



United Nations
Educational, Scientific and
Cultural Organization

Information for All
Programme



International Instruments for AI and Ethics – convergences and divergences

Professor Yves POULLET (Namur and Lille – IFAP Vice chairman in charge of the Info ethics WG.

- *Accelerating Actions and Promoting Digital Wellness (DW) in the context of Artificial Intelligence (AI)*, 2 days Conference organized by Univ. of Hyderabad together with Information Ethics Network @ Future Africa (Univ. of Pretoria)

IPO documents on AI and Ethics

- More than 60 documents issued by international private and public organisations : **AI ethics a buzzword!**
- Four significant IPO documents:
 - OECD Council of Ministers recommendations on AI (2019) -
 - UNESCO PRELIMINARY REPORT ON THE DRAFT RECOMMENDATION ON THE ETHICS OF ARTIFICIAL INTELLIGENCE adopted by the Group of experts in September 2020 (to be discussed in April)
 - COUNCIL OF EUROPE CAHAI « "*Feasibility study on a legal framework for the creation, development and application of AI based on Council of Europe standards*", december 2020
 - EU Parliament Resolution on 20 October 2020 *containing recommendations to the Commission on a framework for the ethical aspects of artificial intelligence, robotics and related technologies*

Ethics or public regulations?

- ▶ Ethics is a questioning, an individual and sometimes collective research about the attitude to adopt in the face of facts, realities or social changes, such as those brought about by artificial intelligence. It refers to acting **pragmatically**, to "doing the right thing"; it means that humans and their "artefacts" act or are designed for the Good and the Just.
- ▶ Code of ethics constitutes a **public declaration** by its authors and signatories of the values and practices followed. The code formalises a certain number of principles of action and "minimum" standards.
- ▶ UNESCO position: « Last but not least, it was suggested that the draft Recommendation be more ambitious. This implies making bold proposals and being more assertive in suggesting that a stronger international legal framework is needed. »
- ▶ CAHAI (C of E.) position even more explicit: *"It was also underlined that soft law approaches cannot substitute mandatory governance. In some instances, due to the fact that the interests of those developing and commercialising the technology and those who might suffer negative consequences thereof are not always fully aligned, there is a particular risk that self-regulation by private actors can bypass or avoid mandatory governance by (inter)governmental authorities. Soft law instruments and self-regulation initiatives can however play an important role in complementing mandatory governance, especially where the interests of the different actors are more aligned and where no substantive risk of negative effects on human rights, democracy and the rule of law is present"*

Ethics or public regulations?

- The purpose of the EU Parliament Resolution is "to establish a comprehensive and sustainable regulatory framework of **ethical principles and legal obligations**".
- ANYWAY, traditional ethical principles, dignity, autonomy and social justice are enshrined in binding international and European texts on human rights

ETHICAL VALUES taken into account by the texts

- The Four universal values asserted by UNESCO in the context of the Bioethics Convention: Dignity, Autonomy, Social Justice AND 'do good and do not Harm'.
- Profusion of additional values in the different texts as a source of confusion (e.g.: transparency is not an ethical value but a tool for ensuring autonomy; gender equality as a specificity of the non discrimination principle; principle of precaution as a result of the principle 'do good, do not harm')
- The emerging distinction between the risks incurred by each of us individually, essentially restrictions on our individual freedoms, and those that affect groups of individuals or even our society (e.g. Fake news, environmental questions, ...) – TOWARDS a broadening of the concerns: what's about our regulatory arsenal?
- The distinction elaborated by the EU Parliament between High risky AI systems and other AI systems

The risks' approach

- A risks' assessment **recommended**: UNESCO "Member States should put in place impact assessments to identify and analyse the benefits and risks of AI systems and the issues they raise, as well as measures to prevent, mitigate and monitor risks. The ethical impact assessment should highlight the impact on human rights, including the rights of vulnerable groups, labour law, the environment and ecosystems, as well as ethical and social impacts in accordance with the principles set out in this document."
- A risks' assessment **mandatory**: CAHAI: ""This means not only that the risks posed by AI systems should be assessed and reviewed on a systematic and regular basis, but also that any mitigating measures, that are further elaborated ..., should be specifically tailored to these risks. In addition to the risk-based approach, where relevant, a precautionary approach, including potential prohibitions, should be considered." AND EU PARLIAMENT RESOLUTION which impose for 'High Risks systems', a risk assessment on a regular basis

The role of the state = an increasing role

- OECD : to inform the public and open public discussion to create trust in AI systems *"... trust is a key determinant of the digital transformation; that, although it is difficult to predict the nature of future AI applications and their impacts, confidence in the reliability of AI systems is a key factor in the diffusion and adoption of AI; and that a well-informed public debate across society is necessary to realise the full potential of this technology while limiting the risks associated with it. »*.
- UNESCO : to set up a legal framework for public authorities: *"Governments should adopt a regulatory framework that sets out a procedure for, in particular, public authorities to carry out impact assessments of AI systems in order to anticipate impacts, mitigate risks, avoid adverse consequences, facilitate citizen participation and address societal challenges."* = Towards the creation of technology assessment bodies in order to monitor AI systems.
- COUNCIL OF EUROPE : To ensure a participatory approach and the involvement of different stakeholders *"Where relevant and reasonably possible, member States should ensure a meaningful participatory approach and the involvement of different stakeholders (from civil society, the private sector, academia and the media) in the decision-making processes concerning the deployment of AI systems in the public sector, with special attention to the inclusion of under-represented and vulnerable individuals and groups, which is key to ensuring trust in the technology and its acceptance by all stakeholders "*
- EU PARLIAMENT: *"The Member States should designate an independent administrative authority as a supervisory body ...". In particular, each national supervisory body should be responsible for identifying artificial intelligence, robotics and related technologies considered to be of high risk in the light of the risk assessment criteria set out in this Regulation, and for assessing and monitoring the compliance of these technologies with the obligations set out in this Regulation. »* = national data Ethics Commission acting also as first point of contact for citizens and sa support for companies aiming to develop AI systems - certification and labelling procedures through accredited organisations

Conclusions

- Ethics Bashing? (OCHIGAME)
- NO (personal opinion) Ethics finds its extensions in human rights texts and its principles will thus support future legislation or even contain such legal prescriptions intended to put them into effect
- The texts show clearly
 - that AI systems are raising 'High risks ' and that not only for our liberties but for our societies
 - That in order to face these risks, multidisciplinary, open debates between all interested parties with a view to finding both ethical and legal responses seem necessary
 - That the role of the States is twofold: lead by example and organise the discussions in order to be sure that AI development will remain human centred and mastered;