

Europe's AI Convention: Balancing Innovation and Human Rights

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Why in News?

Recently, the Council of Europe (COE) adopted the Framework Convention on **Artificial Intelligence** and Human Rights, Democracy, and the Rule of Law, known as the 'AI convention,'.

What is the Council of Europe (COE)?

- **About**

- The Council of Europe (CoE) is an international political organization that was founded in 1949 to protect human rights, democracy, and the rule of law.
- It is the oldest intergovernmental organization in post-World War II Europe and has the most member states, which cooperate voluntarily.
- **Headquarter**
 - The CoE is based in **Strasbourg, France** and has close ties with the European Union.
- **Member**
 - It has 46 members including the Holy See, Japan, and the U.S., plus countries of the EU bloc and others.
- **CoE's areas of concern**
 - It addresses issues of common concern to its members, including human rights, crime prevention, drug abuse, environmental protection, bioethical issues, and migration.

What is Framework convention?

- **About**
 - A framework convention is a legally binding treaty that outlines broad commitments and objectives, establishing mechanisms to achieve them.
 - Specific targets are left to be determined by subsequent agreements.
- **Protocols**
 - Agreements negotiated under a framework convention are called protocols.
 - E.g., the Convention on Biological Diversity is a framework convention, while the Cartagena Protocol on Biosafety addresses living modified organisms under it.
 - Similarly, a future 'Protocol on AI Risk' could be established under Europe's AI convention.
- **Significance of the Framework Convention Approach**
 - This approach provides flexibility while encoding core principles and processes to achieve objectives.
 - Parties to the convention can decide how to meet these objectives based on their capacities and priorities.

What is AI Convention of Europe?

- **About**
 - This agreement is a comprehensive convention covering AI governance and links to human rights, democracy, and the responsible use of AI.
 - It will be opened for signature in Vilnius, in Lithuania, on September 5.
- **Aims and Definition**
 - The AI convention ensures that activities involving artificial intelligence systems comply with human rights, democracy, and the rule of law.
 - It describes an AI system as a machine-based system that uses input to generate outputs like predictions, content, recommendations, or decisions that can influence both physical and virtual environments.
 - Hence, the definition of AI in the convention aligns with the EU AI Act and the OECD's definition.

- **Scope of the AI Convention**

- **Coverage**

- The convention applies to all activities within the lifecycle of AI systems that could impact human rights, democracy, and the rule of law.

- **Public and Private Sector Responsibilities**

- **Public Authorities:** The convention is applicable to AI activities conducted by public authorities or private entities acting on their behalf.
 - **Private Actors:** Risks and impacts from AI activities by private entities not covered by public authorities must be addressed in alignment with the convention's objectives and purpose.

- **Exemptions for National Interests**

- Articles 3.2, 3.3, and 3.4 of the convention provide broad exemptions for national security interests, research, development and testing, and national defense.
 - Consequently, military applications of AI are excluded from the convention.

- **Inclusion of Private Sector**

- The inclusion of the private sector in the convention's scope was contentious, leading to a compromise.
 - Article 3(b) provides flexibility for parties to address private sector activities without completely exempting them.

- **Protection of Core Values**

- **Human Rights (Article 4):** The convention mandates the protection of human rights.
 - **Democratic Processes and Rule of Law (Article 5):** It emphasizes maintaining the integrity of democratic processes and respect for the rule of law.
 - Although disinformation and deep fakes are not specifically mentioned, parties are expected to take measures against them under Article 5.

- **Flexibility for Enhanced Commitments**

- Article 22 allows parties to exceed the commitments and obligations specified in the convention, encouraging further proactive measures.

EU's AI convention - Significance

- **No New AI-Specific Rights**

- The AI convention does not introduce new human rights specific to AI.
 - Instead, it emphasizes that existing human and fundamental rights, protected by international and national laws, must remain safeguarded during the application of AI systems.

- **Government Obligations**

- The convention primarily directs its obligations towards governments, which are expected to implement effective remedies (Article 14) and procedural safeguards (Article 15).

- **Protection of Core Values**

- The convention adopts a comprehensive approach to mitigate risks from AI applications regarding human rights, democracy, and the rule of law.
 - This approach recognizes the dynamic nature of AI technology and the challenges it presents.

- **Balance Between Innovation and Risk**

- Despite potential challenges and debates, particularly around the European notion of the rule of law, the convention is considered timely.
- It strikes a crucial balance between fostering innovation in AI and addressing risks to human rights.

- **Challenges**

- Implementing the convention poses challenges, especially as AI regulation frameworks are still evolving and technology advances rapidly, often outpacing existing laws and policies.

EU's AI Convention - Impact

- **Regional Influence**

- The AI convention could inspire similar conventions at the regional level in other parts of the world, promoting global standards in AI governance.

- **Indirect Effect on the U.S.**

- As the U.S. is a member of the Council of Europe (COE), the AI convention might indirectly influence AI governance in the U.S., which is significant given its status as a hub for AI innovation.

- **European Values and Norms**

- A potential downside is that the AI convention might be seen as heavily influenced by European values and norms in technology governance.
 - This could lead to perceptions of bias.
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Q.1. What is Cartagena Protocol on Biosafety?

The Cartagena Protocol is an international agreement managing the movement of living modified organisms from one country to another. It aims to protect nature from the potential risks posed by such organisms by establishing procedures countries can use to make informed decisions on the import of such organisms.

Q.2. What is Holy See?

The Holy See is the central government of the Roman Catholic Church and is often referred to as “the Vatican”. It is a sovereign juridical entity under international law, and is headed by the Pope, who is also the ruler of Vatican City State.

Source: [How Europe's AI convention balances innovation and human rights | Explained | Council of Europe](#) | [Britannica](#)

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