

Intervention | UN Global Dialogue on Artificial Intelligence Governance

What can be done concretely to prevent manipulative and unsafe design patterns across AI systems that shape people's decisions, behaviour and access to information? What transparency and independent researcher access are needed to make oversight effective?

Manipulative design facilitates the exploitation of the people who are already vulnerable including children, elder people and other groups who have been historically marginalized and are still excluded from meaningful access and literacy regarding technology.

At the same time, impact goes much beyond the individual level and generate collective and structural harms. It affects our democracies and exacerbates discrimination and inequality.

Three things are important to acknowledge in this regard:

1. Manipulative design is not a bug or restricted to complex systems. It combines social engineering with technology and is embedded within business models that depend on data and attention to generate revenue.
2. As there are economic incentives for certain types of manipulation, self regulation has proven not to be sufficient to prevent abuse.
3. Yes, digital literacy, data literacy, AI literacy are important, but they cannot become an excuse for impunity. Placing responsibility only on end users is not enough. Responses require addressing the structural conditions that incentivize such manipulative design and they range from data protection to platform regulation.

Let me give you an example to better illustrate what I am saying:

- It is a fact that synthetic images, what we usually call deep fakes, are disproportionally used to generate non consensual sexual material and that most people represented in them are women: 99%, according to data from 2023.
- A study by a Latin American researcher that is part of our team has shown that among more than 100 apps freely available for download at Google's PlayStore, almost 70% depict sexually suggestive or nude images of women as part of their promotional materials.
- This is a design decision and is not casual and in this case the violence starts from the fact that those platforms are easily available for download.

Concrete recommendations:

- Manipulative design presents a serious threat to equity, agency, autonomy and dignity, which are foundations of human rights.
- Regulation and oversight are necessary to prevent abuse.
- Mandatory obligations in terms of transparency and access to disaggregated data should be established, including in terms of reporting when risks are detected.

But finally and most importantly, Mary, systems should be subject to human rights impact assessments throughout their life-cycles and should face restrictions to their circulation in case providers cannot prove they are safe **for all types of users**.

How can the environmental footprint of AI — energy use, water consumption, e-waste — be measured, disclosed and mitigated, while harnessing AI to accelerate climate action, biodiversity protection, the circular economy and other environmental priorities?

We cannot talk about mitigating environmental impact without challenging the idea that AI is inevitable. That is not true.

AI development and deployment is being driven mainly by the economic interests of a few companies and countries which have been shaping both technologies and governance processes to the date to protect those same interests.

AI is not an autonomous force driving itself. Unless not yet.

What we call AI implies a supply chain that goes from mining to data processing that requires an immense amount natural resources to operate. AI's environmental footprints are structural, not incidental and they often impacts workers, communities and territories far from the main beneficiaries of AI deployment. Global South countries, in particular, are at the same time providing those resources and facing the consequences of such impacts without obtaining any significant gains from the AI economy.

Addressing the environmental impacts of AI implies serious commitments from multiple stakeholders and a need to **discuss the conditions under which AI is developed and deployed**.

On the one hand, we need to integrate the principle of precaution into a global framework for AI governance. On the other, such framework needs to advance concrete mechanisms for transparency, accountability and redress at a transnational level, making sure to meaningfully engage civil society, particularly from the most affected regions, in their design.

We need binding commitments with transparency regarding AI and mandatory obligations for companies on disclosure of resource consumption (e.g. water and energy) and supply-chain level impacts.

- Those can build from existing frameworks such as the Escazú Agreement, the first environmental treaty of Latin America and the Caribbean, which promotes the rights of access to information, participation, and justice in environmental matters.

Addressing environmental, labour and broader human rights impacts within the transnational AI supply chain is an urgent task for this Dialogue. While the work of the scientific panel is crucial in providing evidence to policymaking, documentation of impact cannot be restricted to academic experts as scientific consensus demands time that communities impacted by AI usually don't have.

- We need to support sustainable mechanisms for independent documentation that leverage civil societies' capacities
- Ensure that existing UN human rights mechanisms, including universal periodic reviews, special procedures, treaty bodies and the human rights council are adequately resourced and mandated to monitor, document and respond to AI-related harms
- And finally, we need to strengthen coordination with other international processes and institutions (such as the IPCC and ILO) to ensure the subject is not addressed through siloed AI-specific mechanisms.

We need to be clear that there is no easy fix for these complex issues. Beyond promises of efficiency, there is little evidence that AI itself can promote environmental protection. We already know is that more advanced models have an increase footprint.

The impacts of AI at the supply chain level need to be part of this conversation and it is important to have in mind that more AI or better AI can't resolve the impacts created by AI.