

POLICY BRIEF #01

AI: A Full Spectrum Regulatory Challenge

A POLICY BRIEF BY SUNIL ABRAHAM

Today, there are certain misconceptions regarding the regulation of AI. Some corporations would like us to believe that AI is being developed and used in a regulatory vacuum. Others in civil society organisations believe that AI is a regulatory circumvention strategy deployed by corporations. As a result these organisations, call for onerous regulations targeting corporations. However, some uses of AI by corporations can be completely benign and some uses of AI by the state can result in the most egregious human rights violations. Therefore policy makers need to throw every regulatory tool from their arsenal to unlock the benefits of AI and mitigate its harms.

This policy brief proposes a granular, full spectrum approach to the regulation of AI depending on who is using AI, who is impacted by that use and what human rights are impacted. Everything from deregulation, to forbearance, to updated regulations, to absolute and blanket prohibitions needs to be considered depending on the specifics. This approach stands in contrast to - the ethics; the omnibus law approach; and homogeneous principles or human rights approach which will result in inappropriate under regulation or over regulation of the sector.

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