions especially as they relate to public order, national security, public health, public safety, or public finances (Mabika & Ogu 2022). Ultimately, the law empowers the government to order internet service providers to block access to online content that is deemed to be false or harmful. Likewise, the Bill has been met with widespread opposition and protests from civil society organisations, media practitioners, human rights defenders, and ordinary citizens who fear that it will undermine freedom of expression, access to information, and digital rights in Nigeria (Omilana 2019, Ewang 2019).

4.2.2 Sierra Leone

Much like Nigeria, Sierra Leone’s main electoral law (the Public Elections Act 67 of 2022) is silent on the use of technologies during elections. In accordance with Section 25 of the National Civil Registration Act, 2016, the ECSL has also adopted biometric voter registration, and made use of electronic transmission of results to enhance the quality and transparency of elections. Interestingly, Sierra Leone was one of the first countries, and the first in Africa, to experiment with blockchain technology to verify and audit election results, in its 2018 presidential election (Biggs 2018).

The use of digital media to disseminate information is largely regulated by the Public Order Act 46 of 1965, which, over the years, has been amended and developed to encompass social media and other more technologically inclined platforms. The Act criminalises offences such as conduct or speech inciting people to rebel against the authority of the State, sedition (Section 33), publishing false statements that are damaging to a person’s reputation (libel and defamation (Section 26 and 27)), and false news (Section 32). Like Nigeria above, although the legislation was not specifically enacted with technology usage in consideration, the expansive interpretation of the law might potentially extend its applicability to the realm of digital platforms. However, the authorities have utilised this law to detain and imprison journalists, activists, and ordinary citizens who have posted or shared information on social media sites that are critical of the government or public figures (see Freedom House 2021).

The Cybercrime Act of 2021 is another law that may influence technology use in the democratic process. The Act aims to prevent and punish online crimes such as hacking, phishing and identity theft, cyberstalking, cyberbullying, and cyberterrorism (Sections 33-57). The Act was enacted to stop criminal use of computer systems, gather electronic evidence, safeguard vital national information infrastructure, and promote global collaboration on cybercrime issues. The Act has only recently come into effect; however, it has already been criticised by some civil society organisations and digital rights activists for being vague, broad, and prone to abuse by the authorities to infringe on freedom of expression, access to information, and digital rights

(Dumbuya 2021). For example, the Act gives the police or any other authorised person unrestricted authority to conduct searches and seizures of computer systems, programmes, data, and computer data storage devices through an order of a High Court judge for the purpose of providing evidence in a criminal investigation or case (Section 10). There are concerns that under the proposed Act, it is irrelevant as to whether the seizure of such data, computer system or storage material breaches confidentiality rules or not. The main concerns about the Act revolve around suppressing dissenting opinions of the government with many media organisations stating that the Cybercrime Act is a repressive and censorship tool. (See Conteh 2022 and Media Freedom for West Africa 2022).

4.2.3 Zimbabwe

In Zimbabwe, the use of technology during elections is not explicitly regulated by the Electoral Act of 2004 (as amended by the Electoral Amendment Act of 2018), but there are some sections that have implications for the use of technology in various aspects of the electoral process. For example, the use of biometric machines for voter registration and capturing fingerprints and demographic data (Section 17, Section 18), regulations about campaigning 24 hours before an election (Section 9), and verification of the voters roll by electronic means (Section 25). Instead, other non-electoral laws have a bigger bearing on how technologies may be used in democratic processes.

For example, the Cyber and Data Protection Act of 2021 addresses various aspects relating to cybersecurity and cybercrimes, as well as data protection and privacy. From a cybercrime point of view, the Act amends the Criminal Law Act to provide for cybercrime offences that could undermine the integrity and security of democratic processes such as hacking (Section 163 of the Criminal Law Act as amended by the Data Protection Act in Section 35), spoofing/identity theft (Section 164G), spreading malware (Section 163E), or manipulating online information (Section 164C).

The law could also affect the use of AI and social media during democratic processes by protecting the personal data of users of these technologies, which can be used for various purposes such as voter registration, political campaigning, public opinion polling, and election monitoring. Provisions that deal with fairness and lawfulness (Section 8), consent around sensitive data (Section 11) and purpose specification (Section 9) essentially make it illegal to process and utilise personal data for any reason other than specified by the data controller. Voter and political data is considered sensitive data under the definition within the Act and is therefore illegal to process. Failure to comply with the provisions carries a monetary penalty and possible prison time (Section 33 of the Data Protection Act.)

However, the Act has also drawn criticism from civil society organisations, media professionals, and human rights advocates because of its potential to be misused oppressively. For example, the law establishes severe punishments for cybercrime offences, including fines and prison time, which, in the absence of certainty, may limit online freedom of expression and access to information.

4.3 Legal comparison

Having analysed laws across the case study countries, a few similarities and differences emerge. First, the electoral laws in the case studies do not explicitly mention or regulate the use of AI in

electoral processes. These electoral laws provide for, and encourage the use of, technology in electoral processes in pursuit of enhancing transparency, credibility and legitimacy of elections. Across the three case studies the various laws permit the use of technological interventions such as biometric voter registration, digitally verifying the voter's roll and disseminating election results electronically. However, it remains unclear how these laws will treat AI. So, while the laws could be interpreted to apply to AI too, we have not yet been able to detect whether legal systems will undertake this extension.

Another commonality is that while all three countries do not explicitly regulate AI in democratic processes, by operation of law it is foreseeable that other ancillary laws could effectively regulate its use. All three countries have cybercrime laws that outlaw spamming, identity theft, hacking, phishing, spoofing, and spreading false information. While these are unique crimes each with different definitional elements, they could be leveraged to apply to deep fakes and cloning which are arguably versions of identity theft, fraud, spoofing or even spreading false information. The laws may also be used to successfully prosecute cybercrimes such as phishing, hacking and data poisoning.

Beyond cybercrime and electoral laws, the three countries differ in their approach to regulating online content on various platforms. For example, Nigeria has regulations of social media which reflects a more targeted approach to regulation, while Sierra Leone uses their Public Order Act to police issues such as libel, false news, and sedition. These laws could be interpreted to encompass AI uses. Zimbabwe, on the other hand, uses has proposed the Patriotic Bill that makes it illegal to speak negatively about the country. This illegality is particularly significant during election times, where criticism and open discourse are essential. Thus, any AI uses that the Zimbabwean government may deem to be against the State may be criminalised under this law. Perhaps this observation is another commonality throughout the countries examined in the case studies: tech regulation tends to prioritise considerations other than the potential threats and hazards posed to democracy and the end user. Instead, the primary priority appears to lie in exploring and preventing ways in which these technologies might be used to subvert established authorities. With all this said, it is nevertheless good practice in tech regulation to regulate process, not content.

Of the three countries examined, Zimbabwe and Nigeria have implemented data protection laws, while Sierra Leone lacks such legislation. Robust data protection frameworks are crucial for safeguarding voters' personal information, especially given the expanding use of AI for large-scale data collection and analysis related to elections. Without sufficient data governance, voters' information is vulnerable to misuse through targeted disinformation or manipulation campaigns. It is important to distinguish between precision targeting enabled by profiling users for routine goods and services, and unethical targeting that manipulates voters.

Additionally, all three countries have often been criticised by human rights defenders for allegedly abusing their laws and applying them unequally, especially to opposition politicians or challengers of the State. For this reason, we urge African democrats to pay attention to how governments might use search and seizure provision under cybercrime laws, for example, to clamp down on the use of AI in electoral processes. This raises an apparent tension between the understandable desire by African democrats to have guardrails against AI abuse and misuse, while also knowing that these same guardrails may be leveraged by agents of the State to abuse the

electoral process. This is one reason why we stress the need to understand more fundamental political relations and sociological structures (i.e. Chapter 3), as they will greatly shape the impact that AI may have on the continent. This is a theme we will return to in the conclusion.

4.4 Are existing electoral laws able to address AI issues?

The electoral laws in our three case studies do not explicitly touch upon the use of technology in democratic processes. Where provisions are present, their scope is primarily limited to voter registration processes and the dissemination of election results. The regulations are outdated and do not account for the modern election landscape, which includes the prevalence of digital tools like social media, mobile phones, deep fakes, voice cloning, and algorithmic influence. The lack of adequate mechanisms or institutions for the oversight, regulation, or enforcement of the use of technology in the elections can lead to a lack of accountability, transparency, or redress for any violations or malpractices that may occur due to the use of technology, even though most electoral laws could not have envisioned the trajectory and development of tech use in elections.

But that does not mean there are no laws that can be utilised to curb these harmful applications of technology. Data protection, cybercrime, and cyber security regulations all work together to offer some measure of protection. For example, when it comes to AI applications such as deep fakes, which involve the manipulation of audio or video content to deceive or mislead voters, existing laws target fraudulent communications or misrepresentations of identity and criminalise them. On the other hand, data protection laws play a crucial role in countering attempts to influence votes through algorithms. By imposing strict regulations on the collection, processing, and use of personal data, these laws can help mitigate the risks associated with algorithmic manipulation. Although it is acknowledged that these laws have faced criticism due to instances of State misuse, it is important to recognise that the underlying policy foundation is valid. However, it remains uncertain if these laws will be implemented in an impartial and fair manner. It is worth noting that addressing this issue is beyond the scope of this report. It would be useful to maintain a sense of optimism regarding the application and enforcement of laws, ensuring that they are carried out with a primary focus on the welfare of the general population.

However, it is also regrettable that while the amalgamation of laws provides some coverage for AI-related challenges, they lack explicit regulations tailored to address the unique risks posed by AI technologies. The absence of dedicated AI regulations might lead to uncertainties and gaps in addressing AI-driven manipulative tactics. The laws mentioned above apply to AI-related issues generally, but that application is unclear since it requires interpretation by the courts that may not be properly briefed on AI or lack power to extend application of the law. A lack of uniformity coupled with limited capacity and inadequate understanding of AI means that enforcement will be erratic and uneven.

Generally, the courts are expected to interpret and apply statutory law according to its plain meaning and purpose, and to respect the separation of powers between the branches of government. However, there may be situations where statutory law is unclear, outdated, inconsistent, or unconstitutional, and courts may have to exercise their discretion and creativity to resolve these issues. In most constitutional states, the courts have a duty to interpret and develop any law, including statutory law, in a way that is consistent with and advances the values and principles of the Constitution. This may require courts to adopt a broad, purposive, or contextual

approach to statutory interpretation, rather than a narrow, literal, or technical one. Therefore, it is conceivable that the aforementioned rules may be expanded to include the digital domain and modern applications of technology in democratic procedures.

Essentially, the effective regulation of AI within the existing legal frameworks necessitates the implementation of a novel and complete strategic approach. First, the need for increased lobbying and education is exacerbated by the probable lack of judicial knowledge and the confusing application of legislation to concerns linked to AI. It is imperative for African democrats to actively participate in the promotion of knowledge and the provision of specialised education to legal professionals. African democrats should facilitate partnerships between legal institutions and experts in the field of AI. Furthermore, the lack of certainty over whether existing laws and regulations will be stretched to encompass AI systems needs more national-level legal research and lobbying. Clear and dynamic policy frameworks, which place significant emphasis on ethics, democracy, security and privacy as well as continual collaboration with technology professionals would be helpful.

While current umbrella laws are for now somewhat equipped to address AI challenges, it is crucial for legislators to continuously evaluate the efficacy of these laws and adapt them to the ever-evolving sophistication of AI technology. As deep fake techniques and algorithmic manipulation methods improve, so too must the legal framework designed to combat them. Addressing these challenges requires a comprehensive understanding of the intricacies of AI algorithms and their potential implications on the democratic process. This requires fostering collaboration between electoral bodies, technology experts, legal authorities, and civil society to create a legal framework that remains agile and adaptable to emerging AI threats. While some of these initiatives are taking place, there is scope to have greater collaboration. For example, Chapter 5 shows the problems that emerge when no such collaboration exists while pointing to areas where there can be productive engagement.

5 Conclusion: Harnessing AI to Promote Democracy

Having discussed some political sociological, legal and technical aspects of AI in African democratic processes, this final chapter focuses on how African democrats and election management bodies can harness the opportunities and mitigate the threats of AI for democratic elections. Keeping in mind how often summary assessments by election observers of ‘free and fair’ elections can lead people to overlook the quality of those elections, this chapter deconstructs the preceding findings and investigates the existing and future applications of AI in the political cycle, as well as the ethical implications of AI for electoral integrity. This helps to answer our core questions of this report, which is whether AI is reshaping democracy in Africa, and what are the best ways to conceptualise those relationships.

5.1 A rise of more complicated electoral processes

As Chapter 2 and Chapter 3 highlighted, Africans are witnessing the rise of more complicated electoral processes. These complications are partly caused by the way African political campaigns have grown over time and relate to the sociology of African political contests. These contests rest on the denigration of incumbents and opponents, the personification of politics, and electoral victories where the stakes are control rights to distribute State resources in economies that can be threadbare with market activity. Social inequality and economic stratification play an important role too in these processes.

Chapter 4 showcases, albeit in a summative fashion of three case studies, that to maintain their command of economic activity, incumbents, their allies, and their supporters, are seeking to incorporate AI products and services into their political enterprises even if this is not yet done at scale. Some of this incorporation takes the form of using micro-targeting advertising on platforms; some involves the use of deep fakes and ‘cheap fakes’ to advance disinformation. The chapter also draws attention to several existing laws and regulations that could be leveraged and interpreted to curtail the abuses of AI systems. That said, we have no evidence to reach a confident conclusion that these laws and regulations will be stretched to apply to AI or that there is the will by lawmakers and judges in our case study countries to do so, and there are concerns that attempts to do so may instrumentalise these in anti-democratic ways.

If election management bodies have a difficult time complying with well-known and long-established data protection laws and regulations, how confident can African democrats be that these bodies will comply with new AI-specific laws and regulations if, as, and when they are passed? If institutions lack the resources and institutional will to follow current privacy regulations adding further legal requirements around emerging technologies may have little impact. Rather than simply recommending ‘capacity building’, further analysis requires grappling with the underlying budgetary limitations, political incentives, and technical expertise deficiencies that may cause non-compliance. Enforcing stringent regulations exceeds the current means and priorities of many election bodies. Even if advanced AI laws eventually pass, relying on compliance from bureaucratic institutions risks failure.

Additionally, it would be useful for lawmakers and regulators to provide specific criteria when drafting AI risk assessments, while also building in periodic mandatory review periods to update these assessment frameworks. We encourage AU and Regional Economic Communities to also periodically update their conception and identity of AI risks. At the same time, during our research

we found an apparent tension between the understandable desire by African democrats to have guardrails against AI abuse and misuse, while also knowing that these same guardrails may be leveraged by agents of the State to abuse the electoral process. This is one reason why we stress the need to understand more fundamental political relations and sociological structures (i.e. Chapter 3), as they will greatly shape what kind of impact AI may have on the continent.

The demand for democracy and reconstruction is high in post-conflict societies. Elections can be ‘norm-setting events’ which are seen as crucial steps towards peace and stability. However, these elections are often costly and complex, requiring substantial financial and technical support from various actors, such as international development agencies, non-profits, and donors, as well as their local and regional equivalents and counterparts. These actors may allocate funds for the adoption of technology in elections without carefully assessing the suitability of the technology or the way in which it will be adopted. Such actions can be driven by a ‘fetishisation of technology’ that assumes that more advanced and sophisticated technologies will lead to better outcomes (Cheeseman, Lynch, & Willis 2018). This may not only result in wasted resources, but also create opportunities for corruption and manipulation that may undermine the legitimacy and impact of the elections. Furthermore, these actors may neglect the opportunity costs of investing in these technologies, which may deprive other more urgent or effective interventions of the necessary resources.

In the many African elections scheduled for 2024, we anticipate an aggressive and intentional use of AI systems in politics by all major players, foreign governments and their agencies too. While our report did not study the use of AI in elections by foreign powers in African elections, there is an emerging evidence base that suggests that these activities are taking place (see Timcke, Orembo, Hlomani & Schültken 2023; Allen, le Roux & Beti 2023). Concurrently, as the case studies show, voters are using platforms to participate in politics. While this participation is predicated upon the terms and conditions of foreign-based corporations (and hence subject to changes and the nuances of AI recommendation systems in the case of platforms with personalised feeds) this participation has led to political, institutional and regulatory changes that have improved the quality of democracy. Although not perfect nor complete, the #EndSARs protests in Nigeria is a good example of this dynamic. Nevertheless, given the relative early stage of AI development, most current uses in elections may become the template for future expectations about fair and appropriate uses.

AI is reshaping democracy in Africa in interesting ways. Some of these changes are easy to identify, especially when considering larger structural forces like the deepening of digital divides (Timcke 2023d). Other changes are more discrete, partly because of the proprietary nature of commercial technology. The subtle and obscure nature of AI makes it hard to detect its negative impacts. Recommendation algorithms and ad-tech can facilitate ethnic-driven targeted advertising to create different experiences for different groups of people, making it more difficult to detect any potential vote manipulation.

Moreover, the lack of capital and capacity hinders the development of AI systems in Africa. As we discussed earlier, AI systems are often acquired by elites who use them for their own interests. The problem of insufficient capacity and resources also affects the ability of African democrats to monitor the civic space and participate in global policy debates on the ethics of AI. As African countries are mostly net importers of AI systems, global political economic drivers significantly

shape the AI landscape on the continent. This is not to overlook the exciting work being done by African technologists nor African-headquartered companies building AI (Adams, Alayande, et al. 2023). But this reality does suggest that the best chance for free and fair elections in the age of AI requires broader transnational and global cooperation around AI governance issues, at least with respect to protecting democracies.

At the same time, there is value in acknowledging that election processes are meant to be routine. What we are driving at is how democratic limits to commercial AI products ought to be routine too, regardless of whether elections are occurring or not. These are topics that RIA aims to tackle in forthcoming projects. In the meantime, we do see a role for an expanded notion of AI-assisted cybersecurity to help protect elections and politics. There is also a role for AI-assisted cybersecurity practices to be used by the public to protect their political organising and rights around expression, consciousness, association and due process. By no means is the use of encryption a panacea to political problems; still, it may be helpful. We encourage African democrats to embrace AI-assisted cybersecurity practices but to do so without fetishising these kinds of technologies nor assume that their use will automatically lead to better democratic outcomes.

5.2 Use of election support tools

African countries are experimenting with various technological solutions to enhance the management of elections. They hope to reduce electoral fraud, increase transparency and build trust and credibility among the citizens. However, the outcomes of these efforts are mixed. Some processes have improved, while others still face challenges. The proponents of e-voting often exaggerate its benefits, for example. To use AI effectively for election management, certain conditions need to be met. These include clear policy and legal frameworks and technical capacity (Enguehard 2008) as well as civil society monitoring.

The inherent complexities of AI systems and electoral procedures pose considerable obstacles, often leading to a lack of transparency for voters and election administrators alike. Some of these systems are only understood by a select group of experts. Additionally, the security infrastructure of voter data and the integrity of the election results can raise concerns regarding trust, accountability, security, and privacy, which does affect the users of these systems. While we will elaborate in the report's conclusion, provided designs are fit for purpose, cybersecurity of AI systems can enhance and contribute toward more just outcomes.

Digital technologies were introduced in African elections with the goal of improving the credibility of electoral systems by offering tools that generate, store, and process data. The International IDEA ICT in Elections database (2016), which covers 50 countries, shows Namibia and the Democratic Republic of the Congo are actively using e-voting technology, while some other African countries are using technology to create voter registries, verify voter identities, and manage registrations (including using biometric data), as well as to share election results. Biometric data capture is integrated into the electoral systems of 23 African nations.

While the advantages of using technology in elections are significant, there are also ethical and integrity-related challenges. Africa faces heightened cybersecurity risks, and some countries adopting these technologies might lack proper cyber regulations and data privacy safeguards. For instance, according to the International Telecommunication Union's Global Cybersecurity Index

(2023), Namibia, South Africa, and Nigeria are among the African countries at significant risk of cyberattacks due to inadequate cybersecurity regulations and data privacy protection.

Table 1: Implementing open-source software in election administration	
Country	Factors driving or limiting the adoption of open-source systems
Morocco	The lack of robust electoral frameworks has constrained the implementation of open-source technology in elections.
Nigeria	Open-source technology is advantageous due to its user-friendly interface, robust functionality, and heightened security measures.
South Africa	Embracing open-source technology in elections promotes transparency, inclusivity, and trust in the electoral process.
Djibouti	The inadequate technological infrastructure has hindered the widespread utilisation of open-source technology in elections.
Guinea	The inadequate technological infrastructure has hindered the widespread utilisation of open-source technology in elections.
Republic of The Congo (Brazzaville)	The inadequate technological infrastructure has hindered the widespread utilisation of open-source technology in elections.
Ghana	Security concerns as a major obstacle to the adoption of open-source technology in elections.
Uganda	Security concerns as a major obstacle to the adoption of open-source technology in elections.
Kenya	Security issues and the sensitivity of the data are reasons against the implementation of open-source technology in elections.
Equatorial Guinea	The inadequate technological infrastructure has hindered the widespread utilisation of open-source technology in elections.
Congo, Democratic Republic of	The country's constrained adoption of enhanced electoral practices and systems can be attributed to substantial political pressure, insufficient infrastructure, and inadequately trained personnel. Additionally, the electoral body, CENI, faces funding challenges from the government due to the country's unfavourable economic circumstances.
Libya	To promote extensive voter registration and increased engagement in the electoral process.
<i>Source: IDEA ICT Election Database</i>	

To ensure sustainable and safe adoption of technology in elections, discussions about data privacy and security are crucial. This is because the use of these systems may pose risks to electoral results, data breaches, and misuse of personal data. Another concern is the closed nature of certain systems. Forty-one African countries use digital technology for some aspect of their elections; however, none incorporate open-source technologies into these processes. While this hesitation is understandable, open-source technologies can offer transparency and a stronger foundation for electoral frameworks. However, the adoption of open-source technologies in

African countries is limited, and some even resist it (see Table 1). Unlike proprietary systems, open-source platforms make their source code accessible, which promotes transparency, quicker issue resolution, and public trust.

Although efforts are being made to develop open-source e-voting systems, available options are currently limited in Africa. Unlike proprietary systems, open-source platforms make their source code accessible, which promotes transparency, quicker issue resolution, and public trust. Access to source codes is just one step toward achieving complete technical transparency. To fully understand an e-voting system's operations it is necessary to conduct a detailed analysis of human-readable source codes, the compilers responsible for converting them into machine code, and hardware and operating systems. Such thorough assessments can help African nations establish transparent and reliable e-voting systems, which in turn strengthens democratic processes and public trust in electoral procedures.

Regarding the impact of emerging technologies on elections worldwide, tools like blockchain and encryption are gaining attention for their potential to boost security and transparency (Barnes, Blake & Thomas n.d.). Notably, the US state of West Virginia implemented a blockchain-based mobile voting app in 2018 (Denise 2019), allowing overseas military personnel to vote securely. Estonia has been using blockchain in national elections since 2014 (Mulholland 2021).

However, adopting these technologies in Africa faces challenges. This is partly due to limited digital infrastructure. African countries wishing to consider integrating such tools also need to consider risks related to foreign government intelligence services. As such, successful implementation would require a foundation of robust data privacy and security regulations and proven capabilities given that earned trust by the public is vital for elections to be deemed free and fair. Integrating AI technology in African elections could enhance efficiency, transparency, and accountability, but these efforts must be rooted in comprehensive data privacy and security regulations. This involves handling voter information responsibly, promptly reporting breaches, and safeguarding data against cyber threats. By addressing cybersecurity vulnerabilities, advocating for open-source technologies, and prioritising transparent data practices, African countries can navigate the challenges of AI and protect the legitimacy of their democratic processes.

The integration of ICTs (either systems or mobile apps) into the democratic processes demands meticulous planning and thoughtful design to ensure public confidence. Drawing lessons from past experiences with e-voting and dedicating adequate time and resources to implementation are pivotal steps. All stakeholders, including election managers, observers, international organisations, vendors, and standardisation bodies, must remain proactive in adapting to the rapid evolution of technology (International IDEA 2011). This entails continuous updates, security enhancement, and privacy measures to safeguard data integrity and foster transparency.

The integration of technology into democratic elections across Africa possesses significant potential for enhancing efficiency and transparency. However, reaping these benefits and upholding democratic principles depends on the establishment of robust data privacy and security regulations and on the implementation of those regulations and safeguards. These regulations not only protect sensitive voter data and counteract cyber threats but also nurture transparency, accountability, and public trust. By instituting strong frameworks for data privacy

and security, African countries can pave the way for technologically advanced and securely executed democratic elections.

To recap, for State and local election officials, gaining a comprehensive understanding of the potential risks they could encounter during the implementation of AI systems is imperative for effective risk mitigation. Audits can assist in pinpointing key areas of risk, ensuring that cybersecurity meets critical requirements and establishing a solid foundation for collaborative risk management at all levels. The design, construction, and operation of such AI-powered systems should be guided by best practices and adherence to existing legal frameworks. In the final sections of this report we tie together several of the main themes discussed above, namely how a rich understanding of political structures, global economic drivers, local legal systems, and cybersecurity capabilities intersect to shape the prospects for achieving fair and just outcomes in electoral processes in Africa.

5.3 Strategies about AI for African democrats

In the remaining portion of this report, we offer some strategies in thinking about, approaching and using AI for African democrats, whether they are in election management bodies, civil society, or elsewhere in the public. From our research we have reasons to believe that African democrats can use AI to promote credible and non-violent elections. For example, AI can be used to identify potential cybersecurity vulnerabilities. In the case of elections in Kenya, the electoral body contracts high audits to identify anomalies in the voter register. Anomalies such as duplicate entries can be discovered through the traditional means, but it is possible to use AI to efficiently identify those duplications. Security-related activities at the server levels where results are transmitted can also be flagged as soon as they occur through AI. Many election management bodies still use basic logic computing in elections management. The process involves a lot of data handling and processing from voter registration, voter identification to the counting and transmission of votes. This cycle is similar to how AI would be applied in election management.

As African countries continue to deploy more technology in their democratic processes, the growing challenge is the ability of African democrats to participate in the observation exercise. The shift from traditional ways of managing elections to technology-based solutions would require elections observers to update their observer manuals to monitor the tech aspects of elections, which they have been slow to catch up on. An inclusive approach is not always easy. Although the Kenyan election management body has found ways to allow agents representing political parties to observe elections infrastructure and information systems as interested parties and for transparency, it has not been able to find mechanisms or avenues to allow similar access to African democrats to monitor and observe the technical aspects of the elections.

Adjacent to the electoral process, African democrats can embrace AI systems. While the use of AI systems by civil society ranges widely on a continuum from very little use to sophisticated use, several new ‘civic tech’ organisations have emerged with the aim of developing technical systems to help with the promotion of democracy. For example, Ushahidi is a crowdsourcing platform that was used to monitor and report incidents of political violence during the 2007 and 2013 Kenya elections. In Nigeria, the Rate Your Leader app sought to connect voters with their elected representatives and promote accountability. In South Africa, an AI tool called Ayanda was developed to help voters find their polling stations and candidates. There has also been experimentation with online crowdsourced publics, as in the case of Uchaguzi (Bowman et al

2015). At the same time, some governments have undertaken targeted surveillance of online civic spaces. For example, Uganda has purchased extensive surveillance equipment. AI now adds to the repertoire of tools for repression through tracking, tracing, packet inspection, and other methods of interception.

There are several opportunities for African democrats to employ AI technologies to promote civic engagement and to monitor elections. However, the challenges facing the general development of AI on the continent also affects their use for civic participation. Data, which is crucial for AI technologies, is missing; and in cases where it is available, it is often incomplete with a lack of standardisation posing challenges for its use. Another challenge is the lack of capacity and resources to process and make use of the data. These are issues that warrant greater attention.

5.4 Recommendations for a future research agenda

Questions about the effects of AI-powered platforms on – and leveraged bias of AI in – allocating benefits in African democracies are important, but they do not capture the whole picture. Too often freedom is sought *in or through* the market, rather than *from* the market. African democrats stand to gain much from pursuing a research agenda that examines the manner of the business of AI. The following questions can help focus attention on issues of legitimacy, democratic performance, and how markets can shape democratic life:

- ❖ What does it mean for democracy if a few multinational Big Tech corporations effectively control the direction and pace of economic investment?
- ❖ What if those corporations are immune to democratic subordination or regulation in Africa?
- ❖ What if corporate investment into AI erodes democratic planning?
- ❖ What does it mean if most workers end up working in precarious, emotionally scarring, and potentially degrading jobs due to the threat of computation?
- ❖ What if management can crush a labour strike by using AI systems?
- ❖ What if a State can target citizens due to AI-assisted dragnet surveillance?

These are core considerations that should also drive the research attention of African democrats.

5.5 Final considerations

AI systems can be a key resource for democracy. This is because these systems could enable citizens to access information, participate in decision-making, and hold governments accountable. From this perspective AI can shape the economy, politics, and society. However, AI-systems are not evenly distributed or accessible, and their value is often captured by a few large tech corporations that dominate the global market. In Africa, there are many risks and threats for democracy from the unequal and unaccountable use of AI systems, such as undermining national sovereignty, exploiting user-generated data, and manipulating public opinion. To resist the negative effects of AI for democracy, African democrats need to adopt a critical approach to AI regulation that advances socio-economic justice.

The question of wealth is crucial in capitalist societies, where social relations enable some classes to accumulate wealth through the systematic exploitation of labour. In other words, those whose ownership gives them direct control over AI technologies will likely have a disproportionate influence over the democratic process, excluding many citizens from meaningful participation in self-government. Therefore, redistributive justice is necessary to minimise the unfair social inequality that stems from the ownership of stocks, shares, and assets. This can be achieved by progressive taxation, the strengthening of labour rights, and regulating financial activities such as speculation, market manipulation, and hidden forms of exploitation, which can directly or indirectly hinder free and fair elections.

Much with respect to AI depends on expertise and regulation; but it is possible to imagine a future where AI products enhance the democratic process. Much like how networked computational systems aid with voter registration, identification, and verification of citizens, or how the internet has improved access to information and civic education, tangible improvements in enacting democracy are possible.

As much as products have attributes and affordances, what is important is how decisions are made to accentuate particular attributes and affordances. That said, explanation about agents should not come at the expense of the analysis of structures and relationships in which decisions are made.

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Appendix A - Elections in Africa, 2020-2023

Country	Date	Type of Election	Notes
Togo	February 2020	Presidential	Held as scheduled.
Burundi	May 2020	Presidential and Legislative	Held as scheduled.
Malawi	June 2020	Presidential	Held as scheduled, in re-do of the 2019 elections deemed fraudulent.
Ethiopia	August 2020	Parliamentary	Postponed, due to Covid-19.
Guinea	October 2020	Presidential	Held as scheduled with the incumbent President extending his term limit.
Seychelles	October 2020	Presidential	Held as scheduled.
Tanzania	October 2020	Presidential and Legislative	Held as scheduled.
Côte d'Ivoire	October 2020	Presidential and Legislative	Held as scheduled.
Burkina Faso	November 2020	Presidential and Legislative	Held as scheduled.
Ghana	December 2020	Presidential and Legislative	Held as scheduled.
Central African Republic	December 2020	Presidential and Legislative	Held as scheduled, although voting was restricted in some regions controlled by armed forces.
Niger	December 2020	Presidential and Legislative	Held as scheduled.
Somalia	December 2020	Parliamentary	Held as scheduled.
Uganda	January 2021	Presidential and Legislative	Held as scheduled.
Republic of Congo	March 2021	Presidential	Postponed, due to technical inefficiencies.
Chad	April 2021	Presidential and Legislative	Presidential elections were carried out as scheduled; the legislative election was postponed, due to Covid-19.
Benin	April 2021	Presidential	Postponed, due to legal disputes over the President's attempt to exclude political participation.
Ethiopia	May 2021	Parliamentary	Postponed, due to logistical challenges.
Libya	January 2022	Presidential	Postponed, due to widespread confusion over the rules of the election, facilitated in

	February 2022	Legislative	part by externally sponsored disinformation campaigns.
Mali	February 2022	Presidential and Legislative	Postponed, due to the passing of a new constitution and a review of the electoral lists.
Guinea	March 2022	Presidential and Legislative	Postponed, following the interim president's request for more time to revise the constitution.
Somalia	May 2022	Presidential and Legislative	Held as scheduled.
Kenya	August 2022	Presidential and Legislative	Postponed, due to alleged harassment of the electoral commission staff.
Angola	August 2022	Presidential and Legislative	Postponed, as a result of logistical challenges related to Covid-19 and a controversial revision to the electoral procedure.
Chad	June -Sept 2022	Presidential and Legislative	Postponed, following the death of a long-term serving leader, after which the military seized power.
Somaliland	November 2022	Presidential	Postponed, due to political disputes.
	May 2022	Legislative	
Nigeria	February 2023	Presidential and Legislative	Held as scheduled.
Sierra Leone	June 2023	Presidential and Legislative	Held as scheduled.
Zimbabwe	August 2023	Presidential and Legislative	Held as scheduled.
Gabon	August 2023	Presidential and Legislative	Held as scheduled.