December 4, 2024

Sri Lanka Ministry of Digital Economy

RE: Comments from Digital Governance Asia on the Sri Lanka National Strategy on AI

On behalf of the Digital Governance Asia (DGA)[1] community, we commend Sri Lanka's comprehensive AI Strategy and its focus on leveraging AI for national development. The emphasis on data, skills, infrastructure, research and development, and public awareness reflects a practical approach to fostering an AI ecosystem in the national interest.

DGA is a non-profit organization with a mission to bring diverse stakeholders from the broader Asia-Pacific region together to address the challenges and opportunities in governance of emerging digital technologies, including e-commerce, social media, artificial intelligence (AI), and other algorithmic systems from a perspective rooted in agency and insights of the diverse Indo-Pacific region, focused on the Global Majority. Based on our values of connection, understanding, and justice, our vision is a region that thrives through sustainable digital opportunities, rights, and innovation.

Our comments are based on fast-moving regional and global policy best-practices as compiled and analyzed in our newsletter, Asia AI Policy Monitor. Our key recommendations follow:

Information Sharing and Fairness in Data Use

- Develop incident reporting mechanisms to track AI failures and harm, fostering accountability. Further, we recommend that local and transparent tracking of AI harms be undertaken, and that opportunities for harm remedy be published for the public benefit. Global and regional examples of such efforts can be found at the AI Incident Database or at the DGA Asia AI Harm Remedy Tracker.

[1] APAC GATES serves as the secretariat for DGA. For more information, visit www.apacgates.com.

- Address fairness in intellectual property concerns in AI training data, including provisions for copyright and indigenous data sovereignty. Local creative industry groups should be aware of their rights, promote the ability to opt-out of AI data training, and be fairly remunerated for their works used in AI tools.
- Promote transparent and standardized data governance frameworks to facilitate cross-border data flows while ensuring compliance with local rules. Take efforts to leap-frog regulations in the area of privacy regulations where national gaps exist. Examine best practices for standardizing cross border data flows, such as through the Data Free Flow with Trust initiatives.

AI Labor and Skills Development

- Focus on practical skills development beyond AI software programming, ensuring investments target industries with immediate value-add and not over-focus on the AI industry due to the periodic "hype-cycle" which may cause over-investment.
- Protect labor from AI monitoring and management which may lead to abuse by regulating when appropriate AI tools to manage workforces that are counter to human rights and labor best practices.
- Encourage data workers to leverage best practices in organizing to successfully increase and improve wages and working conditions where appropriate.
- Implement inclusive AI literacy programs targeting marginalized groups, such as rural communities, the elderly, and women, to bridge digital divides.

Environmental Sustainability in AI

- Prioritize green AI infrastructure by adopting energy-efficient computing platforms and leveraging renewable energy sources. Be aware that increasing local data center power usage can come at a cost for increased competition for energy and water, and ensure that any environmental externalities, including increased costs for the broader public, in terms of energy or water usage are privatized by the companies benefiting from such technology build-out.

Balanced and Effective AI Research & Development

- Focus R&D initiatives on value-driven applications, particularly in healthcare, education, agriculture, and climate change – but do not let AI investments crowd-out other more productive R&D focal points due to the surging AI "hype-cycle".

- Establish a dedicated AI research fund to support projects aligned with national priorities and global sustainability goals that leverages a multistakeholder model with input from civil society, government, industry and the general public.

Engaged Public Awareness

- Avoid anthropomorphism in AI tools to prevent misconceptions about their abilities and limitations. In particular where AI tools are deployed in the public sector, such as in the judiciary, it is important to emphasize AI limits and the exact nature of the technology.
- Leverage tools like interactive workshops and online platforms (e.g., Malaysia's "AI Untuk Rakyat") to increase AI literacy.
- Collaborate with schools and community organizations to integrate AI ethics education into curricula. Such efforts could be focused on law school moot court competitions around AI ethics and governance, or social media competitions to raise awareness among youth to identify deepfakes, and AI-fueled fraud or disinformation.

AI Ethics and Governance

- Establish an AI Safety Institute (AISI) and join global networks such as the International Network of AISIs.
- Introduce a "Digital Bill of Rights" to guide AI governance, ensuring transparency, privacy, and fairness in AI systems. Models could include the South Korean government's Digital Bill of Rights.
- Develop certification systems for generative AI tools, including model cards and "nutrition labels" to inform users of AI capabilities and limitations that are tailored to local needs.

AI & Human Rights, Security, Rule of Law, and Democracy

- Conduct red-teaming exercises and regular audits to identify biases and systemic discrimination, human rights violations, intellectual property infringement, fraud or other harms in AI systems are identified and remedied in a reasonable manner.
- Build safeguards against algorithmic discrimination, especially for marginalized groups, to ensure fairness and inclusivity. This can included mandated human rights impact assessments, as provided by the South Korean government.
- Ensure that when AI is used in the public sector or to the broader public, any automated decision making by AI is clearly labeled and notified to the user, and that sufficient human in the loop, or human-based appeal or recourse, and remedy are available under reasonable circumstances.

- Ensure robust cybersecurity measures for AI infrastructure to protect against data breaches and enhance resilience. In particular cross-border cybercrime enabled by AI should be a priority concern, as it has proliferated across the Global Majority in recent years such as in Southeast Asia as documented by the UNODC. Balance all cybersecurity legislation against best practices in human and digital rights protections.
- Protect against disinformation and manipulation, particularly in politically sensitive areas like elections and public safety. Utilize examples such as Taiwan's civil society efforts to fight disinformation, and "pre-"bunk disinformation campaigns

Conclusion

The National Strategy on AI represents a significant step toward positioning Sri Lanka as a leader in responsible AI development. By incorporating the above recommendations, Sri Lanka can further enhance its strategy, ensuring a robust, inclusive, and sustainable AI ecosystem that aligns with global best practices. DGA remain committed to supporting Sri Lanka's efforts in AI governance and fostering a collaborative approach to AI innovation and regulation.

For any further questions or comments, please contact our Director, Mr. Seth Hays at seth@apacgates.com.