

Data flows with equity - but, equity of what?

Input to Session on Data for Development

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Data flows with equity foundational to achieving data for development

Data, the lifeblood of the modern digital economy, need to flow across borders with agility, yet not at the cost of compromising security, privacy, or equity. Ensuring that the **benefits** of this data-driven era are not hoarded by a few but are instead distributed equitably among nations and their populations is a task of paramount importance.

- Pp 72. Draft Issues Paper on Data for Development (2023). Prepared by UNCTAD Secretariat.

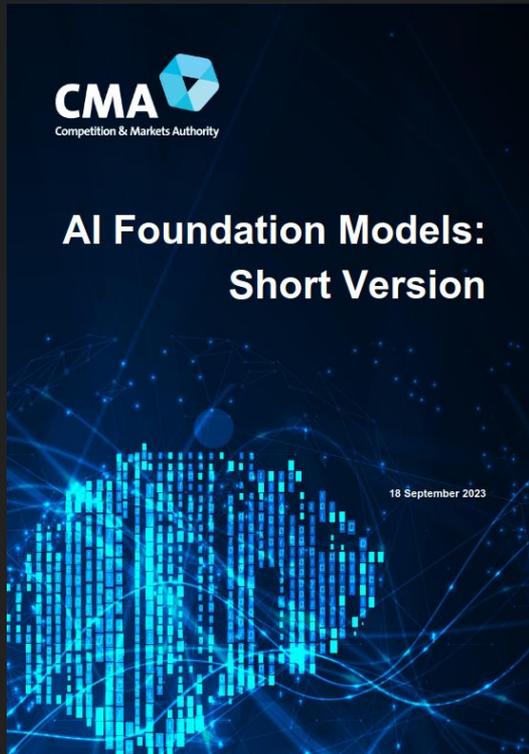
Data flows - the status quo

“A small group of people and machines learn, and the overwhelming majority of the world risks losing learning skills as intelligent chatbots spoon-feed us with (not necessarily reliable) answers.”

Rikap, 2023



Big Tech dominates the infrastructural backbone for AI foundation models (FMs)



Shift from traditional ML - Rather than develop artificial intelligence (AI) from scratch, data scientists use a foundation model as a starting point to develop ML models that power new applications with input prompts

Significant vertical integration, with many firms having a presence in two or more stages of the value chain.

Several FM developers, such as Microsoft, Amazon and Google, own key infrastructure for producing and distributing FMs such as **data centres, servers and data repositories.**

We also see links across parts of the value chain in the form of **partnerships and strategic investments.**

Google and Microsoft have entered into such agreements with various FM developers, including Anthropic and OpenAI. Both firms provide **cloud computing services as part of their agreements.**

End of Moore's law? - chips that don't lift all boats!

Computational tech no longer GPT

Companies like Google, Microsoft, and Baidu are designing AI chips for their own particular needs.

Markets for specialized chips lack appropriate competition policies and antitrust enforcement. They are highly concentrated.

Increasing demand for server chips that train AI may outpace supply. Major cloud-server providers such as AWS, Microsoft, Google, and Oracle "limit their availability for customers.



Geo-economic inequalities and neocolonial control

There are numerous challenges to a AI development agenda in Africa. (There are)..urgent issues related to data infrastructure beyond connectivity that perpetuate the dependency of African countries on Western and Chinese companies and limit their ability to influence the development agenda. If African proponents of AI development and their international allies want to decolonize AI per se, they must first recognize that decolonization is not the same across the world. Also, it is not limited to collecting local datasets that feed machine learning models or building indigenous technological solutions based on Western models of innovation.

- Hassan, Yousif (2023). [AI is Africa's New Growth Mantra, but Can it Fix Development?](#)

Inequity in the AI economy

Concentration of infrastructural power in the data market - fuelling an **epistemic divide**

Private data enclosures - anachronistic laws **fail to make data for innovation accessible**

Multilateral focus on the '**global data commons**' a **one-way street** - does not prioritise need for local data

Big Tech impunity and **subversion of rt to information** - the case of Meta blocking information from Canadian news outlets on forest fires -

Untenable alternatives - Recourse to **open source AI not a real option.**

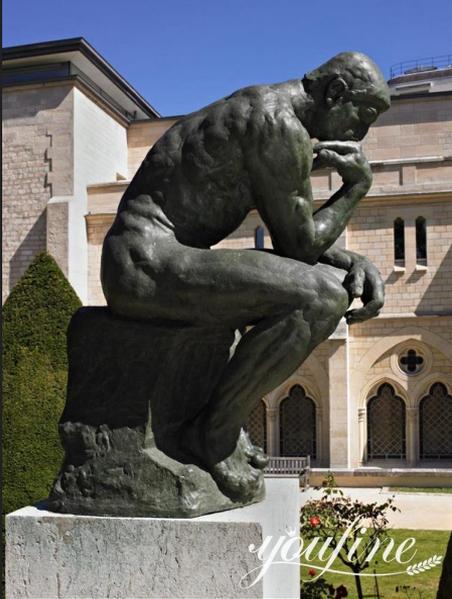


A new social contract for data

If data can be perceived as a common good, akin to clean air or natural resources, it necessitates a corresponding framework for its protection and management that encompasses more than just individual control. While acknowledging the significance of personal agency in managing one's data, a fair and just digital economy requires an overarching paradigm shift from private data contracts to social contracts, transcending purely market considerations.

- Pp 61, Draft Issues Paper on Data for Development (2023).
Prepared by UNCTAD Secretariat.

The question shifts



How to make a market contract for effective control of my data?

How to shape the social contract of datafication for the collective good? How can public value be created ?

Datafication, is the process through which everyday socio-environmental interactions can be digitally rendered into a machine-readable form and put to knowledge generation for social and economic use.

Moving beyond a economistic framework on data governance

A data rights perspective that includes people's rights to:

- (1) benefit from their data, and be free from harm;
- (2) access data inferences about themselves;
- (3) be represented appropriately / not represented in data; and
- (4) participate in the governance of data and data based systems.



These bundle of rights may be necessary conditions for a new social contract on data but they are not sufficient.

To understand the remit of the social contract on data, we need to ask - Equality of What? (Amartya Sen 1979)

Freedoms - as connected to equity of capabilities

1. Opportunity and ability to make choices
2. Absence of punishing costs/freedom from coercive choice

Freedom is both structured (having collective/shared aspects) and individual.

The focus is therefore on the ability of people to choose to live different kinds of lives within their reach, rather than confining attention only to what may be described as the culmination—or aftermath—of choice.

Inequity in capabilities may be understood as an inequity in choice, that Sen argues is at the core of inequity in society.

Equality of What?

AMARTYA SEN

THE TANNER LECTURE ON HUMAN VALUES

Delivered at
Stanford University

May 22, 1979

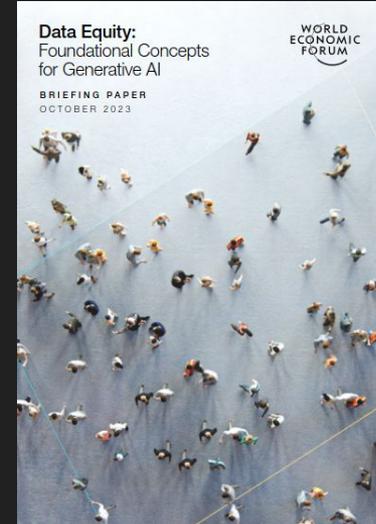
Is output equity enough - without equality of autonomy?

Equality of autonomy in the data paradigm is about shifting structures of choice to enable expansion of strategic life choices for all peoples; not coercive inclusion into an unequal global data economy.

Equality of autonomy may not necessarily obtain with “output equity” (WEF 2023) in the data life cycle UNLESS we design for data capabilities.

From access to benefits to a just AI order

Fairness and justice in social arrangements in the AI paradigm, fundamentally, are not just about the distribution of data. Rather, addressing data inequity is about the distribution of a much wider array of resources.



An agenda for data flows with equity

Agenda 1. A global data contract to protect ‘**development as data freedom**’ of all peoples - delivering on democratic and distributive integrity

Agenda 2. International economic law must move away from a nominalist constitutionalism deliver on redistributive justice – in trade, IP, and investment regimes. A global data constitutionalism **grounded in development justice** will enable nations and communities to build data capabilities for the knowledge societies of their choosing.

Agenda 3. Shift from ethical self-regulation to **binding regulation for tech corporations**, underscoring accountability for human rights protection in global data value chains (crucially, the right to development and people’s right to make choices governing their data lives).

Agenda 4. **Public finance for the development of data infrastructures** in developing countries

- Development financing for public data infrastructure (beyond the multi-stakeholder partnerships route that only aids Big Tech)
- Public-Community partnerships as vital, under-explored data governance model
- Harmonising data governance with updated consumer law, competition law, labour law to prevent abuse of infrastructural power by Big Tech platforms



Thank you!

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