

MUNUC 2023 Asia Online

MUNUC Asia Online Conference 2023
2023年芝加哥大学模拟联合国大会·亚洲会议
May 27th-28th, 2023 | Online

SOCHUM



#Background Guide



Social, Humanitarian, and Cultural Committee (SOCHUM)

MUNUC Asia Online 2023



TABLE OF CONTENTS

HISTORY OF COMMITTEE	3
TOPIC A: MIGRANT LABOR RIGHTS.....	4
Statement of the Problem.....	4
History of the Problem.....	10
Past Actions	16
Possible Solutions	18
Bloc Positions	21
Bibliography.....	23
TOPIC B: IMPLICATIONS OF ARTIFICIAL INTELLIGENCE	26
Statement of the Problem.....	26
History of the Problem.....	31
Past Actions	41
Possible Solutions	42
Bloc Positions	46
Bibliography.....	51

HISTORY OF COMMITTEE

The General Assembly of the United Nations was established in 1945, and it currently consists of 193 Member States.¹ Alongside the Disarmament and International Security, Economic and Financial, Special Political and Decolonization, Administrative and Budgetary, and Legal Committee, the Social, Humanitarian, and Cultural Committee is delegated tasks from the United Nations General Assembly to address.² Known as the Third Committee, or SOCHUM, it is responsible for a wide array of issues concerning social, humanitarian, and human rights issues. Notably, the need to promote human rights worldwide has been a focus for SOCHUM, as it is a predominant goal for the United Nations as a whole to uphold human rights.³ And while many of the General Assembly's resolutions pass with much consensus amongst member-states, there have been noted disagreements among members on the issue of human rights.⁴ As this committee deliberates on how to best address the topic of Migrant Labor Rights or the implications of Artificial Intelligence, not only does SOCHUM's focus on human rights need to be maintained, but also, SOCHUM must continue to work towards developing inclusive and engaging solutions that allow for equitable humanitarian advancement.

¹ "About Us". United Nations. <https://www.un.org/en/about-us>. Accessed 8 June 2022.

² "United Nations General Assembly". <https://www.britannica.com/topic/United-Nations-General-Assembly>. Accessed 8 June 2022.

³ "Secretary-General's Call to Action for Human Rights". United Nations. <https://www.un.org/en/content/action-for-human-rights/index.shtml>. Accessed 8 June 2022.

⁴ Ibid.

TOPIC A: MIGRANT LABOR RIGHTS

Statement of the Problem

Understanding the challenges faced by migrant workers begins with understanding the context in which migrant laborers live. Migrant labor is regarded as workers who travel from one area to another in order to work on a temporary basis.⁵ Officially, the International Labor Organization defines migrant workers as “all International migrants who are currently employed or unemployed and seeking employment in their present country of residence,”⁶ and the United Nations statistics division defines foreign migrant workers as “foreigners admitted by the receiving State for the specific purpose of exercising an economic activity remunerated from within the receiving country. Their length of stay is usually restricted as is the type of employment they can hold. Their dependents, if admitted, are also included in this category.”⁷ Migratory labor is especially prevalent in South Africa, the Middle East, Western Europe, North America, and India.

Globally, there is a trend seen internationally of migrants being clustered in low-skilled service sectors, information technology, and manufacturing.⁸ Differences between various regions and countries in which sectors migrant laborers are overrepresented may be a result of public policies. Regionally, there are trends in the nature of the work that migrant laborers engage in. Migrant workers in North America are often employed for agricultural work that is driven by demand in certain seasons for harvesting.⁹ On the other hand, in Europe and the Middle East, migrant laborers frequently work in urban locales.¹⁰

⁵ Britannica, The Editors of Encyclopaedia. “migrant labour”. Encyclopedia Britannica, <https://www.britannica.com/topic/migrant-labour>. Accessed 6 June 2022.

⁶ Labour Migration Branch. “ILO global estimates on migrant workers”. International Labour Organization, https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_436343.pdf, 2015, Geneva.

⁷ Department of Economic and Social Affairs: Statistical Commission. “Handbook on Measuring International Migration through Population Censuses”. United Nations, <https://unstats.un.org/unsd/statcom/48th-session/documents/BG-4a-Migration-Handbook-E.pdf>, 1 March 2017, New York.

⁸ “How does Migration Shape Industry Structure?”. OECD iLibrary, <https://www.oecd-ilibrary.org/sites/26a5b23b-en/index.html?itemId=/content/component/26a5b23b-en>. Accessed 6 June 2022.

⁹ Ibid.

¹⁰ Ibid.



Agricultural migrant workers¹¹

Regardless of the differences in the nature of migrant work in various regions, migrant workers face many common challenges. To start, migrant laborers operate in disorderly labor markets that lack protections for employees. With less bargaining power and access to the opportunities of a traditional job market, migrant workers face lower wages, worse working conditions, and lower standards of living. This may be due to migrant laborers commonly working in sectors without much union representation or in places where unions are banned.¹² With a lack of regularization for these temporarily employed workers, there have been cases noted worldwide where employers have just called the police to arrest workers in response to a worker voicing a complaint about working conditions.¹³

¹¹ Agriculture, U. S. Department of. 2013. "20130828-OC-RBN-3377." Flickr. August 28, 2013. <https://www.flickr.com/photos/usdagov/9619287679>.

¹² "Issues: Migrant Labor". International Labor Rights Forum. <https://laborrights.org/issues/migrant-labor>. Accessed 6 June 2022.

¹³ Ibid.

Socially, migrant labor workers may face difficulties as they move to environments potentially different from their home neighborhoods. Citizenry status, language barriers, and discrimination make accessing health and social services even more difficult. Migrant labor has been connected to social tension in South Africa, Western Europe, and the United States, among other places. The social tension created by black rural workers who migrated to cities can be described as the “cornerstone of the apartheid system” in South Africa, under which the state promoted institutional racism.¹⁴ In Western Europe, industrial growth following World War II led to laborers migrating to West Germany, France, and Britain, but when this economic growth slowed in the 1970s, the presence of foreign workers became a more noticeable source of social tension.¹⁵ In America, many migrant workers are of Mexican descent or are illegal immigrants from the southern border. This has created strong sentiments against migrant workers, especially amongst certain demographics in the US. The social characterization of migrant laborers also goes hand in hand with immigration policy. For instance, there may be a general perception in a high-income country that low-skilled, foreign-born workers are only suited for such professions. The Center for Global Development argues that the institutional dichotomy of “high” and “low” skilled labor may serve as a “proxy for the social beliefs and political agendas of a particular moment in time.”¹⁶

¹⁴ Britannica, The Editors of Encyclopaedia. "migrant labour". Encyclopedia Britannica, <https://www.britannica.com/topic/migrant-labour>. Accessed 6 June 2022.

¹⁵ Ibid.

¹⁶ Cepla, Zuzana and Dempster, Helen. "There's No Such Thing as a 'Low'-Skill Worker". Center for Global Development, 23 June 2021. <https://www.cgdev.org/blog/theres-no-such-thing-low-skill-worker>. Accessed 15 August 2022.



Construction migrant workers in Doha¹⁷

As the needs of labor markets evolve over time, economies may stand to benefit by expanding labor migration pathways across skill levels. Increasing labor mobility may especially help the economies of nations facing aging populations. Labor scarcity is projected to increase in countries such as Japan and Germany.¹⁸ As these labor migration pathways bring foreign workers in to fill labor shortages, it is also pivotal that temporary labor migration programs protect workers from exploitation and abuse.

Without adequate protections—beyond the challenge to economic and social rights—the most fundamental human rights of migrant laborers may be challenged. Migrants are especially vulnerable to exploitation. Research by the International Organization for Migration has found a

¹⁷ Sergeev, Alex. 2014. "English: Migrant Workers from Asia next to the QP Building in the West Bay Area of Doha, Qatar Waiting for a Bus." Wikimedia Commons. February 1, 2014.

https://commons.wikimedia.org/wiki/File:Migrant_workers_in_West_Bay_Doha.jpg.

¹⁸ Cepla, Zuzana. "Labor Mobility can Assist Employing Sectors with Addressing Growing Labor Scarcity". Labor Mobility Partnerships, 20 August 2020. <https://lampforum.org/what-we-do/thought-leadership/policy-notes/why-labor-mobility-2/>. Accessed 15 August 2022.

close connection between promoting better migratory practices and preventing human trafficking, modern-day slavery, and forced labor.¹⁹ In particular, children, adolescents, and those fleeing violence and conflict are vulnerable to human trafficking. Without accessible or effective family reunification schemes, children may find themselves separated from their parents in a foreign country. Refugees may especially lack knowledge of safe migration pathways. Without safe and legal migration pathways, migrant workers are vulnerable to the human trafficking industry not only upon arrival in the target country but also in transit.

Simple awareness of the issues migrant workers face is not enough. Currently, there is a huge gap between national coverage and implementation when it comes to protecting migrants from abuse.²⁰ While policymakers work to close this gap, workers must be represented throughout the policy reform process.

On the flip side, the impact of migrant labor on the countries that send workers should also be considered. While receiving countries may benefit from a “brain gain,” sending countries suffer from a phenomenon called “brain drain.” Brain drain, also known as human capital flight, is defined as “the international transfer of human capital resources,”²¹ and it generally refers to workers from developing countries serving in more developed countries. There are both pros and cons to brain drain. On one hand, remittances are sent back to the sending country, and a brain drain can have positive benefits on the education sector. But on the other hand, sending countries miss out on the taxes they would have collected on these workers who benefitted from the education provided by the home country. And as workers in high-skilled sectors leave, sending countries may lack workers with the expertise to improve healthcare and technology domains, further perpetuating the gap between developing and developed countries. How can the adverse effects of brain drain be

¹⁹ Cepla, Zuzana and Dempster, Helen. “There’s No Such Thing as a ‘Low’-Skill Worker”. Center for Global Development, 23 June 2021. <https://www.cgdev.org/blog/theres-no-such-thing-low-skill-worker>. Accessed 15 August 2022.

²⁰ “Migrants and their Vulnerability to Human Trafficking, Modern Slavery and Forced Labor.” International Organization for Migration. 26 July 2019. “<https://reliefweb.int/report/world/migrants-and-their-vulnerability-human-trafficking-modern-slavery-and-forced-labour>. Accessed 6 June 2022.

²¹ “The brain drain from developing countries”. IZA: World of Labor. <https://wol.iza.org/articles/brain-drain-from-developing-countries/long#:~:text=The%20term%20%E2%80%9Cbrain%20drain%E2%80%9C>. Accessed 15 August 2022.

minimized? Aside from the measured quantitative impacts of brain drain, it may also be useful to realize the qualitative aspects of the phenomenon when assessing its impact and accounting for it.

Given the nuanced and ever-evolving nature of this topic of migrant labor, further local research into the context in which migrant workers live is also necessary to understand the array of problems that migrant workers face.

History of the Problem

First, some examples of migrant labor in various regions of the world will be discussed in order to better understand the past context of such work. Then, from an international perspective, more recent laws and agreements concerning migrant labor rights will be reviewed.

History of Migrant Labor

In Europe, following WWII, northwestern Europe experienced an economic boom. As education levels rose and more native workers began engaging in white-collar work, there became a need for labor recruited from nearby countries.²² Initially, neighboring countries supplied labor but, over time, migrants in Northwestern Europe were from a wider range of places: many were from Algeria, Greece, Italy, Morocco, Portugal, Spain, Tunisia, Turkey, and Yugoslavia. On a governmental level, bilateral agreements were signed in order to recruit laborers. For instance, West Germany signed agreements with Turkey, Morocco, Portugal, Tunisia, and Yugoslavia in the 1960s. While international labor migration during this period of the 20th century was viewed positively by sending and receiving countries due to the economic benefits, there were drawbacks. Since these workers were not given a permanent place in these regions, they “tended to be granted few rights and little or no access to welfare support.”²³

One of many instances of this is the Turkish population in Germany, a country now known for its open policy towards migrants. Guest worker schemes in the 60s allowed Turkish men to stay in Germany for a period of two years to fulfill a need for labor during the postwar economic boom. While these workers were not expected to stay longer than a few years, many guest workers ended up settling in Germany. Not only did the government not take measures to help these former guest workers and their families become integrated into German society, but their housing also prevented

²² Van Mol, de Valk. “Migration and Immigrants in Europe: A Historical and Demographic Perspective”. *Integration Processes and Policies in Europe*. 2016. https://link.springer.com/chapter/10.1007/978-3-319-21674-4_3. Accessed 7 June 2022.

²³ Ibid.

them from fully interacting with local German residents.²⁴ As a result, they faced many challenges fitting into local society.

It should perhaps also be noted that the nature of labor migration in Europe in the 20th century was shaped in part by the World Wars and changes to public policy. What was described as “unrestricted mass migration” in Europe prior to 1914 has now become much more complex.²⁵ Migration is influenced by conflicting political and socio-economic forces, some pushing for an opening of borders and others for a tightening of borders.



Bundesarchiv, Bild 183-1988-0930-008
Foto: Lehmann, Thomas | 30. September 1988

Turkish guest workers in Germany²⁶

²⁴ Manivannan, Swathi. “Beyond the doner kebab: Germany’s history with migration”. The Cambridge Language Collective. <https://www.thecambridgelanguagecollective.com/politics-and-society/beyond-the-dner-kebab-germanys-history-with-migration>. Accessed 15 August 2022.

²⁵ Keeling, Drew. “August 1914 and the end of unrestricted mass migration”. Vox EU. 23 June 2014. <https://cepr.org/voxeu/columns/august-1914-and-end-unrestricted-mass-migration>. Accessed 8 June 2022.

²⁶ Lehmann, Thomas. 1960. “File:Bundesarchiv Bild 183-1988-0930-008, Piesteritz, ungarische Gastarbeiter.jpg.” Wikimedia Commons. November 30, 2012. https://commons.wikimedia.org/wiki/File:Bundesarchiv_Bild_183-1988-0930-008,_Piesteritz,_ungarische_Gastarbeiter.jpg.

In Asia, between 1840 and 1940, an estimated 50 million Chinese and Indian migrant laborers migrated to southeast Asia.²⁷ Many of these workers almost completely lacked any rights and were under contracts of indentured servitude. Mortality rates were high, and malaria in Malaysia (Malaya), for instance, ran rampant amongst migrant workers with little or no immunity. The death rate in some Malaysian plantations was reportedly higher than 80 per 1000 people.²⁸ The migrant workers facing poor working conditions and disease lacked health services, with some employers suggesting that the workers simply arrived with poor health. Eventually, as these health problems in southeast Asia gained more exposure due to protests and humanitarian concerns, medical evidence led to policy interventions. The British officials in Malaysia restricted certain estates with especially high mortality and morbidity from taking in more migrant workers. This example implies that providing the ability for migrant workers to file petitions and for journalists to have access to working sites has the potential to create improvements for migrant workers facing health difficulties.

In South Africa, migrant labor was a system built upon the opposing need for cheap labor and the racist ideologies of apartheid. While labor was needed in cities, the 20th-century political and social systems of South Africa made it such that black laborers were not allowed to permanently reside in predominantly white cities.²⁹ Focusing on this historical example of migrant labor highlights the association between racism or other forms of social discrimination and migratory labor practices.

History of Protecting Migrant Labor Rights

In 1949, after the 37th session of the General Conference of the International Labor Organization, the ILO adopted the Migration for Employment Convention.³⁰ Firstly, Article 11 of this Convention defines the term “migrant for employment” as “a person who migrates from one country to another with a view to being employed otherwise than on his own account and includes any person regularly

²⁷ Amrith, S Sunil. “Migration and health in southeast Asian history.” *The Lancet*. 1 November 2014. [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(14\)61976-0/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(14)61976-0/fulltext). Accessed 10 June 2022.

²⁸ Ibid.

²⁹ Vosloo, Christo. “Extreme apartheid: the South African system of migrant labour and its hostels.” Scielo. http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1021-14972020000100001. Accessed 26 June 2022.

³⁰ General Conference of the International Labour Organization. “CO97 - Migration for Employment Convention (Revised). 1949 (No. 97)”. https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::p12100_instrument_id:312242. Accessed 26 June 2022.

admitted as a migrant for employment.”³¹ The defined term also explicitly states that this convention does not apply to “frontier workers,” “short-term entry of members of the liberal progression and artistes,” and “seamen.”³² The majority of the articles outline requirements such as the following: for each member to facilitate the immigration and emigration of migrants, to provide medical services, and to permit the transfer of earnings. Notably, Article 6 aims to fairly provide economic and legal rights to migrant workers. It states that the members of the convention aim to apply remuneration, membership in trade unions, accommodation, and social security to lawful immigrants without discrimination.³³ Specifically, it declares that “the enjoyment of the benefits of collective bargaining” and the like should be applied to immigrants with “treatment no less favorable than that which it applies to its own nationals.”³⁴ It should be noted that the benefits of social security are subject to multiple limitations, some of which are not clearly defined, such as “legal proceedings relating to matters referred in this Convention.”³⁵ Finally, in terms of boosting the implementation of the outlined articles, Article 1 aims to increase transparency and perhaps accountability between the member countries of the ILO by requiring members to make information available to the ILO office and other members upon request.³⁶

³¹ Ibid.

³² Ibid.

³³ Ibid.

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.



Migrant workers in Singapore³⁷

A few decades later, in 1990, the United Nations General Assembly adopted the Protection of the Rights of All Migrant Workers and Their Families.³⁸ Also known as the ICMW, this convention aimed to embody the principles of the UN Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Forced Labor Convention (No. 29), among many other preceding frameworks. The ICMW recognizes that migrant workers and their families have not been sufficiently acknowledged and that they require international protection of not only fundamental human rights, but also additional rights in order to close the gap between laws and compliance. The first few articles define a migrant worker as “a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a

³⁷ Women, U. N. 2017. “The Roads Travelled for Work - Women Migrant Workers in Singapore and Malaysia.” Flickr. November 26, 2017. <https://www.flickr.com/photos/unwomen/32335908718>.

³⁸ General Assembly. “International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families”. United Nations Human Rights Office of the High Commissioner. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-rights-all-migrant-workers>. Accessed 28 June 2022.

national.” Seemingly contrary to the ILO’s 1949 Migration for Employment Convention, frontier workers and seafarers are defined as types of migrant workers. Frontier workers retain their residence in a neighboring state and return to their residence daily or weekly; seafarers are employed on vessels not registered to the country for which they are a national. The bulk of the 93 articles of this convention aims to emphasize non-discrimination with respect to rights, affirm human rights and promote humane and lawful conditions for migrant workers and their families. In particular, Article 54 asserts that migrant workers, like the nationals within their state of employment, should have access to unemployment benefits and public schemes to address unemployment. This article also aims to equip migrant workers with the right to legal protection by stating that they deserve protection against dismissal and the right to bring a case of a violated work contract to the authorities. Article 40 also gives migrant workers and their families the right to form trade unions and associations for economic, social, and cultural interests. Other articles on the social front also promote the freedom of religion and freedom of expression of these migrant workers.

These two conventions represent important steps by the international community to protect migrant labor rights. Nevertheless, moving forward, the limitations, scope, and applicability of both the 1949 Migration for Employment Convention and the 1990 International Convention on the Protection of the Rights of All Migrant Workers should be acknowledged in developing future frameworks for protecting the rights of migrant laborers.

Past Actions

ILO Conventions on Migrant Laborers

The International Labour Organization has several instruments directly relevant to migrant laborers. The first convention on this topic was the Migration for Employment Convention in 1949 as mentioned in the “History of the Problem” section. Notably, this convention advocated for migrant labor to have access to economic and social rights such as collective bargaining and healthcare.

Specifically for “underdeveloped countries,” the ILO adopted an official Recommendation on protecting migrant workers in applicable countries.³⁹ The scope for which this recommendation should be applied was defined as covering three types of countries and territories. The first was defined as places transitioning “from a subsistence form of economy towards more advanced forms of economy”: in other words, regions with patterns of outwards migratory movements. The second was defined as places that migrant workers pass-through “if existing arrangements in such countries and territories...afford less protection to the persons concerned during their journeys or employment than is laid down in this Recommendation,” though the body responsible for determining that is unspecified.⁴⁰ The Recommendation contains clauses stating that migrant workers should have access to mechanized transportation when possible and rest camps when traveling. It also aims to regulate recruitment and employment contracts to pay for traveling expenses. A clause concerning migrant worker health also advocates for free medical examinations to be given on departure, commencement, and completion of employment. There is also a section outlining policies relating to wages, housing, and social security.

Arguably, the section that distinguishes this Recommendation is part three, “Measures to Discourage Migratory Movements when Considered Undesirable in the Interests of the Migrant Workers and of the Communities and Countries of Their Origin.” It aims to improve the economic and social conditions in regions typically associated with being the sending party in labor migrations.

³⁹ “R100 - Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955 (No. 100)”. International Labour Organization. 1955.

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312438:NO. Accessed 13 August 2022.

⁴⁰ Ibid.

Encouraging job training programs, job creation, and better work organization while simultaneously limiting recruitment from these areas, this provision seems to work toward helping underdeveloped countries gain a more equal economic footing. It also seems to acknowledge that unregulated migrations will likely still continue and that in those cases, governments should try to secure the protections of the Recommendation.

Following this, a convention in 1975 was written with the intention of supplementary the 1949 convention and the Discrimination Convention of 1958.⁴¹ Part One of this 1975 supplement is titled "Migrations in Abusive Conditions," and Part Two is titled "Equality of Opportunity and Treatment." The articles in the first section aim to decrease the presence of illegal migration and protect legal migrant workers. Article 9 of Part 1 mentions that in cases where migrant workers have not been compliant with laws and regulations, they should still have access to rights given from past employment as well as the "possibility of presenting his case to a competent body." Further, Article 9 states that "in case of expulsion of the worker or his family, the cost shall not be borne by them," but it is unclear how the cost will be redirected to be borne by another party.⁴² Part Two is titled "Equality of Opportunity and Treatment," and advocates for Members of the convention to provide just that in their national policies, "by methods appropriate to national conditions and practice."⁴³

⁴¹ "C143 - Migrant Workers (Supplementary Provisions) Convention, 1975 (No.143)." International Labour Organization. 1975. https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312288:NO. Accessed 13 August 2022.

⁴² Ibid.

⁴³ Ibid.

Possible Solutions

The practice of migrant labor demands that migrant labor rights are protected every step of the way. An adequate solution requires steps to improve the lives of migrant workers and their families before, during, and after their period of employment. Migrants deserve a safe means of transportation, economic rights to advocate for themselves, fair wages in trade unions, basic human rights and protection from exploitation.



Stranded migrant workers during COVID-19 pandemic⁴⁴

Of course, the many problems migrant laborers face also do not exist in a vacuum. In other words, these individual problems are community problems, community problems are national problems, and national problems are international problems. The implications of migrant labor on sending and

⁴⁴ Dutta, Sumita Roy. 2020. "English: Stranded Migrant Workers during Fourth Phase of the Lockdown because of COVID-19 Pandemic in Delhi, Taking Rest on the Way to Their Village near New Delhi Railway Station." Wikimedia Commons. May 23, 2020.

https://commons.wikimedia.org/wiki/File:Stranded_migrant_workers_during_fourth_phase_of_the_lockdown_IMG_20200523_125500.jpg.

receiving countries must be addressed. Ideally, both economies must benefit from migratory labor. How can brain drain be minimized and economic benefits be spread as much as possible in fair ways? Educational development and partnerships to create jobs in sending countries as well could be beneficial. It is impossible to stop brain drain, but sending countries should consider schemes that work to recruit expatriates back to their home countries through economic incentives and bureaucratic assistance.

Socially, localities recruiting migrant laborers hold a responsibility to encourage diversity and mitigate negative public opinion towards migrants. At all levels of governance, more must be done to protect the diversity that comes from the arrival of migrant laborers, irrespective of the type of work they perform. Cultural institutions may hold an influence over communities and the extent to which they provide tolerance and the extent to which they integrate migrants into their social circles. Finding ways for migrant workers to celebrate their culture and share it with their new communities could serve as the bedrock of greater tolerance and cultural exchange.

In general, by nature of international regulation, many of the past actions on this topic are up to nations to implement to their liking. But perhaps more steps could be taken in order to ensure that abstract ideas of protection and fairness are translated into concrete actions that benefit everyone. Some systems of monitoring compliance in localities could be implemented at the national level. Countries could also hold each other accountable to meet goals of improving the conditions surrounding the practice of migrant labor. State-level and local-level solutions may also be most effective in meeting the particular needs of various sectors of migrant workers. Additionally, regional cooperation agreements should be considered. Existing regional bodies such as the Organization of American States can coordinate regional networks for coordinating migration policy across a region by reducing bureaucratic and logistical barriers.

How can the optimal balance be struck between global oversight and regional oversight when it comes to regulating migrant labor working and living conditions? To what extent should things be up to individual employers, local governments, and state governments? The most effective system must have all levels of government working together smoothly like well-oiled cogs in a machine. Open avenues of communication and transparency are key gears that fit into this infrastructure.

Delegates should remember the big picture while working on solutions, and aim for components of solutions that complement each other.

New solutions should not only focus on implementation across scales of government but also concentrate on proactively mitigating problems that negatively impact the lives of migrant workers. Corruption in migratory labor networks must be addressed. Migrant workers must be protected from exploitative employers, informed against false promises of work, and invulnerable to human trafficking.

In conclusion, building off of past actions on this topic, delegates should not only pursue comprehensive solutions with adequate breadth but also specificity, to ensure that provisions are actually implemented.

Bloc Positions

The topic at hand is a dynamic one. While all countries benefit from treating migrant laborers with respect and dignity, countries still have differing priorities on the topic. Countries can largely be grouped into three blocs based on these priorities based on the amount of foreign labor that enters or exits its borders. Of course, every country is unique and brings different perspectives to the table. However, these three blocs serve as good basic divider of priorities over the issue of migrant labor.

Countries that Primarily Send Labor

Primarily consisting of Least Developed Countries in the Global South, the countries that compose this bloc are often the home countries of migrant laborers. While these countries experience some inflow of labor, they are primarily exporters of labor. As such, these countries are particularly vulnerable to the effects of brain drain. With both skilled and unskilled labor leaving its borders, these countries are focused on keeping their population within their borders and recruiting expatriates back home. The outflow of labor not only hurts the local economy, but also exacerbates inequalities between nations by making investment in these countries less lucrative due to a perceived lack of institutional strength. This creates a positive feedback loop in which investment is divested from these countries and invested in countries that are already developed leading to further labor exodus from the country. While strengthening labor laws in destination countries is important to these countries, their primary concerns are those relating to the loss of their population and “brain trust.” Development of industry and other solutions focused on making their labor markets competitive are of great importance.

Countries that Receive and Send Labor

Countries within this bloc stand to gain the most from international cooperation agreements on migration labor practices. While not necessarily the Most Developed Countries, this bloc consists of neighboring countries with stronger economies, but not necessarily the strongest of economies. As such, they serve as the destination country for many migrants from the previous bloc, but also are the home country for many migrants in the next bloc. As such, these countries face a myriad of challenges in addressing the global migrant crisis. In particular, these countries suffer from brain

drain with regards to skilled labor, but are the destination of many unskilled workers. Additionally, some countries within this bloc are known to turn the other cheek when dealing with transitory migrants who have no plans to stay in the country. As such, migrants are liable to exploitation and abuse as they traverse the country. Therefore, the countries in this bloc are concerned with all aspects of the issue—both making themselves more competitive for skilled labor while strengthening protections for migrants in transit within their borders.

Countries that Primarily Receive Labor

Consisting of the Most Developed Countries, this bloc is often the destination of global migration patterns. Due to the perceived number of opportunities—irrespective of skill level—many migrants hope that these countries will be their final destination. However, long distances, bureaucracy, and many other challenges confront migrants hoping to make their homes in these countries. With large GDPs and social welfare systems, the countries in this bloc are concerned with addressing the challenges faced by incoming migrant worker populations and making the adjustment to life easier. Beyond that, these countries stand to benefit from harmonization of migrant labor laws as these protections would ensure that the flow of migration into their countries keeps workers and their families healthy and safe. Nonetheless, these countries must also combat exploitative practices which often use their borders as destinations for migrant labor.

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Amrith, S Sunil. "Migration and health in southeast Asian history." *The Lancet*. 1 November 2014. [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(14\)61976-0/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(14)61976-0/fulltext). Accessed 10 June 2022.

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TOPIC B: IMPLICATIONS OF ARTIFICIAL INTELLIGENCE

Statement of the Problem

Artificial Intelligence (AI) seems to be one of the most promising frontiers of modern-day technology. Yet the social and cultural implications of the increasing integration of AI into our lives must be considered and accounted for, not only by those writing the code behind self-driving cars, or by those writing laws on consumer privacy, but also by our society as a whole. Artificial intelligence touches our lives in numerous ways. AI is at work every time you enter a google search, every time you shop online, and every time you unlock your phone with FaceID, use Siri, or a “Smart” appliance like an Amazon Echo speaker. AI can undoubtedly be beneficial—or just innocuous—but it can also be harmful.

In fact, the impact of AI may be beneficial, innocuous, and harmful, all at once. For instance, when it comes to the impact of AI on the job market, jobs will be both created, unaffected, and lost. AI could reduce low-skill labor positions as tasks are automated. On the other hand, AI is expected to create jobs both in fields like information technology. It can also indirectly benefit job seekers by helping people find jobs and by boosting business growth, thus creating more jobs.⁴⁵ So as AI results in a general “upskilling” or “reskilling” of jobs, how can the benefits be maximized while the harms are minimized? It may be useful to consider how access to education and economic opportunities across regions may contribute to financial stratification that is only exacerbated by the growth of AI. For some populations, AI may only bring fears of job loss and a descent into a dystopian society. How can these fears be addressed?

⁴⁵ “The Impact of Artificial Intelligence on Unemployment”. Technology.org: Science and Technology News. 17 December 2019. <https://www.technology.org/2019/12/17/the-impact-of-artificial-intelligence-on-unemployment/>. Accessed 24 July 2022.



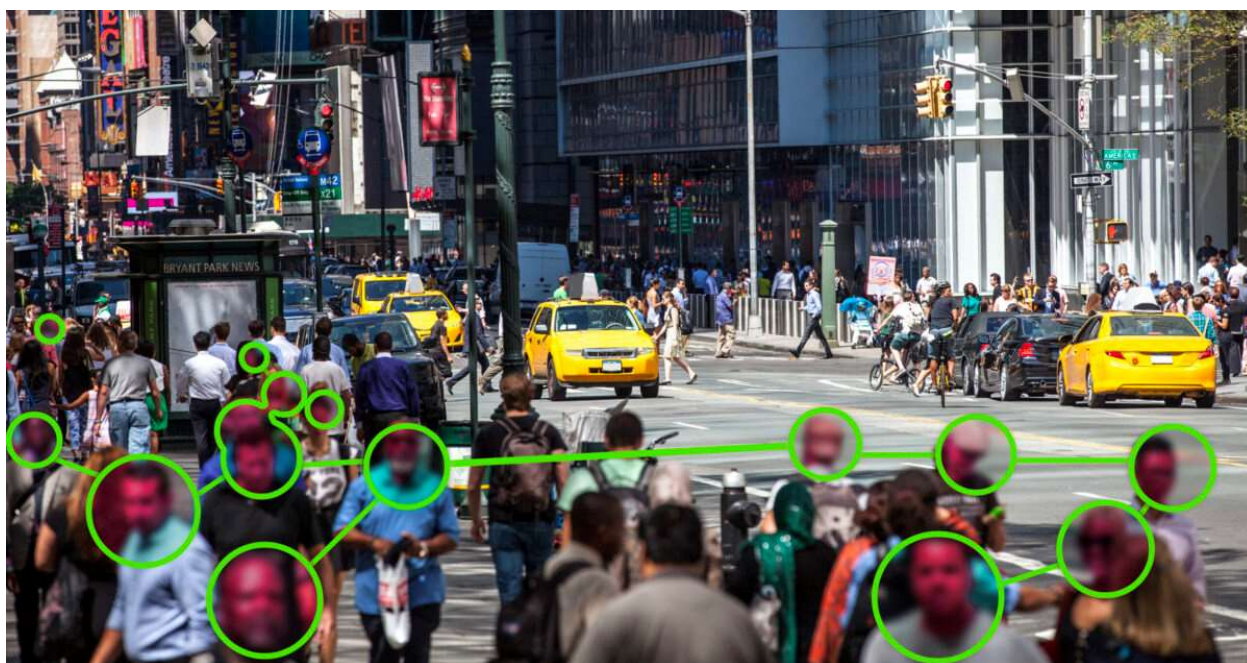
Automation in a car factory⁴⁶

Moreover, as AI continues to grow and develop, it is crucial that steps are taken to address bias in artificial intelligence. Also known as algorithmic bias, Machine Learning (ML), a subdomain of AI, often takes on the cognitive biases of the humans creating the Artificial Intelligence products. One example of bias in Artificial Intelligence is the presence of racial discrimination in facial recognition technology. A study known as the Gender Shades project by researchers at MIT and Microsoft Research found that while top facial recognition algorithms boasted an accuracy above 90%, the top five AI software all had the lowest accuracy for darker-skinned females and the highest accuracy for lighter-skinned males.⁴⁷ This example has serious implications for law enforcement as well as the criminal justice system. An article in 2020 from Harvard expressed concern over bias in facial recognition software not only for the ability for misclassification to harm in a criminal justice setting but also psychologically as certain populations are over-surveilled. For instance, a study of the 2016 Project Green Light in Detroit found that there was a higher presence of cameras in majority-black

⁴⁶ Julia.Roesler. 2020. "English: Volkswagen'S First New Generation Electric Car Being Built with Siemens Automation Technology." Wikimedia Commons. February 19, 2020. https://commons.wikimedia.org/wiki/File:Siemens_automation_in_volkswagen_factory.jpg.

⁴⁷ Buolamwini, Joy and Gebru, Timmit. "Gender Shades: Intersectional Accuracy Disparities in Commercial Gender Classification". 2018. <https://proceedings.mlr.press/v81/buolamwini18a/buolamwini18a.pdf>. Accessed 24 July 2022.

areas and that this unevenly distributed surveillance was associated with a diversion of public health benefits as well as the criminalization of communities.⁴⁸



Facial recognition software⁴⁹

More broadly, regardless of AI's impact on the criminal justice system, healthcare system, or in the everyday lives of consumers, there are many shared considerations stretching across fields of application. One such consideration is data privacy and consent. It is estimated that law enforcement agencies possess photos of 50% of adults within their facial recognition networks, and, more importantly, that there may not have been informed consent or even basic awareness of this participation.⁵⁰ How can legislators encourage proper ethics and transparency in data collection, which is an integral part of AI? Further, in data collection for the development of machine learning

⁴⁸ Urban, Yesh-Brochstein, Raleigh, and Petty. "A Critical Summary of Detroit's Project Green Light and its Greater Context: Detroit Community Technology Project". 9 June 2019. https://detroitcommunitytech.org/system/tdf/librarypdfs/DCTP_PGL_Report.pdf?file=1&type=node&id=77&force=. Accessed 25 July 2022.

⁴⁹ "EPIC Comments Re: New Jersey Regulating Law Enforcement's Use of Facial Recognition Technology." n.d. EPIC - Electronic Privacy Information Center. Accessed September 13, 2022. <https://epic.org/documents/epic-comments-re-new-jersey-regulating-law-enforcements-use-of-facial-recognition-technology/>.

⁵⁰ Najibi, Alex. "Racial Discrimination in Face Recognition Technology". Harvard University: The Graduate School of Arts. 24 October 2020. <https://sitn.hms.harvard.edu/flash/2020/racial-discrimination-in-face-recognition-technology/>. Accessed 25 July 2022.

algorithms, how can data quality be improved to represent all populations while the reflection of human cognitive biases is lessened? Secondly, the applications of AI and its impact on marginalized communities should not be ignored. While the development of AI may be a rich man's game, with economic inequality predicted to increase as the rich get richer from investing in AI, it can affect everyone, directly and indirectly. AI's economic impact isn't only limited to investment. One huge category of AI is to automate. Machines don't get tired, and can even perform surgery, all without the fatigue and human error present in blood-and-bone surgeons. But as AI can replicate the tasks formerly performed by humans, again, what does this mean for job loss and unemployment?

In healthcare, AI has the potential to spread medical knowledge, and thus, increase access to specialized care. This may especially benefit areas where there is a physician shortage, such as in rural areas and developing countries.⁵¹ It can also reduce the workload of healthcare providers, who often suffer from burnout. Ophthalmology and radiology are two areas where imaging analysis AI holds great promise of allowing general practitioners to perform diagnoses previously reliant on specialists.⁵² But it is important to realize that AI algorithms rely on health records and information from consumers—they need to be trained on data before becoming capable of making predictions or any type of suggested diagnosis. As more and more data is collected from pharmacies, insurance companies, and even fitness trackers, to what extent should consumer privacy be maintained? Cybersecurity may become more important than ever.

Governments and international bodies have begun developing global standards for AI, not only in terms of facilitating technological cooperation but also in this crucial dimension of policy and ethics. There are guidelines for responsible, trustworthy AI, as well as transparency and accountability pushed by studies such as the ProPublica study on COMPAS (a tool used to predict recidivism rates) or the Gender Shades study on facial recognition software. Nevertheless, the problems of bias in development, risks in application, and costs to our society remain. As future work is done to address

⁵¹ "Arguing the Pros and Cons of Artificial Intelligence in Healthcare". Health IT Analytics. 2 March 2022. <https://healthitanalytics.com/news/arguing-the-pros-and-cons-of-artificial-intelligence-in-healthcare>. Accessed 7 August 2022.

⁵² Price, Nicholson W. "Risks and remedies for artificial intelligence in health". Brookings. 14 November 2019. <https://www.brookings.edu/research/risks-and-remedies-for-artificial-intelligence-in-health-care/#:~:text=While%20AI%20offers%20a%20number,health%2Dcare%20problems%20may%20result>. Accessed 25 July 2022.

the wide array of implications of this technology, a wide range of perspectives must be considered, with concern not only for the social and cultural dimensions of our society, but realistically, also for the institutions that hold up our societies, such as economies, justice systems, and human health.

History of the Problem

The prospect of artificial beings replicating human intelligence has been an idea explored for thousands of years in philosophy, fiction, and myth. During the 20th century, advancements in technology resulted in the first explorations into the field of artificial intelligence, branching off from machine learning and computer science in the 1950s. Over the past decade, we have observed the gradual integration of AI technology into everyday life, most notably through smartphone technology. In September 2017, Apple announced Face ID during the unveiling of the iPhone X, marking the beginning of widely marketed facial recognition-based security systems to consumers across the globe. The rapid proliferation of facial recognition software has resulted in its adoption by companies, law enforcement, universities, and individuals for a variety of purposes. Often, these purposes require the storage of personal information without valid consent. The lack of consistent application of privacy regulations on this front has resulted in a widely recognized need to rethink pre-digital notions of personal privacy. While companies and governments have been perfecting AI technology and storing data for years, international policy has lagged behind the rapid advancements. As a result, many existing regulations have failed to consider how areas such as privacy, security, policing, and armed conflict have been reshaped by breakthroughs in AI software.

Some of the most recent literature on the issue of AI regulation has come from the European Union and Organization for Economic Co-operation and Development (OECD). In April 2019, the European Commission presented Ethics Guidelines for Trustworthy Artificial Intelligence listing 7 key requirements that AI systems should meet.⁵³

Human Agency and Oversight

The intention of all AI systems is to aid humans in performing tasks. However, this requirement specifies that AI should be used in ways that empower users. People should still have the ability to make informed decisions on the ways a specific AI system is being used. To that end, humans should have oversight over AI systems, mostly to ensure the continual ethical use of the system. AI should

⁵³ "Ethics Guidelines for Trustworthy AI." Shaping Europe's Digital Future, European Commission, 26 Apr. 2022, <https://digital-strategy.ec.europa.eu/en/library/ethics-guidelines-trustworthy-ai>. Accessed 20 August 2022.

not infringe on basic human rights and human oversight is the best way to ensure that goal. This level of oversight has many approaches, the two most common being human-in-the-loop and human-on-the-loop. The first approach uses a human who starts and stops an AI system when performing tasks. In other words, the AI only works after receiving a cue from its human user. On the other hand, human-on-the-loop does not require a human user to initiate the functioning of an AI. A tangible way to think about these two concepts is with AI assistants like Siri. If an AI assistant is constantly listening for the cue (i.e. "Hey Siri"), then that system would be using human-in-the-loop. However, if a voice assistant were to simply be listening to a conversation you might be having and give you a search result based on something you said, that would be human-on-the-loop.⁵⁴ In this scenario, the assistant isn't waiting for a cue and may instead act as soon as it believes that you need assistance with any task.

Technical Robustness and Safety

AI systems must be safe for users and non-users. This requirement is best understood through AI for use in automation. If an AI system is being used to automate a task or an assembly line, in the event of an accident or emergency, the system must have back-up plans to deal with these emergencies. Whether that takes the form of human operators or programming that can be initiated, AI systems must be developed with safety in mind.

Privacy and Data Governance

This requirement is concerned with keeping the data of users of AI systems confidential according to the laws of a country. Users whose data is being interpreted or otherwise used by an AI system must have peace-of-mind knowing that the data they submit is confidential.⁵⁵ This is particularly prescient to AI in healthcare, but also applies to other areas. Data should be kept confidential from operators of AI systems, but these systems should also be resilient to hacks and other malicious attacks intended to steal confidential data. Whether that takes the form of anonymizing patient information to human operators or other means it is imperative that privacy of users is upheld. Beyond this,

⁵⁴ Ibid.

⁵⁵ Ibid.

developers of AI systems should take good care to ensure that data being used by AI is of high quality and taken with integrity. Otherwise, AI systems will be susceptible to malfunctioning.

Transparency

AI, from the development stage through the real-world application of technologies, should be transparent. At all levels of development and implementation, users and non-users must be aware of how this AI system is being used and what data it is collecting. Furthermore, AI systems should be able to “explain” their decisions to a human, whether an operator or a patient.⁵⁶ If an AI system determines a diagnosis or recommends a particular product, that AI must have some way of explaining how it came to that decision. Particularly for human-on-the-loop AI systems, if an AI begins performing operations, it should be able to explain why taking action was necessary. AI systems must also be transparent when interacting with users who may not be aware that they are interacting with an AI. Not only should users be informed that they are, for example, talking with a chatbox AI but also the features and limitations of that system.

Diversity, Non-Discrimination, and Fairness

The next requirement for AI systems is that unfair biases must be mitigated and eliminated. This usually applies to the development and implementation of AI systems. If AI systems use biased datasets, they will only serve to perpetuate further discrimination and biases from the data that they were fed for training. Therefore, it is imperative that AI systems are not used to marginalize vulnerable groups, discriminate, or otherwise exacerbate prejudices of developers and real-world institutions.⁵⁷ AI must also be used to foster diversity and be made accessible to as many people as possible.

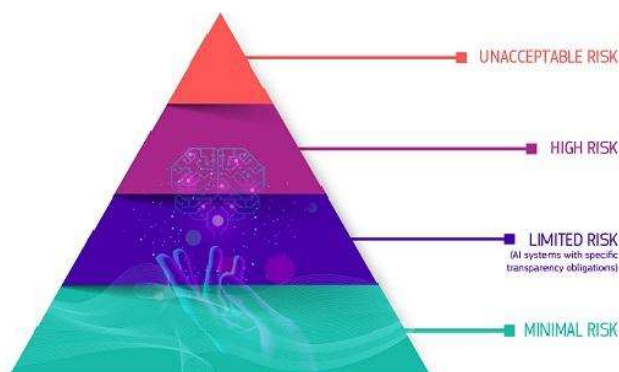
Accountability

The final requirement of sustainable AI involves making AI accountable to humans. This goes beyond the transparency requirement as AI must have mechanisms to take responsibility for actions and

⁵⁶ Ibid.

⁵⁷ Ibid.

decisions made by AI. Typically, this means AI systems must undergo routine audits of algorithms, datasets, and design principles. If AI systems lack auditability, then there is no way for human users to know that the AI has a human's best interest in mind. It is not enough for the AI to undergo these audits after finishing the development process. Like any working machine, AI systems should be checked and the regularity of these inspections may need to be overseen or at least monitored by governments.⁵⁸ Most governments do not have regulations for AI and as these systems propagate checks must be put in place.



Towards the implementation of these guidelines, The European Commission has developed a regulatory framework with the purpose of ensuring fundamental rights for people and businesses. This framework defines four levels of risk regarding AI.⁵⁹

Unacceptable Risk

This tier includes AI systems that would be considered a threat to the safety, livelihoods, and rights of people. These systems should not be explored nor researched. If such technologies were to exist, they should be banned. Examples of AI use that would fall under this category would include voice assistants which promote self-destructive behavior or governmental social scoring schemes. Regulations for these sorts of AI systems are rooted in prohibiting the research of these

⁵⁸ Ibid.

⁵⁹ "Regulatory Framework Proposal on artificial intelligence." Shaping Europe's Digital Future, European Commission, 26 Apr. 2022, <https://digital-strategy.ec.europa.eu/en/policies/regulatory-framework-ai>. Accessed 20 August 2022.

technologies.⁶⁰ By prohibiting their research, it is the hope that these technologies never reach operational capabilities. If they were to, immediate intervention is necessary.

High Risk

AI systems used in infrastructure, education, law enforcement, and border control management among others must be subject to strict obligations before being allowed on the market. High-risk AI systems must be checked for the quality and accuracy of datasets, documentation providing information on the system, and human oversight measures among other regulations. Furthermore, all biometric identification systems such as facial recognition software are considered high risk and are prohibited with narrow exceptions such as searching for a missing child, terrorist threats, or identifying a perpetrator or suspect of a serious criminal offense. Even in these instances, the AI system should be trained using unbiased datasets to reduce the chance of a false conviction or misleading results.⁶¹ These AI systems are perhaps the most challenging to regulate because their applications are beneficial but have the potential for exploitation. Therefore, it is critical that these systems are carefully monitored.

Limited Risk

Limited Risk AI systems require specific transparency obligations. These systems are not necessarily harmful to humans, but there are still applications for these technologies which could be used for manipulation or exploitation. Chatbots, for example, would belong in this category as it is essential that humans know they are communicating with an AI and not a human. Some technologies which are currently limited risk have the potential to—and are likely to—advance into High Risk AI systems.⁶² However, technology and a greater understanding of AI would be necessary to cause this increased risk level. Systems currently considered limited risk must be regulated to ensure ongoing research and development is focused on beneficial uses while limiting the manipulation of these technologies for nefarious purposes.

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² Ibid.

Minimal/No Risk

Minimal-risk AI can be used freely. Some examples include video games and spam filters. These encompass the vast majority of AI systems, especially ones that we interact with on a regular basis. These systems pose little harm to humans and are often freely available on the Internet.⁶³ Regulation of these systems is still necessary to avoid the exploitation of users. However, due to these systems being widely available many are aware of any potential dangers these may pose.

AI and Consumer Safety

Tim Berners-Lee, an English computer scientist, is credited with inventing the World Wide Web through the introduction of hypertext software to the Internet in 1991. This allowed people to access pages from hyperlinks, ushering in the modern era of networked communication including blogs, e-mail services, and list servers. Social networking services such as GeoCities, Classmates.com, and SixDegrees.com were introduced in the late 1990s under what was later classified as “Web 2.0.” An information architecture consultant named Darcy DiNucci coined the term “Web 2.0” to describe websites that emphasize user-generated content such as Wikipedia, Facebook, and Twitter. As of 2020, there were as many as 4.08 billion social media users worldwide. Despite the widespread use of social networking over the past decade, safety and security standards for consumers have only recently entered public discourse.

The largest case to date regarding social media privacy was on April 10, 2018, when a hearing was held in response to revelations of data harvesting by Cambridge Analytica, a political consulting firm that harvested data of 87 million Facebook users to profile voters during the 2016 election.

In November 2021, former US Secretary of State Henry Kissinger published a joint statement along with former Google CEO, Eric Schmidt and MIT professor Daniel Huttenlocher entitled “Being Human in an Age of AI.” The article calls for the creation of a government commission dedicated to

⁶³ Ibid.

the regulation of AI, recognizing the importance of AI technology in areas such as law enforcement, healthcare, economics, national security, and international law.⁶⁴ AI regulation should go beyond which technologies should and should not be allowed to monitor citizens, but also focus on addressing the role automation plays in society. As automation decreases the number of workers needed to, for example, operate a factory, governments must be prepared to deal with these real-world problems too.

Facial Recognition

The Indian government is introducing an automated facial recognition system across the country which is one of the largest widespread efforts at utilizing facial recognition software to date. The Indian government says that this system will bolster security, prevent crime, and help find missing persons. Digital rights organizations have criticized this effort saying that there is little evidence that this technology will reduce crime. Furthermore, facial recognition software often fails to identify women and darker-skinned persons accurately and its use is problematic in the absence of a data protection law in India. "The technology is being rolled out at a very fast pace in India, on the premise that 24/7 surveillance is necessary and good for us. It is important to challenge this notion, and a court case such as this will also help raise public awareness - most people are not even aware they are being surveilled," said Anushka Jain from the Delhi-based digital rights group Internet Freedom Foundation (IFF).⁶⁵

⁶⁴ Huttenlocher, Henry Kissinger, Eric Schmidt and Daniel. 2021. "Opinion | the Challenge of Being Human in the Age of AI." Wall Street Journal, November 1, 2021, sec. Opinion. <https://www.wsj.com/articles/being-human-artificial-intelligence-ai-chess-antibiotic-philosophy-ethics-bill-of-rights-11635795271>.

⁶⁵ Al Jazeera. "Facial Recognition Taken to Court in India's Surveillance Hotspot." Privacy News | Al Jazeera, Al Jazeera, 21 Jan. 2022, <https://www.aljazeera.com/news/2022/1/20/india-surveillance-hotspot-telangana-facial-recognition-court-lawsuit-privacy>.



Surveillance warning in Delhi⁶⁶

Other developed nations such as Australia have seen controversies over the utilization of facial recognition technology for security purposes. In 2016 Australia's Department of Home Affairs began building a national facial recognition database. This database was put to use in 2020 to facilitate COVID-19 containment procedures. Australia was one of several democracies which used facial recognition technology for this purpose. The Australian Human Rights Commission called for a moratorium on the technology until Australia has a specific law to regulate its use.⁶⁷ This call highlights one of the most concerning trends regarding the implementation of facial recognition software across the globe—it has expanded without any regulation. While data privacy laws are

⁶⁶ "File:Delhi Metro (44376702752).Jpg - Wikimedia Commons." 2015. Wikimedia.org. November 7, 2015. https://commons.m.wikimedia.org/wiki/File:Delhi_metro_%2844376702752%29.jpg.

⁶⁷ Hendry, Justin. "Human Rights Commission Calls for Temporary Ban on 'High-Risk' Govt Facial Recognition," iT News, 28 May, 2021. <https://www.itnews.com.au/news/human-rights-commission-calls-for-temporary-ban-on-high-risk-govt-facial-recognition-565173>.

being introduced in a growing number of countries, very little attention has been brought to the invasive data-collecting facial recognition databases that have expanded in number in recent years.

The most prominent facial recognition technology provider, US company Clearview AI provides software to companies, law enforcement, universities, and individuals and matches faces to a database of more than 20 billion images from the internet and social media. Clearview has created a searchable database of 20 billion facial images. It has amassed such a large database by scraping photos from social media without users' consent or knowledge. Australian CEO and founder Hoan Ton-That has said the company will not work with authoritarian governments such as North Korea and Iran. However, it has encountered problems in some countries, having already been banned in Canada and Australia.⁶⁸ On 24 May, the UK's Information Commissioner's Office (ICO) fined it more than £7.5M (US\$9.1M), following a joint investigation with the Office of the Australian Information Commissioner.⁶⁹ Ton-That disagrees with the criticisms of Clearview AI's business model maintaining that facial recognition technology has great potential for crime prevention.

Concerns regarding the regulation of AI technology are not only an issue that the international community must contend with in the public sector but in the private sector as well. The utilization of AI by internationally recognized brands has raised questions about whether companies should be able to store users' facial recognition information. In early 2015, Facebook introduced DeepFace, a software that alerts individuals when their face appears in any photo posted on Facebook. When they receive this notification, they can remove their face from the photo. DeepFace software became the subject of several lawsuits under the 2008 Biometric Information Privacy Act with claims that Facebook had been collecting and storing face recognition data of its users without obtaining consent. In response, Meta announced that it plans to shut down Facebook's facial recognition

⁶⁸ Mudditt, Jessica. n.d. "The Nation Where Your 'Faceprint' Is Already Being Tracked." [Www.bbc.com. https://www.bbc.com/future/article/20220616-the-nation-where-your-faceprint-is-already-being-tracked.](https://www.bbc.com/future/article/20220616-the-nation-where-your-faceprint-is-already-being-tracked)

⁶⁹ "ICO fines facial recognition database company Clearview AI Inc more than £7.5m and orders UK data to be deleted," Information Commissioner's Office, 23 May 2022. [https://ico.org.uk/about-the-ico/media-centre/news-and-blogs/2022/05/ico-fines-facial-recognition-database-company-clearview-ai-inc/.](https://ico.org.uk/about-the-ico/media-centre/news-and-blogs/2022/05/ico-fines-facial-recognition-database-company-clearview-ai-inc/)

system.⁷⁰ Tiktok agreed to a \$92 million settlement to a US lawsuit which alleged that the app had used facial recognition in both user videos and its algorithm to identify age, gender, and ethnicity.⁷¹

⁷⁰ Herra, Dana. "Judge Tosses Illinois Privacy Law Class Action vs Facebook over Photo Tagging; California Cases Still Pending." Cook County Record, 27 Jan. 2016, <https://cookcountyrecord.com/stories/510660138-judge-tosses-illinois-privacy-law-class-action-vs-facebook-over-photo-tagging-california-cases-still-pending>.

⁷¹ BBC News. "Tiktok Agrees Legal Payout over Facial Recognition." BBC News, BBC News, 26 Feb. 2021, <https://web.archive.org/web/20210226160803/https://www.bbc.com/news/technology-56210052>.

Past Actions

Due to widespread calls for the regulation of AI development, several nations announced plans for an International Panel on Artificial Intelligence in December 2018, which was quickly renamed the Global Partnership on AI. In June 2020 the Global Partnership on AI was launched in a joint effort by Australia, Canada, the European Union, France, Germany, India, Italy, Japan, Rep. Korea, Mexico, New Zealand, Singapore, Slovenia, the USA, and the UK. Recently, other United Nations entities have begun promoting AI regulation such as the UNICRI Centre for AI and Robotics through reports including *AI and Robotics for Law Enforcement*, a joint effort by the UNICRI and the International Criminal Police Organization (INTERPOL).⁷² On 24 November 2021, the Recommendation on the Ethics of Artificial Intelligence was adopted by UNESCO's General Conference at its 41st session marking the first-ever global agreement on the ethics of AI.⁷³ While these actions have begun the global discussion on AI technology, they are only just beginning to discuss resolutions regarding the issues at hand. However, the field is new and emerging so little action has been taken to coordinate an international approach to the issue. This gives hope that international cooperation may be easier to coordinate collective action in order to create a normative international standard regarding AI technologies between UN member states.

⁷² "High-Level Event: Artificial Intelligence and Robotics - Reshaping the Future of Crime, Terrorism and Security." UNICRI, https://unicri.it/news/article/AI_Robotics_Crime_Terrorism_Security.

⁷³ "Recommendation on the Ethics of Artificial Intelligence." UNESCO, 5 May 2022. <https://en.unesco.org/artificial-intelligence/ethics>.

Possible Solutions

Consumer Sorting

It is evident that facial recognition technology is imperfect in many ways. As a result, its use in policing and marketing is problematic as it can widen pre-existing inequalities. Facial recognition empowers law enforcement systems around the world, many of which have a long history of racist or anti-activist surveillance⁷⁴. IBM and Microsoft have announced steps to reduce bias by modifying testing cohorts and improving data collection on specific demographics. While this is an important step towards reducing the problems in AI technology, it is not sufficient to rely on companies to regulate themselves.

It is up to this committee to develop a framework that regulates “big data” corporations. Algorithmic audits are a useful tool to identify the shortcomings of facial recognition technology. However, this committee must consider how the UN’s unique position also makes it difficult to take actionable steps. Simply put, the UN cannot be the sole body responsible for monitoring facial recognition data across the globe—member states must take action within their borders. Considerations should be made to incentivize member states to regulate public and private collections of user data. Especially for governmental use of facial recognition technologies, the UN must find an effective enforcement mechanism to ensure compliance by all member states.

Coordinated research efforts have become an actionable step to investigate bias in AI. A Gender Shades audit confirmed a decrease in error rates on Black females and investigated Amazon’s Rekognition, which also showed a 31% error in gender classification for darker-skinned women.⁷⁵ Amazon has alleged issues with auditors’ methodology rather than addressing racial biases. It is important that pressure is put on companies that market this type of technology to law enforcement

⁷⁴ Bedoya, Alvaro, Privacy as Civil Right (May 12, 2020). New Mexico Law Review, Vol. 50, No. 3, 2020, Available at SSRN: <https://ssrn.com/abstract=3599201>.

⁷⁵ Buolamwini, Joy. “Actionable Auditing: Investigating the Impact of Publicly Naming Biased Performance Results of Commercial AI Products.” MIT Media Lab, <https://www.media.mit.edu/publications/actionable-auditing-investigating-the-impact-of-publicly-naming-biased-performance-results-of-commercial-ai-products>.

such as Amazon in order to ensure equitable and unbiased use of AI in the future. Beyond these steps, more must be done to address bias in machine learning across all industries.

Consumer Privacy and Safety

One of the major reasons that consumer privacy continues to be an issue is that market incentives can work against consumer privacy. Dina Florêncio and Cormac Herley (2010) examined the password policy of seventy-five websites and found that password strength is *weaker* for some of the largest, most attacked sites that should have greater incentives to protect their valuable database.⁷⁶ One possible explanation is that websites adopt weaker password requirements to avoid decreasing traffic on the site. Evidently, security may compete with a consumer's demand for convenience and low prices. This theory might explain why relatively few firms adopt multi-factor authentication despite its significant security benefits. Incentivizing corporations to increase security protocols or creating regulations to ensure consumer privacy in the face of these opposing market forces can be important steps toward bolstering privacy for consumers and users of heavily trafficked sites. On the other hand, consumers must be educated about the necessity for these strengthened online security protocols which they may see as a barrier to a website's ease of use. Particularly for important websites where sensitive financial and consumer-identifying information is kept, consumers and corporations should be prepared to give up the ease of use in exchange for greater security.

Data Markets

Well-worded privacy policies at the time of the transaction can increase transparency between data buyers and sellers. Particular limitations can be set to ensure that future uses of data are limited. This can be effective in preventing the misuse of personal data as well as increase competition in data markets resulting in efficient market outcomes. Promoting education on privacy and cautioning consumers about the uncertainty of selling personal data can have a similar effect. Identity and payment information are often made crucial for completing transactions for the purpose of data mining. E-commerce sites such as Amazon and AliBaba often use private information (e.g., age,

⁷⁶ "Artificial Intelligence and Consumer Privacy." 2019. *The Economics of Artificial Intelligence*, 439–62. <https://doi.org/10.7208/chicago/9780226613475.003.0018>.

nationality, gender), personal financial information, personal identity information (e.g., username, gender, occupation, address) together with online shopping behavior (e.g., browsing history, browsing time, shopping habits), etc. to make decisions about advertising. Increasing regulations on what companies can ask will prevent them from gathering information that isn't strictly necessary for transactions.

Automation

Automation is perhaps the most tangible effect AI will have on our everyday lives. Improvements in engineering, electronics, and related fields have brought about innovative machines which can perform many tasks that were once thought impossible by machines. Automation is moving beyond the factory line conveyor belt into fields such as medicine, literature, and banking. As such, countries must take a proactive approach to the issue. However, what sorts of action should be taken? Should advances in technology be stopped in order to avoid a catastrophic revolution in industries that can already be largely automated? Or should we allow the forward momentum of automation to reduce the number of workers needed in particular industries? These are questions governments, industry leaders, and other stakeholders are asking themselves around the world. It is up to policymakers to find ways to address the social and cultural effects stemming from automation.

While it will take many decades before society is fully automated, the experiences of, for example, the automobile manufacturing industry, show the potentially disastrous consequences automation has on local economies. The OECD has identified driving, food service, and cleaning as industries that are currently most susceptible to automation, among many others.⁷⁷ How can workers in these fields, some of whom have spent their entire working life in their position, be integrated into other sectors? Governments must create actionable plans to address the economic and social needs of people working in industries that are most susceptible to automation. Finding ways to integrate these people into other sectors with dignity will be essential to the success of workers who lose their jobs due to automation. Beyond this, governments must prepare to grapple with labor markets that

⁷⁷ Kiersz, Andy. 2019. "These Are the Industries Most Likely to Be Taken over by Robots." World Economic Forum. April 25, 2019. <https://www.weforum.org/agenda/2019/04/these-are-the-industries-most-likely-to-be-taken-over-by-robots>.

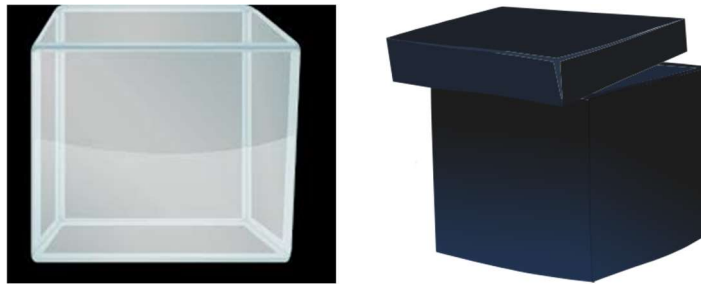
deal with major flows of people from automated industries to other non-automated sectors. This will only intensify job search pressures and could lead to large sectors of unemployed persons.

Beyond all these dilemmas is addressing the way AI is at-large by groups in society. This phenomenon is best understood by considering the implications of AI in healthcare. While the jury is still out on the accuracy between human and algorithmic interpretations of medical data, lawmakers must also consider how patients will handle results given to them by a human versus a robot. Some may find greater relief in having MRI images viewed by a human while other patients may believe an AI interpretation of the results will be more accurate. Either way, society must be prepared to deal with both consumer preferences. Beyond transparency in the interpretation of, for example, medical results, policymakers must consider the extent to which companies must report their use of AI algorithms for other operations. In the aforementioned medical example, a potential patient would theoretically have the option to choose between a doctor they know will have a human specialist examine the photos or a doctor who they know will use AI to examine the photos. However, some industries, such as transportation, would not afford customers that same choice. Particularly in cities and countries with robust public transportation systems, governments would have to choose whether to save on costs by replacing workers with AI or keeping human operators. Consumers, on the other hand, may feel more or less safe knowing their bus or train did not have an operator ready to address any unexpected problems. These are all considerations governments must take into account as they make decisions on the use of AI in automation.

Bloc Positions

In exploring the many nuances that this topic has to offer, blocs may choose to formulate positions based on some of the following considerations. As blocs take on these considerations, amongst others, they must analyze numerous trade-offs as priorities for developing AI are decided. Think about the state of AI in your country and the needs of your country, and then consider the following questions.

What lies within the Black Box? The Concern of Explainability and Interpretability



There are two boxes in front of you. One is transparent, and you can see the mechanisms going on inside it. Another is dark, and you can't see the mechanisms going on inside it. The clear box may produce a worse output than the dark box, but you understand how it came to arrive at the output. Which one would you choose?

Artificial Intelligence is often similar to a black box, as we don't know what's going on inside it. Inputs go in this mysterious black box that is an AI algorithm, and outputs come out. Black box algorithms are born directly from data, making it such that exactly how variables are combined to make predictions is uncertain, even for creators of the algorithm.⁷⁸ Historically, this may be because machine learning was first used for more "low-stakes decisions such as online advertising and web search," in which case "individual decisions do not deeply affect human lives."⁷⁹ Thus, it was less important for humans to understand how data was being processed behind-the-scenes in AI

⁷⁸ Rudin, Cynthia and Radin, Joanna. "Why Are We Using Black Box Models in AI When We Don't Need To? A Lesson From an Explainable AI Competition". Harvard Data Science Review. 22 November 2019. <https://hdsr.mitpress.mit.edu/pub/fgkuryi8/release/7>. Accessed 2 August 2022.

⁷⁹ Ibid.

algorithms. Because machine learning has evolved to have bigger implications on human lives, some argue that interpretable models must be prioritized as a more ethical alternative to black-box models. The more interpretable a model is, the more clear it is how each piece of information fits together to yield the output prediction. While it may seem obvious that interpretability is key, it may come at the expense of a less accurate model.

So what should be prioritized? Explainability or accuracy? The Harvard Data Science Review claims that “the belief that accuracy must be sacrificed for interpretability is inaccurate.” Others in the AI community see a trade-off between predictive accuracy and explainability. More complex Machine Learning algorithms such as Neural Networks or Ensemble Methods are known for being worse in terms of explainability while performing better than simpler models such as Linear or Logistic Regression. More specifically, one study investigating this trade-off in predictive silico modeling found that transparent methods generally had lower accuracies. However, this study suggests the trade-off may not be very severe, stating that when adopting a transparent method, the loss in predictive accuracy may be “quite limited.”⁸⁰ So while a sacrifice is made for a model’s decision making to be more understandable by humans, the sacrifice may only be a small one.

Furthermore, the needs for accuracy versus interpretability may vary depending on the context in which AI is used. A 2021 study in the UK on a citizen jury’s opinion on AI found that while jurors preferred accuracy over interpretability in situations relating to healthcare, they valued interpretability equally or more so in non-healthcare situations.⁸¹ Therefore, the concern of explainability and interpretability may not be simply a question of which one should be prioritized, but also under which contexts. And the context for which AI is used may not be limited to what field it is applied in. Intention on the part of the creator is also important. Some may believe that by creating complicated models, creators are able “to profit without considering harmful

⁸⁰ Johansson, et al. “Trade-off between accuracy and interpretability for predictive in silico modeling”. 3 April 2011. <https://pubmed.ncbi.nlm.nih.gov/21554073/>. Accessed 6 August 2022.

⁸¹ Van der Veer, et al. “Trading off accuracy and explainability in AI decision-making: findings from 2 citizens’ juries”. 1 August 2021. <https://academic.oup.com/jamia/article/28/10/2128/6333351>. Accessed 6 August 2022.

consequences.”⁸² In those cases, creators may not be the most intentional in crafting a product that minimizes harmful effects on people.

In this accuracy-interpretability trade-off, it may be obvious why accuracy matters, but why does interpretability even matter? Assessing the fairness of a complicated model may be difficult. A few years ago, an AI-based technology to predict recidivism rates (the chance someone will commit another crime) known as the Correctional Offender Management Profiling for Alternative Sanctions tool, or COMPAS for short, was engaged in controversy. The Atlantic labeled it “A Popular Algorithm...No Better at Predicting Crimes than Random People,” and ProPublica said it was “biased against blacks.”⁸³ Because of trade secret laws, the COMPAS algorithm was essentially “immune from third-party scrutiny,” making it difficult for not only courts using COMPAS to understand what goes on within the algorithm’s code, but also for those trying to hold AI to ethical standards such as fairness.⁸⁴ This case also brings up another important question: how does one define fairness? And how does one police what is “fair” and “unfair”?

What it means to be fair varies somewhat across disciplines and even within disciplines. In the COMPAS debacle, the company behind the algorithm, Northpointe, argued that its algorithm was fair because COMPAS predicted the same likelihood of recidivism across all groups; the investigative journalism nonprofit, ProPublica, did find that the algorithm accurately predicted recidivism for Black and white people at the same rate.⁸⁵ But, in the cases when the algorithm was wrong, “Black arrestees who would not be rearrested in a 2-year horizon scored as high risk at twice the rate of white arrestees not subsequently arrested.”⁸⁶ So while across groups, there was an equal likelihood of recidivism, when the algorithm was wrong, it failed to achieve fairness. Since fairness can be

⁸² Rudin, Cynthia and Radin, Joanna. “Why Are We Using Black Box Models in AI When We Don’t Need To? A Lesson From an Explainable AI Competition”. Harvard Data Science Review. 22 November 2019. <https://hdr.mitpress.mit.edu/pub/fgkuryi8/release/7>. Accessed 2 August 2022.

⁸³ Corbett-Davies, et al. “A computer program used for bail and sentencing decisions was labeled biased against blacks. It’s actually not that clear.”. 17 October 2016. <https://www.washingtonpost.com/news/monkey-cage/wp/2016/10/17/can-an-algorithm-be-racist-our-analysis-is-more-cautious-than-propublicas/>. Accessed 2 August 2022.

⁸⁴ Lee Park, Andrew. “Injustice Ex Machina: Predictive Algorithms in Criminal Sentencing”. 19 February 2019. <https://www.uclalawreview.org/injustice-ex-machina-predictive-algorithms-in-criminal-sentencing/>. Accessed 6 August 2022.

⁸⁵ “What does ‘fairness’ mean for machine learning systems?”. Berkeley Haas. https://haas.berkeley.edu/wp-content/uploads/What-is-fairness_-EGAL2.pdf. Accessed 7 August 2022.

⁸⁶ Ibid.

framed in different ways, how can AI be held accountable to ethical standards across all dimensions? Is this up to the private sector or public sector? How may quantitative and qualitative tools for fairness be employed? Not only could fairness mean different things to different people, but also how important fairness is could be a question. Prioritizing constraints for fairness may also come at the cost of lower accuracy.⁸⁷

Data Collection: Consumer Privacy and Representation in Data

Remember the garbage-in, garbage-out principle of Machine Learning? A good Artificial Intelligence algorithm relies on large amounts of high-quality data. But is information something consumers want to give up?

Not only is consumer privacy a large concern in data collection, but how people are represented in data also matters. Since machine learning relies heavily on the quality, objectivity, and size of the training data upon which software is developed, it is pivotal that AI algorithms are trained on data representative of all populations. The question then becomes “how data representative of all populations” should be defined. Currently, some countries not only have a greater capacity to develop AI but also have a greater capacity to collect data. As the world becomes increasingly globally integrated, how can data collection be truly representative on an international level? Consider how international cooperation and competition play a role in the domestic and international uses of AI. Should data collection be localized if the current application in mind is only subject to a local scale, or should data collection be more globalized with the expansion of such technology in mind?

Or at a more fundamental level, should our society even allow for more information to be collected on consumers’ every move? Sites and services may offer long, small-texted disclaimers that few people read, but is this enough for data collection to be ethical? These days, the extent to which consumers’ private lives are kept private is up for debate. Technology is ingrained into many processes surrounding sensitive information like finances and medical history. Legally, politically,

⁸⁷ Ibid.

socially...how should our society operate when it comes to data ownership over consumer information?

The questions surrounding the relationship between consumer information and AI stretch far beyond collection and usage. The implications of AI on human lives begin with setting the proper intentions before data collection even begins. It encompasses data storage and destruction. Which leads to the question: who or what is responsible for data governance?

Cooperation or Competition?

Is it up to individual countries to decide for themselves how to develop Artificial Intelligence, and in turn, how to address the implications of Artificial Intelligence. In order to advance technological progress, some may believe that competition will push frontiers, while some may believe that cooperation is best. How much of all this should even be regulated and standardized on an international level?

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