SOUTH CENTRE

Input for the Human Rights Council Advisory Committee

Study on the Impact of Artificial Intelligence Systems on Good Governance

South Centre*

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This submission has been prepared by the Sou in response to the call for inputs issued by the Secretariat of the Human Rights Council Advisory Committee regarding its forthcoming study on the Impact of Artificial Intelligence Systems on Good Governance. Pursuant to Human Rights Council resolution A/HRC/RES/57/5, the inputs provided herein address the circulated questionnaire to assist the Advisory Committee in examining the impact of artificial intelligence systems on good governance, specifically highlighting areas where AI can contribute to promoting and protecting human rights.

I. All Stakeholders (core questions)

What are the opportunities and the challenges or risks of integrating AI into governance frameworks, particularly in terms of promoting and protecting human rights and upholding good governance principles?

To consider how Artificial Intelligence (AI) can influence systems of good governance within the international human rights framework, it is necessary to understand that such framework encompasses essential principles of the rule of law: effectiveness, accountability and inclusiveness.[1] Effectiveness involves competence, sound policymaking, and collaboration to ensure policies are coherent and well-founded. Accountability requires integrity, transparency, and independent oversight so civil servants serve the public interest and their actions are open to scrutiny. Inclusiveness aims to leave

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[1] UN Committee of Experts on Public Administration, 'Principles of effective governance for sustainable development' (2018) UN Doc E/2018/44-E/C.16/2018/8.

no one behind by promoting non-discrimination, participation, and intergenerational equity. Similarly, Sustainable Development Goal 16 sets a global standard for creating effective, accountable, and inclusive institutions at all levels, emphasising that peace and justice are vital for reaching all other development objectives.[2]

Integrating artificial intelligence (AI) into governance frameworks can provide certain advantages, including enhanced administrative efficiency, greater transparency and accountability, and improved management of public resources. In addition, AI could reduce the human error inherent in routine tasks, allowing officials to utilise large-scale legal data for decision-making,[3] provided that appropriate safeguards are in place and that the institutional framework is sufficiently mature to absorb and govern such tools responsibly.

Transitioning to AI could also address information asymmetry by translating complex processes and information into accessible outcomes through Retrieval-Augmented Generation (RAG). However, it is also important to note that AI systems are only as good as the quality of the data they use. If the retrieval comes from cleaned-up data without bias, the system has the potential to reduce inequalities and increase participation in and access to public policymaking, particularly for marginalised populations, but also runs the risk of replicating and increasing historical inequalities and discrimination from biased training models, leading to an erosion of human rights by automating prejudice in public services.[4]

Beyond the protection of individual rights, a distinctive concern of good governance in the context of AI is the reconfiguration of public authority itself. When core administrative functions are executed through proprietary AI systems developed, trained, and maintained in foreign jurisdictions, effective decision-making authority can migrate from accountable public institutions to private vendors whose logic, updates, and commercial incentives lie outside the reach of domestic oversight. This is not only a question of digital sovereignty but of the rule of law, as it attenuates the chain of accountability that the United Nations principles of effective governance for sustainable development and Sustainable Development Goal (SDG) 16 require of effective, accountable, and inclusive institutions.[5] Human oversight mechanisms, together with public registries of algorithmic systems, are necessary but not sufficient. A good governance response should also include public procurement rules that condition access to AI contracts on auditability and interoperability, vendor liability regimes that allocate responsibility for automated administrative outcomes, and requirements that critical public-sector AI systems be locally maintainable so that the continuity of public service delivery does not depend on decisions taken by foreign commercial actors.

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[2] UNGA, 'Transforming our world: the 2030 Agenda for Sustainable Development' (25 September 2015) UN Doc A/RES/70/1

[3] Richard Susskind, *Online Courts and the Future of Justice* (Oxford University Press 2019).

[4] Lixin Yun, Sheng Yun and Haoran Xue, 'Improving citizen-government interactions with generative artificial intelligence: Novel human-computer interaction strategies for policy understanding through large language models' (2024) 19(12) PLoS ONE e0311410 https://doi.org/10.1371/journal.pone.0311410 accessed 21 April 2026.

[5] UN Committee of Experts on Public Administration, 'Principles of effective governance for sustainable development' (2018) UN Doc E/2018/44-E/C.16/2018/8; UNGA (2015) n. 2.

In certain cases, generative AI of Things (GAIoT) can facilitate cognitive enhancement, resource optimisation, and anomaly detection, creating sustainable smart services and digital infrastructure.[6] Similarly, in public service environments characterised by data scarcity, Generative Adversarial Networks (GANs) and Bayesian models can offer capabilities for data augmentation in the public service. These processes, together with the use of large language models (LLMs) and RAG architectures, have the potential to enhance the public digital space by enabling open interactions between citizens and government, increasing real-time participation in policy development, and fostering accountability and transparency in policymaking and governance. Nevertheless, while GANs utilise a continuous adversarial feedback loop between a generator and discriminator,[7] the outcome can be prone to data overfitting and may reinforce existing biases in public datasets.[8] On the contrary, Bayesian models are often more suitable for sensitive, data-limited environments. These models employ a probability-driven method that updates predictions based on new data, enabling systems to assess and handle uncertainty rather than merely replicating existing data patterns.[9]

However, incorporating AI into public governance may also introduce operational and structural risks to human rights and national sovereignty. For example, employing GANs for public-sector data enhancement can lead to 'mode collapse,' in which the data generated fails to capture the full diversity of information, resulting in a limited set of outputs.[10] This has implications for services related to governance or resource allocation models developed using these datasets for specific contexts, as marginalised groups and uncommon scenarios may be excluded from the system's model. The outcome could increase systemic bias and discrimination in deployment of public infrastructure and delivery of efficient services. To avoid this, public sector institutions require advanced training methods to detect and prevent systemic bias in public infrastructure, guiding AI to maintain a broad and diverse data range so that serious but rare civic situations are not ignored.

It is also necessary to consider the challenges arising from AI integration to national sovereignty, particularly through 'algorithmic colonialism' or 'data colonialism.' Tech conglomerates extract datasets from developing countries and process them with proprietary algorithms deployed on servers based in developed countries, and monetise the

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[6] Simon Elias Bibri and Jeffrey Huang, 'Generative AI of Things for Sustainable Smart Cities: Synergizing Cognitive Augmentation, Resource Efficiency, Network Traffic, Cybersecurity, and Anomaly Detection for Environmental Performance' (2025) 133 Sustainable Cities and Society 106826.

[7] Muhammed Halil Akpinar and others, 'Synthetic Data Generation via Generative Adversarial Networks in Healthcare: A Systematic Review of Image- and Signal-Based Studies' (2024) 6 IEEE Open Journal of Engineering in Medicine and Biology 183 https://doi.org/10.1109/OJEMB.2024.3508472 accessed 21 April 2026.

[8] Abdulrahman Al-Fakih and others, 'Enhanced anomaly detection in well log data through the application of ensemble GANs' (2026) 29 Applied Computing and Geosciences 100316.

[9] Kevin P Murphy, 'Probabilistic Machine Learning: An Introduction,' Massachusetts Institute of Technology, 2022 in https://probml.github.io/pml-book/book1.html accessed 4 May 2026.

[10] Shyr-Long Jeng, 'Generative Adversarial Network for Synthesizing Multivariate Time-Series Data in Electric Vehicle Driving Scenarios' (2025) 25 Sensors 749

outcomes as data sources, positioning developing countries as primarily data-extraction hubs rather than as beneficiaries and owners of their data.[11] Likewise, digital sovereignty remains difficult for developing countries, as almost 40% of global data centre investment is driven by large technology companies.[12] Without national industrial policies, data localisation rules, and sovereign cloud infrastructure, AI systems could limit a country's ability to control its digital future.

The policy space for such sovereign approaches is also shaped by international trade disciplines. The Agreement on Electronic Commerce, which its participants decided at the WTO MC14 in Yaoundé to implement on an interim basis outside the WTO framework after the General Council could not reach consensus on its incorporation, contains rules on matters such as electronic transmissions, open government data, and access to the internet that can affect the design of AI regulation.[13] Coherence between AI governance and trade and investment commitments is therefore necessary to preserve regulatory space for measures justified on human rights and development grounds.

In addition, the transition to AI-driven governance requires a significant increase in power, while the physical cooling of servers contributes to severe water scarcity, with global AI-related water demand projected to range from 4.2 to 6.6 billion cubic meters by 2027.[14] These requirements often exacerbate existing dependencies and vulnerabilities, as countries could struggle to meet growing electrical and cooling demands for AI servers. This can lead not only to a substantial cost but also increase the digital and environmental divide, as developing countries that would like to use their ownsovereign data, may be forced to utilise foreign-owned data centres using local resources, often in water-scarce areas, while ultimately offering only limited benefits domestically.

Which human rights are most likely to be affected, and how can these potential impacts be managed or mitigated?

The implementation of AI by state actors could have diverse impacts on human rights and requires a transition from voluntary self-regulation toward binding legal frameworks rooted in the UN Guiding Principles on Business and Human Rights.[15] AI requires extensive datasets for generative models, often resulting in the extraction of personal data without

[11] South Centre, 'Input to the Expert Mechanism on the Right to Development: Study on Artificial Intelligence, Cultural Rights, and the Right to Development' (November 2025) https://www.southcentre.int/wp-content/uploads/2025/12/InputsSouthCentre-_-OHCHR-EMRtD_AICulturalRightsRtD.pdf accessed 21 April 2026.

[12] IoT Analytics, 'Data Center infrastructure market: AI-driven CapEx pushing IT and facility equipment spending toward $1 trillion by 2030' (12 November 2025) https://iot-analytics.com/data-center-infrastructure-market/ accessed 21 April 2026.

[13] WTO, Declaration on Interim Arrangements for the Agreement on Electronic Commerce, WT/MIN(26)/W/26 (29 March 2026), adopted by Participants at the Fourteenth Ministerial Conference, Yaoundé, 28 March 2026.

[14] Peng Li, Jianyi Yang and Shaolei Ren, 'Making AI Less "Thirsty": Uncovering and Addressing the Secret Water Footprint of AI Models' (2025) 68 Communications of the ACM 36 https://doi.org/10.1145/3724499 accessed 21 April 2026.

[15] Office of the High Commissioner for Human Rights, 'Call for Input: Right to privacy in the digital age' (9 September 2025) https://www.ohchr.org/en/calls-for-input/2025/right-privacy-digital-age accessed 21 April 2026.

authorisation and, in certain cases, of indigenous and traditional knowledge, a process that facilitates 'cultural extractivism.'[16]

Likewise, the right to equality and non-discrimination is frequently compromised as AI systems replicate historical racial and socioeconomic biases embedded in historical records.[17] These systems can create erroneous feedback loops, particularly where historical data reflecting existing discrimination patterns is used to automate public services. For example, the use of unrepresentative data could reproduce discriminatory patterns in areas such as education, health, and cash-based transfers, thereby reinforcing systemic inequities across racial, ethnic, or socioeconomic situations.[18]

Global digital governance could also reinforce 'digital double standards' that mirror colonial-era power imbalances, where regulatory efforts by developing countries are usually dismissed as authoritarian, while similar measures by developed countries are framed as democratic protections for national security.[19] Content moderation algorithms are a case in point, as they often ignore local linguistic and cultural distinctions, preventing users from effectively using these services.

Additionally, the "AI divide" creates a systemic risk to the Right to Development (RtD), as low and middle-income countries (LMICs) face significant gaps in digital infrastructure and connectivity.[20] This digital divide is deepened by socio-economic inequalities that limit employment and access to education.[21] In addition to financial challenges, geographic isolation intensifies the problem, as rural and remote areas typically have lower connectivity than urban regions.[22] Consequently, the lack of robust technological infrastructure in, and the reluctance to share technology with, the developing countries also creates a stagnant environment for growth, effectively stalling the international advancement of RtD for billions of people.

It is also necessary to emphasise that decision-making on sensitive issues affecting human

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[16] South Centre, 'Input to the Expert Mechanism on the Right to Development: Study on Artificial Intelligence, Cultural Rights, and the Right to Development' (November 2025) https://www.southcentre.int/wp-content/uploads/2025/12/InputsSouthCentre-_-OHCHR-EMRtD_AICulturalRightsRtD.pdf accessed 21 April 2026.

[17] Olga Akselrod, 'How Artificial Intelligence Can Deepen Racial and Economic Inequities' (ACLU, 13 July 2021) https://www.aclu.org/news/privacy-technology/how-artificial-intelligence-can-deepen-racial-and-economic-inequities accessed 21 April 2026.

[18] Ashwini KP, 'Contemporary forms of racism, racial discrimination, xenophobia and related intolerance: report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance' (14 May 2024) UN Doc A/HRC/56/68 https://docs.un.org/en/A/HRC/56/68 accessed 21 April 2026.

[19] Yohannes Eneyew Ayalew, 'A third-world critique of the international human rights-based approach to content moderation' (2025) 16(4) Transnational Legal Theory 546 https://doi.org/10.1080/20414005.2025.2523184 accessed 21 April 2026.

[20] South Centre, n. 11.

[21] Tiina Pajuste, 'The Digital Divide: Reinforcing Vulnerabilities' in Tiina Pajuste (eds), *Human Rights in the Digital Domain*, Cambridge University Press 2025, 345 https://doi.org/10.1017/9781009450379.019 accessed 22 April 2026.

[22] OECD, *Closing Broadband Connectivity Divides for All: From Evidence to Practice* (OECD Publishing 2025) https://doi.org/10.1787/d5ea99b2-en accessed 22 April 2026.

rights and the rule of law must remain in human hands to ensure human oversight. Although AI presents opportunities to increase the efficiency of public services and support open government approaches, the final outcomes that affect fundamental rights and people's lives cannot be delegated to an algorithm.

To what extent would social groups (e.g., marginalised communities, children, persons with disabilities, older persons) be vulnerable or at risk to the negative impacts from AI in governance? And in what ways should these risks be mitigated?

Marginalised and vulnerable groups can face intersectional risks because AI governance systems lack inclusive, localised and contextualised data. The process of replacing human-driven services with AI-automated portals could enhance the negative impact on vulnerable groups, particularly by infusing historical biases, resulting in their social exclusion and hindering their access to services. For instance, in the case of children and older adults, an unregulated digital environment may expose them to extensive and arbitrary data collection, while people with disabilities might experience discrimination as automated systems for public welfare might discard non-standard behavioural, linguistic, or cognitive profiles.[23] It is therefore important to recognise that the digital divide could be reinforced by historical biases embedded in training data.

Since AI systems often rely on training data that may overlook local contexts, cultural, and linguistic differences, they risk reproducing and amplifying societal and historical biases.[24] Nevertheless, when this bias is incorporated into algorithms in digital public services, it can directly influence how services are delivered, potentially harming vulnerable populations or neglecting their needs. Beyond data, access to a stable internet connection, sufficient digital literacy, and functional hardware are necessary to avoid social exclusion.[25]

In addition, other human rights could be involved in the AI supply chains, including in the provision of goods and services necessary for infrastructure powering large language models. In some instances, exploitative labour practices may lead to unsafe conditions in mineral mining, a process essential to semiconductor production.[26] Similarly, hyperscale data centres require large amounts of energy and water, which can increase environmental pressure on local water supplies and exacerbate regional inequalities.[27] Therefore, comprehensive policies are necessary to promote sustainable digital infrastructure, equitable resource distribution, and the eradication of exploitative labour, ensuring that digital transformation does not entail high ecological or human costs for the developing

[23] Daniel Uribe, 'Human Rights Council 58: Neurotechnology, Ethical Frontiers and Human Rights' (2025) South Views No 286 https://www.southcentre.int/wp-content/uploads/2025/04/SV286_250409.pdf accessed 22 April 2026.

[24] Yohannes Eneyew Ayalew, n. 14.

[25] PwC, 'GenAI for next-gen governments' (PwC 2024) https://www.pwc.com/gx/en/government-public-services/assets/genai-for-next-gen-governments.pdf accessed 22 April 2026.

[26] Jasper DC Johnston, 'Human Rights in the AI Supply Chain' (2025) 29 Stan Tech L Rev 108 in https://law.stanford.edu/wp-content/uploads/2026/01/Human-Rights-in-the-AI-Supply-Chain.pdf accessed 22 April 2026.

[27] Ana Pinheiro Privette, 'AI's Challenging Waters,' CEE Illinois, 11 October 2024 in https://cee.illinois.edu/news/AIs-Challenging-Waters accessed 22 April 2026.

countries.

What strategies or initiatives (local, national, or international) are most effective in bridging digital divides, so that AI-driven governance benefits marginalised or underserved communities?

The implementation of AI will require a holistic approach to building a technological ecosystem that respects inclusivity, sovereignty, and the protection of human rights. This approach should ensure that key elements of AI stacks are implemented and sustained locally. In particular, processing data directly on local devices or regional hubs, rather than routing it to centralised foreign servers, could reduce dependence on foreign servers and latency, and lower digital barriers in regions with limited broadband connectivity.[28]

Similarly, collaborative training across multiple decentralised devices integrated into a federated government learning model could support the development of context-aware public service models.[29] Regulatory and governance models increasingly advocate establishing 'Data Commons' as a means of ensuring they serve as a public good and support local innovation. It is necessary that such processes are operationalised through stable financial mechanisms, technology and knowledge transfer, and strong legal frameworks established to protect data ownership and digital sovereignty.

These mechanisms require international cooperation and coordination, including mandatory transparency protocols regarding training data, to tackle cultural appropriation and protect the moral rights of authors, specifically the rights of attribution and integrity.[30] At the same time, bridging the digital divide requires tackling the "bias loop" in AI's lifecycle, which includes data collection and algorithmic bias, as well as the interaction between large language models (LLMs) and end users.[31] Given these interactions, States should focus at developing national, regional, and international strategies to mitigate such biases, reduce digital divides and promote AI governance at multiple levels of authority, law, and infrastructure.

Brazil adopted Bill No. 2338/2023, which exemplifies national efforts to address systemic inequality by imposing strict liability standards on high-risk AI and imposing substantial financial penalties for violations.[32] At the regional level, the African Union's Continental Artificial Intelligence Strategy has provided means to protect cultural heritage and regulate cross-border data flows while aligning with socio-economic priorities.[33] The ASEAN Guide

[28] International Telecommunication Union, *The Annual AI Governance Report 2025: Steering the Future of AI* (ITU 2025) https://www.itu.int/epublications/ar/publication/the-annual-ai-governance-report-2025-steering-the-future-of-ai accessed 23 April 2026.

[29] Ibid.

[30] UNESCO, 'Recommendation on the Ethics of Artificial Intelligence' (24 November 2021) https://unesdoc.unesco.org/ark:/48223/pf0000381137

[31] Anna Foka and others, 'Tracing the bias loop: AI, cultural heritage and bias-mitigating in practice' (2025) 40 AI & Society 5835

[32] Project Law No 2338/2023 (Artificial Intelligence Bill) https://www25.senado.leg.br/web/atividade/materias/-/materia/157233 accessed 27 April 2026.

[33] African Union, 'Continental Strategy on Artificial Intelligence' (Executive Council 45th Ordinary Session, July 2024) https://au.int/sites/default/files/documents/44004-doc-EN-_Continental_AI_Strategy_July_2024.pdf

on AI Governance and Ethics focuses on responsible AI and cultural alignment through voluntary compliance.[34] In addition, the ASEAN region has adopted the ASEAN Responsible AI Roadmap (2025–2030), which integrates the ASEAN Digital Masterplan 2025/2030 and the Digital Economy Framework Agreement (DEFA) to foster a secure digital space.

The New Delhi Declaration on AI Impact (2026) focuses on strengthening the international cooperation necessary to achieve these objectives through the Democratic Diffusion of AI, the Global AI Impact Commons, and the Trusted AI Commons.[35] The New Delhi Declaration also emphasises the need to treat AI as a 'Digital Public Infrastructure,' not as an exclusive commercial asset, and requires States to implement strategies that prioritise sovereign AI capabilities, inclusive datasets, and capacity-building to ensure AI-driven governance empowers marginalised communities rather than deepening existing inequalities.[36] For this, States should also consider the role of human rights due diligence, technology transfer to bypass restrictive intellectual property barriers, and the democratisation of digital infrastructure and hardware for the vulnerable and historically discriminated groups.[37]

Which mechanisms promote public transparency in AI-driven decisions (e.g., mandatory explanation of algorithmic outcomes, appeal processes)?

The promotion of public transparency in AI-driven decision-making requires legal and operational mechanisms that address the asymmetry between individuals and AI-driven services. To achieve this objective, it is necessary to ensure the principle of explainability and the right to due process of law in any AI-provided service. Under Article 14 of the International Covenant on Civil and Political Rights (ICCPR), the guarantee of a fair process requires that any reasoning by a public authority determining rights be clearly explained and motivated to enable effective judicial review.[38]

The principle of explainability should serve as a bridge between human logic and machine processing. Traditionally, the right to a motivation and due process of law recognises the obligation of a public servant to provide a causal, logical narrative justifying a legal or administrative outcome.[39] In the case of AI systems, this process relies on probabilistic

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accessed 27 April 2026.

[34] ASEAN, 'ASEAN Guide on AI Governance and Ethics' (2024) https://asean.org/wp-content/uploads/2024/02/ASEAN-Guide-on-AI-Governance-and-Ethics_beautified_201223_v2.pdf accessed 27 April 2026.

[35] Ministry of External Affairs (India), 'AI Impact Summit 2026 Concludes with Adoption of New Delhi Declaration' (Press Release, 25 February 2026) https://www.mea.gov.in/press-releases.htm?dtl/40810/AI_Impact_Summit_2026_Concludes_with_Adoption_of_New_Delhi_Declaration accessed 27 April 2026.

[36] Ibid.

[37] Carlos Correa and others, 'The Global Digital Compact: Opportunities and Challenges for Developing Countries in a Fragmented Digital Space' (South Centre Research Paper 187, 4 December 2023) https://www.southcentre.int/wp-content/uploads/2023/12/RP187_The-Global-Digital-Compact_EN.pdf accessed 27 April 2026.

[38] *International Covenant on Civil and Political Rights* (ICCPR), adopted 16 December 1966, entered into force 23 March 1976, 999 UNTS 171 art 14.

[39] UN Human Rights Committee (HRC), 'General comment no. 32, Article 14, Right to equality before courts and tribunals and to fair trial' (2007) UN Doc CCPR/C/GC/32.

correlations rather than legal causality. Therefore, there is a need to translate AI outcomes into legally enforceable reasoning through meaningful human oversight. This human oversight should verify that legal and factual inputs and the precedents used in the final outcome are not only correct but also explicitly validate the AI's recommendation in its final form, demonstrating the reasons why the AI output aligns with the law and the specific facts, avoiding or mitigating automation bias.

It is also necessary to consider that Article 14 of the ICCPR guarantees the equality of arms, recognising that both parties in a process must have a reasonable opportunity to present their case under conditions that do not disadvantage them. In the context of AI, and particularly for developing countries, this principle should be adapted to recognise the profound digital skills divide among developers, public officials, and everyday citizens. This requires a broader understanding of transparency, moving beyond the factual or legal review of decisions to consider the disclosure of the system's logic, data provenance, and algorithmic auditing results. The current algorithmic opacity and the digital skills divide in developing countries threaten to continuously undermine due process and negatively impact fundamental rights, particularly for vulnerable and historically discriminated populations.[40] For example, the European Union has introduced the 'right to an explanation' in the Artificial Intelligence Act,[41] aimed at guaranteeing and promoting public transparency in AI-driven decisions. This right recognises the need to obtain a non-technical explanation of any AI-driven decisions. This explanation should consider the logic involved in decision-making, the datasets utilised, and the factors influencing the outcome.

Good governance of AI requires human-driven mechanisms for monitoring of AI outcomes. It should provide for legally binding protocols of control and review mechanisms, including Human-in-the-Loop (HITL) and Human-on-the-Loop (HOTL) models. The first model is applicable to high-risk systems and requires AI to pause task execution until it is approved and validated by a human. This implies that certain tasks in sensitive environments that affect health, safety, or fundamental rights could be performed by AI, but the outcomes must be directly overseen by natural persons.[42]

In the case of HOTL models, this system allows AI to operate autonomously on low-risk tasks. Natural persons engaged solely to monitor performance logs and intervene only in the event of an error, requiring strict technical traceability and monitoring.[43] Finally, these models could be hybrid for complex administrative processing, requiring multi-agent AI to operate autonomously during data synthesis, and include HITL where legal risk emerges. These approaches require States' obligation to maintain centralised public registries that document the implementation, algorithmic models, risk classification, and known limitations of all machine learning systems utilised across government administration and

[40] Danielle Keats Citron, 'Technological Due Process' (2008) 85 Wash U L Rev 1249, 1255.
[41] Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act) [2024] OJ L, 2024/1689.
[42] Ibid. Article 14.
[43] Ibid. Article 14.3

clarify control systems and review mechanisms.

Who should regulate AI to ensure it is aligned with good governance and respect for human rights principles?

States have the responsibility to regulate artificial intelligence under their jurisdiction, including by safeguarding the public interest. Given that the current global landscape of AI governance reflects diverse priorities and normative values across jurisdictions, effective regulation requires collaborative national and regional frameworks that consider human rights and good governance principles and are coordinated through inclusive platforms.

The UN *Global Dialogue on Artificial Intelligence Governance*,[44] established by the UN General Assembly, should provide a forum for all states, regardless of their current technological capacity, to participate in identifying and discussing standards and governance approaches to guide AI international law, but States must retain the prerogative to enact domestic and regional regulatory frameworks to defend their digital sovereignty and promote local industrial strategies and priorities.[45] For example, the *African Union Continental Artificial Intelligence Strategy*, endorsed in 2024, requires member states to adopt and implement technical standards to ensure the safety and security of AI systems across the continent, and to participate in global AI governance.[46]

II. Questions for Specific Stakeholders

International Organisations

How does your organisation assist Member States in designing AI governance frameworks that align with international human rights standards, and what specific initiatives or tools do you offer to assess and mitigate AI's potential human rights risks?

The South Centre is an intergovernmental organisation that functions as an independent policy "think tank" for developing nations. Established in 1995, its mandate is to provide technical and policy analysis that enables developing countries to act collectively in international arenas. One of the key pillars of the South Centre is to promote common interests among countries of the South, to foster mutual understanding of their priorities, and to encourage coordinated participation by developing countries in international fora on South-South and North-South matters related to development.

In recent years, the South Centre has increased its research and technical advice on policy issues related to the digital transformation, just transition and AI, with the objective of supporting Member States in designing policy and regulatory frameworks that foster domestic technological innovation and digital transformation, while protecting human

[44] UNGA Res 79/325 (26 August 2025) UN Doc A/RES/79/325.
[45] South Centre, 'South Centre Inputs to the Global Dialogue on AI Governance,' April 2026, https://www.southcentre.int/south-centre-inputs-to-the-global-dialogue-on-ai-governance-april-2026/ accessed 1 May 2026.
[46] African Union, *Continental Artificial Intelligence Strategy: Harnessing AI for Africa's Development and Prosperity* (2024) https://au.int/sites/default/files/documents/44004-doc-EN-_Continental_AI_Strategy_July_2024.pdf accessed 28 April 2026.

rights and promoting a just transition.[47] The South Centre also seeks to catalyse the role of developing countries in shaping and designing global strategies that enable them to access technology on fair terms and adapt their intellectual property systems to balance the interests of diverse stakeholders and the public interest in both access to knowledge and works and their protection from unauthorised use in training AI models. Through policy research, the South Centre has also provided evidence on the need for transparency in training data protocols, including in pathogen access and benefit-sharing for public health purposes.[48]

Similarly, the South Centre emphasises reinforcing multilateralism through United Nations governance structures and guiding principles, such as those agreed in the Global Digital Compact (GDC), to ensure the inclusion of developing countries in policymaking on AI and digital transformation.[49] The organisation advocates for a global AI governance framework that links digital regulation directly to industrial policy and data sovereignty. Similarly, the South Centre has emphasised the need to promote affordable, inclusive, and locally adapted AI models, rather than high-cost, resource-intensive technologies that deepen the digital divide.[50] The South Centre has also provided policy and research support to facilitate the development of sovereign digital public infrastructures (DPI) and domestic AI frameworks, taking into account the full AI lifecycle.[51] The Centre focuses on strengthening and leveraging South-South cooperation, enabling developing countries to pool good practices, experiences, and knowledge to advance common progress and address common challenges.

Finally, the South Centre provides Member States with technical tools to navigate the intersection of AI and International Law, supporting them to assess and mitigate risks. This includes legal strategies to reform Investor-State Dispute Settlement (ISDS) mechanisms, which can cause "regulatory chill" by allowing corporations to eventually sue states over public-interest measures addressing the impact of AI deployment and infrastructure (see below), and provides evidence-based research and capacity building to ensure that

[47] See: https://www.southcentre.int/?s=digital+transformation+and+ai&submit=Search accessed 29 April 2026.

[48] Viviana Muñoz Tellez and Nirmalya Syam, 'Towards an Operative Pathogen ABS System: Implementing the Equal Footing Requirement of Article 12 of the WHO Pandemic Agreement,' Policy Brief No 158, South Centre 2026, in https://www.southcentre.int/wp-content/uploads/2026/04/PB158_Towards-an-Operative-Pathogen-ABS-System-Implementing-the-Equal-Footing-Requirement-of-Article-12-of-the-WHO-Pandemic-Agreement_EN.pdf accessed 29 April 2026.

[49] See: https://www.southcentre.int/tag/global-digital-compact/ accessed 29 April 2026.

[50] Danish, 'Engaging the UN Scientific Panel on Artificial Intelligence for the Global South,' SouthViews No 307, South Centre 2026, in https://www.southcentre.int/wp-content/uploads/2026/04/SV307.pdf accessed 29 April 2026.

[51] See: Rajesh Kumar and Meghna Dhariwal, 'Digital Public Infrastructure for Democratic Data Monetization' (South Centre Report, 18 February 2026) https://www.southcentre.int/south-centre-report-18-february-2026/ accessed 1 May 2026, and Danish, 'Taking Forward Digital Public Infrastructure for the Global South' (Policy Brief No 146, South Centre, 29 September 2025) https://www.southcentre.int/policy-brief-146-29-september-2025/ accessed 1 May 2026.

automated systems do not infringe on cultural rights or the Right to Development.[52]

Environmental Sustainability: How should AI governance incorporate environmental concerns (e.g., energy consumption, e-waste) to ensure sustainable development?

Digital transformation, including the development and deployment of AI, requires physical infrastructure to sustain LLMs, Generative AI, and quantum computing, thereby affecting the use of natural resources. Empirical projections indicate that by 2030, AI could be responsible for emitting between 24 and 44 million metric tons of carbon dioxide annually and draining between 731 and 1,125 million cubic meters of freshwater annually for cooling these data centres.[53] This resource utilisation places high demands on domestic and global supplies, while also increasing the costs of environmental protection and climate action.

In addition, the hardware required for AI use could have significant ecological implications, as planned obsolescence not only exacerbates the digital gap by perpetuating a cycle of dependency and debt for developing countries.[54] Planned obsolescence also generates electronic waste (e-waste) with significant ecological implications. According to a study by the United Nations Institute for Training and Research and the International Telecommunication Union (ITU), e-waste generated approximately 62 billion kilograms in 2022, and only a small percentage was properly collected and recycled.[55] Likewise, the manufacturing process is highly carbon-intensive; for example, fabricating a tonne of laptops could potentially emit about 10 tonnes of CO2.[56]

Addressing these issues will require global governance to shift toward a more stringent oversight and inter-agency cooperation. The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal could serve as a strong platform for dealing with e-waste, as it regulates the transboundary movement of hazardous waste.[57] In 2022, the Conference of the Parties to the Basel Convention adopted the "E-waste Amendments," which became effective in January 2025, and require all e-waste shipments to undergo a Prior Informed Consent (PIC) procedure, ensuring that importing countries have the infrastructure to manage these materials safely.

AI governance should incorporate environmental impact assessments prior to the deployment of large-scale algorithmic models, standardising the disclosure of metrics such

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[52] South Centre, n. 7.

[53] David Nutt, 'Roadmap Shows the Environmental Impact of AI Data Center Boom' (*Cornell Chronicle*, 10 November 2025) https://news.cornell.edu/stories/2025/11/roadmap-shows-environmental-impact-ai-data-center-boom accessed 30 April 2026.

[54] Daniel Uribe, 'Geneva Dialogue on the UN Pact for the Future' *Transnational Institute*, 12 September 2024 in https://www.tni.org/en/article/geneva-dialogue-on-the-un-pact-for-the-future accessed 30 April 2026.

[55] Cornelis P Baldé and others, *The Global E-waste Monitor 2024*, ITU and UNITAR 2024, in https://ewastemonitor.info/wp-content/uploads/2024/12/GEM_2024_EN_11_NOV-web.pdf accessed 30 April 2026.

[56] Geneva Environment Network, 'The Growing Environmental Risks of E-waste' (Geneva Environment Network, 25 October 2024) https://www.genevaenvironmentnetwork.org/resources/updates/the-growing-environmental-risks-of-e-waste/ accessed 30 April 2026.

[57] Secretariat of the Basel Convention, 'Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal' (Basel Convention) https://www.basel.int/ accessed 30 April 2026.

as Power Usage Effectiveness (PUE), Water Usage Effectiveness (WUE), and Scope 3 supply chain emissions.[58] At the same time, governance frameworks can incentivise support for climate action and sustainable development by adopting a holistic approach to achieving a low-carbon profile and reducing water consumption.[59] However, developing countries can face substantial challenges, including high upfront capital expenditure for specialised liquid-cooling systems and a geographical mismatch between where data is processed and where these resources are needed, which can lead to stranded assets if not managed properly.

Developing countries' AI should therefore guarantee "Sovereign Digital Infrastructure" frameworks that focus not only on the deployment and use of AI but also consider technology transfer and local benefit-sharing, to ensure that international AI firms do not simply utilise local renewable resources while exporting the value of the processed data elsewhere. The principle of *Common But Differentiated Responsibilities and Respective Capabilities* (CBDR-RC) should not only inform international digital policy on these matters but also serve as the backbone of AI governance, ensuring that the environmental costs of the digital transition are not borne disproportionately by developing countries.

Given that developed countries and major tech firms drive the demand for carbon-intensive LLMs and profit from planned obsolescence, CBDR-RC imposes a higher standard on these actors to increase financing for sustainable infrastructure, such as specialised liquid-cooling and thermal recovery systems in developing countries. At the same time, CBDR-RC should ensure that environmental protection does not become a tool for "infrastructure extractivism," but instead enables developing countries to achieve net-water production and low-carbon growth without sacrificing their developmental sovereignty.

Recommendations

The global reliance on corporate self-regulation is inadequate for protecting basic human rights, especially in the context of AI and digital transformation. Governments should establish thorough national laws that go beyond just "ethical guidelines" and establish binding frameworks. These should mandate Human Rights Impact Assessments (HRIs) for all AI systems used in the public and private sectors. Additionally, establishing strict liability for high-risk AI applications can ensure that biased outputs result in clear legal accountability and course correction rather than just administrative confusion and delays.

To reduce the risks of algorithmic colonialism, policies should establish National and Regional Digital Policies that actively mitigate the risks associated with the adoption of foreign models. Developing countries must focus on building Sovereign Digital Public Infrastructure (DPI), which involves implementing local data localisation laws to keep datasets within the country and ensure they serve local communities. Moreover,

[58] International Telecommunication Union, *Measuring What Matters: Closing the Gaps in Assessing AI's Environmental Impact* (2026 Report, ITU 2026) https://www.itu.int/dms_pub/itu-t/opb/ai4g/t-ai4g-ai4good-2026-2-pdf-e.pdf accessed 30 April 2026.

[59] Raafi Al-Akram, 'AI Ambitions in a Thirsty Region: Water, Data Centers, and South Asia's Digital Future' (Asia Society Policy Institute, 24 October 2024) https://asiasociety.org/policy-institute/ai-ambitions-thirsty-region-water-data-centers-and-south-asias-digital-future accessed 30 April 2026.

governments should promote Data Commons models, treating public data as a shared resource to foster local innovation and protect against unauthorised extraction by tech corporations through appropriate legal safeguards.

Similarly, it is important to consider that AI systems rely on the quality of their underlying data. Therefore, States willing to incorporate AI into their processes should also invest in data governance and data collection frameworks. Developing countries in particular should focus on gathering accurate, context-specific datasets that reflect the diversity of their populations to remove embedded socioeconomic or racial biases from training datasets, while rigorously safeguarding individual privacy and collective data rights. In addition, these frameworks must specifically prevent the commodification and unauthorised extraction of public and personal data by foreign or private tech companies and ensure that AI-driven governance is based on principles of fairness, accuracy, and national sovereignty.

Likewise, good governance requires that AI decision-making should not exist in a legal vacuum. Policies related to the provision of public services should incorporate principles of due process of law, including the right to an explanation and review for any automated administrative outcomes. This requires systems to provide clear, simple justifications for decisions that affect natural persons' rights or status, maintaining human control in critical governance.

States should also ensure coherence between AI governance frameworks and their trade and investment commitments, including those applicable to contracting parties under the recently adopted Agreement on Electronic Commerce and under digital trade chapters in preferential agreements, and make full use of general, security, privacy, and prudential exceptions as well as the flexibilities available under the Agreement on Trade-related Aspects of Intellectual Property Rights to preserve policy space for human rights and development measures.

Given the massive environmental and climate change impacts expected from digital transformation and AI deployment and use, developing countries should incorporate the principle of Common But Differentiated Responsibilities and Respective Capabilities (CBDR-RC) into the AI lifecycle, in particular by requiring the transfer of sustainable cooling technologies and renewable energy infrastructure to the Global South, ensuring that the environmental cost of global AI compute is not offloaded onto water-scarce or energy-poor regions, and preventing "infrastructure extractivism" by major tech firms based in developed countries.

To bridge the "AI Divide," international cooperation should pivot towards the Democratic Diffusion of AI. This involves reforming intellectual property (IP) systems that may hinder local research and education. Policy efforts should also promote Technology Transfer, enabling low- and middle-income countries to access and customise foundational models for their languages and cultural contexts. Bolstering multilateral forums is essential to ensure that global standards are not dictated by a few technologically advanced nations but rather created through an inclusive, representative process that respects the moral and cultural rights of all communities.