

AI, Human Rights and Engaging in Policymaking

Transcript of Webinar #4: Engaging in Global and Regional AI Policymaking

01 Welcome & Agenda

This session is presented by Richard Wingfield (Head of Legal at Global Partners Digital) and Matthew McDermott (Chief Business Development Officer at Access Partnership). The session will look at:

- Developments in key global forums and processes, including UNESCO, the UN General Assembly/Human Rights Council, the IGF (Internet Governance Forum), the OECD (Organisation for Economic Co-operation and Development), the Global Partnership on AI, and the ITU (International Telecommunications Union), and opportunities for engagement.
- Developments on AI policy at regional forums and processes, including the Council of Europe, the EU, the AU, the OAS (Organization of American States) and opportunities for engagement.
- Experiences in engaging in at different forums and processes, and how to prioritise engagement.

The session takes the form of a presentation, followed by questions and answers from participants.

02 Objectives

- A better understanding of where AI policy is being developed at different global and regional forums and processes
- Increased knowledge of opportunities and challenges for civil society engagement
- Improved skills and strategies for engaging in global and regional AI policymaking processes

03 Where and how is global and regional AI policy developed?

Technology operates globally and is very easily supplied and provided, which can limit national regulatory efforts. Therefore there is a need to expand these regulations globally. It is also the case that many regions will want to develop their own technologies following their own policy positions.

Types of Regional and Global AI policy

- Legal instruments (Council of Europe, EU)
- Soft law instruments (UNESCO)
- Guidance and norms (GPAI)
- Non-binding principles (Toronto Declaration)
- Technical standards (ITU)

Some of the most influential forums and processes on a global scale and the most economically developed setting standards globally include: the OECD, UNESCO, UN Human rights Council,

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IGF, GPAI and ITU. These forums have different responsibilities and objectives, for example processing recommendations to member states and their use of AI.

As well as these global processes, there are also actors at the regional level, such as the Council of Europe which is planning on developing legal instruments on AI from a human rights and rule of law perspective. The aim is that this instrument will eventually be implemented by all members and more forums.

The European Union's Artificial Intelligence Act may also be influential outside of the EU, in a similar way to how GDPR has become a model for data protection globally.

The African Union and the Organization of American States have also been working on AI, showing an interest in developing treaties and guidance regionally. More information on the mentioned bodies can be found on the [GPD AI Hub](#).

04 Process of AI policy development when engaging in advocacy at the regional and global 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 regional/global AI policymaking

The role of civil society is very important when engaging in regional / global 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.

There is a huge degree of interest in looking at AI regionally and within the international bodies, for example: Council of Europe's CAHAI, the EU Artificial Intelligence Act, the African Union Working Group on AI, and the Ethical impact Assessment developed by UNESCO and OHCHR. Challenges vary on the level of transparency and openness, in some spaces there is more hostility to human rights than in others and finally, there are geopolitical obstacles to contend with.

Skills and strategies for engagement in global and regional AI policymaking

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How to engage strategically

- Mapping the ecosystem
- Understanding the ecosystem and developing an advocacy pathway
- 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, which will be approached differently, is about remembering the focus on education when discussing “advocacy”
- Research / brief writing / evidence-based arguments
- Campaign work and advocacy for concrete change
- Coalition building

When developing positions, it is important to think about the red line or prohibitions on certain forms of AI, the regulatory requirements in national level policy (for instance regarding the

judicial authorisation of the most sensitive uses), mandatory risk assessments (human rights), guidance for those developing and deploying AI, transparency of AI systems and processes, independent regulatory oversight and enforcement, and grievance and remedial processes. Furthermore, it is important to focus on how to encourage and support the development of AI regarding specific uses.

06 Reflection / Questions

- *How can civil society push for a better engagement and understanding of human rights issues?*
 - It is important to tailor the framing on how to talk about the issues civil society wants to focus on. Emphasising the economic dimensions of an issue could enhance the likelihood that governments will focus on such issues. The audience might be more receptive to an economic view rather than a human rights one.
 - It is important to try other actors as well, rather than the central government only.
 - Governments might be more receptive when issues are framed under sustainable development goals or other international frameworks.