

Ethical AI Governance and Indigenous Knowledge Protection

Sanjiv D. Yakane

Assistant Professor & Research Scholar (Law)

ASNSS's Mathatma Gandhiji

Law College Sankeshwar, Karnataka

Email: yakanesanjiv@gmail.com

“If people can’t acknowledge the wisdom of indigenous cultures, then that’s their loss.”-**Jay Griffiths**

Abstract

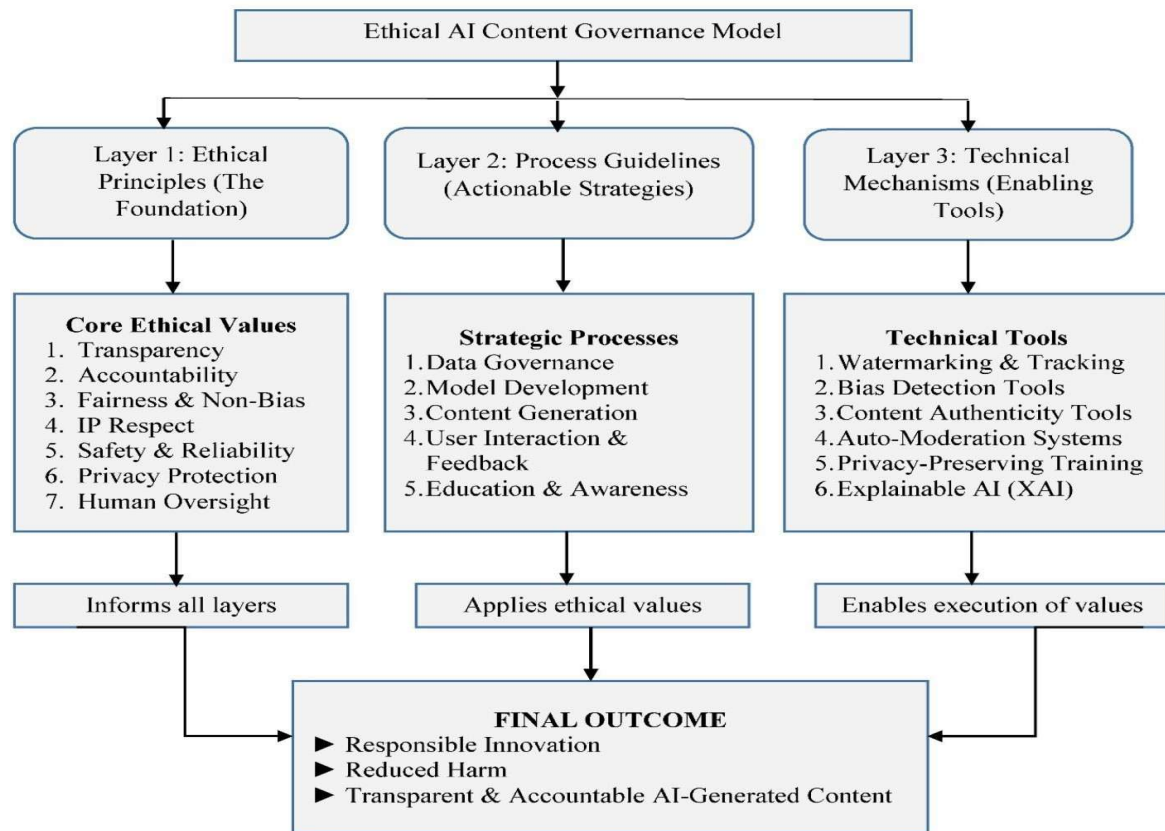
New technologies have to respect and incorporate indigenous knowledge and cultural practice. The Artificial Intelligence (AI) Impact Summit 2026, held from February 16–20 in New Delhi. Over 100 countries participated. It focused heavily on Ethical AI Governance and the Protection of Indigenous Knowledge. This summit emphasized “**MANAV**” (Moral and Ethical Systems Accountable Governance National Sovereignty Accessible and Inclusive Valid and Legitimate Systems) announced by Hon’ble Prime Minister of India Shri Narendra Modi (Human Centric) AI. As of early 2026, 193 countries have adopted a global standard for ethical AI governance through the **UNESCO** recommendation on the ethics of AI. Protecting indigenous knowledge in ethical AI governance requires establishment of indigenous data sovereignty, ensuring free, prior and informed consent (**EPIC**) for all data usage and implementing **CARE** (Collective Benefits, Authority to Control, Responsibility, Ethics) principles. Creating a particular legal framework for protection of indigenous knowledge is essential. AI systems increasingly effect on culture, language and data. America has emphasized indigenous data and cultural rights through The United Nation Declaration on rights of indigenous peoples (**UNDRIP**) adopted on 13th September 2007, to protect rights of over 370 million indigenous people worldwide. Peru, New Zealand, Mexico, Canada and Brazil countries jurisdictions have actively developed specific laws pertaining to the ethical AI governance and protection of indigenous knowledge.

Keywords- Human Centric, EPIC, MANAV, National sovereignty

Introduction

Ethical AI governance and Indigenous knowledge protection involve developing AI systems that respect Indigenous data sovereignty, prevent cultural appropriation, and ensure community consent. It shifts AI frameworks from purely technical optimization to inclusive models prioritizing relational accountability, sustainability, and equity. In 2019, the Indigenous Protocol and Artificial Intelligence Working Group, in collaboration with international partners, hosted the Indigenous AI Workshop at the Neur IPS conference, an elite site in global AI research. . Key practices include co-designing AI, applying CARE principles alongside FAIR principles, and protecting Traditional Ecological Knowledge (TEK) from unauthorized exploitation. Effective governance and protection rely

on a framework that emphasizes Indigenous self-determination, data sovereignty, and meaningful inclusion.



Ethical AI

AI ethics emphasizes the impact of AI on individuals, groups and wider society. The goal is to promote safe and responsible AI use, to mitigate AI's novel risks and prevent harm. Much of the work in this area centers around four main verticals. iv Central to the Recommendation are four core values which lay the foundations for AI systems that work for the good of humanity, individuals, societies and the environment. UNESCO's Women4Ethical AI is a new collaborative platform to support governments and companies' efforts to ensure that women are represented equally in both the design and deployment of AI. The platform's members will also contribute to the advancement of all the ethical provisions in the Recommendation on the Ethics of AI.

The Importance of Indigenous Knowledge

Indigenous knowledge refers to the unique, traditional, local knowledge existing within and developed around the specific conditions of indigenous peoples of a particular area.

1. Sustainable Environmental Management
2. Biodiversity Conservation
3. Cultural Identity and Heritage

5. Contribution to Modern Science

6. Food Security.

Each year on August 9, the world comes together to observe the International Day of the World's Indigenous Peoples, a day dedicated to honoring the resilience, wisdom, and sovereignty of over 476 million Indigenous people worldwide. The observance, first established by the United Nations General Assembly in 1994, marks the historic first meeting in 1982 of the UN Working Group on Indigenous Populations. This landmark gathering marked the beginning of a global dialogue aimed at recognizing and amplifying the rights and cultures of Indigenous Peoples. In 2025, as the 9th of August falls on a Saturday, the International Day will be observed online on Friday, August 8, to better engage a global audience in these important conversations. This year's theme, "Indigenous Peoples and AI: Defending Rights, Shaping Futures", is particularly timely and urgent. As technology continues to evolve, it is critical that Indigenous Peoples are not left behind in the digital age, especially in areas such as AI development, where the potential for both empowerment and exploitation exists. vii It is essential that Indigenous Peoples play an active role in shaping the future of AI. The UN Framework on Indigenous Issues recognized this in its recommendations from the 24th session in 2025, highlighting the importance of meaningful inclusion of Indigenous Peoples in AI development, governance and application. The UN General Assembly adopted a 2024 resolution emphasizing that human rights and fundamental freedoms must be respected, protected and promoted throughout the life cycle of artificial intelligence systems. Respecting Indigenous Peoples' rights, data sovereignty, and promoting Indigenous-led innovation are key to realizing the positive potential of AI and avoiding perpetuating harm.

Legal Challenges and the Digitalization of Indigenous Knowledge System (IKS)

Indigenous Knowledge Systems are multifaceted institutions of practices, wisdom, and innovations that have progressed over many generations within a cultural community and are essential to their identity and survival.¹² There are various legal challenges that arise from AI's use of Indigenous knowledge. These include authorship and ownership, where AI generated information lacks human authorship which leads to difficulties in assigning legal ownership. If the source material is communal and oral, traditional, or cultural Intellectual Property Frameworks fall short.¹³ Secondly, communities are rarely or not consulted when their knowledge is simulated or digitized, violating principles of self-determination. Ultimately, platforms and developers profit from cultural simulations, while communities receive not only no compensation but also no recognition.

Indigenous AI Gatherings: Reclaiming Space in Global AI Discourse In 2019, the Indigenous Protocol and Artificial Intelligence Working Group, in collaboration with international partners, hosted the Indigenous AI Workshop at the Neur IPS conference, an elite site in global AI research. This gathering was groundbreaking not only because it brought Indigenous voices into a field where they are often absent, but because it reframed AI as a cultural and ethical practice, not merely a technical one.

According to Turner-Williams, it begins with data collection, responsible data collection practices entail:

- Ensuring data privacy and obtaining proper user consent
- Avoiding datasets that perpetuate bias or discrimination
- Sourcing diverse and representative data to enhance fairness
- Implementing data protection mechanisms to safeguard sensitive information.

AI systems are fundamentally driven by data, so ethical considerations must be embedded from the very first stage. AI models, along with machine learning (ML) and deep learning (DL) algorithms, are ultimately trained on human data. AI governance policies aim to correct the discrimination or otherwise dangerous errors.

In the case of Gummadi Usha Rani & Anr v. Sure Mallikarjuna Rao & Anr Hon'ble Supreme Court was hearing an appeal from the Andra Pradesh High Court that had realized the AI and nonexistence nature of the decision relied on by the trial court, only recorded a word of caution and warns against unsupervised AI use in ruling. Indigenous Knowledge, for example, in areas like agriculture, medicine, or climate resilience, without acknowledging or compensating the communities who generated that knowledge. The Indigenous Knowledge Systems are multifaceted institutions of practices, wisdom, and innovations that have progressed over many generations within a cultural community and are essential to their identity and survival and various legal challenges that arise from AI's use of Indigenous knowledge. It includes authorship and ownership, where AI generated information lacks human authorship which leads to difficulties in assigning legal ownership. If the source material is communal and oral, traditional, or cultural Intellectual Property Frameworks fall short.

Before 2007, AI became so ubiquitous, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP 2007, referred to as UNDRIP) affirmed that Indigenous peoples have inherent rights to their lands, cultures, and knowledge. The current reality, however, is that many AI developers and data scientists operate as if Indigenous rights do not apply to their work. This is partly due to a lack of awareness, but also due to gaps in enforcement. Unlike physical resource extraction, which might trigger environmental impact assessments or legal challenges, data extraction often flies under the radar of regulation.

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Many Indigenous communities face an increased risk of assimilation due to AI expansion and colonial control. In many ways, the rise of AI highlights ongoing infrastructural violence, the imposition of systems that, while claiming progress, remain colonial in intent and structure. In relation to Indigenous peoples, it can perpetuate exclusion and colonial control over Indigenous lands, knowledge systems, and, as a result, identities. While the direct existential risks from AI to Indigenous communities are not yet fully mainstream in public discourse, there are emerging and serious threats where AI systems may exacerbate threats to Indigenous autonomy and ways of life, leading to cultural erosion.

AI also holds potential opportunities for Indigenous Peoples. When developed inclusively and ethically, AI can support language revitalization and enhance cultural preservation. For example, AI-driven tools can help document endangered Indigenous languages, contributing to their revitalization and preservation for future generations. It is essential that Indigenous Peoples play an active role in shaping the future of AI. The UN Permanent Forum on Indigenous Issues recognized this in its recommendations from the 24th session in 2025, highlighting the importance of meaningful inclusion of Indigenous Peoples in AI development, governance and application.

During the 2025 International Day of the World's Indigenous Peoples virtual webinar, Indigenous Peoples and AI: Defending Rights, Shaping Futures, hosted by the Indigenous Peoples Development Branch, the Secretariat of the Permanent Forum on Indigenous Issues, powerful voices from Indigenous panelists echoed a clear message: artificial intelligence must be ethical, inclusive, and grounded in Indigenous rights. In recent years, the Universal Periodic Review (UPR) has amplified Indigenous voices. Now it faces a new test: ensuring their rights in an AI-driven world. Mandatory impact assessments before deploying AI systems, and mechanisms to ensure free, prior, and informed consent for any data involving Indigenous communities. These steps aim to protect Indigenous authority and community safety in the face of rapidly advancing AI technologies.

Artificial Intelligence can help preserve endangered languages and oral histories, map ancestral lands, and amplify Indigenous wisdom to fight climate change. But without the meaningful participation of Indigenous Peoples, these same technologies risk perpetuating old patterns of exclusion, misrepresenting cultures, and violating fundamental rights.

More than 470 million Indigenous Peoples live across the world, distributed across 90 countries and splintered into unique communities with their own culture and traditional knowledge. Although they make up less than 6% of the world's population, indigenous individuals account for at least 15% of the poorest individuals in the world. As new, often disruptive technologies take over, and native lands are encroached upon, concerns arise over both how this would impact traditional

knowledge ecosystems, and how they may be pressed into service for the benefit, rather than the exploitation, of Indigenous Peoples. GenAI is emerging as the primary way to learn about the world. A large-scale study published in September 2025, analyzing how people have been using ChatGPT since its launch in November 2022, revealed that around half the queries were for practical guidance, or to seek information. These systems may appear neutral, but they are far from it. The most popular models privilege dominant ways of knowing (typically western and institutional) while marginalizing alternatives, especially those encoded in oral traditions, embodied practice and languages considered “low-resource” in the computing world, such as Hindi or Swahili.

Conclusion- It can be concluded that Protecting Indigenous knowledge within ethical AI governance ultimately requires more than technical safeguards it demands a shift in power, respect, and accountability. Systems must be built on principles of free, prior, and informed consent, ensuring Indigenous communities retain control over how their knowledge is accessed, used, and shared. Legal frameworks and data governance models should recognize collective ownership, not just individual rights, while embedding cultural context into how data is interpreted by AI systems. Equally important is the inclusion of Indigenous voices at every stage of AI development, from design to deployment and oversight. Without this, even well-intentioned technologies risk reinforcing historical patterns of extraction and marginalization. Ethical AI governance, therefore, is not just about minimizing harm, but about actively supporting Indigenous sovereignty, preserving cultural integrity, and enabling communities to benefit on their own terms.

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