



Ayana Legal

# THE BUZZ

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Monthly Newsletter By Team Ayana Legal

## ETHICS OF AI

In their recommendations on the Ethics of Artificial Intelligence UNESCO has laid down 4 core values for AI Systems:

1. Respect, protection and promotion of human rights, fundamental freedoms and human dignity
2. Ensuring peaceful, just and interconnected societies
3. Ensuring diversity and inclusiveness
4. Flourishing environment and ecosystem

UNESCO also recommends two assessments for Member States to implement in regulating AI:

1. Readiness Assessment i.e. whether member states are ready to implement the UNESCO recommendations
2. Ethical Impact Assessment i.e. assessing impacts AI systems may have on certain groups/ communities.

## HUMAN OVERSIGHT AND AI REGULATION

Leaving aside the elephant in the room regarding privacy and data protection, another ancillary issue in AI regulation is regarding discrimination or issues of bias. Bias pertains not only in regulation, but also in the development of such systems. Now with AI making its way into areas such as crime control and medical treatment technologies, these issues become more pertinent to address. Starting such discourse, the EU has taken the lead in drafting up the first AI Act.

### THE AI ACT

With the objective of ensuring safe AI systems, the AI Act aims to minimize the risk of algorithmic discrimination, particularly in relation to the design and the quality of data sets used for the development of AI systems. With obligations for testing, risk management, documentation and human oversight throughout the AI systems' lifecycle. The 4 categories of AI systems:

1. Unacceptable Risk – Prohibited AI practices include categorisation systems using sensitive characteristics e.g. gender, race, religion, political orientation; predictive policing systems based on profiling, location or past criminal behaviour
2. High Risk e.g. those used in workplaces, employment, law enforcement etc. must undergo several risk and technical assessments, one of the factors' given importance is the requirement of human oversight in their functioning.
3. Limited risk – Transparency obligations e.g. chatbots
4. Minimal risk – No obligation

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## A Penny For Your Thoughts?

*"The upheavals (of artificial intelligence) can escalate quickly and become scarier and even cataclysmic. Imagine how a medical robot, originally programmed to rid cancer, could conclude that the best way to obliterate cancer is to exterminate humans who are genetically prone to the disease."*

- Nick Bilton

*"Some people call this artificial intelligence, but the reality is this technology will enhance us. So instead of artificial intelligence, I think we'll augment out intelligence."*

- Ginni Rometty

## Thank You

We at Ayana Legal thank you for your continued support and patronage to our newsletter and capsules. We look forward to being back with our next edition soon.

## Disclaimer

This newsletter is solely for the purpose of providing information and the content provided is not and should not be construed as legal advice.

## HUMAN ETHICS

UNESCO in their recommendations on ethics of Artificial Intelligence has placed emphasis on a human approach. One of the core values of the recommendation being "respect, protection and promotion of human rights, fundamental freedoms and human dignity" while ensuring the adoption of human oversight, responsibility, and accountability in ensuring that AI systems do not go beyond the necessary requirements to achieve their aim. The AI Act, as seen above, too places emphasis on the requirement of human oversight in ensuring AI systems fulfil their required objectives without causing harm. The AI Act though, albeit indirectly, points out certain failings even with human oversight while stating that those tasked with such duty to be aware of potential automation bias's i.e. over-reliance on AI produced outputs.

In 2019, Google took the initiative to set up an AI ethics council – The Advanced Technology External Advisory Council (ATEAC), a group of 8 members who were meant to be dedicated to the "responsible development of AI". The ATEAC though didn't last long and faced severe backlash before it was even allowed to function. The reason being that one of the members was the president of a conservative thinktank and was known for his anti LGBTQ and anti-abortion stance. The ATEAC dissolved within a week. AI regulation though is still in a very nascent stage for one to even begin understanding just how far one member on an ethics council will make an influence, especially when the biases of those who created and designed and those using such systems is hardly accounted for along with AI's own learning capacity.

Such instances though beg the question of how bias-free can any system so developed and overseen by human be? Whether the attainment of perfect black-and-white determination is even a possibility that we could hope for – and whether the lack of emotion and sensitivity that AI systems promise is something we should actively strive for when the development of ethics discourse is but a guiding light to the fundamental yet constant dilemma of what it is to be human. Despite many glaring discrepancies in regulating AI development, the application of human ethics to artificial systems may also lead us to recreate and maybe find potential answers for unanswered human dilemmas.