



Ontological disruption or data colonialism? Institutionalising *Kibagenge* for artificial intelligence integration in Kenyan Higher Education

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ABSTRACT

The introduction of Artificial Intelligence (AI) into Kenyan Higher Education can be described as the technological imperative to preserve Indigenous Knowledge Systems (IKS). However, this paper questions this integration as a possible site of data colonialism, a condition in which indigenous epistemologies are packaged as discrete, alienable information packs to be trained by Western algorithms. This study utilised a Critical Policy Discourse Analysis (CPDA) of a corpus of 15 AI policy documents spanning global mandates, continental strategies, and Kenyan national laws. An analysis of public and private universities' AI guidelines was also carried out to identify a systemic failure. The findings reveal that the ontological erasure of the communal, relational character of IKS is a consequence of institutions' uncritical adherence to individualistic Western legal frameworks. To fill this gap, the study proposes a new Kipsigis framework, *Kibagenge*. This paper proposes that to adequately decolonise AI in institutions, extractive governance models must be replaced with Indigenous Data Trusts (IDTs) and *Kokwet* ethical protocols, which enforce collective consent. The paper concludes that *Kibagenge* is not merely a cultural critique but a required methodological and policy construct for reclaiming epistemic sovereignty in Kenyan higher education. The paper's contribution to scholarship is threefold: (i) it formalises *Kibagenge* as a decolonial framework for AI and data governance; (ii) it operationalises the *Agenge / Tiliyet / Chamyet* triad into a five-tier policy diagnostic (global → continental → national → public university → private university); and (iii) it proposes concrete institutional instruments, Indigenous Data Trusts, the *Kokwet* ethical protocol, and *Tiliyet*-based procurement, for Kenyan universities.

Keywords: Artificial Intelligence, Data Colonialism, *Kibagenge*, Kenyan Higher Education and Indigenous Knowledge Systems (IKS).

INTRODUCTION

The contemporary African higher educational ecosystem is turning out to be an arena of digital transformation. The global demands, particularly the United Nations Sustainable Development Goals on equity in education and innovation, and the African Union Agenda 2063, are putting pressure on universities in the continent to quickly integrate artificial intelligence (AI) into their pedagogical and

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research infrastructures.¹ AI, within this policy discourse, is often seen as a core technological tool for the preservation and digitisation of Indigenous Knowledge Systems (IKS). By utilising this techno-optimistic framing, dominant narratives assume that the dying languages, oral cultures, and cultural archives can be safeguarded through the deployment of algorithmic tools.² In this regard, therefore, the discourse positions the adoption of digital technologies as a necessity and a universally accepted development of African academia in the twenty-first century in the quest to rejuvenate the cultural heritage and promote linguistic equity.³

However, underneath these narratives of preservation of IKS, there exists a huge epistemological clash. Critical studies, through the lens of data colonialism, are now debating the integration of African epistemologies into AI training. The historical extraction of geographical territories and resources (raw materials) has metamorphosed into the digital space where the extraction of human life and cultural memory is being witnessed at a faster rate.⁴ The application of these technologies, specifically AI, to the IKS could result in an extractive venture as the foundational architecture heavily relies on a Western paradigm that mirrors legacy power imbalances. According to Hassan, the indigenous epistemologies are now being systematically harvested, decontextualised, and converted into discrete, alienable data points that will be used to train Western Large Language Models (LLMs) without any consent from the data owners.⁵ This process, according to Mohamed et al., deprives culturally embedded wisdom of its relational nature, making it a free, untapped raw material to accumulate corporate capital.⁶ The result is that instead of promoting the idea of preserving African knowledge, techno-solutionist integration may lead to a new wave of epistemic extraction and cognitive imperialism, and ultimately, a reduction in deeply relational cultural heritage into global algorithmic raw material.⁷ This process of placing local epistemologies under foreign technological infrastructures delegitimises local intellectual sovereignty and ensures further economic gain by the Global North.

As African institutions rush to adopt these digital technologies, Kenya's regulatory frameworks are weak in protecting these datasets. At both the national and institutional levels, data governance policies and university institutional review boards (IRBs) generally rely on Western liberal ontologies of privacy and research ethics.⁸ The legal mechanism of individual informed consent is the basis of these imported frameworks, which conceptualise data as the alienable property of an autonomous subject. Nonetheless, such an individualistic paradigm creates systemic institutional failure when applied to IKS, which are communal in nature, relational, and owned collectively.⁹ Since the African sociocultural orientations tend to mirror community consensus rather than individualised decision-making, the strict use of Western consent models weakens the defence mechanisms of traditional gatekeepers and community.¹⁰ As a result, the relational knowledge regulated by individual consent

¹ A. Eytayo, "The African Union Agenda 2063 and Data Protection: Prospects, Challenges, and Policy Implications," *Journal of Arts Humanities and Social Science* 1, no. 2 (2024): 65–70.

² F. Abiodun, "Artificial Intelligence and Indigenous Knowledge: Ethical Pathways for Cultural Preservation and Sustainable Development [Technical Report]" (University of Cologne, 2025).

³ Collins Ketere, "Decolonizing Artificial Intelligence: Reducing Algorithmic Biases in African Educational and Linguistic Contexts," *Journal of Contemporary Issues in Open Distance and E-Learning* 2, no. 1 (November 26, 2025): 18–37, <https://doi.org/10.71060/7qk9nd52>.

⁴ Nick Couldry and Ulises A. Mejias, "Data Colonialism: Rethinking Big Data's Relation to the Contemporary Subject," *Television & New Media* 20, no. 4 (May 2, 2019): 336–49, <https://doi.org/10.1177/1527476418796632>.

⁵ Yousif Hassan, "The Politics of Memory: NLP Models as Liberating Artifacts," *Science, Technology and Society* 29, no. 4 (December 31, 2024): 517–34, <https://doi.org/10.1177/09717218241282551>.

⁶ Shakir Mohamed, Marie-Therese Png, and William Isaac, "Decolonial AI: Decolonial Theory as Sociotechnical Foresight in Artificial Intelligence," *Philosophy & Technology* 33, no. 4 (December 12, 2020): 659–84, <https://doi.org/10.1007/s13347-020-00405-8>.

⁷ Yaw Ofosu-Asare, "Developing Classroom ICT Teaching Techniques, Principles and Practice for Teachers in Rural Ghana without Access to Computers or Internet: A Framework Based on Literature Review," *The International Journal of Information and Learning Technology* 41, no. 3 (2024): 262–79.

⁸ Francis Akpa-Inyang and Sylvester C. Chima, "South African Traditional Values and Beliefs Regarding Informed Consent and Limitations of the Principle of Respect for Autonomy in African Communities: A Cross-Cultural Qualitative Study," *BMC Medical Ethics* 22, no. 1 (December 14, 2021): 111, <https://doi.org/10.1186/s12910-021-00678-4>.

⁹ O. C. Maduka and S. Akintola, "Decolonisation and Self-Regulation as Alternative Paths to Data Science Health Research Governance in Africa. Wellcome Open Research, 10, Article 380.," *Wellcome Open Research*, 2025.

¹⁰ Richard Appiah, "Gurus and Griots: Revisiting the Research Informed Consent Process in Rural African Contexts," *BMC Medical Ethics* 22, no. 1 (December 23, 2021): 98, <https://doi.org/10.1186/s12910-021-00659-7>.

enables a deep ontological erasure by law, which allows extracting and digitising communal heritage without the structural agreement of its source communities, continuing a new eruption of data colonialism in the name of technological development.¹¹

To address this severe disjuncture, the current paper proposes the Kipsigis native philosophy of *Kibagege* as a disruptive, decolonial system of AI control. Beyond cultural critique, *Kibagege* proposes a serious relational ontology, which essentially questions the extractive individualism and cognitive imperialism that are inherent in Western data paradigms.¹² This paper operationalises the framework using three pillars that are interlocked. First, *Agege* (structural oneness) holds that knowledge cannot be alienated from the community that houses it, and therefore opposes the atomisation of cultural heritage into commodified data sets. Secondly, *Tiliet* (relational amity) requires horizontal, epistemic equality and mutual demand in technological relationships, which oppose the vertical relations of digital neocolonialism.¹³ Thirdly, *Chamyet* (communal consensus) requires collective consensus rather than individual consent, because indigenous epistemologies are not owned by an individual but must be communally controlled and deliberated with communal terms of service.¹⁴ Through the application of these three tenets, this paper argues that digital integration is not a technical inevitability and instead is a site of ontological repair and epistemic justice among African communities.¹⁵

Therefore, this paper posits that in order to safeguard African datasets, African epistemic sovereignty requires formal institutionalisation of *Kibagege* within university digital policies. To systematically analyse this framework, this study employs a Critical Policy Discourse Analysis (CPDA) of 15 policy-related documents under a five-tier comparative matrix spanning from global mandates and continental strategies to national regulators and a comparative sample of Kenyan public and private universities. The paper further proceeds to review literature on AI techno-optimism and data colonialism, before detailing the *Kibagege* epistemological framework. Finally, the paper presents synthesised results of the policy document analysis and then concludes by proposing tangible policy and pedagogical novelties which are necessary in the decolonisation of the algorithmic future of Kenyan higher education.

LITERATURE REVIEW

The scholarly discussion about the incorporation of AI into African higher education exists mostly on the basis of ubiquitous techno-optimism. There exists a large body of literature that hypothesises digital transformation as a form of institutional leapfrogging, where algorithmic tools are the final device in archiving endangered languages, digitising cultural artefacts, and preserving indigenous knowledge systems (IKS). In this context, the application of AI is celebrated as helpful and effective in providing more access to African epistemologies on a worldwide platform. Techno-deterministic scholarship, however, characteristically tends to confuse the digitisation of knowledge and the preservation of ontology. By focusing almost solely on the utility of AI as an operational feature, scholars dilute the politics of the algorithmic economy and overlook the fact that modern data mining can be seen as a reflection of the historical mechanism of resource extraction.¹⁶ As a result, this literature ineptly promotes the implementation of IKS in international digital networks without questioning the extractive nature of platforms on which such information is processed.¹⁷ Such uncontrolled digitisation risks entrenching cognitive imperialism, whereby cultural memories that were rich in relationality are broken

¹¹ Jennafer Shae Roberts and Laura N. Montoya, "In Consideration of Indigenous Data Sovereignty: Data Mining as a Colonial Practice," 2023, 180–96, https://doi.org/10.1007/978-3-031-47451-4_13.

¹² Mayadhar Sethy, "Artificial Intelligence and Epistemic Justice: A Decolonial Turn through Indigenous Knowledge Systems," *AI & SOCIETY* 41, no. 5 (May 17, 2026): 5401–10, <https://doi.org/10.1007/s00146-026-02936-8>.

¹³ S. Mhlambi and S. Tiribelli, "Decolonizing AI Ethics: Relational Autonomy as a Means to Counter AI Harms," *Topoi* 42, no. 3 (2023): 867–80.

¹⁴ Appiah, "Gurus and Griots: Revisiting the Research Informed Consent Process in Rural African Contexts."

¹⁵ Ketere, "Decolonizing Artificial Intelligence: Reducing Algorithmic Biases in African Educational and Linguistic Contexts."

¹⁶ Couldry and Mejias, "Data Colonialism: Rethinking Big Data's Relation to the Contemporary Subject."

¹⁷ Ofosu-Asare, "Developing Classroom ICT Teaching Techniques, Principles and Practice for Teachers in Rural Ghana without Access to Computers or Internet: A Framework Based on Literature Review."

down into hard-to-digest digital scraps to be consumed by algorithms around the world.¹⁸ Ultimately, this optimism cannot question the physical server ownership and proprietary algorithms on which the African cultural heritage is etched, thus continuing the systemic digital colonialism.¹⁹

The research on technological ethics within universities and institutional governance best exemplifies this epistemological blind spot. Recent research by Kotsokoane and Seeletse assessing the effectiveness of African institutions of higher learning in ethically integrating technology has concentrated much on standardisation of Institutional Review Boards to satisfy international compliance criteria.²⁰ There is a deafening silence in the literature regarding communitarian consensus and how it can be operationalised in algorithmic ethics. Although much of the existing literature focuses on the mechanics of individual informed consent, there is a notable gap in the literature on how universities could legally and ethically obtain structural, collective consent on behalf of indigenous communities prior to the relational knowledge being included in machine learning training sets.²¹ As a result, institutional governance repeatedly fails to confront how the rigorous enforcement of Western privacy paradigms, whose ideologies celebrate individual autonomy while undermining community control by traditional gatekeepers.²² Finally, the current literature either exalts the algorithmic integration of IKS or attempts to justify it through such incompatible, imported frameworks.²³ These systemic gaps elucidate the need for a disruptive theoretical intervention that ignores individualistic data models and adopts an indigenous relational ontology as the solution to avoiding additional cognitive imperialism.²⁴

THEORETICAL FRAMEWORK

In response to the hegemonic universalism of data colonialism, this paper presents a new formal theoretical framework, *Kibagenge*, a Kipsigis paradigm of structural integrity and community cooperation, as a framework for AI and data governance. The ontological conflict between Western individualism and Kalenjin relationality is deeply expressed in the indigenous musical philosophy of Kipchamba arap Tapotuk, who compares the Western golden ring with *Segutiet*, an indigenous term denoting an inseparable communal relationship.²⁵ *Kibagenge*, much like *Segutiet*, asserts that collective knowledge is not a transferable property but a permanent, relational accomplishment. To institutionalise this *Segutiet* covenant in institutional AI policy, this paper organises *Kibagenge* into three pillars that are interlocked.

The first pillar is *Agenge*, an ontological oneness. *Agenge*, according to Kipsigis metaphysical thought, refers to an unbreakable structural integrity. This thought operates on the logic that the failure of one pillar leads to the destruction of the whole house. It is summarised in the community maxim *bik tugul kobo chito agenge* (all people are one person). When *Agenge* is applied to AI governance, it clearly indicates that IKS cannot be divorced from its people. Treating IKS as discrete data points to be extracted and commodified by the Global North tech violates this structural integrity. *Agenge* therefore demands data governance frameworks that shift from extractive to communal orientations. The second pillar is *Tiliet*, the relational amity. *Tiliet* defines the specific, lived relationships of peace, mutual respect, and reciprocal obligation that exist within a communal structure. In the context of

¹⁸ Hassan, "The Politics of Memory: NLP Models as Liberating Artifacts."

¹⁹ Michael Kwet, "Digital Colonialism: US Empire and the New Imperialism in the Global South," *Race & Class* 60, no. 4 (April 14, 2019): 3–26, <https://doi.org/10.1177/0306396818823172>.

²⁰ Frida Mafuri Kotsokoane and Solly Matshonisa Seeletse, "Caught in the Loop: Faculty Narratives on Challenges with Institutional Research Committees," *Educational Challenges* 30, no. 2 (August 26, 2025), <https://doi.org/10.34142/2709-7986.2025.30.2.05>.

²¹ Appiah, "Gurus and Griots: Revisiting the Research Informed Consent Process in Rural African Contexts"; Richard Appiah, Giuseppe Raviola, and Benedict Weobong, "Balancing Ethics and Culture: A Scoping Review of Ethico-Cultural and Implementation Challenges of the Individual-Based Consent Model in African Research," *Journal of Empirical Research on Human Research Ethics* 19, no. 3 (July 18, 2024): 143–72, <https://doi.org/10.1177/15562646241237669>.

²² Akpa-Inyang and Chima, "South African Traditional Values and Beliefs Regarding Informed Consent and Limitations of the Principle of Respect for Autonomy in African Communities: A Cross-Cultural Qualitative Study."

²³ Yilmaz Soysal, "Science Teachers' Conceptual Perspectives on Scientific Experiments: A Metaphorical Representation," *Research in Science & Technological Education* 43, no. 4 (2025): 1182–1207.

²⁴ Shivam Khurana, "Decolonizing Artificial Intelligence: Indigenous Knowledge Systems, Epistemic Pluralism, and the Ethics of Technology," *Journal of Computer Allied Intelligence* 3, no. 3 (June 30, 2025): 1–10, <https://doi.org/10.69996/jcai.2025013>; Mhlambi and Tiribelli, "Decolonizing AI Ethics: Relational Autonomy as a Means to Counter AI Harms."

²⁵ Kipchamba Legacy, "Kipchamba Legacy," 2024.

digital transformation, *Tiliet* serves as a critique of the vertical power dynamics inherent in data colonialism. This is a situation where Western technology corporations operate as epistemic superiors, extracting data from African communities positioned as inferiors. To institutionalise *Tiliet* means to actually demand horizontal equality and strict algorithmic reciprocity in university technology procurement and enterprise partnerships. This ensures that the integration of AI serves the community for the common good rather than being co-opted to train foreign infrastructure. The third pillar is *Chamyet*, the communal consensus. In Kipsigis governance, critical decisions that affect the entire community cannot be made by an isolated individual. These decisions are deliberated through the *Kokwet* (the council of elders or community gathering) until absolute consensus (*Chamyet*) is reached. In AI ethics, this principle directly challenges the Western practice of relying on Institutional Review Boards that only consider individual informed consent. *Chamyet* holds that since indigenous knowledge is collectively owned, it has no epistemic validity for algorithmic training until documented collective consent is obtained from the community.

METHODOLOGY

To investigate the epistemological clash between extractive AI paradigms and indigenous relational ontologies, this study adopts a Critical Policy Discourse Analysis (CPDA) research design. Whereas institutional texts have traditionally been construed as administrative pronouncements through conventional policy methodologies, CPDA, on the other hand, views policy texts as active sites of power within which certain realities are constituted, and other ontologies systematically rendered illegitimate or repressed. This paper, by using CPDA, examines not only the explicit pronouncements in extant AI and data governance policies but also the implicit rules that they introduce. The analysis further examines the distribution of discursive agency in these documents, that is, those described as active innovators and those described as passive data subjects. Lastly, the paper attempts to explicate the ontological assumptions that guide institutional understanding of the intersection of AI, ethics, and indigenous knowledge.

Purposive sampling and the comparative corpus

To construct the analytical corpus, this paper used criterion-based purposive sampling because data colonialism works through institutionalised hierarchies of law and institutional formations. Methodologically, purposive sampling is indispensable in qualitative decolonial studies when the aim is to identify information-rich cases that can help uncover structural power interactions. Thus, a sampling strategy was constructed to trace a vertical chain of command in the African regulatory structures. An analytical corpus of 15 documents ($N = 15$) was curated across a five-tier hierarchical structure. It covers the Tier 1 global systems (UNESCO mandates), Tier 2 continental policies (African Union strategies), and national statutory tools in the Republic of Kenya. Most importantly, within the micro-institutional context, the purposive sampling strategy generated a comparative sample of both Kenyan public and private universities to reveal how upstream policy mandates are absorbed, resisted, or extended by different institutional actors.

a. Inclusion and Exclusion Parameters

To achieve the level of analytical rigour and the contextual integrity of this purposive matrix, stringent inclusion and exclusion criteria were established. Through strict adherence to these limits, the study can be free of the methodological trap of viewing the African regulatory systems as a block, hence allowing the study to be critiqued with high precision in its effect of preventing or facilitating the extraction of IKS depending on specific institutional frameworks. Table 1 describes the specific parameters that are used in the purposive selection of the corpus.

Table 1: Inclusion and exclusion criteria for the policy corpus

Criterion	Methodological parameter	Theoretical and analytical justification
Inclusion	Thematic scope: Documents must constitute active, binding, or highly influential frameworks explicitly governing digital transformation, data sovereignty, or algorithmic ethics.	Ensures the analysis remains strictly focused on policies capable of facilitating or resisting the extraction of IKS, filtering out routine administrative noise.
Inclusion	Jurisdictional bounding: At the national and institutional tiers (Tiers 3, 4, and 5), policies must originate exclusively from within the Republic of Kenya.	Enables the study to trace a coherent, unbroken legal lineage from global mandates down through a specific national regulator directly into localised university compliance frameworks.
Exclusion	Administrative IT policy: Documents strictly concerning routine information technology procurement (e.g., hardware acquisition, basic network maintenance).	Prevents the dilution of the dataset with operational manuals that lack the ontological or ethical dimensions required for Critical Policy Discourse Analysis.
Exclusion	Superseded or draft policies Previous iterations of data protection laws or pending institutional guidelines yet to be ratified by University Councils.	Guarantees that the analysis critiques the <i>active</i> deployment of discursive power and the current legal reality governing digital integration in the academy.
Exclusion	Extra-jurisdictional frameworks: University guidelines or national laws originating outside the selected Kenyan context.	Prevents legal and contextual fragmentation, actively countering the colonial tendency to treat 'Africa' as a single, homogenous regulatory environment.

Source: Author, 2026

b. Analytical procedure and deductive coding

In order to process the 15-document corpus, the analysis of data was performed through a strict deductive critical-interpretive framework with the three epistemological pillars of *Kibagenge* operationalised as the main nodes of analysis. The policy texts underwent a three-step critical reading that aimed at revealing the latent power asymmetries and ontological assumptions embedded in the digital governance policy texts. The corpus was checked in the first stage against violations of *Agenge* (ontological oneness). This necessitated the questioning of lexical decisions that render indigenous data as a commodity which is fragmented and alienable, with the observation that the institutional language isolates cultural knowledge from its communal background. The documents were assessed in the second level, in accordance with the principle of *Tiliet* (relational amity). The analysis focused on how the policy language framed the relationships between African institutions and Western technology providers, particularly examining whether horizontal reciprocity was preserved or replaced by hierarchical dependency. In the third stage, the corpus was examined through the lens of *Chamyet* (communal consensus), assessing whether the documents included provisions for collective decision-making structures or defaulted to individualised consent mechanisms.

Ethical Considerations

Since the empirical corpus consisted solely of publicly ratified policy documents, this study did not need traditional Institutional Review Board (IRB) clearance for human subjects. The lack of human subjects, however, transfers the ethical obligation of procedural compliance to epistemic justice. The researcher maintained strict epistemic reflexivity in order to prevent duplicating the extractive logic of data colonialism. The Kipsigis philosophy, *Kibagenge*, was not treated as a static cultural object but as

a sovereign analytical framework. This guaranteed that its transfer to the international policy analysis sphere did not lead to the disintegration of the knowledge system.

PRESENTATION OF FINDINGS AND DISCUSSION

The CPDA, presented in a five-tier comparative matrix, relates to a cascading structure of systemic epistemic extraction. Instead of acting as sovereign firewalls against data colonialism, the regulatory frameworks of Kenyan higher education, both at the macro and at the micro-institutional levels, are actively involved in the ontological disruption of IKS. The study findings reveal how the universalist ideals of global digital regulation are institutionalised into continental strategy, national law, and institutional compliance.

a. Global frameworks and the universalist trap

The macro-level diagnostic identifies the global discursive origins, herein termed the ‘ontological occupation’. By synthesising the normative framings of global frameworks with the theoretical pillars of *Kibagenge* and the existing literature on data colonialism, a clear trajectory of epistemic extraction emerges at the United Nations level, as shown in Table 2.

Table 2: Triangulated synthesis of Tier 1 policy findings

Policy site (Tier 1)	Empirical reporting (key clauses)	Theoretical node (<i>Kibagenge</i>)	Literature triangulation (data colonialism)
UNESCO: Rethinking Education (2015)	Knowledge is presented as a ‘global common good’ and the ‘common heritage of humanity’.	This breaches the doctrine of <i>Agenge</i> by unbundling knowledge from the communal house.	This mirrors Couldry and Mejias’ critique of data as ‘raw material’ available for universal appropriation. ²⁶
Incheon Declaration (SDG 4) (2015)	Mandate to ‘harness ICT’ for ‘knowledge dissemination and information access’.	This violated <i>Tiliet</i> as it imposed vertical, infrastructural hierarchies.	It instead aligns with Santos’ ‘Epistemicide’, the silencing of local ontologies by dominant global digital standards. ²⁷
UNESCO AI Ethics Recommendation (2021)	Reliance on ‘individual informed consent’ as the primary ethical mechanism.	The absence of <i>Chamyet</i> leads to the erasure of the <i>Kokwet</i> (communal council) in decision-making.	Reflects the ‘liberal ontological trap’ where individual rights are used to bypass collective sovereignty. ²⁸

Source: Author, 2026

The synthesis of Tier 1 documents presented above, therefore, reveals that global digital governance is conducted through a universalist paradox. By framing knowledge as a global common good, some frameworks such as Rethinking Education indirectly justify the mining of indigenous epistemologies under the umbrella of ‘humanity.’ This is an ontological breach, as viewed through the lens of *Agenge*. Kipsigis philosophy does not view knowledge as a commodity which can be alienated, but as an inseparable part of the house of a community; to call it a common heritage is to forcefully take the *Segutiet* bond out of its relational clause. Moreover, the requirement of the Incheon Declaration to leverage ICT to disseminate knowledge has an insidious discursive silence about the ownership of the underlying digital architecture. This silence is interpreted through the pillar of *Tiliet* as an implicit sanction of infrastructural asymmetry, whereby African institutions are expected to disseminate their

²⁶ Couldry and Mejias, “Data Colonialism: Rethinking Big Data’s Relation to the Contemporary Subject.”

²⁷ Boaventura de Sousa Santos, “Epistemologies of the South: Justice Against Epistemicide” (Paradigm Publishers, 2014).

²⁸ Abeba Birhane, “Algorithmic Injustice: A Relational Ethics Approach,” *Patterns* 2, no. 2 (February 2021): 100205, <https://doi.org/10.1016/j.patter.2021.100205>.

epistemologies through platforms and networks they do not own or control.

b. Continental directives and the sovereignty paradox

Descending to the continental level, the analysis shifts to how the African Union (AU) attempts to reconcile Western technological imperatives with the aspirations of Agenda 2063. The findings reveal a profound ‘Sovereignty Paradox,’ where decolonial rhetoric masks the replication of extractive data paradigms.

Table 3: Triangulated synthesis of Tier 2 (continental) policy findings

Policy Site (Tier 2)	Empirical Reporting (Key Clauses)	Theoretical Node (<i>Kibagenge</i>)	Literature Triangulation (data colonialism)
AU Data Policy Framework (2022)	It mandates ‘data interoperability’ and a ‘Digital Single Market’ where data is a ‘public good’.	This breaches Agenge. It discursively transforms relational knowledge into a liquid commodity for market integration.	This aligns with Kwet's 'Digital Capitalism', where market flow precedes communal protection. ²⁹
Continental AI Strategy (2024)	The goal is to ‘build indigenous AI capabilities’ while guarding against the ‘subversion of Indigenous Knowledge’.	Paradox of <i>Tiliet</i> by asserting horizontal sovereignty while acknowledging total dependency on foreign compute power.	This reflects Birhane’s critique of 'Algorithmic Colonisation', the impossibility of local sovereignty on foreign soil. ³⁰
Continental AI Strategy (2024)	Cites ‘Ubuntu’ as a core value that ‘respects collective community over individuality’.	Emergence of <i>Chamyet</i> : A significant rhetorical shift towards communal consensus as a legitimate ethical anchor.	Counters the 'Liberal Individualist Trap' identified by Mohamed et al. in Western ethics. ³¹
Digital Transformation Strategy (2020-2030)	This mandates a ‘digital legal identity’ for 99.9% of the population by 2030.	This erodes <i>Chamyet</i> by individualising the African subject, potentially bypassing collective consensus structures.	Triangulates with Couldry and Mejias on 'Datafication' as a tool for administrative control. ³²

Source: Author, 2026

Through the lens of Agenge, the AU Data Policy Framework’s priority for “data interoperability” creates an ontological rupture. The policy, through discursively crafting data as a public good that should be oriented towards a Single Digital Market, disaggregates IKS out of its communal house, which makes it available to the very value extraction that the paper aims to oppose. The Continental AI Strategy has a Paradox of *Tiliet*. The document powerfully asserts a mission of ‘African-centric AI’ while acknowledging a staggering infrastructural deficit, noting that Africa houses merely 1% of global compute capacity. Interpreted through *Tiliet*, this reveals a hierarchy of dependency. The lack of sovereign ‘digital soil’ (servers and compute power) makes the call of indigenous AI a vertical relationship in which African innovation must be built on Western infrastructural foundations. The Digital Transformation Strategy’s mandate for near-universal digital legal identity by 2030, meanwhile, erodes *Chamyet* by individualising the African subject and bypassing the collective consensus structures that indigenous governance traditions rely upon.

²⁹ Kwet, “Digital Colonialism: US Empire and the New Imperialism in the Global South.”

³⁰ Birhane, “Algorithmic Injustice: A Relational Ethics Approach.”

³¹ Mohamed, Png, and Isaac, “Decolonial AI: Decolonial Theory as Sociotechnical Foresight in Artificial Intelligence.”

³² Couldry and Mejias, “Data Colonialism: Rethinking Big Data’s Relation to the Contemporary Subject.”

c. National codification of extraction (Republic of Kenya)

This tier operates as the critical legal juncture at which the global and continental ambitions are rendered as a binding law. The results reveal that the Kenyan state systematically entrenches the data colonialism logic in the very fabric of its law, specifically through the adoption of European data protection models.

Table 4: Triangulated synthesis of tier 3 (national) policy findings

Policy Site (Tier 3)	Empirical Reporting (Key Clauses)	Theoretical Node (<i>Kibagenge</i>)	Literature Triangulation (data colonialism)
National ICT Policy (2019)	Prioritises the 'Knowledge Economy' and mandates frameworks for 'Data Monetisation' and open data architectures.	This breaches the doctrine of <i>Agenge</i> : it legally constructs cultural and relational data as an alienable national economic asset.	Aligns with Couldry and Mejias on the 'capitalisation of life', where local data is rendered into raw material. ³³
National Digital Master Plan (2022–2032)	Focuses on expanding "Cloud Hubs" and positioning Kenya as the "Silicon Savannah" through partnerships with multinational tech corporations.	Violation of <i>Tiliet</i> : State-sanctioned infrastructural dependency. African data is hosted on Western-owned servers.	Mirrors Kwet's 'Digital Colonialism', highlighting how national governments inadvertently facilitate monopolies. ³⁴
Kenya Data Protection Act (2019)	Defines a "Data Subject" exclusively as an "identifiable natural person" and anchors processing strictly in individual consent.	Eradication of <i>Chamyet</i> : The legal erasure of communal data rights. The <i>Kokwet</i> has no legal standing to protect relational knowledge.	Triangulates with Taylor on the failure of GDPR-style frameworks to conceptualise 'group privacy'. ³⁵

Source: Author, 2026

The National ICT Policy performs a profound ontological disruption by framing digital strategy around data monetisation. The state actively encourages the unbundling of indigenous knowledge (*Agenge*) and treating it as a raw national resource. Furthermore, the National Digital Master Plan represents a state-sanctioned violation of *Tiliet*. By legally mandating the migration of national data into foreign-owned hyperscale infrastructure to build the 'Silicon Savannah,' the state institutionalises a vertical hierarchy of dependency. The most devastating finding resides within the Kenya Data Protection Act. By defining a 'Data Subject' exclusively as an 'identifiable natural person,' the state legally eradicates *Chamyet*. The law provides no mechanisms for an indigenous community to claim collective ownership, allowing AI developers to legally extract intergenerational knowledge via the isolated consent of individual community members.

d. The acceleration of institutional extraction (public universities)

At the micro-institutional level, contemporary strategic frameworks (2023–2028) reveal a heightened urgency for digital integration within heavily regulated, state-funded Kenyan public universities. Rather than acting as firewalls, these institutions actively operationalise the extractive logic of the upper tiers.

³³ Couldry and Mejias, "Data Colonialism: Rethinking Big Data's Relation to the Contemporary Subject."

³⁴ Kwet, "Digital Colonialism: US Empire and the New Imperialism in the Global South."

³⁵ Linnet Taylor, "What Is Data Justice? The Case for Connecting Digital Rights and Freedoms Globally," *Big Data & Society* 4, no. 2 (December 2017): 205395171773633, <https://doi.org/10.1177/2053951717736335>.

Table 5: Triangulated synthesis of tier 4 (public university governance)

Contemporary Policy Site (Tier 4)	Empirical Reporting (Key Clauses)	Theoretical Node (<i>Kibagenge</i>)	Literature Triangulation (data colonialism)
UoN Strategic Plan (2023–2027)	Mandates the creation of a comprehensive "digitalisation, innovation and commercialisation ecosystem" to leverage university data.	Breach of <i>Agenge</i> : Actively accelerates the unbundling of relational knowledge, treating digital research outputs as institutional commercial assets.	Aligns with Thatcher et al. on the 'commodification of the digital footprint'. ³⁶
Kenya Robotics and AI Bill (2023) & ICT Strategies	Mandates the building of university data centres and AI capabilities strictly through "public and private partnerships (PPPs)."	Violation of <i>Tiliet</i> : Institutionalises infrastructural dependency. State-funded universities outsource digital sovereignty to Western cloud monopolies.	Reflects Kwet's 'Digital Colonialism', where underfunded African public institutions become captured markets. ³⁷
CUE Strategic Plan (2024–2028)	Champions "Automation" and centralized "data driven decision making" while creating an "enabling environment for... AI."	Eradication of <i>Chamyet</i> : Standardises rapid data extraction from universities without mandating corresponding ethical frameworks for communal consensus.	Triangulates with Birhane regarding the failure of rapid institutional AI adoption to protect relational ontologies. ³⁸

Source: Author, 2026

The University of Nairobi Strategic Plan openly promotes a commercialisation ecosystem. This constitutes an institutional unbundling of the *Segutiet* covenant, albeit in the guise of academic advancement. When researchers digitalise indigenous Kalenjin epistemologies, the data is deprived of its relational context by the university, making it a commercial property. Working with extreme state funding, public universities turn to Public-Private Partnerships (PPP) to become digital, and this approach systematically violates *Tiliet* by offloading data hosting to foreign servers. Furthermore, the Commission for University Education (CUE) pushes aggressively for AI integration but provides zero updated ethical guidelines for communal data ownership, maintaining the absolute institutional erasure of *Chamyet*.

e. The corporate acceleration of extraction (private universities)

The descent into the Tier 5 corpus exposes the most accelerated and legally sophisticated machinery of epistemic extraction within the African academy. Unburdened by severe state bureaucracy, private institutions operate with 'enterprise agility', effectively functioning as corporate proxies that eagerly merge academic research with algorithmic extraction.

³⁶ Jim Thatcher, David O'Sullivan, and Dillon Mahmoudi, "Data Colonialism through Accumulation by Dispossession: New Metaphors for Daily Data," *Environment and Planning D: Society and Space* 34, no. 6 (December 26, 2016): 990–1006, <https://doi.org/10.1177/0263775816633195>.

³⁷ Kwet, "Digital Colonialism: US Empire and the New Imperialism in the Global South."

³⁸ Birhane, "Algorithmic Injustice: A Relational Ethics Approach."

Table 6: Triangulated synthesis of Tier 5 (private university) policy

Policy Site (Tier 5)	Empirical Reporting (Key Clauses)	Theoretical Node (<i>Kibagenge</i>)	Literature Triangulation (data colonialism)
Strathmore University Data Protection Statement (2023)	Mandates data processing for "marketing, promotions and advertising... through third-parties" and aligns strictly with corporate compliance.	Eradication of <i>Chamyet</i> : Adopts a hyper-individualised, corporate liability model. There is zero structural provision for communal consensus.	Triangulates with Couldry and Mejias on how corporate privacy frameworks protect the platform, not social relations. ³⁹
Strathmore Agri-Food Data Sharing Agreement (2025) & USIU IP Frameworks	Defines agricultural data ("farmer records") strictly as "Confidential Information" and "Intellectual Property (IP) Rights" (patents).	Breach of <i>Agege</i> : The ultimate 'commercial unbundling'. Relational indigenous/agricultural data is legally enclosed into exclusive corporate IP.	Aligns with Thatcher et al. regarding the 'enclosure of the digital commons'. ⁴⁰
Institutional Tech Hub Guidelines (e.g., @iLabAfrica)	Deep structural integration with multinational tech monopolies to drive "industry-academia collaboration" and data-driven start-ups.	Violation of <i>Tiliet</i> : The 'Silicon Valley Proxy'. Private universities willingly subordinate their digital sovereignty to Western enterprise architectures.	Reflects Kwet's 'Digital Colonialism', where elite African institutions act as corporate franchises for foreign data-harvesting. ⁴¹

Source: Author, 2026

An evaluation of the Strathmore Agri-Food Innovation Centre Data Sharing Agreement (2025) and USIU-Africa Intellectual Property (IP) frameworks reveals a ruthless process of commercial unbundling (*Agege*). These policies legally classify communal 'farmer records' as corporate 'confidential information' and explicit 'Intellectual Property'. When a private university researcher digitises indigenous agricultural practices, the policy immediately severs the knowledge from its communal lineage. Furthermore, private universities actively court integration with Western technology monopolies. By embedding multinational enterprise architecture directly into their innovation hubs, these institutions willingly sacrifice horizontal epistemic equality (*Tiliet*) to become localised data-harvesting nodes. Finally, the Strathmore Data Protection Statement demonstrates the absolute legal eradication of *Chamyet*. Constructed purely as an instrument of corporate compliance, it explicitly reserves the right to process university data for marketing through third parties. Bypassing the communal council of elders, the resulting algorithmic models are frequently locked behind corporate Non-Disclosure Agreements (NDAs), permanently denying indigenous communities access to their own digitised heritage.

Policy and pedagogical innovations

The systematic failure of the global, national, and institutional regulatory systems requires the radical rethinking of the role of Kenyan higher education in governing digital change. To achieve the goal of AI integration becoming a tool of epistemic justice, but not a carrier of data colonialism, universities need to drop the extractive individualism of Western legal paradigms. To do this, the Kipsigis ontology of *Kibagenge* will have to be rendered into institutional policy, which is binding. The subsequent innovations describe the structural, ethical, and pedagogical solutions that are needed to put *Agege*,

³⁹ Couldry and Mejias, "Data Colonialism: Rethinking Big Data's Relation to the Contemporary Subject."

⁴⁰ Thatcher, O'Sullivan, and Mahmoudi, "Data Colonialism through Accumulation by Dispossession: New Metaphors for Daily Data."

⁴¹ Kwet, "Digital Colonialism: US Empire and the New Imperialism in the Global South."

Tiliet, and *Chamyet* into action at the academy.

a. The Creation of Indigenous Data Trusts (IDT)

In response to the commercial unbundling of relational knowledge that is enabled by the existing IP and Open Access policies, universities must pioneer the legal tool of IDTs. Based on the concept of *Agege* (structural oneness), a data trust shifts the governance paradigm from ownership and monetisation to perpetual stewardship. Instead of the IP being held by individual researchers or by corporate bodies, the digitised African epistemologies are legally pooled into a sovereign trust, which is administered by a fiduciary board of both academic representatives and indigenous knowledge holders. This trust rests on the legal premise that relational data is inalienable. As a result, when a multinational technology company or an internal university centre aims to use indigenous datasets to train an LLM, it must obtain formal permission from the fiduciary board and negotiate terms consistent with communal stewardship rather than commercial extraction.

b. Epistemic reciprocity in enterprise procurement

The existing dependence on PPPs has institutionally reduced Kenyan universities to Silicon Valley proxies, where critical infrastructure depends on foreign-owned hyperscale providers. The Information and Communication Technology (ICT) procurement policies in universities have to be radically redesigned to reflect *Tiliet*, a relational amity and horizontal equality. Real relational amity requires rigid algorithmic and infrastructural reciprocity. In the future, the procurement policy at the university should provide that any foreign technology company that wants to place its AI infrastructure or cloud computing solution in the university should contribute to the localisation of compute power. It includes abandoning extractive Non-Disclosure Agreements (NDAs) which place the outputs of academia in proprietary corporate silos. Also, higher education institutions should mandate open-source access to any co-developed algorithmic systems, ensuring that Kenyan intellectual contributions remain governed by *Tiliet* rather than absorbed into proprietary Western architectures.

c. The *Kokwet* ethical protocol

The most pressing form of regulatory action that must be taken is the reorganisation of University Research Ethics Committees (RECs) and Institutional Review Boards (IRBs). The systematic displacement of communal sovereignty by the reliance on personal informed consent erodes the very concept of communal sovereignty. As a measure to operationalise *Chamyet*, the universities need to adopt a two-layered ethical clearance system for any research that involves digitisation of indigenous, cultural or relational data. The first level is the conventional individual-level safeguarding. In addition, the second tier is mandatory and introduces the *Kokwet* Ethical Protocol. A researcher has to officially obtain the documented collective consent of the *Kokwet* (the established communal council or representatives of the lineages) before collecting information or utilising AI models that may draw on such indigenous or relational data.

d. Decolonising the AI curriculum

Structural policy reforms must be accompanied by a pedagogical shift within university computer science, engineering, and information systems departments. Currently, African students are predominantly trained to be uncritical consumers and mere implementers of Western AI architectures. Decolonising the curriculum should be done by incorporating the principles of *Kibagege* into the teaching of machine learning and data science. New learners need to be educated to understand that algorithmic design is not just a purely mathematical and neutral practice, but a heavily political and ontological one. By training the upcoming generation of African tech developers in structural oneness (*Agege*), horizontal reciprocity (*Tiliet*), and collective consensus (*Chamyet*), the academy can develop a cohort of technologists that can construct sovereign AI systems that are inherently aligned with indigenous relational ontologies rather than with extractive Western paradigms.

CONCLUSION

The rush to integrate AI into Kenyan higher education is perilously poised at a critical juncture. This digital transformation is promulgated by the dominant academic and policy discourse as a non-partisan, all-good development, a technological imperative that is able to conserve the dwindling IKS of the continent. As this paper has demonstrated, however, the regulatory framework for this transition proves to be flawed. The CPDA reveals an elaborate extractive machinery spanning the global requirements of the United Nations and the enterprise agreements of Kenyan private universities. Under the guise of ‘Open Data’, ‘Digital Single Markets’, and ‘Commercial Innovation’, current policies actively facilitate data colonialism. They enforce individualist Western legal frameworks that hierarchically undermine, commodify, and excavate African relational knowledge, systematically eroding the communal foundations upon which indigenous ways of knowing depend.

In response to this ontological occupation, the paper presents the Kipsigis philosophy of *Kibagenge* as not only an instance of cultural resistance but also a strict, practical system of digital governance. The analysis reveals the precise processes by which epistemic extraction takes place by identifying the systemic violations of *Agenge* (structural oneness), *Tiliet* (relational amity) and *Chamyet* (communal consensus). More importantly, it offers the structural solutions that are needed to stop it. To reclaim epistemic sovereignty in the digital era, African universities must essentially renounce their present status as data-gathering outposts for Western technology companies. The African institutions of higher learning can create a new wave of digital integration by innovating IDTs, creating strict infrastructural reciprocity, and integrating the *Kokwet* protocol into organisational ethics, thereby transforming AI from a mechanism of data colonialism into a genuine instrument of epistemic justice for Kenyan higher education.

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