

THE GLOBAL STRUGGLE OVER AI SURVEILLANCE

EMERGING TRENDS AND DEMOCRATIC RESPONSES

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EXECUTIVE SUMMARY

From cameras that identify the faces of passersby to algorithms that keep tabs on public sentiment online, AI-powered tools are opening new frontiers in state surveillance around the world. Law enforcement, national security, criminal justice, and border management organizations around the globe increasingly rely on these technologies, which use statistical pattern recognition, machine learning, and big data analytics to classify information and predict resultant patterns autonomously. What are the governance implications of these enhanced surveillance capabilities?

Unchecked AI surveillance threatens democratic principles

Absent proper legal and technical safeguards, AI surveillance tools pose a range of risks for privacy, rule of law, and equality. By enabling ubiquitous public monitoring, they may **facilitate systematic repression against targeted groups, encourage investigative overreach, or have a chilling effect on expression and association**. These capacities are being tested to their limits in the People's Republic of China (PRC), where a sophisticated infrastructure of digital authoritarianism is emerging. Yet they also present significant challenges in settings where citizens enjoy a degree of political freedom.

The global market for AI surveillance encompasses strict autocracies, liberal democracies, and a growing number of the global “swing states” that occupy the ground in between. The PRC has emerged as a leading provider of these tools. Worldwide, however, slightly more democracies than autocratic states have AI surveillance capabilities, and vendors based in countries that are members of the Organization for Economic Cooperation and Development (OECD) sell these systems to regimes of all stripes.

In swing states, which combine democratic and autocratic features, rule-of-law gaps and democratic fragility create a heightened risk of surveillance abuses.

As domestic demand meets cheap exports from the PRC, countries in this category are increasingly acquiring AI surveillance tools—despite evidence that these systems may not be living up to the hype in terms of their impact on public safety.

Stakeholders must cooperate to protect human rights

Globally, human rights impacts remain an under-covered topic in national governments' AI strategies. However, the human rights implications of AI surveillance tools are moving onto the agenda of the EU as well as multilateral forums like the United Nations (UN) and the OECD. As societies around the world work to set norms around both specific technologies, such as facial recognition, and artificial intelligence writ large, collaboration across sectors is crucial to protecting democratic principles and processes. Private sector entities should take greater initiative to assess their products' human rights implications and develop appropriate safeguards. Civil society organizations (CSOs) at all levels are key to ensuring accountability in their roles as watchdogs, awareness raisers, and shapers of a new normative environment.

As open societies approach the challenge of AI surveillance, they should keep the following points in mind:

- Governments need to **move from promoting high-level AI principles to establishing concrete benchmarks, regulations, and oversight bodies** to ensure that AI is used in a manner consistent with privacy and human rights norms. Civil society actors should participate in the rulemaking process as equal stakeholders, rather than being brought in at the end for comment.
- Setting up **an enduring, multi-stakeholder body to address emerging technology surveillance issues** would fill an important gap in the landscape of institutions crafting AI norms. To avoid diluting key democratic principles, participating governments and companies should be held to a high standard on surveillance practices.
- Faced with Beijing's accelerating efforts to write the rules for AI systems, democracies must **act more vigorously to define global norms in keeping with democratic principles**. If PRC regulatory experiments and standards-setting efforts end up shaping global AI governance, the role of human rights norms may be diminished. AI regulatory initiatives developing in Europe represent positive steps to counterbalance Beijing's actions.
- To ensure that AI governance processes are participative and inclusive, open societies must **empower citizens to understand and evaluate the impacts of AI systems**, as well as the value choices they reflect. Civil society should work to support individual understanding and engagement.

Civil society actors should participate in the rulemaking process as equal stakeholders.