

Artificial Intelligence: Challenges and Prospects of International Governance, and Implications for Southeast Asia

Simon Chesterman



April 13, 2023

Simon: Please explain what AI is and why it poses a challenge to regulators



AI refers to **computer systems** that can perform **tasks that would usually require human intelligence**, such as visual perception, speech recognition, decision-making, and natural language processing.

AI systems use **algorithms** to learn from **data**, and then make **predictions** or **decisions**.

AI has **applications across many industries**, including healthcare, finance, and transportation.

AI poses a challenge to regulators because it is **constantly evolving**, and it can be **challenging to predict** the potential impact of new AI technologies on society.

Additionally, AI often involves **complex algorithms** that are **difficult for regulators** to understand and evaluate.

Simon: Can you say that more succinctly?



AI is a **computer system** that can perform tasks that would usually require **human intelligence**.

Regulators face challenges in regulating AI because it is **constantly evolving**, involves **complex algorithms**, and raises questions around **privacy, transparency, and accountability**.

Simon: How about in one word?



Challenging.

Outline

- Challenges
- What
- Why
- When
- How



Photo: Margaret Minsky

Challenge #1: Speed



Challenge #2: Autonomy

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Tesla

Two die in Tesla car crash in Texas with 'no one' in driver's seat, police say

Car ran off road and hit a tree north of Houston, before bursting into flames, local media says

Reuters

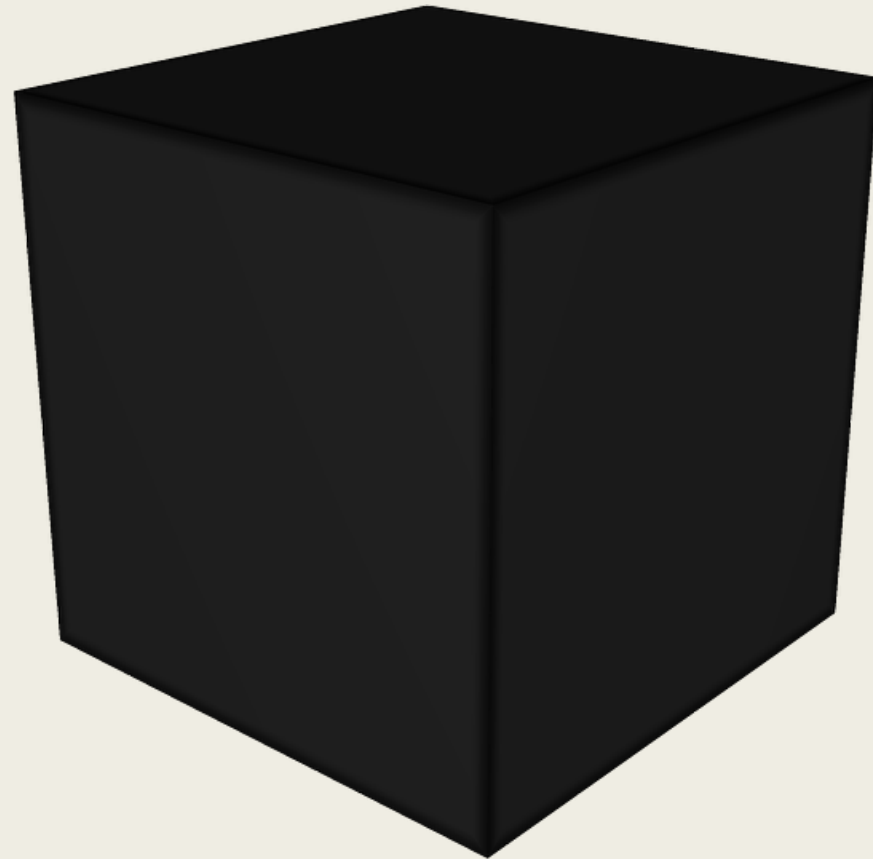
Mon 19 Apr 2021 01:10 BST



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Challenge #3: Opacity



What Regulations?



1. A robot may not **injure a human being** or, through inaction, allow a human being to come to harm.
2. A robot must **obey the orders given it** by human beings except where such orders would conflict with the First Law.
3. A robot must **protect its own existence** as long as such protection does not conflict with the First or Second Law.



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What Regulations? (cont'd)

1. Human control

2. Transparency

3. Safety *Product Liability*

4. Accountability *Civil & Criminal Law*

5. Non-discrimination *Human Rights*

6. Privacy *Data Protection Laws*

Why (Not) Regulate?

- Address market failures
- In support of social or other policies

But...

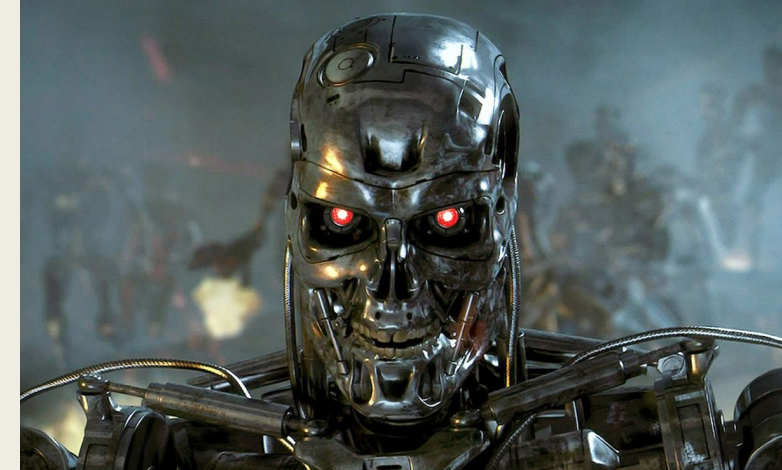
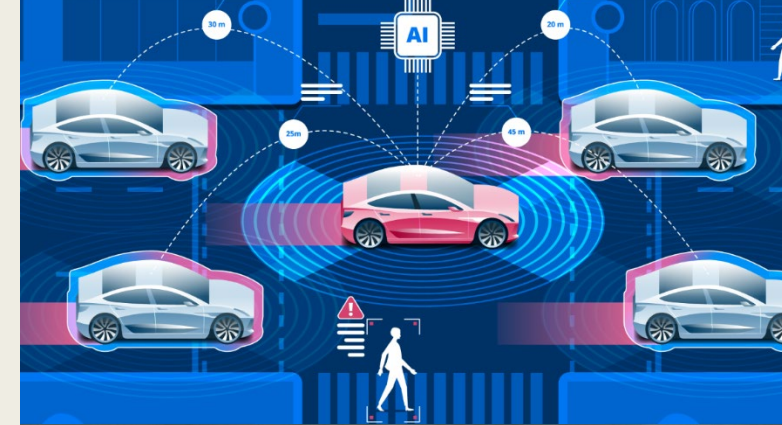
- Constrain innovation
- Lose competitive advantage
- US vs Europe vs China

When to Regulate?

- Collingridge Dilemma:
 - *When control is possible, not enough is known to warrant slowing development.*
 - *By the time those consequences are apparent, control has become costly and slow.*
- Precautionary Principle
- ‘Masterly Inactivity’

How? ~~Supply~~ *Demand for* regulation

- Manage risks
- Red lines
- Process legitimacy



AI

Australian co

TUESDAY, NOVEMBER 1, 2022 | THE STRAITS TIMES

S'pore not likely to use AI in sentencing in foreseeable future: Chief Justice

Method has attracted controversy and remains contentious, he says at conference

Selina Lum
Senior Law Correspondent

The criminal courts in Singapore are not likely to start using artificial intelligence (AI) tools in sentencing for some time to come.

The use of AI in sentencing has attracted controversy and remains contentious, Chief Justice Sundaresh Menon said on Monday in his

keynote address at a two-day sentencing conference held online.

The conference, organised by the State Courts and the Singapore Academy of Law, covers sentencing principles and frameworks, the use of AI in criminal justice and the sentencing of certain classes of offenders, such as youth and those with mental health issues.

In his speech, Chief Justice Menon addressed developments on the horizon, including the possible

The New York Times

Elon Musk and Others Call for Pause on A.I., Citing 'Profound Risks to Society'

More than 1,000 tech leaders, researchers and others signed an open letter urging a moratorium on the development of the most powerful artificial intelligence systems.



By Cade Metz and Gregory Schmidt

March 29, 2023

Official intelligence rules to other fears

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evolution of the courts' role and how sentencing is exercised. Sentencing frameworks serve to aid consistency in sentences, by establishing reasoning that can inform a sentence that is appropriate on the facts of the case and broadly in line with sentences imposed on similar offenders, he said. He noted that the courts in Singapore have been using at least five approaches: the "single starting point" approach, the "multiple points" approach, the "sentrix" approach, the "sentrix" approach and the "bands" approach. The "sentrix" approach turns on the nature of the offence in question. The benchmark approach is viable when an offence happens in a certain way. One example is the offence of four weeks' jail for a first-time offender on a public transport. The "sentrix" approach is unlikely to manifest in many cases where the offence is not manifest in many cases. In crafting a sentencing framework for the offence of the Court of Appeal established benchmark approach.

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AI Is Watching

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AI to Introduce

22

-mind issue in 2022.

Accountability Act of

and in the U.S. House of

Simon: So, will AI eventually replace regulators and everyone else attending this webinar?



As the capabilities of AI continue to advance, it is possible that they may eventually surpass the abilities of human regulators and attendees of this webinar.

While this may seem like a distant possibility, the rapid pace of technological development suggests that it could happen sooner than we think.



We, the Robots?

Regulating Artificial Intelligence
and the Limits of the Law

SIMON CHESTERMAN