AI, Human Rights and Engaging in Policymaking

Transcript of Webinar #3: Engaging in National AI Policymaking

01   Welcome & Agenda

This session is presented by Richard Wingfield (Head of Legal at Global Partners Digital) and Dr Eneken Tikk (Lead for Normative, Power and Influence studies at the Cyber Policy Institute). The session looks at:

- Key opportunities for engagement on AI policymaking at the national level, including National AI Strategies and other forums of regulation and policy.

- Opportunities for engagement on other policy areas impacting AI, such as data protection and consumer protection.

The session takes the form of a presentation by Richard Wingfield and a short talk by Eneken Tikk, followed by questions and answers from participants.

02   Objectives

- A better understanding of how policy relating to AI is developed at the national level

- Increased knowledge of opportunities and challenges for civil society engagement in national AI policy

- Improved skills and strategies for engaging in national AI

policy making processes

03   How national policy relating to AI is developed

Types of national AI related policies:

- Specific governmental strategies, such as a National AI Strategy.

- Broader governmental strategies, such as a National ICTs Strategy or National Data Strategy.

- AI-specific legislation (e.g. the EU's Artificial Intelligence Act→ first effort from governmental body to produce comprehensive legislation regulating AI: setting up rules and requirements and standards on the development of AI).

- Application-specific legislation (e.g. regulation of facial recognition technology or autonomous vehicles).

- Cross-cutting legislation, e.g. on data protection, consumer protection, non-discrimination, corporate transparency

- Internal rules and guidance, e.g. government rules on the development, procurement or deployment of AI in the public sector, or guidance developed by a data protection authority.

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04 Process of AI development when engaging in advocacy at the national level

5 STAGES:

1. SCOPING
2. PROCESS FORMATION
3. DRAFTING
4. AGREEMENT
5. ADOPTION

Four key characteristics that should underpin any multi-stakeholder policy development process are that it should be **open** and **accessible, inclusive, consensus-driven** and **transparent** and **accountable.**

05 Civil society engagement in national AI policy

Why should civil society engage?

The role of civil society is very important when engaging in AI policymaking as they are the ones with the knowledge and expertise on human rights implications, including the impact of AI on different groups. They are able to provide specific expertise on the application of human rights frameworks when governing AI, build relationships between civil society and government departments and other bodies, ensure that the final policy is workable and effective, as well as facilitate the involvement of civil society in the implementation and review of the policy.

In this process there are opportunities and challenges. Governments are increasingly interested in AI as a subject and in agreement on the need for some form of strategy, regulation or governance. AI touches upon a number of broader policy areas, such as data protection, consumer protection and non-discrimination. However, this is not to override the potential challenges such as a lack of transparency and openness in policymaking processes, and hostility to human rights or unawareness of their importance.

How to engage strategically?

- Mapping the ecosystem
- Developing advocacy pathways
- Resources
- Review and evaluation

Engagement skills

- Legal analysis
- Using international human rights frameworks to develop advocacy arguments
- Text negotiation
- Issue framing (how to frame arguments for different stakeholders and audiences)
- Direct advocacy and lobbying of different actors
- Research / brief writing / evidence based arguments
- Campaign work and advocacy for concrete change
- Coalition building

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When developing positions it is important to think about:

- Framing, vision and objectives
- Research
- Talent
- Skills and the future of work
- AI in the private sector
- AI in the government
- Data
- Infrastructure and cybersecurity
- Ethics / human rights
- Inclusion
- Foreign policy and international cooperation
- Governance and stakeholder engagement

06   Engaging in national AI policymaking: some points to emphasise

Important points that are debated in AI policymaking include the economic and societal benefits (increased productivity, competitiveness, global platforms and social justice), scientific progress, national and international security, human dignity and legal traditions such as constitutional rights, consumer protection, privacy and data protection, social guarantees, labour laws and public functions and procedures.

The main approach in national policy making can be categorised as bringing the old legal tradition to new technological development. In policy making the key stages that governments are approaching focus on impact analysis, supporting innovation, legal certainty, societal tolerance and sensitivity, restrictions on particular development and uses. Furthermore, there is also a focus on the potential source of greater danger principle; allocating responsibility to manufacturers, sellers and deployers; robot registries and having to show transparency about the deployment and use; the categorisation and the oversight of all mechanisms; and finally insurance.

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