The AI Dialogues

Interim note #2

The sites & actors of AI Governance

The AI Dialogues

In 2024, Renaissance Numérique, the leading independent French think tank dedicated to the digital transformation of society and its impacts on citizens, launched the *AI Dialogues*, a three-day series bringing together European and international experts to discuss international, European and local governance issues.

This note is based on the discussions that took place during the second day of the *AI Dialogues*, on Friday, June 27 2024, at UCLouvain in Brussels, on the theme: "The Multiple Actors of International AI Governance".

This is an interim note. A final report will be published at the end of the program, before the end of the year. Please feel free to contact us to comment on this note. The arguments presented in this note do not necessarily reflect the position of the participants (see the list at the end of this document); they remain the editorial decision of Renaissance Numérique.

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Introduction

Artificial intelligence (AI) is a critical focus of global policy discussions. It is viewed by some as an economic opportunity and by others as a driver of pressing social and environmental challenges. These divergent perspectives have spurred demands for global governance. However, this has itself become a contentious issue: critics claim that such efforts are either dominated by industry interests or are ineffective, while supporters and key stakeholders believe they are shaping frameworks that will guide the future.

Global AI governance seeks to enhance the benefits of AI whilst mitigating its risks.[1] One key assumption of effective governance is therefore that it takes action to serve the interests of the general public. In practice, this means that a variety of perspectives and interests must be represented and accounted for in global governance arenas. This second note stemming from the *AI Dialogues* series organised by Renaissance Numérique looks at the various fora where global AI governance takes place, the actors that participate in these fora and the modalities of their participation. It presents heuristic maps that were drawn by the participants in the second *AI Dialogue* to describe the ways in which civil society organisations participate in governance discussions. It seeks to answer the following questions:

- **Where** does AI governance take place?
- **Who** participates in AI governance?
- **How** does civil society participate in AI governance?

Where does AI governance take place?

The business, technical and institutional landscape of AI governance is rapidly evolving, with new initiatives emerging almost daily[2]. Producing a detailed, up-to-date and exhaustive list of global governance initiatives in AI is therefore futile. Instead, we highlight in this section the work of researchers Michael Veale, Kira Matus and Robert Gorwa, who have identified broad categories of sites where AI governance takes place.[3] These are more or less private spheres in which businesses and civil society often participate together, albeit with different levels of influence. These objects of governance have become critical sites of political contestation among industry, various governments, international organisations, and civil society. The authors list the following.

Ethical codes

In recent years, numerous AI ethics committees, councils, and multi-stakeholder institutions have been established, often led by or closely affiliated with major tech companies like Microsoft, IBM, and Google. These initiatives, such as the Partnership on AI, aim to foster socially responsible AI governance but have faced significant criticism. Many ethics councils

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[1] Roberts H., Hine E., Taddeo M. & Floridi L. (2024). Global AI governance: Barriers and pathways forward, *International Affairs*, Volume 100, Issue 3, May 2024, pp. 1275–1286: https://doi.org/10.1093/ia/iiae073

[2] See for instance: "Bienvenue dans la jungle des gouvernances de l'IA", *Contexte*, 8 April 2024: https://www.contexte.com/article/tech/lia-regule-la-si-tu-peux-le-tour-du-monde-des-initiatives_184386.html?utm_source=briefing&utm_medium=email&utm_content=22249&go-back-to-briefitem=201178

[3] Veale, M., Matus, K., & Gorwa, R. (2023). AI and Global Governance: Modalities, Rationales, Tensions. *Annual Review of Law and Social Science, 19*, 255–275: https://doi.org/10.1146/annurev-lawsocsci-020223-040749

are seen as vague, lacking enforcement, and primarily serving as PR tools to delay regulatory action. In parallel, coalitions of states and transnational organisations have also published ethical codes and principles, such as the OECD, the UN, the G7 and the G20 or the ASEAN. Some argue that ethical codes, while initially promising, have been co-opted to forestall regulation and cater to political strategies rather than achieve substantive ethical outcomes.[4] Moreover, these frameworks often diverge in their interpretation of ethical principles and lack input from Global Majority countries.[5]

Industry self-governance

Industry self-governance in the AI space is currently uneven but holds significant influence due to the control a small number of firms exert over key resources like data, computing power, and research expertise. These companies shape the field by sponsoring research into technical tools and creating consensus around concepts like fairness, often promoting scalable, decontextualized methods that align with their business interests. AI systems, particularly those designed for general-purpose tasks, are dual-use technologies[6], capable of both benign and harmful applications. Platforms providing AI-as-a-Service have become important governance players, controlling access to these systems and setting usage restrictions. The proprietary nature of many AI models allows platforms to govern how these technologies are used, though concerns arise when models are open-sourced, making it difficult to regulate harmful outputs.

As AI governance becomes increasingly tied to platform governance, intermediaries like app stores and multi-sided AI platforms, such as Hugging Face, are gaining power as regulators. These platforms control access and usage through a combination of technical restrictions and contractual limitations, much like app stores regulate mobile software. This dynamic may persist, with intermediaries acting as "choke points" for legislative oversight. The European Union has already placed obligations on providers of general-purpose AI systems through the AI Act, which include prohibiting certain harmful uses and responding to market misuse. As AI becomes more deeply embedded in global digital infrastructures, platforms are likely to remain central actors in both governance and regulation, shaping the future of AI usage and its societal impacts.

[4] Nemitz, P. (2018). Constitutional democracy and technology in the age of artificial intelligence. *Philosophical Transactions of the Royal Society A: Mathematical, Physical and Engineering Sciences*, *376*(2133), 20180089: https://doi.org/10.1098/rsta.2018.0089

[5] Jobin, A., Ienca, M., & Vayena, E. (2019). The global landscape of AI ethics guidelines. *Nature Machine Intelligence*, *1*(9), 389–399.

[6] Ueno, H. 2023. Artificial Intelligence as Dual-Use Technology. Vol. 236, in Fusion of MachineLearning Paradigms, by I.K. Hatzilygeroudis, G.A. Tsihrintzis and L.C. Jain. Cham:Springer.

Contracts and licensing

An emerging form of private transnational governance over AI systems involves using contractual terms to limit how AI and its outputs are used, inspired by open-source software's intellectual property (IP) regimes. As mentioned above, with increasing interest in open-source AI systems, platforms like Hugging Face facilitate access, raising concerns about the lack of controls over their application. In response, some developers retain IP rights, offering conditional licences with use restrictions, such as Responsible AI Licences (RAIL). These licences impose rules on AI use, such as prohibiting defamation or discriminatory practices, resembling provisions from the European Commission's AI Act. However, enforcement of these licences is challenging, as only copyright holders can enforce them, and developers may lack the resources to monitor AI use globally. Some platforms, like OpenAI, also attempt to govern AI outputs through content policies, although they cannot always enforce them.

Standards

The global governance of computing has traditionally relied on self-regulatory bodies, such as the Internet Engineering Task Force (IETF) and the Institute of Electrical and Electronics Engineers (IEEE), to create engineering standards essential for the functionality of network technologies. These standards, like TCP/IP and HTML, often carry political implications, influencing issues like privacy and free expression. Well-resourced actors tend to dominate the standards-setting process, which can limit accountability and accessibility. In recent years, similar voluntary standards have been proposed for AI governance, such as the IEEE P70xx series and initiatives by the International Organization for Standardization (ISO). These AI standards, often available through proprietary models, are also being developed by public entities like the National Institute of Standards and Technology (NIST) in the United States or the French normalisation agency, AFNOR. AI standards may go beyond ensuring functionality to serve as signals for best practices, influencing market actors, legislators, and courts. Generally speaking, governments either make standards mandatory through legal compliance, such as with the AI Act in the European Union, or propose them as optional certification mechanisms, such as with certifications in cybersecurity legislations.

International agreements

In addition to industry self-regulation, intergovernmental efforts to establish AI standards have emerged, such as the OECD Recommendation on AI, UNESCO's Recommendation on the Ethics of AI, and the G20 AI Principles. These often align with industry interests, avoiding issues like digital competition and power. The Council of Europe (CoE), known for its legal frameworks on human rights and data protection, has taken a prominent role in AI governance. In 2019, the CoE's Ad Hoc Committee on AI (CAHAI) began exploring the feasibility of a global legal framework for AI, recommending strong compliance measures

and prohibitions on certain AI systems, like biometric categorisation and social scoring. The CAHAI has been succeeded by the Committee on Artificial Intelligence (CAI), and the CoE's Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law was adopted on 17 May 2024.

Domestic regulations

National governments and supranational bodies like the European Union are increasingly establishing concrete regulations governing AI, which often have a transnational impact as global firms adjust their practices to comply with these rules. The EU has emerged as a leader in AI regulation, notably with its proposed AI Act, which focuses on high-risk applications like education, hiring, and law enforcement, requiring providers to self-certify compliance with European standards. Other regulations, such as the Digital Services Act and the Platform-to-Business Regulation, address transparency and algorithmic oversight, particularly for platforms using AI-powered recommendation systems. The DSA in particular attempts to resolve legal questions about the liability of intermediaries in AI-driven content recommendations and content governance.[7]

In addition to AI-specific regulations, broader legal frameworks, such as data protection laws, intellectual property laws, and competition policies, also influence AI development and deployment. Data protection laws, like the EU's General Data Protection Regulation (GDPR), restrict the use of personal data in training AI systems, while intellectual property laws and exemptions like text and data mining clauses are becoming more relevant as generative AI tools grow in prominence. These regulations are further complicated by the international scope of trade secret laws and competition authorities' interest in preventing anti-competitive practices in AI infrastructure. Partnerships between large technology companies such as Microsoft, Amazon and Google and new entrants such as OpenAI and Mistral AI raised the attention of the European Commission.[8]

Events

Finally, we want to add to this list and include events as one of the sites where governance takes place. Governance is the result of discussions between stakeholders in various fora around the world. Events can be more or less inclusive. For example, events such as the UK AI Safety Summit are limited in the number of participants and are accessible by invitation only, although a variety of interests is represented (NGOs, states, industry). Events such as the Internet Governance Forum are free to attend. Industry conferences such as the AI Conference are open to all but require a fee to participate. In addition, organisations such as

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[7] See for example in the U.S., which has not passed content legislations, the cases of *Google v. Gonzalez*, on the role of algorithmic recommendations in fostering violent behaviour, *or Murphy vs. Missouri*, on the role of social media in moderating political speech.

[8] Gkritsi, E. (2024, April 26). The Brief – The curious case of 'partnership' in the AI landscape. *Euractiv*. https://www.euractiv.com/section/digital/opinion/the-brief-the-curious-case-of-partnership-in-the-ai-landscape/

think tanks and NGOs regularly convene meetings gathering multiple expertise around the table, in more or less private formats. Events are therefore another site where decisions about the best way to govern are proposed, discussed and challenged.

Who participates in AI governance?

At each of these sites of AI governance, a multiplicity of actors can intervene and attempt to have an influence on decisions being made. These organisations can be hybrid. For example, academic initiatives can rely on the expertise of industry actors and vice versa. Their participation forms what could be referred to as international issue networks, a broad term to describe alliances of diverse interest groups and individuals who come together to advance a shared cause or agenda.

Non-Government Organisations (NGOs)

A non-governmental organisation (NGO) is typically established independently from government authorities. NGOs are often not for profit and engaged in humanitarian efforts, though they may also encompass associations offering services to members and the broader public. Some NGOs also represent private interests, such as the World Economic Forum. Unlike international or intergovernmental organisations, NGOs operate with more autonomy from states and governments. Examples of NGOs contributing to the discussion on AI governance are the AI Now Institute, the Mozilla Foundation or, at its own level, Renaissance Numérique.

Intergovernmental organisations

An intergovernmental organisation is mainly composed of member states, although it can include other entities like international organisations, businesses, and non-governmental organisations. Depending on the organisation, certain entities may participate with observer status when others have voting rights. Intergovernmental organisations are founded through a treaty or similar instrument under international law and hold their own legal identity. Examples include the UN and the OECD. Groups of states such as the G7, G20 and ASEAN are intergovernmental forums and do not rest on international treaties.

Standards organisations

A standards organisation aims to establish consistency among producers, consumers, government agencies, and other stakeholders regarding terminology, product specifications (such as size and units of measure), protocols, and more. It is primarily focused on creating, coordinating, and updating technical standards to enhance their usefulness for those who apply them. As mentioned earlier, while most standards are voluntary

and offered for adoption without legal enforcement, some become mandatory when regulators incorporate them into legal requirements, often to ensure safety or protect consumers from deceptive practices. Examples of standards organisations are the International Organization for Standardization (ISO) and the European Committee for Standardization (CEN).

Professional associations

A professional association usually aims to advance the interests of individuals and organisations involved in a given profession. They tend to balance these interests with the public interest in discussions with other stakeholders. Organisations such as the Partnership on AI and the Frontier Model Forum can be seen as professional associations in that they are both platforms that coordinate the participation of industry leaders in international governance discussions, by organising events and producing texts that formulate their interests and visions.

Industry

Individual companies also actively participate in discussions on the governance of AI. They can do so through professional associations and in their individual capacity. For example, organisations such as Meta and Microsoft regularly publish blog posts highlighting their vision for the future of AI governance. Industry players also participate in standardisation efforts and are convened by national parliaments to answer questions on their activities when

necessary. By definition, industrial actors are driven by business incentives that can clash with public interests such as the defence of human rights. Their participation and influence on global governance is therefore regularly debated.

Academia

Many members of academia participate in AI governance fora. The participation of academia can be through individual experts or through institutions. For example, Stanford University publishes an annual AI Index report through its Institute for Human Centred AI. Such intermediaries play the role of think tanks, drawing on a variety of experts and links with industry to gain knowledge and produce documents that seek to influence policy. At the same time, individual academics also participate in coalitions of researchers that seek to both advance knowledge and influence decision making, in which other actors such as industry participate. This is the case of initiatives such as the AI Alliance or Climate Change AI.

Parliaments

Parliaments represent the interests of their constituencies and play an important role in mediating the interests of the actors cited above. They produce legislations that have important repercussions on businesses and citizens alike. One common preoccupation is their capture by influence groups such as professional associations who advance their interests. However, parliaments also represent businesses. They must therefore

strike the right balance between economic and human rights incentives, which is particularly challenging.

How does civil society participate in AI governance?

The interests of the public are at stake in discussions on the governance of AI. The question of who actually represents the public is often debated, however. It is rare that an organisation does not state its intention to work towards a better future for all. The challenge is therefore to ensure that civil society benefits from competent intermediaries and is adequately represented in arenas that make decisions on issues that concern the public.

The representation of civil society in AI governance

The modes of representation of civil society differ in the various fora of AI governance listed in the first section. During the second *AI Dialogue*, we sought to highlight a general trend for participation, presented in Figure 1.

Figure 1: Stakeholders participation at various stages of decision making

Source : Bertrand de La Chapelle.

Decision making processes can usually be decomposed in five steps. At the agenda setting stage, stakeholders seek to understand what the issue is and the reasons it should be dealt with (human rights, competitiveness, sovereignty, etc.). At the drafting stage, they formulate a series of principles and actions for improvement. At the validation stage, these ideas are agreed upon, either formally in the case of intergovernmental and standardisation organisations, or informally in the case of industry self-governance. At the implementation stage, the decision is put to action, and later evaluated at the review stage.

Each of these stages is more or less open to civil society interventions. For example, at the agenda setting stage, civil society generally has a broad range of levers to shape opinion, such as organising events, publishing joint statements and mobilising media and publics online. On the contrary, its mode of intervention is more limited at the validation stage. It can organise one-on-one meetings with parliamentarians in the case of domestic regulations; NGOs can also vote directly in some standardisation efforts. At the review stage, civil society's latitude to act increases again and it can produce reports and communication to raise awareness on potential inefficiencies.

All governance sites are not open to the same sorts of interventions. The curve of participation in domestic regulation may be much more "U-shaped" than in standardisation efforts, for instance. In the first case, civil society can attempt to make AI regulation a national concern and exert strong pressure on parliamentarians. In the second, there may be only so much they can do in setting the agenda if discussions are taken behind closed doors.

Mapping the landscape of AI governance from the perspective of civil society

The AI governance space is crowded and it is illusory to keep track of all initiatives that are taking place. The sections above help make sense of this space. The broad categories highlighted by Veale *et al.* (2023), to which we added events as a site of global governance, help make sense of the various aspects of governance civil society can attempt to activate. This section maps out these governance sites.

From soft law to hard law

The initiatives listed above are more or less institutional and binding. We can categorise them on an axis that goes from dialogue to soft law to hard law. On one hand of the spectrum, events have no institutional hardness and principles are merely debated without concrete implications. Principles debated publicly turn into soft laws when they are transformed into industry self-regulation principles or ethical codes of practice drafted by either states or businesses. Contracts and licences as well as international agreements are more constraining and move closer towards hard laws. At the far end of the spectrum, domestic regulations have the highest degree of institutional hardness.

From discriminatory to inclusive governance

The initiatives debated above can also be spatialised according to the extent to which they include civil society (see Figure 2). Events tend to be inclusive of civil society (although there are exceptions). On the contrary, government decisions such as the U.S. Executive Orders are not always based on consultations with civil society. Industry ethical codes, contracts and licences and self-governance mechanisms are also not always inclusive of civil society.

Figure 2: The landscape of AI governance[9]
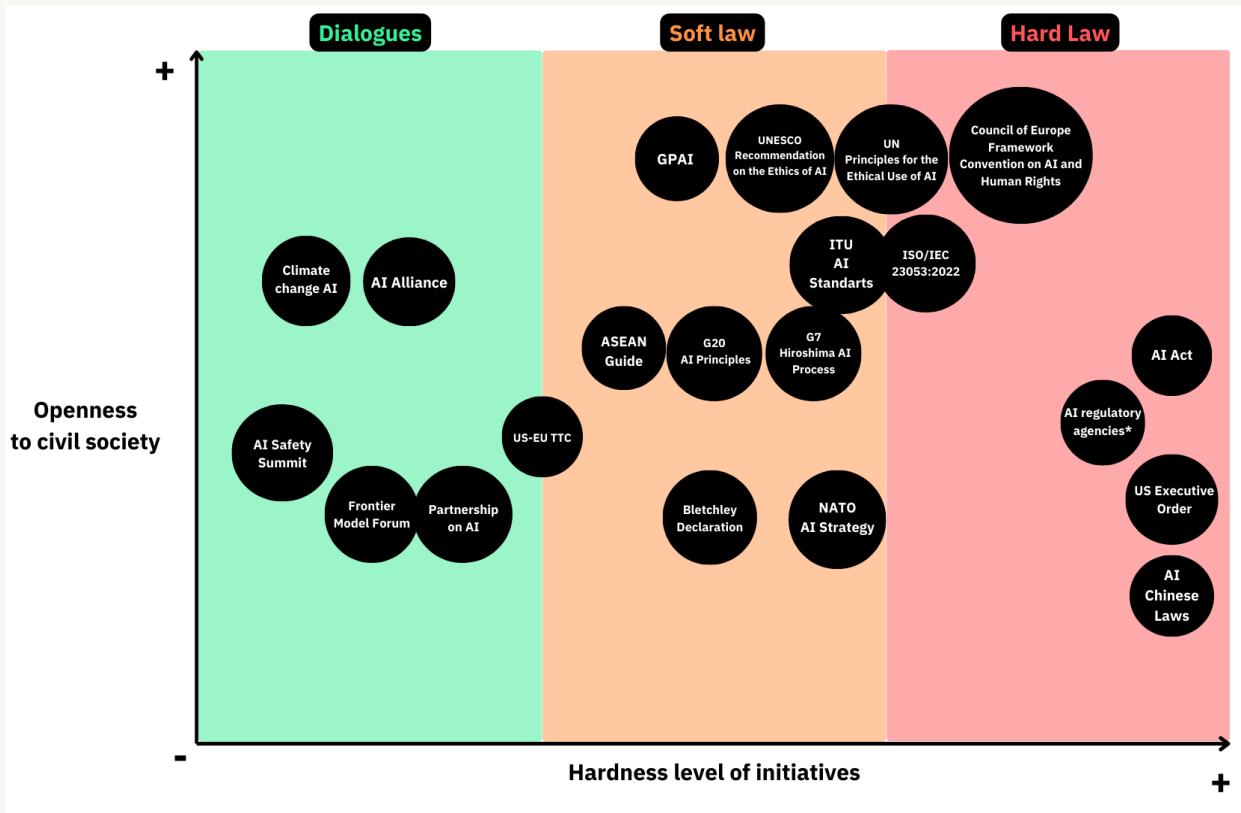
Barriers to civil society participation

Civil society can participate in many initiatives related to AI governance. However, the extent to which its voice is included depends on various factors. Overall, civil society organisations face several challenges. First, the degree to which civil society's opinion is considered in governance forums varies significantly. For instance, while civil society may be solicited for contributions in organisations like the European Parliament, it often lacks voting power. In contrast, in standardisation organisations, civil society can have the same voting power as other members of the standardisation commission.

A second challenge for civil society organisations is financing. Participation in standardisation efforts is time-consuming and requires dedicated staff to attend weekly meetings over extended periods. It also demands significant financial resources (though in some cases, participation fees are reduced for academics and NGOs). Many NGOs rely on private and public funding to support their operations. In the U.S., large philanthropic organisations can

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[9] This figure results from exchanges between participants during the second *AI Dialogue*, organised by Renaissance Numérique on June 27, 2024 in Brussels. It shows some of the key actors involved in the current global AI governance landscape and their main initiatives. It does not intend to be exhaustive. It may also evolve through time.

help fund associations involved in defending human rights. In contrast, countries like France are more dependent on public funding. Both situations can be problematic if they compromise an NGO's independence and ability to represent citizens' concerns.

A third challenge is reputation. Civil society organisations must build a strong reputation to be heard in governance arenas. In emerging technologies, smaller associations may be better positioned to listen to marginalised groups' complaints, but they often lack the reputation needed to be invited to international discussions. Although intergovernmental organisations make considerable efforts to include civil society and coordinate efforts, organisations without the financial capacity to build their reputation and allocate resources for participation may go unheard.

Conclusion

The governance of AI raises important questions about the representation of the public's interests. Civil society plays a crucial but varied role across different stages of decision-making, which calls into question the extent to which it is adequately represented and self-organised to participate. The landscape of AI governance is complex, with initiatives ranging from high-level discussions (AI summits) to soft laws (like ethical codes) and hard laws (like domestic regulations), and the inclusion of civil society varies widely across these governance sites. Barriers to civil society participation include limited access to certain decision-making forums, financial constraints, and the need to build a reputation in order to have its voice heard. Despite these challenges, civil society remains a key intermediary, advocating for the public interest in AI governance. In the third and last *AI Dialogue*, we will explore the ways in which civil society and citizens are represented and its levers to be heard in the global governance of AI landscape.

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About

Renaissance Numérique is an independent think tank dedicated to the digital transformation of our society. Its purpose is to shine a light on the changes brought about by this transformation, and to provide everyone with the tools to master it.

Renaissance Numérique is a not-for-profit association governed by the French law of 1901. It is fully independent, i.e. not affiliated to any party, company or structure. The digital transformation is profoundly impacting our social, economic and political interactions and structures. To grasp and understand its complexity, which is itself ambiguous and changing, Renaissance Numérique brings together members from a wide range of backgrounds (political, economic, legal, communications, technical, sociological, etc.) and structures (independent experts, consultancies, law firms, non-governmental organisations, universities, institutions, businesses, etc.).

This diversity of actors and points of view makes Renaissance Numérique a place for debate, a space to enjoy a positive confrontation of ideas, which is unique in the landscape of think tanks and digital players in France and Europe.

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