

# **DAY** **ONE** **PROJECT**

**Enabling Responsible U.S. Leadership  
on Global AI Regulation**

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June 2021

## Summary

Algorithmic governance concerns are critical for US foreign policy in the 21st century as they relate intimately to the relationship between governments and their citizens – the very fabric of the world’s societies. The United States should strategically invest resources into the principal multilateral forums in which digital technology regulation is currently under discussion. In partnership with like-minded governments and international organizations, the Biden-Harris Administration should set clear priorities championing a collective digital rights agenda that considers the impact of commercial algorithms and algorithmic decision-making on both American citizens and technology consumers around the world.

These investments would build substantially upon initial forays into national AI regulatory policy advanced by the [National Security Commission on Artificial Intelligence \(NSCAI\)](#) established by Congress in August 2018 and the [Executive Order on Maintaining American Leadership in Artificial Intelligence](#) issued in January 2019. Both policy moves featured broad approaches focused on national security and competitiveness, without seriously engaging the complex and context-specific problems of international governance that must be squarely addressed if the United States is to develop a coherent approach to AI regulation.

We suggest the federal government pay special attention to impacts on people living in regions outside the geographic focus of the most prominent regulatory deliberations today – which occur almost exclusively in Washington and the developed world. Such an inclusive, global approach to digital policymaking will increase the potential for the United States to bring the world along in efforts to develop meaningful, consumer-first internet policy that addresses the economic and social factors driving digital disparities. At a time when the risk of a global “splinternet” increasingly looms, this clarified focus will help establish effective rules toward which jurisdictions around the world can converge under U.S. leadership.

## Challenge and Opportunity

As commercial algorithms become increasingly widespread and powerful, there has been a corresponding increase in concern that industrial automated decision-making systems may bring about a dystopian scenario of ubiquitous [privacy invasion](#), [discrimination](#), and even [warfare](#). Algorithms already affect our lives and will continue to shape the future of our societies. Their effects will vary widely around the world as they interact with existing societal divisions and inequities, while likely engendering new ones. At this critical moment, the United States must invest and engage in emerging international forums that aim to address issues of algorithmic governance and digital regulation. Furthermore, it has an ethical, strategic and economic imperative to do so in a way that balances the interests and concerns of both wealthy nations and the Global South.

Global technology platforms have advanced powerful algorithmic decision-making systems that manipulate the socioeconomic experience of individuals over the world. These platforms’ dramatic rise and alleged attainment of monopolistic status underscore the need to renegotiate the balance of economic power between digital platforms and the people. Algorithmic decision-making tools at this scale affect institutions, societies, and democracy itself. Furthermore, modern internet platforms and artificial intelligence systems are developed in an opaque manner, usually by a relatively small number of actors who are not accountable to democratic processes – and whose incentives consistently pit the bottom line

against the democratic interest. Commercial platforms and their algorithms must thus be better understood, debated, and regulated.

Furthermore, these important questions cannot be answered in the same way from one country to the next; rather, their solutions depend heavily on social, economic, and historical context. The growth of digital technology across much of the Global South is often driven by functionality, practicality, and economic necessity. The discussion around algorithmic tools should not compel a convergence of societal models, nor can we impose the analytical regulatory framework of the developed world on the developing world. Rather, the perspectives and contributions of the citizens and governments of the developing world must have an equal part in shaping a shared digital future. The developing global discussion on technology and algorithmic regulation – in which many proposals around the world have already been articulated and in some cases formally promulgated by various jurisdictions – cannot and should not unfold apart from major international forums.

The future of regulation for global digital platforms is a topic for global discussion. Should the policy community fail to participate in and contribute to this discourse, we may well exacerbate the drive toward a global “[splinternet](#).” Experts warn that the internet is at risk of balkanization, with national and regional regulations, standards, and practices fracturing a universal information network into divergent and siloed networks -- so-called splinternets. How the United States reacts, for example, to China’s Great Firewall, its internal app and website restrictions, and its strict control of network and data flows, will determine the shape of global digital governance and the consolidation or avoidance of the splinternet dilemma. The way to mitigate this prospect is to build the broadest possible alliance and converge on common rules and principles, so that a Chinese or Russian splinternet garners little external support, remains contained, and proves costly.

The Trump Administration, deeply skeptical of international engagement and multilateralism, consistently declined to participate in the international forums where digital regulation is presently being discussed. The American leadership vacuum in the multilateral policy context has been filled with a variety of initiatives around the world. The European Union (EU), for instance, [has announced dramatic new regulations](#) to ensure greater accountability, transparency, and responsibility on the most powerful internet platforms. China aspires to be the world’s leader in artificial intelligence by 2030 and is [developing a national strategy to achieve supremacy in this emerging field](#). Meanwhile, the Global South is increasingly demanding a voice. These countries are refusing to be subjected to decisions made in Brussels, London, Washington, and Silicon Valley that have tended to have a profound negative effect on emerging economies as a result of the lack of regard that external technocratic deliberations have for their particular needs.

Technology policy and regulation is one of the central issues of our time. As such, policy interventions pursued by the Biden-Harris Administration will necessarily have tremendous impact, not only for Americans but for the entire international community. Efforts to restore U.S. leadership in global affairs and strengthen international regard for the nation will meanwhile hinge on the Administration’s full participation in multilateral forums where technology – and particularly algorithmic principles and regulation – are discussed.

Responsibly engaging in ongoing international discussions on algorithmic governance would mean prioritizing dialogue with the varied interests of the Global South, collaborating closely with European and Asian allies, and approaching security concerns posed by Russia, China, and others in a principled, but measured way. A failure to do so would risk exacerbating cyber-balkanization, resulting in the permanent

demise of a universally accessible and open internet. In the long run, furthermore, the United States would face a loss of economic competitiveness if businesses encounter persistent international regulatory uncertainties. And it would face increasing threats to national security if data flows are hampered between allies due to insufficiently harmonized governance frameworks. In the absence of decisive engagement now, American approaches to internet governance may well lose out to other models.

On a practical level, today's global landscape in multilateral policymaking is radically different from that encountered by the Obama Administration. The Trump Administration's approach to international dialogue on matters of technology governance and regulation has alienated old allies and aggravated potential adversaries. The harmful effects of this posture were further deepened by an outright hostility toward scientific institutions and an erratic relationship with the tech industry. Effective engagement in the multilateral arena of today calls for demonstrated commitment and bold innovation in the Biden-Harris Administration's approach to foreign and technology policy.

## Past Precedents

Many AI framework statements have recently been issued that draw on existing data usage frameworks relevant to – but not designed specifically for – the development of artificial intelligence, such as the General Data Protection Regulation (GDPR). These new statements articulate ethical principles or goals to guide future development and deployment of AI and algorithmic governance. Among these are the [Organization for Economic Cooperation and Development \(OECD\)'s Principles on AI](#), [the Canada-France Statement on Artificial Intelligence](#), [the Beijing Artificial Intelligence Principles](#), and a growing number of policy surveys and national strategies for the advent of artificial intelligence. Startlingly few of these statements, however, have been channeled into concrete regulations. The exception is the new set of regulations that the EU Commission proposed to the European legislator in April 2021 (Digital Service Act, Digital Market Act, and Artificial Intelligence Act) to update, adapt and expand existing regulations on data protection. Like the GDPR, these new regulations may eventually function as de facto standard-setters in the field of AI, but they still have a long way to go – brace for years of harsh negotiations – and the outcome will be influenced by how the global debate unfolds in the meantime.

The OECD, meanwhile, has established [an AI expert network that advises members on policy issues](#), and has enacted guiding principles which have been endorsed by over forty countries. Canada and France have been working to establish a Global Partnership on Artificial Intelligence (GPAI), launched at the 2019 G7 Summit of world leaders in Biarritz, with several working groups initiating dialogues on a range of policy issues. There is little doubt that further dialogue around and application of such principles will substantially impact the structure of business, research, knowledge, and society itself as artificial intelligence accelerates forward.

## Plan of Action

We propose a robust multi-pronged strategy to re-engage the American government in the burgeoning global issue of algorithmic decision-making. Owing to the urgency of these issues and their potential implications for international security and American foreign policy, action should be taken directly by the President via a Presidential Proclamation establishing their societal priority and a corresponding set of Executive Orders that can set the stage for future Congressional action. To that end, first actions should include:

- Fully support the Global Partnership on AI (GPAI), created by Canada, France, Germany, India, Mexico, and others to foster consensus on key matters of algorithmic governance. Modeled after the Intergovernmental Panel on Climate Change, GPAI is a standing forum that brings together government, industry, and academia to monitor and discuss policies related to artificial intelligence. To date, US involvement with this critical forum has been minimal. While the Trump Administration signaled American engagement with GPAI following the G7 Science & Technology Ministerial meeting in June 2020, this move was only a preliminary step toward active involvement that would advance a meaningful global agenda on AI. For American participation to be productive, the Administration should approach the GPAI as a mechanism by which to develop shared principles and informed policy. To do so would entail incentivizing the full range of US stakeholders – from business to academia to policy – to engage GPAI on equal footing. This would involve sharing information and developing best practices as well as balancing the agendas and priorities that evolve around these nascent platforms. Further efforts should be made by the United States to build off this initial dialogue to establish long-term coordination between international regulatory bodies for the development and maintenance of digital standards, regulations, and policies.
- Reverse the decision to withdraw the US from the United Nations Educational, Scientific and Cultural Organization (UNESCO), which, with its 193 member states, has embarked on a two-year process to elaborate the first global standard-setting instrument on the ethics of artificial intelligence. An Expert Commission presented a first draft recommendation and a global consultation round has been held on this initial draft. It is now in the intergovernmental consultation phase until the end of the year, in which the United States is not involved. American re-engagement with UNESCO would provide the opportunity for American input before the recommendation is formally presented to the UNESCO General Assembly this November. It is anomalous that the United States is not part of this ongoing discussion involving China, the EU, India, Brazil, Mexico, and many African, South Asian, and Middle Eastern countries. A commitment to sustained involvement by the United States – even when policy disagreements inevitably arise – would resolve this incongruity and establish a predictable course for future consultations and recommendations via UNESCO.
- Re-engage in the transatlantic dialogue on AI and algorithmic regulation, in the context of the EU’s consideration of far-reaching regulatory moves that would have profound effect on the tech sector worldwide. US-Europe divergence in digital regulation would be extremely costly; a transatlantic splinternet is an unacceptable risk given China’s divergence from the global norm. Still, American officials in recent years have refused to heed the arguments of the Europeans – who have been ahead of the curve, for example, on the protection of personal data – leading them to favor an autonomous path. The legal agreement allowing the transfer of data across the Atlantic, vital for the reciprocal access of large tech companies to both markets, has been struck down by the European Court of Justice, and no negotiation is in view to rebuild one. Reaching agreements on critical issues like these should be a priority.
- Significantly increase collaboration on technology policymaking with the developing world – where most of the world’s population lives, and where the application of AI has the potential to yield both the greatest benefits for development and the greatest risks. Engage regional organizations including the African Union (AU), the Organization of American States (OAS), and the Association of Southeast Asian Nations (ASEAN) as well as business councils and chambers of

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commerce in dialogues regarding the practice and ethics of AI. The United States has much knowledge to offer from its own ongoing experiences. A frank and equal exchange through these channels can give direction to US support and investment in AI development and deployment across the Global South.

- Re-engage with existing global platforms such as the Paris Peace Forum, which gathered 50 heads of state, including many from the developing world, and several multilateral organizations to foster new forms of international cooperation where there are governance gaps, prompting the establishment of worldwide initiatives including on a digital rights framework.

## Conclusion

The return of the United States to its place as a leader in multilateral institutions cannot meaningfully proceed without strong reinvestment in the existing multilateral technology policy initiatives. To establish a concrete policy framework on digital rights, the conversation must be truly global. It will need to directly engage key actors in government, the private sector, and civil society across as many countries as possible to be informed and effective. The United States is uniquely well-positioned at this moment to help establish a digital rights framework that will serve the world for decades to come. It must do so before this moment passes.

## Frequently Asked Questions

### **1. What is algorithmic governance and why is it relevant for American foreign policy and international security?**

Algorithmic governance refers to the use of automated computing systems to determine and pursue public policy objectives. The increasing reliance on such methods stems from rapid developments in artificial intelligence applications and advanced computational methodologies in data science over the past decade. The term also relates to the processes by which the algorithms powering these systems are designed and implemented – who determines which algorithms are applied to a particular policy problem and the extent to which those decisions are transparent, intelligible, and accountable to the public. The regulation of algorithmic platforms will determine how public policy affects whole populations every day, how security and military decisions are made, and how emerging societal, environmental, and epidemiological threats are interpreted and engaged.

### **2. Why should the Federal Government become further involved in international regulatory discussions focused on AI technologies and automated systems?**

With most of the world’s largest digital technology companies based in the United States, the Federal Government has an outsized role in shaping the global agenda on the regulation of AI technologies and algorithmic platforms. The current Administration has an unprecedented opportunity to help determine the international regulatory agenda by engaging in vigorous dialogue, both with American corporations and research institutions – rallying their R&D capacity and policy insights – and with other nations through crucial international forums. Through proactive and informed engagement, the Federal Government can build international partnerships that prioritize the digital concerns and interests of the nations of the Global South, which constitute over half of the world’s population and where the bulk of the growth in digital markets will occur over the coming decades. Through flexible but principled dialogue, the United States can help prevent a further balkanization of internet governance and counter rising great power competition in cyberspace that undermines the economic and security interests of all. This may well be the premier policy challenge of the digital age and the United States must not remain in a defensive posture, much less out of the loop entirely.

### **3. Wouldn’t an international digital rights framework be just another idealistic and unenforceable statement of principles?**

That will depend in large measure on how the United States chooses to engage. The US, alongside its partners, holds standard-setting power for digital technologies. An international digital rights framework would be an important step in establishing universal principles and norms for the collection and application of public data. For that to become a reality, the Administration must engage with rising concerns on the part of civil society organizations, research institutions, and corporations themselves over the lack of global coordination on issues of algorithmic governance and AI regulation. Rather than deepening the prospect of a “splinternet” or allowing these issues to play into great power suspicions and unproductive competition, the United States should be realistic: Redouble engagement in international forums, prioritizing the interests of the societies of the Global South, where the greatest impacts of collaborative and effective digital governance will be felt.

#### **4. How can the Administration begin to engage civil society, academia, and businesses across the Global South in advancing the effective international regulation of algorithmic platforms?**

A high-level panel should be commissioned by the Administration to evaluate how leading American internet platforms, the data they collect, and the algorithms they use affect the economic, social, and political affairs of the developing world. This process will surface solutions to resolve negative impacts and to address the concerns of the developing world as we craft policy in the United States. At the earliest opportunity, the Administration should also create a commission composed of stakeholders from developing economies who have helped lead in technological innovation, tech industry development, and digital deployment in their home countries. This commission would serve as a vehicle for engagement with expert thinking to inform best practices.

#### **5. What internal policy actions should be considered to support productive American engagement in the international regulation of AI and algorithmic platforms?**

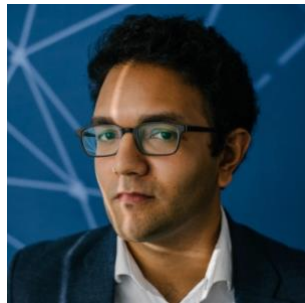
The Administration should develop and launch training modules on digital economy and regulation for the commerce digital corps. The program should be expanded. Participants should be trained on regulatory issues and deployed to developing regions, not only Europe and East Asia. Furthermore, the President might designate US Ambassador to the United Nations International Telecommunication Union (UN-ITU) to be the whole-of-government coordinator in formulating an approach to tech-foreign policy that elevates the issues of the developing world to the top of the agenda. Finally, the State Department could establish a training for its Foreign Service Officers.



## About the Authors



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### **About the Day One Project**



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