

RIA's Submission on the UN AI Advisory Body's Interim Report

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1. Opportunities and enablers

The Interim Report's anchor concerns are governance deficits, power disparities, and social inequalities. "Today's AI benefits are accruing largely to a handful of states, companies, and individuals" is a sentence that encapsulates this position. There are also remarks about "geostrategic tensions over access to the data, compute, and talent that fuel AI". When this concentration of power and resources meets governance deficits globally and in the Global South, uneven exposure to harms and exploitation by relatively powerless populations will become a de facto practice. As "the harms are also unevenly spread" this can reinforce, amplify, or create new kinds of material and economic injustices, especially if AI governance prioritises the interests of those belonging to the "club of the rich". With a clear insistence on "shared and codified norms and values" adopted by UN members, the Interim Report has an opportunity to set the regulatory agenda to curb exploitation and extractivism, promote redistribution, and drive human rights led governance of the global information and communication space by "holding established and emerging players accountable" thereby providing a new kind of future.

There is considerable merit in seeking to broaden the dialogue around AI governance beyond insular discussions dominated by business communities and national security clusters in the Global North. Such efforts reflect the UN's mandate to provide an inclusive venue for critical debate. As the Advisory Body notes, "the AI opportunity arrives at a difficult time, especially for the Global South". The Advisory Body has signalled an interest in labour protections being included in "common rails" and "guard rails", especially as "some AI development relies on cheap and exploitable labour in the Global South". We encourage the Advisory Body to extend attention to working conditions, dignified work, and good wages across the whole AI value chain, mineral extractive industries included.

Although the Interim Report suggests assistance programs, especially through infrastructure investments, such aid must be provided in a manner that avoids patterns of dependent development. Moreover, there could be more focus on ensuring that global AI governance guidelines and institutional arrangements guard against the perpetuation of neocolonial practices, including data colonialism. The asymmetry of dependency by necessity for the Global South should absolutely be abolished. Governance in the interests of the global majority is a matter of justice.

The Interim Report could underline that harnessing of AI is subject to the wider landscape of peace and security, which is the existential context for fundamental safety concerning technology development and deployments. Prioritising peace-making may be the single most important component of global AI governance. The UN is uniquely positioned to rise to this challenge.

2. Risks and challenges

The challenges surrounding AI span both the inherent characteristics of the technology itself, the subsequent impacts driven by its deployment, and adoption patterns that arise from situated forces and relations of productions. At the core technical level, key considerations include the need for robust mechanisms to facilitate independent human oversight and the right to appeal decisions made by AI systems. Thorny questions also arise around issues of data rights, intellectual property, and who owns and profits from the outputs of these technologies. The Interim Report can furnish more considerations on these specific areas.

Of concern is AI's uneven impact on property regimes and ownership as these come to shape regulatory influence, the hoarding of computing resources, the development and deployment of

systems, and clustering of deep technical knowledge in select geographies and demographics. Proprietary systems compound the opacity of these relations and resources. As currently deployed, AI has the capacity to further concentrate wealth and economic power while deepening socioeconomic inequalities, exacerbating a precarious life for most people. Proactive governance could enshrine rights entitling all people to share in the productivity benefits of AI through social protection policies like shorter work weeks, and transitioning people away from labour that fails to fulfil human dignity and development. Individual autonomy and public interest must be put above corporate bottom lines.

Proprietary claims over personal data threaten the autonomy of every person whose personal data fuels AI. Proprietary claims over all forms of data conflict with the best use of that data by all whose activities give rise to that data and given the exponentially increasing abundance of data cannot be justified by claims of incentive. The Advisory Body should explicitly reject proprietary data regimes while also problematising the relentless process of “datafication” which treats all data as homogenous from a regulatory standpoint. This step is key to advancing economic justice. It also opens the door for access to data for information and election regulators.

Other specific risks that urgently demand mitigation include AI’s potential to be weaponised for conflict, and hence the need to prevent destabilising geopolitical competition from incentivizing irresponsible development races, what the Interim Report calls “a new AI arms race”. The UN should look towards containment of uses and designs. In addition, given the raw material inputs required for AI systems, greater attention must be paid to environmental issues and geopolitical contestation around these. This could involve scrutinising extractive industries and their role in fuelling conflicts and destabilisation and could build upon initiatives like the EU’s Conflict Minerals Regulation.

3. Guiding principles to guide the formation of new global governance institutions for AI

While framing the Interim Report within the UN charter and the Universal Declaration of Human Rights, there is scope to place greater emphasis on safeguarding fundamental human rights to a democratic representation, a dignified life, employment, and non-exploitation. To serve as an inclusive venue catering to the perspectives of countries in the Global South, the Advisory Body must ensure that the shortcomings that have historically marginalised these countries within certain UN bodies do not carry over into the formation of any new global governance mechanism.

Current AI regulations have largely originated from powerful regions. The Advisory Body must be cautious not to allow these relatively early regulatory efforts to become the de facto global frame of reference, since they may not suit less powerful regions. As the Interim Report repeatedly notes, many of these regulatory efforts prioritise industry interests or reflect geopolitical rivalries that may do little to address circumstances in the Global South. “Even assuming the good faith of these organisations and individuals, such a situation does not encourage a long-term view of risk or the inclusion of diverse stakeholders, especially those from the Global South. This must change.”

There is a potential contradiction in the Interim Report between the initial endorsement of voluntary industry self-regulation and the ultimate call for mandated regulation in the public interest. These tensions are especially noticeable around power concentration, the treatment of private versus / and public interests, and whether some entities in multistakeholder governance will adopt the agenda of material aid for human rights. There is scope to furnish details about AI resource-distribution, redistribution, and how to resolve the politics of transnational assistance.

We reiterate that the UN Guiding Principles on Business and Human Rights apply to private AI actors, as they do to other enterprises. The Advisory Body has a role to play in using these norms as a framework for delineating the responsibilities of enterprises to avoid infringing on human rights. The Guiding Principles on Business and Human Rights offer guidance on how corporations should conduct human rights due diligence and provide remedies for any violations linked to their activities. Applying this framework to the AI realm could help mitigate risks of discriminatory outcomes, privacy infringements, and other affronts to human rights that could arise from unrestrained development and use of AI systems. Any guiding principles for the conduct of prevailing multinational AI corporations must place obligations directly on them.

In summary, without addressing underlying structural relationships, any proposed guiding principles will likely fail to address invisibilized, underrepresented, and discrimination in AI born from social inequalities.

4. Institutional functions that an international governance regime for AI should carry out

The paramount function for a new mechanism would be to spearhead the development of an international treaty framework strictly governing the use of AI in warfare and armed conflicts. Establishing clear regulations and norms surrounding the deployment of AI technologies in conflict can uphold humanitarian principles. By moderating the commercial market for militaristic AI, the UN can promote peace-making as a core priority.

There are several additional ways that a new mechanism can aid global AI governance. A key function of a mechanism could be to facilitate the development of norms for the accountable deployment of AI systems. This can help ensure AI protects and promotes human rights and redistribution of resources. Such a mechanism could advocate for the broad acceptance and safeguarding of rights associated with AI systems. These rights encompass entitlements for human dignity, reliable and trustworthy information, the right to explanation and transparency regarding AI decision-making processes, and the right to independent human oversight and control over AI systems, and the right to challenge outcomes. But they also include economic rights to redistribution of wealth. We need to add that these measures will provide the necessary protections and dignity to those with the capabilities and resources to exercise those rights.

Keeping in mind the need for investment to create capacity and distribute scientific benefits, the UN should provide support for research activities, grant dissemination, and commissioning of reports related to AI governance and implementation. This can contribute to building a robust knowledge base for a wider inclusive research consortium, akin to third-party conformity assessments, and enhance accountability and inform policy across the board. These functions could constitute pre-emptive attempts to prevent harm by steering technological innovation as a global public interest. This could be accomplished by normalising public scrutiny of training datasets, conducting bias and human rights risk and impact assessments pre-deployment and through ongoing reviews.

In establishing this new mechanism, it is crucial to ensure representation extends beyond the traditional knowledge production centres concentrated in metropolitan areas of the Global North. Achieving truly inclusive and equitable AI governance necessitates a diverse array of voices and perspectives from all countries and regions. This can facilitate equal participation of all member states and stakeholders in AI governance. It is also necessary for the new mechanism to coordinate the response of all UN organisations, since at present different UN bodies have taken widely different approaches to AI, notably as WIPO has taken an uncritical approach to AI that

does not engage sufficiently with human rights, development imperatives, or the climate emergency.

5. Other comments on the international governance of AI section (aside from principles and functions, covered in above questions)

Since the Interim Report's core concerns are governance deficits, profound power imbalances, and entrenched social inequities, it is imperative that the Advisory Body radically re-evaluate the basic principles of competition policy. Proposals like open source, interoperability and federated resources are insufficient to disrupt market concentration to enable the Global South's products to compete. Reclassifying data as global digital public goods subject to redistributive taxation provides the only viable solution that matches the scale of the problem. Certainly, research grants can offer relief. And these grants can be funded via DNS registration levies or global solidarity funding sources. Even so, baseline global digital taxation is a more enduring structural approach.

The Advisory Body's approach provides an inclusive platform where the perspectives of the Global South, even as importers and recipients of AI technologies, can be meaningfully articulated and centred in developing regulatory frameworks. This creates an opportunity for comparative evaluation and the establishment of equitable global standards from many perspectives, not just those of the powerful innovators and early movers.

As the body promoting and protecting global human rights, the Human Rights Council should incorporate the business and human rights framework into its AI governance norm-setting efforts. Any UN AI governance mechanism should house seconded Human Rights Council staff and draw on UNESCO's rights-based platform governance guidelines and AI ethics recommendations. This would signal the primacy of human rights over commercial interests, while enabling redress of the skewed distribution of opportunities and uneven harms from AI systems' invisibilization, underrepresentation and discrimination against the Global South due to data disparities.

Although developers claim that AI could reduce resource consumption, indicators suggest otherwise. Trends suggest massive increases are likely in the coming years. The UN, via an appropriate agency, should coordinate a swift, rigorous research program on the environmental impact of AI technologies, alternatives and how the environmental costs of AI can be internalised by those who benefit most from the technologies.

While recognising that the social costs and problems will change as AI products and markets change, the Advisory Body places considerable emphasis on discrimination, disinformation and manipulation, public testing, and human rights backsliding. While there is merit in attending to these grounded concerns to avoid speculation, there is also value in being more attentive to exploitation and domination. Unrestrained capitalism undermines human rights and self-determination, key principles the UN supports. The Interim Report must go beyond harm identification and propose a governance framework that clearly articulates prevention, limitation, and mitigation of the stresses placed on human rights due to unrestrained AI.

6. Any other feedback on the interim report

There are larger issues that need critical attention. Although the Interim Report identifies the inequity in several places like enablers like data, compute, talent and mass manual labelling labour due to power concentration, it does not fully confront the dominant interests, asymmetrical power relations between and within countries that produced the highly uneven

distribution of opportunities associated with advanced data-driven technologies. This would require not simply identifying them but indicating how they would be redistributed.

Devising policies to address AI power concentration must be contextually understood through the lens of systemic global economic inequalities - which are symbiotic higher-order manifestations of far more deeply entrenched structural inequities perniciously manifested in modern geopolitical dynamics around AI dominance. Effectively remediating these disparities necessitates emancipating digital public goods, particularly data as AI's cardinal input, from the hegemonic intellectual property, financial and trade regimes that perpetuate dominant interests and preclude the equitable economic governance requisite to redress injustices and produce reformed just outcomes.

Without economic or material justice, rules may appear to be equally applied to everyone, but they will protect those with the capabilities to exercise their rights and enable those with the resources to meet the thresholds to take advantage of the opportunities. Open data, also incorrectly identified as a potential enabler, has far more than safety issues that still need to be resolved, providing another example. Without confronting the underlying economics that will perpetuate the status quo to such an extent that 'common rails' and 'guardrails' become downstream issues. Ensuring an enabling environment that is not only human-rights preserving and ethical, but also just, requires effective economic regulation and global enforcement through equitable and just multilateral systems to redress historical injustices that prevent most of the majority world from enjoying the opportunities for innovation and value-creation (both private and public).

Furthermore, AI governance frameworks must be underpinned by data governance principles. Data, as a key non-rivalrous and potentially non-excludable input for AI systems, has a rational basis to be regulated as a public good - indeed a global digital public good. The core principle is that such common goods must be universally available. However, the global policy challenge stems from countries needing to locally reproduce these theoretically global public goods. Therefore, global governance mechanisms mobilising resources through a more equitable global tax regime must create an enabling environment for national and regional deployment of data-driven AI technologies by treating data as a shared digital common.

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