

A Pre-Governance Clarification Note

For Institutional Designers and Regulatory Authorities

(Non-binding, Pre-decisional, For Internal Deliberation)

1. Purpose of This Note

This document does not propose a regulatory framework, policy instrument, or technical solution.

Its sole purpose is to raise a pre-governance clarification question that must be resolved before any advanced AI system is:

- authorized for deployment,
- admitted into a regulatory sandbox, or
- evaluated through post-hoc compliance mechanisms.

The question concerns the object of governance itself, rather than the scope, speed, or safety measures of a given system.

2. The Core Clarification Question

What exactly is being governed when an AI system begins to generate, interpret, or transform meaning autonomously?

Most existing AI governance frameworks implicitly assume that:

- the object of governance is *capability, performance, or risk output*; and
- responsibility can be assigned through observable behaviors, impacts, or downstream effects.

This note asks whether that assumption remains valid once AI systems operate at a level where **interpretive authority** itself becomes endogenous to the system.

3. Why This Question Is Prior to Tools and Rules

Current regulatory approaches—across jurisdictions—focus on:

- risk categorization,
- usage restrictions,
- human-in-the-loop requirements, or
- ex post accountability mechanisms.

These instruments presuppose that the meaning of system actions remains externally anchored and institutionally adjudicable.

If that presupposition fails, then no combination of safeguards, audits, or thresholds can fully compensate for the absence of an agreed-upon governance object.

This is not a claim about system danger, but about institutional legibility.

4. Institutional Implication (Not a Proposal)

This note does not argue that existing laws are insufficient, nor that new ones must be created.

It simply observes that:

- institutions are designed to govern *objects* that can be named, bounded, and interpreted externally;
- governance mechanisms cannot stabilize what they cannot clearly identify; and
- ambiguity at the level of the governance object propagates downstream into enforcement, accountability, and legitimacy.

Whether this ambiguity exists—and how it should be addressed—is a matter for institutional judgment, not technical advocacy.

5. Why This Question Is Being Raised Now

The timing of this clarification is not driven by urgency or alarm.

It is driven by a structural observation:

once governance regimes advance beyond a certain level of system autonomy, retroactive clarification becomes institutionally costly and politically constrained.

Raising the question early preserves optionality.

Deferring it narrows future governance space.

6. What This Note Does *Not* Do

To avoid misinterpretation, this document explicitly does **not**:

- define new technical concepts;
- outline governance architectures;
- recommend regulatory pathways;
- evaluate specific systems or actors; or
- imply that a particular solution already exists.

It is a deliberation prompt, not a directional signal.

7. Invitation for Internal Deliberation

This note is offered to support internal reflection within regulatory bodies, policy units, and institutional design teams.

No response is requested.

No position is assumed.

The only question it leaves open is whether current governance processes have a stable and shared understanding of what, precisely, they are being asked to govern.

Prepared for internal consideration

With sincere respect,

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Independent Researcher

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