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Project 14: Beyond Code - The Battle for Influence in AI's Global Rulebook

Final report

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Executive Summary

1. This research explores the Artificial Intelligence (AI) governance space through the lens of civil society organisations. Its primary purpose is to provide insights into the challenges civil society organisations (CSOs) face while navigating the AI governance space linked to common CSO challenges, AI-specific challenges, process-specific challenges, and challenges related to the global aspect of AI governance. Additionally, this work aims to provide recommendations on how to tackle such issues, as well as present a new understanding of the underengagement of CSOs in AI governance using two specific cases of the European Union's Artificial Intelligence Act and Council of Europe's Committee on Artificial Intelligence Convention.
2. CSOs face significant barriers in participating in AI governance due to the technical nature of discussions and the dominant influence of private sector interests. Despite formal mechanisms for participation, CSOs often find it challenging to have their voices heard and their expertise considered in decision-making processes. Additionally, other common challenges such as financial constraints and logistical challenges limit CSOs from even more involvement in the AI governance discussions.
3. Still, this research highlights that even when direct participation in decision-making processes is limited, CSOs can exert influence through agenda setting actions such as advocacy and public pressure. This indirect approach can help shape public opinion and consequently, policy directions, despite the technical barriers to direct participation.
4. This study provides recommendations for policymakers to enhance CSO participation. These include creating more accessible participation mechanisms, ensuring that technical discussions are understandable to non-experts, and fostering an inclusive environment where CSOs can contribute meaningfully to AI governance.
5. The paper argues that the underengagement of CSOs in AI governance stems not only from technical but also institutional shortcomings, with inadequate mechanisms for public participation. It suggests shifting the focus from CSOs' technical expertise to enhancing inclusive institutional frameworks and recognizing both subjective and objective criteria in evaluating their impact. Emphasising the importance of their representative and ethical roles, the paper highlights how their participation is often overshadowed by big tech and geopolitical interests, leading to significant power imbalances.
6. It is imperative to develop new theoretical frameworks, to assess the performance of CSO participation where social priorities and perception, social mission and objective matters are placed as a priority. Contemporary participation models, such as the ladder of participation, cannot account for the roles and impacts of CSOs in AI regulation because they do not adequately reflect engagement dynamics, focusing only on the extent and level of involvement.
7. The methodology used to conduct the research was an interview-based qualitative approach interviewing CSO actors who have participated in the EU AI Act processes and CAI processes. Of the possible 17 possible candidates, 6 interviewees were interviewed, and the data gathered from the interviews were thematically analysed and presented.

1. Introduction

Artificial Narrow Intelligence (ANI) is rapidly influencing daily life and bringing significant changes to society. While not yet autonomous, this transformative technology is now ubiquitous, often unnoticed. ANI is increasingly embedded in technology, automating resource-consuming tasks and processing large quantities of information. In specialised tasks, ANI contributes significantly to healthcare, sustainable development and humanitarian work.

However, ANI raises ethical and human rights concerns. Its data and algorithms can perpetuate societal biases, leading to unfair outcomes in employment and education, further marginalising vulnerable populations. In high-stakes areas like security or criminal justice, ANI's lack of accountability and transparency is problematic. Its "black box" nature raises questions about accountability for errors. Geopolitical competition, especially for national security, drives AI innovation, potentially leading to power abuses and endangering lives.

To mitigate risks, many governments and organisations have adopted global normative principles, often regarded as soft law instruments.[1] However, regulating through hard law texts, i.e. binding rules, is also seen as a necessary legal advancement to govern AI development and deployment. AI governance offers opportunities to become leaders in the field and gain advantageous positions for further development. In this race, States must balance economic, security and human rights interests. Besides the United Nations (UN) processes in AI governance, the main geographical poles of influence are in North America, China and Europe, each with its own approach to deal with these considerations. For example, the European region has recently adopted two texts in terms of AI regulations: the European Union (EU) Artificial Intelligence Act and the Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law.[2] These are the first comprehensive and binding texts on AI governance with transnational impact and, in the Convention's case, international rules. Despite not being developed by the same institutional body and covering different themes, both texts were developed through a multistakeholder approach, emphasising the participation of diverse perspectives. Regulatory bodies like the European Commission and the Council of Europe provided various participation modes for stakeholders to voice opinions, propose amendments and observe the drafting process to balance the mentioned interests.

As one of the main stakeholders mentioned in both of the institutional frameworks, civil society organisations (CSOs) play an important role by carrying human rights and ethical concerns at the core of their actions. However, their participation in the field of AI governance is currently highly understudied. In this research we are investigating how CSOs participated in both processes. What challenges did they encounter? Are they technical or institutional omissions? Based on these considerations, how included did they feel in the processes and were they included enough?

The following research has been conducted in partnerhsip with the Blavatnik School of Government at the University of Oxford, an academic institution focusing on improving public policy and governance through teaching, research and engagement with governments and practitioners

[1] Such as principles on AI developed by the Organisation for Economic Co-operation and Development (OECD, 2019) or the United Nations (UN CEB, 2022)

[2] Artificial Intelligence Act - European parliament, March 13, 2024. & Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law - Council of Europe, 2024

worldwide.[3] The main point of contact was professor Roxana Radu, an Associate Professor of Digital Technologies and Public Policy at Jesus College, with research focusing on the governance of technology and internet-related policymaking.[4] This study aims to critically assess the inclusiveness of AI governance frameworks by examining how CSOs perceive and navigate their roles within European frameworks. It seeks to identify the key challenges and outcomes of CSO involvement and to reflect on the current understanding of CSO participation in AI governance. In a broader context, it examines how the international community can inclusively navigate the transition to AI systems that benefit society and minimise the risks, through an approach in policymaking that facilitates the participation of CSOs.

To achieve these objectives, this study has employed a qualitative method, including interviews with CSO representatives that participated in both or one of these processes as well as the development of a theoretical framework informing our analysis. These methods will provide a comprehensive understanding of both formal and informal mechanisms of CSO involvement.

The expected contributions of this study are quadruple:

1. This research will offer a nuanced understanding of CSOs participation in global AI governance, enriching the broader literature on multistakeholder governance frameworks.

2. The findings will inform policymakers on how to enhance the meaningful participation of CSOs through their own recommendations, Additionally, it will provide insights into successful strategies and best practices for engaging in European AI governance. These initial recommendations can be supplemented by additional proposals from various CSOs participating in diverse, future processes of global governance of AI. This will allow for the adaptation and customization of such recommendations to suit their respective initiatives or to use this report as a basis for conducting additional necessary research.

3. The analysis section raises questions about the tech-oriented institutional culture as well as the democratic ideal of global AI governance. An important finding of this study highlights the need for a new model to evaluate CSOs' modes of participation in the global governance of AI.

4. This report further informs the field of AI governance, which remains quite new and understudied. Its focus on the participation modes of CSOs addresses one of the gaps found in the literature review on AI governance, namely the roles and responsibilities of stakeholders.

In terms of the report's structure, following this introductory chapter, the second chapter will present our conceptual framework. We present an exploration of various academic perspectives on global governance, multistakeholderism and the roles and responsibilities of CSOs within these frameworks, with a particular emphasis on their relevance to the global governance of Artificial Intelligence. This is followed by an overview of internet governance, a similarly general technological domain, providing insights into the lessons learned and challenges faced by CSOs. Our methodology, which delineates the criteria for selecting the focal processes, the parameters for identifying pertinent CSOs, the planning of interviews, along with the thematic analysis of the collected data, is detailed in the third chapter. Afterwards, we present our key findings in the fourth chapter, building upon the

[3] From the Blavatnik School of government Website https://blavatnikfoundation.org/beneficiary/blavatnik-school-of-government/

[4] Taken from her biography of the website of the Blavatnik School of Government, 2024, https://www.bsg.ox.ac.uk/people/roxana-radu

established conceptual groundwork. Lastly, the fifth chapter presents our conclusive analysis, providing a critical evaluation of the insights from the interviews.

2. Literature review

2.1. Artificial Intelligence (AI) Governance

Some scholars intend to define AI governance, based on the technical concept of AI, as to what is being governed, through definitions of AI technologies and what governance could achieve (Birkstedt et al., 2023; Allan Dafoe, 2018; Butcher & Beridze, 2019). However, there is a growing concern surrounding the "how" and the structure of these governance processes (Tallberg et al. 2023; Erman & Furendal, 2022). To understand the nascent AI governance architecture, we need to first investigate its global scope.

Academia has been increasingly interested in researching beyond the interstate system, looking at broader relations between governance actors, spaces and mechanisms (Radu, 2019; Rosenau & Czempiel, 1992, Lennox, 2008). This is explained by a widespread exercise of power that has transnational repercussions, in which stakeholders, beyond the state, can participate and have the capacity to drive interconnectedness. (Weiss, 2000.; Finkelstein 199; Rosenau 1995). So, in this respect, "global governance" can be understood at global or regional levels (Tallberg et al., 2023). The multiplicity of individuals, institutions, public and private, and organisations, diffuses the power throughout the global system, going beyond mere regulations, considering ideational development, providing some generalised principles of conduct (O'Brien, 2000; Ruggie,1998). One of the key aspects of global governance is the tensions between these power sharing arrangements and how they impact the final product of the governance processes (Radu, 2019), who are they protecting and who are they harming?

General-purpose technologies, including the advancement of AI technologies, reflect the same internationalisation trend that has driven the global expansion of markets and ideologies over many years (Feijóo et al., 2020, Frey, 2019). The growth of global governance initiatives is mostly explained by the externalities created by AI as well as AI innovative developments occurring through transnational processes, both of which necessitates international collaboration and regulations (Tallberg et al. 2023).

Despite the need for a collective approach on AI, a fragmented decentralised AI governance is gaining momentum, as presented by previous mapping exercises that consider national, and, prominently now, international settings (Radu, 2021; Council of Europe, 2023; Schmitt, 2022; Tallberg et al., 2023, Butcher & Beridze, 2019). The UN has produced a great number of documents, and a final report will be produced ahead of the UN Summit for the Future (2024), to inform negotiations on the Global Digital Compact (Nordås, 2024).[5] Other initiatives on ethical guidelines have been launched by the OECD (2019) as well as the European Union (EU, 2019). These initiatives collectively underscore the commitment to ensuring fairness, inclusion, transparency, accountability and responsibility in AI development (Calligeros, 2023).

[5] Ranging from the "Recommendations on the Ethics of Artificial Intelligence" (UNESCO, 2021) to the most recent UN Secretary-General's High-Level Advisory Body on AI (HLAB-AI) interim report "Governing AI for Humanity" (2023) as well as the UN Resolution on AI, "Seizing the opportunities of safe, secure and trustworthy artificial intelligence systems for sustainable development" (2024).

Only two comprehensive binding regulations have been adopted, by the EU and the Council of Europe (European Parliament, 2024; Council of Europe 2024). The other frameworks, however, are akin to soft law instruments which can also be explained by the complexity of finding a compromise when dealing with many diverging interests (Cihon et al. 2020; Burri, 2017). This lack of hard law instrument has raised concerns that prioritising economic and security interests in the race to lead AI development may cause international actors and firms to overlook safety, ethical and human rights issues (Dafoe 2018; Future of Life Institute 2023). The capture of AI governance by industries and the creation of their own guiding instruments, especially in standardisation bodies, raises concerns about the impartiality of these governance processes (Veale, 2023; Butcher & Beridze, 2019; Ebers, 2022).

As mentioned before, AI governance frameworks are highly influenced by how divergent interests are managed, which depends on the priorities of the regulating body and the stakeholders involved. Two explanatory theories in global governance have been instrumental in understanding these frameworks: the power-oriented perspective and the normative approach (Gruber, 2000; Ulnicane, 2022). The power-oriented perspective highlights the dynamics among dominant actors—namely China, the United States (US) and Europe —engaged in strategic competition (Feijoo et al., 2020; Tallberg, 2022). Their perspectives and outlooks thereby shape not only the outcomes but also determine who participates in the process and with what level of intensity.

Research on norms emphasises that these governance processes are constructed around normative ideals. In the European context, there is a pronounced advocacy for ethical norms, driven by the active participation of diverse stakeholders, particularly CSOs (Ulnicane, 2022). An "ethics-centred" process is characterised by principles of transparency, inclusion, accountability, participation, deliberation and fairness (Floridi et al., 2018). The inclusivity of decision-making processes within AI governance frameworks underscores the necessity for equitable participation in shaping these frameworks (Chinen, 2023). Embracing an ethical approach necessitates an open decision-making process that allows for democratic influence, thereby enhancing political legitimacy (Erman & Furendal, 2022). However, the procedural aspects, particularly democratic processes in global AI governance — the access side and the exercise side — are often overlooked (Tallberg et al., 2023; Erman, 2020). Keeping this in mind, AI governance should involve collective decision-making that is representative and inclusive of all stakeholders affected by AI technologies, embodying possibly a multistakeholder approach as discussed below.

2.2. The Model of Multistakeholderism

Multistakeholderism, which in practice takes the form of multistakeholder initiatives (MSIs)[6] (Raymond and deNardis, 2015; Radu et al., 2015), is a governance model across multiple issue areas with a prominent application in the Internet Governance (IG). Other domains, according to the mapping of global MSIs formed between 2000 and 2021 provided by Manahan and Kumar (2021), includes education, climate and environment, health system, and food and agriculture.

Raymond and DeNardis (2015) point out multistakeholderism is a much less well-defined institutional form and has multiple variations among cases. They define multistakeholderism as two or more classes of actors engaged in a common governance enterprise concerning issues regarded as public in nature and characterised by polyarchic authority relations constituted by procedural rules, which implied its distinct features of representation, inclusiveness, and collaboration. Donders, Van den Bulck and Raats (2018) trace the evolution of the notion of multistakeholderism, pointing out that it is inspired

[6] The concept and the acronym are taken from the following literature: Raymond and deNardis, 2015; Radu et al., 2015

by deliberative democracy and aims to further it. A large body of literature legitimises it by values of diversity, participation, exchange of opinions, cooperation and consensus formation on a global scale. For example, Antonova (2011) regards the multistakeholder collaboration as a process of capacity building which bears fruits of accumulation of intellectual capital, development of relational infrastructure for the domain (epistemic community), and emergence of common global consciousness.

As multistakeholderism appeals for inclusive decision-making, it leads to the definition of the "stakeholder" that affords certain types of actors' legitimacy to participate in the negotiation process. There is no consensus on it. Buxton (2019) points out that the difficulty is inherent in the definition itself, that it is hard to decide whether someone has a "stake" and someone else does not, and that who can sufficiently represent that "stake" is controversial. The Working Group on Internet Governance (WGIG) (2005) gives a working definition of IG, in which it suggests that the main stakeholders are governments, the private sector and civil society.[7]

It is noticeable that civil society is widely recognized as a qualified stakeholder. It is usually seen as a relatively independent actor who challenges the government authority and tackles problems created by transnational corporations (Gleckman, 2018).

As previously mentioned, in terms of who is eligible to be involved in the decision-making processes, the state has long held exclusive prerogatives. Multistakeholderism, in this sense, is a break from state's dominance. It should be noted that, whether or not to apply multistakeholder governance in the regulatory framework still largely remains at the state's discretion. Particularly, regarding global governance, there is always a competitive institutional agenda called multilateralism which appeals for the states' exclusive impact and intergovernmental negotiations (Haggart, Scholte, & Tusikov, 2021). In this context, the EU distinguishes itself from other states and areas as it has been an advocate of multistakeholderism for quite some time. Literature examines the EU's inclusive practices in fields such as health, trade, media, the Internet, and human rights (e.g., Donders et al., 2018; Potjomkina, 2018; Godziewski, 2021). Related to AI rule-making, both the EU[8] and CAI[9] frameworks have adopted stakeholder consultation as one of their main governing patterns, which is explicitly expressed in the EU AI Act and Draft Framework Convention of CAI.

Civil society is also included in these frameworks. According to the legal proposal of EU AI Act, civil society's voices were represented by 160 respondents (among which 9 consumer organisations, 129 non-governmental organisations and 22 trade unions) in the stakeholder consultation (European Commission, 2021).

2.3. Civil Society's Role in Global Governance

Civil Society is a widely debated concept in social sciences due to its complex nature (Kohler-Koch, 2009). Despite extensive discussion, many scholars hesitate to provide a precise definition. The EU defines civil society as "all forms of social action carried out by individuals or groups who are

[7] Similar systems are adopted by organisations such as the OECD, UN High Commissioner for Human Rights (OHCHR), International Labour Organization (ILO), UN Food System Summit (UNFSS), and can be found in a large body of relevant literature (e.g., UNHCHR, 2022; FIAN International, 2020).

[8] The section 3.1 "Stakeholder consultation" of Explanatory Memorandum of Proposal for EU AI Act:"This proposal is the result of extensive consultation with all major stakeholders, in which the general principles and minimum standards for consultation of interested parties by the Commission were applied".

[9] The article 20 of the draft Framework Convention:"Each Party shall strive to ensure that important, including emerging, questions raised by the activities within the lifecycle of artificial intelligence systems are, as appropriate, duly considered through public discussion and multi-stakeholder consultation in the light of social, economic, legal, ethical, environmental and other relevant implications".

neither connected to nor managed by state authorities" (EU, 2023). It further specifies that a CSO is an entity whose members serve the general interest through democratic processes and mediate between public authorities and citizens (EU, 2023). The UN, while not defining civil society, describes CSOs or non-governmental organisations (NGOs) as non-profit, voluntary citizen groups organised at various levels (UN n.d.). These definitions highlight civil society's organised nature, often seen as a "third sector" distinct from government and business (Jezard, 2018).

The influence of CSOs' role in global governance has been growing. In recent decades, non-state actors—including indigenous and local community organisations, academic and research institutions, epistemic communities, faith-based and charitable organisations, labour unions, and professional associations—have increasingly participated in global governance (Ford 2003, 120; Tramontana 2012, 175). The inclusion of CSOs in global governance introduces diverse voices pursuing common objectives at the global level (Ford 2003, 120; Speth and Haas 2006).

The formal inclusion of CSOs is seen as beneficial because it offers greater opportunities to influence governmental decision-making (Weiss & Gordenker 1996; Raustiala 1997; Gulbrandsen & Andresen 2004, 59; Steffek & Nanz 2007, 11; Thomann 2007; Böhmelt 2013). It solves the "democratic deficit" (Nye 2001; Bernstein 2005; Steffek & Nanz 2007; Steffek & Ferretti 2009) that characterises international politics by acting as a "transmission belt" (Steffek & Nanz 2007) that enhances global governance (Bernstein 2005; Grant & Keohane 2005; Betsill & Corell 2008; Steffek & Ferretti 2009; Biermann & Gupta 2011; Keohane 2011; Dryzek 2012) with the inclusion of the citizen voices, channelling their concerns to the respective actors, and rendering decision-making processes more transparent and accessible for people with no technical expertise.

Overall, the literature identified five main reasons that legitimise the participation of CSOs in global governance: (i) Enhance democratic legitimacy, (ii) Actors of global opposition, (iii) Foster transparency and general access to public information, (iv) Guarantee the accountability deficit of intergovernmental organisations and (v) Provide technical expertise and the quality of debates, procedures and outcomes (Scholte, 2002; Tramontana, 2012; Sénit, 2020; Ammann & Boussat, 2023).

To help with the analysis of our findings, the following section on IG can provide valuable insights into the challenges and opportunities stakeholders face in global governance processes that use multistakeholder approaches, when it comes to general technologies.

2.4. Internet Governance and Its Practice of Multistakeholderism

Multistakeholderism is widely studied in the IG. The decentralised governance framework where legitimacy and authority are redefined, is rooted in the technical features of the internet and was informally developed by the non-state actors outside of state-centric traditional mechanisms[10] during its early design (Epistein, 2013). However, the highly diverse set of actors and the hybrid and various authority structures in IG today is not a mere given. Tracing its more than forty years of evolution, Radu (2019) divides the history of IG into three stages: (1) early informal, function- and efficiency-driven governance narrowly focused on interoperable protocols; (2) the global expansion of IG and its commercialization; (3) the on-going multistakeholder governance privileging cross-sectoral partnerships. The early horizontal structure and the culture of consensus were continually permeated by

[10] Such as the International Telecommunication Union (ITU) mechanism.

the outside politics and power dynamics, and it is the World Summit on Information Society (WSIS) process that opened the third stage and laid the foundation of the politically negotiated system at present.

The WSIS decade marked the turning point in the evolution of the internet with formal recognition of shared responsibility of different actors, especially the non-state ones. It gave the first definition of IG and redefined the internet as a sociopolitical field (in opposition to technical only) based on the values of civil liberty and equality. By patching up the international rules that emerged throughout the WSIS decade, Radu (2019) observes the hybrid configurations in the internet policymaking, the scaling up of the public domain, and the proliferation of soft laws. The involvement of civil society and industry actors at various levels and the opening-up of new negotiation arenas was unprecedented, and it is noticeable that their preference were mostly given to the modelling activities that aimed at limiting and constraining other actors. In the absence of a central mechanism for coordinating Internet-related policies, multistakeholderism became the norm, though Radu also noticed the private sector-led and expert-centric feature in the process.

Precisely, the MSIs in IG usually take the form of forums and organisations with NGOs and hybrid arrangements[11] (Radu, 2019; Harcourt et al., 2020). According to Mathiason (2009) and Tjahja (2022), the forums provide vivid “talk shops" for various actors, including civil society, to exchange expertise and advice and develop common understanding through debate and dialogue. Raymond and DeNadis (2015) underline the independent importance of procedure legitimacy carried by forums, recognising multistakeholderism as a value in itself rather than a possible set of approaches for meeting more salient public interest objectives such as human rights, Internet security and performance or financial stability.

Apart from these high hopes of substantive and procedural values pinned on the forums, however, the inclusiveness in its realistic operation is questioned. Tjahja, Meyer and Shahin (2021) construct the Internet Governance Stakeholder framework to assess the actual representation of civil society in the IGFs from 2006 to 2019. They find the decision-making is geographically and thematically dominated by a handful of key actor types. Moreover, the elusiveness of the term “civil society” conceals such dominance as many individuals indeed representing other stakeholder types self-identify as civil society, which is highly likely to mislead the assessments into magnifying the impact of CSOs. Haristya (2020) traces the internal struggles beneath the homogeneous appearance of CSOs. The difficulty of coordinating diverse representatives has largely weakened CSOs’ capability to participate and influence multistakeholder policy-making processes.

Therefore, Epstein and Nonnecke (2016) suggest that MSIs are more performative than substantive. They highlight that it is hard to measure the variety of views represented in discussions and the representativeness of the participating groups, and whether or not CSO’s views influence policy formation is unknown. Both organisers and participants in these initiatives face challenges of barriers to entry, funding, and path dependency in terms of practices and conceptualizations of multistakeholder engagement. MSIs are accused of unequal inclusion in favour of advantaged states and corporations.

Standard-developing organisations (SDOs) in IG, which are also strong champions of multistakeholderism, are facing similar challenges of privatisation (DeNardis, 2012) and lack of legitimacy because they set general standards for cyberspace based on their organisational self-interest (Harcourt et al., 2020). Big companies, especially US companies, are the main beneficiaries of this

[11] According to previous mapping exercise, the global institutions include WSIS, the UN's Internet Governance Forum (IGF), the 2014 Global Multistakeholder Meeting on the Future of Internet Governance (NETmundial), Internet Governance Forum (IUF), and the Internet Social Forum (ISF).

privatisation of standard-setting (DeNardis, 2009; Carr, 2015).[12] Literature further directly points out that SDOs are, and always have been, politicised bodies (DeNardis, 2012). Organisations responsible for Internet standard setting and managing its architecture[13] have always been subject to realpolitik (Cath & Floridi, 2017). This is not unique to the IG. Taggart and Abraham (2023) find that, in general, multistakeholderism is more adopted by the northern states than the southern as it is intertwined with hegemonic power struggles to advance the global north and the corporate power. Civil society is highly under-engaged in standard-developing processes.

Critics argue that multistakeholderism is merely a theoretical illusion and a discourse that obscures the instrumental role that it played in the unification and institutionalisation of a transnational power elite (Chenou, 2014). The biassed representation has disappeared in such rhetoric of collaborative transnational policy making. There has been an academic consensus that civil society is under-engaged (Harcourt et al., 2020). Further, multistakeholderism can be used to reinforce the existing power structures and exclude new entrants (Raymond & DeNardis, 2015; Carr, 2015). It privileges north-western governments, particularly the US, and the US private sector that aggregates rather than balances US power. Civil society, on the contrary, has no substantial power and serves the purpose of the other two stakeholders by giving the impression of consultation without generating any significant friction (Carr, 2015).

One prevailing point of view attributes the underengagement of CSOs vis-à-vis states and large corporations from the Global North to the technical threshold that these forums bear (Harcourt et al., 2020). According to an example from IPng (Internet Protocol next generation) Directorate, each proposal working group represents numerous technical areas spanning routing, security, and protocol architectures (DeNardis, 2009). As CSOs usually work on public policies, The inaccessibility of the IG for CSOs, in this sense, is because CSOs are non-experts (DeNardis & Raymond, 2013). However, there are already some scholars in IG having pointed this out, that CSOs usually influence the SDOs through political processes external to the forums which they can hardly enter (Harcourt, Christou, & Simpson, 2020), which means standard-setting processes which tightly revolve around technologies are not the CSOs' main battlefield, or they intend to intervene with a non-tech approach. They challenge the state and corporate through internet activist movements (Bennett, 2003), national and international mechanisms to push SDOs to include civil and human rights principles (Harcourt, Christou, & Simpson, 2020). However, these studies often question the effectiveness of these endeavours, as standards are inevitably technical and leave very little space for political participation. When decision-making is reframed in technical terms, representation from consumer groups and the wider public is low (Harcourt, Christou, & Simpson, 2020). It is hard, and even unnecessary to change the standards directly. The public pressure created by CSOs is on the fringe.

Concerns surrounding the CSOs' participation in IG are also found in AI governance, as the latter shares the similar power dynamic.

2.5. CSOs Participation in AI Global Governance

Connecting these themes back to AI governance, there is an identified gap regarding the role of stakeholders, highlighting the need for mechanisms and processes to consider the influence and power that stakeholders have. The networks of stakeholders, along with their degree of involvement

[12] Manahan and Kumar (2021) also criticised the overwhelming influence of corporate power and capture of the decision-making processes at the multilateral institutions.
[13] Examples are Internet Engineering Task Force (IETF), Internet Corporation for Assigned Names and Numbers (ICANN), and ITU.

and active participation in AI governance development and execution, remain largely under-theorised (Birkstedt, 2023). Few studies focus on the disparities in power, expertise and the cooperation among them, which is particularly relevant for CSOs in AI governance (Feijo et al., 2020).

CSOs are directly impacted by an existing hierarchical order, where technical expertise and power are predominantly concentrated among a small group of actors, especially large technology companies. (Lewis et al., 2020; Erdelyi and Goldsmith, 2018; Lewis et al., 2020; Ulnicane et al., 2021). When considering the role of non-state actors in AI governance, it is important to examine whether different types of decision-making processes need different ethical and normative standards, since these stakeholders have diverging levels of importance and authority. This reality has consequences that cannot simply be read in formal documents. In the case of the EU and the Council of Europe, for example, CSOs status and roles are prescribed, as mentioned in section 2.2. Conflicts among stakeholders, such as differing interests or an inadequate understanding of roles and responsibilities, can have significant ethical implications for AI systems (Orr & Davis, 2020).

Additionally, civil society's participation in MSIs can be evaluated using schematic models (Arnstein's ladder of citizen participation), which categorises participation into nonparticipation, tokenism and citizen power based on the level of influence ((Arnstein, 1969). Inspired by Arnstein's model, various organisations like the OECD and EU have developed their own frameworks to assess stakeholder engagement (OECD, 2016; CoE, 2020). However, critics argue that these models are inherently normative and focus more on the needs of the institutions than those of the CSOs involved (Drieghe et al., 2021; May, 2006).

Given this context, it is crucial to analyse the formal participation modes of CSOs within regional European AI governance frameworks.

2.6. CSOs Formal Participation Modes within Regional European AI Governance Frameworks

In this section, we will investigate the different types of CSOs participation modes in the CAI and the EU AI Act. Although these processes represent an important contribution from the region, they serve different purposes. On one hand, the CAI is an advisory body within the Council of Europe (CoE). The existence of this committee comes from previous work carried out by the CoE with the former Ad hoc Committee on Artificial Intelligence (CAHAI) whose final paper led to the elaboration of the framework convention of CAI that proposes the development of legal standards and policies for AI governance, complying with the protection of human rights, democracy and the rule of law (CAI, 2024).

On the other hand, the EU AI Act is a proposal for implementing a regulatory framework that aims to “harmonise rules on Artificial Intelligence (AI Act)” (EUR-LEX, 2021). This regulatory framework responds to the urgent calls from the European Parliament and the European Council for legislative action to “ensure a well-functioning internal market for artificial intelligence systems (‘AI systems’) where both benefits and risks of AI are adequately addressed at Union level” (EUR-LEX, 2021). In summary, the main objectives of this regulatory framework are the following: ensure AI systems placed at the EU comply with community laws, human rights and ethical principles, at the same time, enhance governance and facilitate investment with internal market regulation and innovation in AI (European Commission, 2021).

Regarding the participation of CSOs within these two processes, it is important to differentiate two modes of participation. One key institutional mechanism within the CAI is the observer status granted to CSOs (Civil Society Portal, n.d.). This status offers CSOs various opportunities to engage with AI governance. They can attend meetings, participate in different discussions and provide input on draft documents and policy proposals during public consultations or within working groups. Additionally, CSOs with observer status can provide expertise as part of their experience and work in any field related to AI such as ethics, human rights and related fields. In this position, they contribute by providing inputs from different perspectives (Council of Europe, 2022).

For the elaboration of the EU AI Act, CSOs participated in open public consultations and feedback mechanisms on various aspects of the Act through the Commission's "Have Your Say" portal.[14] Additionally, as part of this process, CSOs were part of advisory committees and expert groups such as the High-Level Expert Group on Artificial Intelligence and the European AI Alliance Forum where they can provide insights and recommendations on AI policy and regulation (High-level Expert Group on Artificial Intelligence, 2024).

In both processes, CSOs can have the opportunity to participate in different workshops and roundtables organised by the EC, as well, access to all relevant documents, regular updates and reports. Finally, they can participate in funding and support programs such as Horizon Europe[15] and The Digital Europe Programme[16], a funding program that provides financial support for projects related to AI, including those led by or involving CSOs.

2.5. Justification and Research Question

The field of AI governance possesses pertinent implications for the future. Much like the internet, AI technologies are already present in several facets of daily life and will continue to expand their sphere of influence. To safeguard against unforeseen dangers, governance becomes a plausible solution to ensure accountability in technology.

Research concerning the role of CSOs in AI governance has yet to have been developed sufficiently. Our research aims to provide another building block for other researchers, policy makers and academics seeking to advance the study of CSOs participation not only in AI governance but also in related fields. By investigating how civil society engages in various forums, the research intends to identify and suggest methods to enhance and encourage participation.

To address this concern and to fill in the gap existing in the literature review, this research will address the following research question: "How do Civil Society Organizations perceive their participation in the AI governance processes of the CAI and the EU AI Act, and what proper analytical approach should be used to understand their involvement?" The basis behind the selection of these two venues is that they are good examples which have applied what is an ideal governance model of multistakeholderism.

[14] European Commission. (n.d.). Have Your Say - Public Consultations and Feedback. https://ec.europa.eu/info/law/better-regulation/have-your-say_en.
[15] European Commission. (2021). Horizon Europe. Research-And-Innovation.ec.europa.eu. https://research-and-innovation.ec.europa.eu/funding/funding-opportunities/funding-programmes-and-open-calls/horizon-europe_en.
[16] European Commission. (n.d.). Digital Programme | Shaping Europe's digital future. Digital-Strategy.ec.europa.eu. https://digital-strategy.ec.europa.eu/en/activities/digital-programme.

3. Methodology

This research adopts an interview-based qualitative approach to discover the extent of civil society participation in global AI governance. Through a series of interviews, this work aims to provide insights from civil society actors concerning the current state of global AI governance.

Within the framework of this research, the two processes of CAI and the EU AI Act were considered. The rationale behind the selection of the two cases was for two reasons. Firstly, Europe as a region has been one of the frontrunners in establishing norms and rights for governance, the enactment and the implementation of the General Data Protection Regulation by the EU is a prime example of such innovation. Secondly, both CAI and EU AI Act are *hard law* processes, meaning that the outcomes from both processes are legally binding and the results from the processes have their pertinence amplified. As they are the first of their kind in AI governance, their effects can be disseminated globally similarly to mechanisms such as the Brussels Effect (Bradford, 2012).

Qualitative approach was considered to be the most effective method of conducting research to generate information complementing the literature review. The perspectives of experts who were involved in the AI governance from the perspective of CSOs were particularly highly valued, providing the rationale to interview participants in the EU AI Act and CAI to discuss their experiences and challenges.

To conduct the research the four-point approach to qualitative sampling suggested by O.C. Robinson was adopted (Robinson, 2013). Firstly, a sample universe was defined. This research adopted a homogenous group as constituents of its sample universe, opting for CSOs which are active in the AI governance sphere. Secondly, the sample size was decided from the publicly available list of participants from both CAI and EU AI Act processes. While a specific number of a sample size was not predetermined, an approach which attempted to encapsulate as many interviews as possible was adopted considering the diversity of the civil society. Thirdly, a sampling strategy was chosen.

The sampling method of this research is *purposive sampling*, which is a method of non-probability sampling, designed to rely on the researchers' judgement to select the unit which will be studied (Rai & Thapa, 2015). Purposive sampling was adopted as this research concerns AI governance from the perspective of civil society, and to achieve that, the opinions of CSOs were considered the most pertinent. To start, the publicly available list of the CAI plenary sessions was examined, and a list of observing and participating CSOs was curated. Then, from the curated list, CSOs who were also involved in the EU AI Act and/or CAI became finalists to be interviewed.[17]

[17] After the curation process, a list of 17 possible candidate CSOs was made. All 17 possible candidates were contacted, and 6/17 (35%) candidates responded and were interviewed. For more information on publicly available lists, see appendix D.

Respondent	Description	Date
A	Represents a moderately-sized CSO based in the United States	01.05.2024
B	Represents a small-scale, domestically-focused CSO based in an EU country	02.05.2024
C	Represents a small-scale domestic-centred CSO	03.05.2024
D	Represents a moderately-sized CSO based in the United Kingdom.	15.05.2024
E	Represents a secretariat of a network of equality bodies in Europe registered as CSO	16.05.2024
F	Represents a moderately-sized CSO based in the Netherlands.	07.06.2024

Finally, participants were recruited by searching for contacts on their respective websites and social media pages of the organisation inquiring via email about the potential opportunities to participate in a research project on civil society participation in AI governance. A written consent form was also attached in the email. At the end of the sampling and recruiting process, a total of six interviews were conducted with 6 different CSO actors.

The interviews comprised of six sections:[18]

I. Experience in global governance of artificial intelligence;
II. Participation in AI Act and CAI processes;
III. Level of involvement of the organisation in global discussions and decisions related to AI governance;
IV. Level of inclusion of the organisation in global discussions and decisions related to AI governance;
V. Outcomes and challenges of the participation as part of the EU AI Act and CAI processes;
VI. Recommendations for enhancing the meaningful involvement of civil society in the global governance of AI.

Data collection was carried out through a series of semi-structured interviews from 25th of April until 7th of June and considering the dispersed location of the interviewees as well as logistical considerations, the interviews were conducted through online conference-calling platforms of Google Meets, Zoom, and Microsoft Teams. Each interview lasted approximately 30-45 minutes, and the interviews were conducted under Chatham House rules for confidentiality purposes.

Throughout the interviews, notes and transcriptions were recorded and the audio recordings were verified. Then, the transcripts were anonymized to ensure their identity protection. Then on, the information and data from the notes and transcripts were taken and the inductive approach of a thematic

[18] For the full list of questions, see Appendix B

analysis was conducted where passages were placed under specific codes (sub-topics) which permitted the emergence of sub-categories and themes (Braun & Clarke, 2006).[19] Ultimately, the results of the analysis were taken to present perspectives, interpretations of findings, and recommendations.

4. Data collection and findings

The following sections explore the challenges faced by CSOs in AI governance, drawing from qualitative data gathered through interviews with various stakeholders. This part of the report is structured to present common challenges faced by CSOs, AI-specific issues, process-related difficulties, and global governance hurdles, providing a comprehensive understanding of the obstacles and dynamics at play. Through an examination of these issues, we aim to highlight the complexities CSOs encounter and the implications for their participation and influence in AI governance. The insights derived from these interviews will inform subsequent recommendations aimed at fostering a more inclusive and effective engagement of CSOs in this critical domain.

4.1. Common CSO Challenges

One of the common CSO challenges is the lack of resources. This refers to both financial[20] and human resources constraints[21] which limits effective participation of CSOs in many regards. For instance, it becomes evident when, due to limited budget, many CSOs cannot attend conferences and fora where important discussions are held.[22] Another way in which financial constraint affects CSOs is that drafting amendments necessitates legal expertise, which can be costly.

One way which can foster more CSO participation is through online events which lessens the burden of travel expenses to various locations. However, limitations exist even for online events, notably, they do not provide the informal access to different domains that in-person events do. As posited by several interviewees, influencing policy-making takes a lot more than procedural events taking place online as much of the meaningful discourse and discussions take place in a more informal setting outside of the event at in-person events. This is also where expertise for policy engagement i.e building relations and access to policy makers is developed.

A by-product of financial limitation is the challenge of limited personnel. While it depends on the relative size of the organisations, financial challenges imply that many CSOs simply do not have the manpower to attend all meetings, even in situations where civil society are invited to participate. As a consequence, many individuals working in CSOs face situations where their burden is heavier due to the requirement of having to multitask and focus on several fronts of AI governance.

While some funding mechanisms exist at the EU level, the consensus is that the lack of funding is one of the main factors which limits CSOs from a more intensive participation in AI governance.

[19] For more information on the precise method of thematic analysis adopted in this work, see Braun and Clarke's 2006 work (Braun & Clarke, 2006).
[20] Interviewee B pointed out that while there are funding opportunities for various purposes, funding related to advocacy actions before EU institutions receive limited support, and that there is a general lack of provision for honorariums or vouchers, rendering it difficult for CSOs to participate.
[21] According to interviewee C, while there are employees who are hired for specific campaigns, a huge portion of the work done in CSOs are carried out by volunteers.
[22] As an example, interviewee B provided that while government delegations and big technology companies possess missions and company offices in locations such as Brussels to effectively conduct their business, many smaller CSOs lack the financial means to participate consistently at the same level as other stakeholders.

Certain interviewees have also stated that there is lack of knowledge of such programs as well as a limited number of opportunities which makes the competition fierce among CSOs, since capacity-building funding is not provided for.

4.2. AI Specific Challenges

One of the most prominent AI specific challenges that was pointed out by F, is the barrier to recruiting technical experts due to high costs of hiring this kind of staff full-time. While some public interest technologists may offer their services pro bono or on a project basis, access to such expertise remains limited and CSOs often rely on partnerships with academia to access technical knowledge. Collaboration with academia is common for CSOs seeking technical expertise. This reliance on external experts, however, can lead to dependency issues, as academic collaborators have limited availability and time.

On the same note, the realisation of human rights-centred risk assessment in AI governance is identified as a possible future challenge for CSOs. Rather, it remains difficult to operationalise these processes, as well as to implement transparency mechanisms. Despite CSOs experiencing successes in some capacities, realisation and enforcement of these measures remains a problematic issue due to existing loopholes and regulatory exemptions.

4.3. Process-specific Challenges

4.3.1. Avenues for participation : Informal modes of participation from CSOs

There are different CSOs' activities and efforts which, despite not being part of the official legal framework, contribute to the governance of AI within the region. Formal avenues present some structural barriers to meaningful participation as informed by the interviews, this is why CSOs oftentimes rely on informal modes of participation

As part of their work on fostering networks and coalitions[23], respondents mentioned carrying out activities such as collaborating with influential and, sometimes, international, CSOs[24], consolidating a pool of resources, amplifying their advocacy efforts and mobilising as a group[25] for launching petitions, surveys and public letters signed by multiple CSOs and other stakeholders. Regarding advocacy, CSOs collaborate through digital media campaigns to highlight specific issues, elaboration of policy briefs[26], position papers and technical pieces on AI governance to highlight their perspectives and recommendations. Finally, they engage directly with Members of the European Parliament (MEPs) and national representatives to advocate for their positions on AI governance issues.[27]

[23] Campaigns like "Reclaim Your Face," advocating against biometric mass surveillance, exemplify collaborative efforts within networks like the European Digital Rights (EDRi) network.

[24] Many organisations (smaller ones that don't have the resources or the connections, but that have very relevant expertise on human rights issues, for example migration issue), not directly involved in the process, contribute with their content, experience, and examples from their work. Bigger CSOs facilitate contact between them and policy makers.

[25] A mailing system informs different observers and delegations about recent developments and solicits written feedback.

[26] These reports sometimes prompt institutions to seek further details, providing CSOs opportunities to share more information. Workshops and public meetings further facilitate informal expertise sharing, distinguishing this from closed-door lobbying by making interactions public and transparent.

[27] On knowledge-sharing opportunities, there are examples of Committees like IMCO and LIBE reaching out to CSOs for insights on governance evolution, risk categorization, and implementation strategies. Informal discussions provide opportunities for CSOs to represent human rights concerns, operationalize risk assessments, and propose transparency mechanisms.). Additionally, establishing relationships with policymakers is crucial for meaningful influence. This engagement often resembles lobbying but focuses on transparent and public interactions. CSOs use various strategies, such as direct access

4.3.2. Perception of Meaningful Participation

A subjective assessment reveals that CSOs perceive their participation in some mechanisms as not substantial enough. Interviewee C mentioned that it is challenging to measure the quantitative impact of advocacy mechanisms.This type of participation aims to generate public pressure and attract attention. However, more efforts don't correlate necessarily with more impact, often only drawing interest from those already engaged in the issue. In the CAI, CSOs members felt their contributions were not taken seriously.[28]

However, there is a prevailing sense among CSOs that participation is necessary, even when aware that the effects will be limited. Interviewee B mentioned that when CSOs participate in open consultations or meetings, it can sometimes feel like a box-ticking exercise. For example, the EC might invite a CSO to join a call, giving the appearance of inclusivity. However, genuine engagement with decision-makers often reveals that many are indeed open to meaningful discussions and willing to consider diverse perspectives.

All respondents remark they have been actively involved in both processes since its beginning. They consider that the European processes remain a good space for public input. The organisations highlight that while the EU AI Act, focused on market regulation[29], allows for CSO inputs through its dual committee negotiation process, it sometimes prioritises market concerns over human rights. Meanwhile, CAHAI, intended to centre on human rights, exhibited transparency issues during certain stages. Organisation A and D's efforts in the CoE highlight, as outcomes, the establishment of binding international AI governance documents and influencing human rights language. Organisations B and C's Efforts illustrate the power of unified CSO positions, though the challenges of final negotiations and rapid legislative processes often limit their impact.

4.3.3. Challenges From the Transition from CAHAI to CAI

The interviewees noted that both processes take place in a fast-evolving context but involve disproportionately long consultation periods, often leaving CSOs in a delayed and passive position. When asked about their experience and hardships encountered during their participation in the CAI and EU AI Act, most interviewees responded citing the narrowing of opportunities in the AI governance mechanism. However, the narrowing path of participation opportunities in the CAI was a common observation from all interviewees. This process occurred over the transition period from CAHAI to the CAI.

While the CAHAI started as a model multistakeholder process involving actors of all kinds, especially civil society and welcoming their input, once the CAHAI's Ad Hoc status ended and the Council of Europe moved on to its next phase in the CAI, there were changes within the process.

to policymakers, building connections over years and leveraging their proximity to Brussels for in-person meetings.or instance, engagement in the AI Act process sometimes involves direct communication with parliamentary assistants via messaging apps like WhatsApp. Building such access takes years of strategizing and physical presence, often challenging for CSOs located far from Brussels

[28] Interviewee B noted that their impact was very limited, confined to promoting specific arguments and influencing select countries within the CAI framework.

[29] Many interviewees mentioned that the AI Act is more inclusive despite its market focus. It provides more institutional arrangements (such as AI Office) for assuring the channel for CSOs' recommendations and the communication between EU bodies and the CSOs

One of the main changes was the introduction of working groups mostly held behind closed doors. Most of the policy was held behind closed doors excluding CSOs, and the progress made in the working groups was announced in the plenary session where the CSOs were *informed* of the progress. This invoked several issues as CSOs which were already limited in terms of human resources were left to react only rather than being proactive. The repetition of this process week in, week out as well as strict deadlines meant that the CSOs were limited in time as they were left with scarce time for internal coordination.

While efforts were made by CSOs to circumvent the issue through channels such as open letters, according to interviewee C, the open letters were ineffective in their advocacy efforts. Overall, a common remark among respondents was that from the transition from CAHAI to CAI, the role of CSOs changed from being an active participant to being sidelined as an observer.

4.3.4. Transparency Challenges Within Processes

Concerning the EU AI Act adoption the discrepancy between the initial negotiated text, which considered the positions of CSOs, and the amendments introduced later, which were not presented before the final voting, was highlighted by all. Negotiations and discussions that took place within the Committee on Internal Market and Consumer Protection (IMCO) and the Committee on Civil Liberties, Justice and Home Affairs (LIBE) weren't completely reflected in the text voted on by Parliament and both committees. Another vote took place in March in a plenary session before the final agreement, with more amendments made after the Trialogue discussions in December.[30]

Described as opaque by interviewee F, the EU AI Act process is characterised by closed-door institutional discussions. The Trialogue meetings involved only the three key EU institutions—the Commission, Parliament and Council. These closed-door negotiations aimed at reaching a final compromise text occurred without direct CSO participation or a mandated consultation process.[31]

Additionally, one of the challenges faced by CSOs, and specifically in the EU processes, has been the general lack of opportunities within the framework of participation. Interviewee B posited that there are two different venues as well as several expert groups with CSOs participation, but there are also plenty of unofficial expert groups[32] (informal) progressing the AI governance agenda without the input of other actors such as CSOs.[33]

On the topic of transparency, while public registries exist for the EU Commission and the EU Parliament, the EU Council lacks such mechanisms. Interviewee B mentioned that it is not enough to

[30] Interviewee A highlighted that "[i]f the Parliament wants to make amendments to the EU AI Act, all voices should be heard before the voting takes place", stressing that there should not be such a "wide gap" between these steps. As an example, one coalition's position, which interviewee B was part of, on banning mass surveillance was adopted when voted on solely in Parliament. However, during the interviews, it was confirmed that this position was no longer in the final text after the end of the Trialogue in December 2023.

[31] As noted by Interviewee F, the final stages privileged well-connected lobbyists over meaningful public participation by civil society in the decision-making process on this key legislation. Interviewee F also notes that due to this lack of transparency, monitoring is very resources consuming: be informed of the updates, know the deadlines for amendments, identify impactful moments etc. This is information that is oftentimes not made publicly available.

[32] According to interviewee B These expert groups are essentially consortia of individuals from several fields and sectors working on progressing AI governance agenda without the input of other actors such as CSOs.

[33] The example which respondent B provided was one concerning an unofficial working group on the retention of all electronic communication metadata which has been a readily discussed topic in the EU for the past 20 years. Due to the unofficial and informal nature of the group, the CSOs were essentially shut out of their opportunities to engage in meaningful participation concerning metadata in the EU.

have access to the broad agenda but not the "discussion points, minutes" of the meetings. Sometimes, the process is so concealed that the identities of the government officials speaking are not revealed, only their official positions.

4.4. Global AI Governance Challenges

This section will be divided into two main parts, each dealing with different power distribution issues.

4.4.1. Main Narratives: Innovation and Securitization

Interviewee F provided a categorisation that fits the other findings on the global governance of AI challenges quite well. They describe it as “narratives” that are oftentimes used to justify CSOs exclusion from AI governance processes in general.

The first one is about economic interests and innovation. All of the interviewees pointed out that the strong international influence of the private sector contributed to the weakening of the regulatory outcomes, being a major disappointment for them. In the CoE process, policymakers sought the endorsement and ratification of the convention by key stakeholders representing private interests, especially from the United States. Separate mechanisms for public and private deployment were created: opt-in mechanisms.[34] From the CSOs’ perspective, there was no justification to create such double standards.

Compared to industry lobbying tactics, CSOs’ prioritisation of openness, transparency and accountability may also hinder their efforts. As suggested by the Interviewees, industry exerts influence through undisclosed negotiations and agreements. This asymmetry of influence in the access to policymakers may lead to decisions taken in the corporate interests, rather than public welfare. On the resource side, it is easier for these large corporations to access politicians, delegations and relevant institutions. They can easily afford flights, hotels and visas. Big tech companies[35] have offices in Brussels, enabling them to act on the ground. Additionally, some politicians wear two hats, serving both public and private interests, which complicates the power dynamics further. This issue of neutrality is exemplified by the "revolving door" phenomenon.[36]

The global AI innovation hype has political consequences that are deplored by some CSOs. An intensified competition among different regions, driven by economic and geopolitical factors, highly influences the governance dynamics surrounding AI. The newly shaped political agendas may not be so responsive to human rights and ethical concerns.

[34] In the CAI negotiations, numerous non-EU states like the US, Canada, Mexico, and Japan participated as observers. However, there was significant emphasis on persuading the US to not only endorse but also ratify the convention. This heightened attention brought contrasting approaches to human rights and regulations into sharp focus. The US advocated strongly for the establishment of two distinct mechanisms—one for AI deployment in the public sector and another for the private sector—aiming to exempt the latter from convention obligations. Consequently, the convention now incorporates an "opt-in" mechanism, allowing countries to decide whether the convention applies to their private sectors.

[35] Like Google, Meta and Microsoft.

[36] For example, Thierry Breton, who was a major industry stakeholder, became a member of the European Commission, raising concerns about conflict of interest. CSOs cannot easily contest such appointments. Interviewee B noted that if a well-known activist like Max Schrems, from the CSO None of Your Business (NOYB), were appointed as a data protection supervisor, CSOs would be pleased, but he would not be considered neutral by industry standards—highlighting the double standard in perceptions of neutrality (from Interview B).

Moreover, the influence of big tech companies extends beyond regulatory frameworks and dominates the standardisation processes. Interviewees E and F both stressed out the technocratic approaches in AI governance, particularly in accessing standardisation bodies where technical standards are developed and regulated.[37]

Relating to securitization narratives, it particularly addresses counterterrorism and law enforcement. The lobbying efforts of law enforcement authorities contributed to emphasising the need for AI to enhance security, potentially overshadowing CSO advocacy efforts. CSOs encountered challenges regarding whether AI systems used for national security purposes should be exempt from the treaty. Blanket exemptions for national security and defence in both the CAI and EU AI Act highlighted a lack of political will to regulate this domain, leading to a sense of exclusion and frustration among CSOs.[38]

4.4.2. Global Equity and Marginalised Communities

Another aspect of the power imbalance is the North-focused nature of these processes. Interviewee D mentioned that there are "enough people talking about AI governance looking like [them]". They also emphasised the importance of unique perspectives from the Global South, whose priorities and lived experiences with AI technologies differ significantly.[39] Interviewee D believes the EU AI Act and the AI convention are primarily Global North instruments, likely signed by Global North countries, impacted by a strong United States' influence, but not reflective of a truly global governance effort. The exclusion of the Global South leads to the omission of certain themes from the negotiation table, such as environmental impacts.[40] Some issues are disproportionately affecting regions outside of the Global North. Since most of the discussions on AI governance are held in the Global North, the cost of participation for Global South CSOs is therefore higher.[41] Other pertinent challenges in global equity of AI governance are logistical barriers preventing civil society representatives from the Global South from participation in events due to difficulties in obtaining visas.[42]

4.5. Recommendations from CSOs

Responding to the challenges addressed above, this paper synthesises the practical advice provided by interviewees for both policymakers and CSOs. The recommendations resonate with the

[37] Bodies like the ITU, ICANN and IETF increasingly govern AI in ways that intersect with human rights concerns, yet avenues for CSO participation remain unclear (Interview E).
[38] Opposition from organisations like B.'s sought clear guidelines and assessments to allow for bans or moratoriums on certain uses, rather than blanket exemptions for national security.
[39] This exclusion also leads to the impossibility of having interoperable international frameworks. As an example, Interviewee B mentions the assumption of independent oversight mechanisms for AI deployment. This does not hold in many regions. CSOs from Africa and South America, for example, often report that oversight bodies are controlled by governments, undermining their effectiveness and independence. Such mechanisms could exacerbate repression rather than alleviate it, if transplanted without adaptation.
[40] An additional comment was made about the power imbalance in global AI Governance at the UN. It is even more challenging to bring in diverse perspectives at the UN, where states prioritise exclusionary practices. This issue is not limited to AI governance but extends to other areas, such as the UN cybercrime treaty, making it difficult for civil society, particularly from the Global South, to engage meaningfully.
[41] An additional comment was made about the power imbalance in global AI Governance, in the UN. It is even more challenging to bring in diverse perspectives at the UN, where states prioritise exclusionary practices. This issue is not limited to AI governance but extends to other areas, such as the UN cybercrime treaty, making it difficult for civil society, particularly from the Global South, to engage meaningfully.
[42] Interviewee C mentioned that during the process of inviting civil society representatives from the global south, alongside economic challenges, difficulties in obtaining visas for certain countries were a challenge on many occasions.

peculiarities of AI governance and aim to foster a regulation-based, transparent and open-dialogue environment for CSO engagement.

4.5.1 Cross-sector Regulative Ecosystem

AI is applied and integrated in multiple fields by various actors who are struggling over fundamental values and principles. CSOs' stance very often diverges from governmental and industrial concerns, and they are heterogeneous among themselves. A more inclusive regulative ecosystem shall give due consideration to the cross-sector nature of AI governance and respect the distinct contributions that CSOs can bring to the discussion.

It is necessary for European bodies while focusing on main regulatory purposes and outcomes, to consider multistakeholderism to include every affected party. While interviewees highlighted that the primary aim of the EU AI Act is market regulation rather than fundamental rights protection, they recognized various participatory institutions and procedures it has adopted. For instance, the European AI Office,accountable for transparency and public consultation, engages CSOs and thus puts more public pressure on the relevant governments and private sector. The narratives of innovation and securitization in AI governance largely exclude the CSOs' human rights concerns which are less valued. A conscious promotion of democracy, representation and inclusiveness in the formal processes thus is essential for CSOs participation.

Cross-sector collaboration between different government sectors is needed to integrate different languages of innovation, business, human rights and digital governance, creating new knowledge tailored to the needs of public participation and offering CSOs a coherent solution for inclusion. Multistakeholderism, as normative criterion, should be incorporated into the regulatory framework. The cross-sector nature and pervasive impact of AI makes CSOs a distinct stakeholder that should be specially considered. Institutional culture must change to give societal expertise a place in the power structure, ensuring the voice of CSOs is institutionally assured.

4.5.2. Coalitions and Combined Expertise

A purposive and context-sensitive combination of capacities, strengths, knowledge and expertise is also a must for CSOs to be included in the AI governance.

The internal heterogeneity of CSOs poses challenges for their participation in the cross-sector AI governance. CSOs vary in scale, expertise, networking assets and financial or personnel resources. Similarly, their priorities and concerns often differ.. To organise their fragmented capacities and form a targeted and stronger voice, coalitions among CSOs are urgently needed. Such alliances shall coordinate the needs, identify shared focuses, promote information exchange, and mobilise resources to adapt to the comprehensiveness of AI governance.

As pointed out by interviewee E, the formal mechanisms are more accessible to professional CSOs with dedicated time and resources in policy specific forums, while grassroots organisations, representing marginalised groups impacted by AI most, have valuable contextual and thematic knowledge. Combining both types enhances CSOs capacity as a collective force with clear claims and proficiency, raising their impact as a democratic pressure. A coherent and collective voice, supported by solid professional basis,can assist CSOs succeed in lobbying and advocacy The common strategy of joint submission mentioned by interviewees reflects the importance of the coalition as a quantitative advantage.

Colations can be formal, such as collective open letters with shared concerns and demands, and informal, featuring capacity building.Both approaches rely on information exchange. Compared to the private sector, CSO networks keep openness and transparency to disseminate information widely and build community, thereby increasing their bargaining power with professionalism and democratic legitimacy.[43]

Given the cross-sector nature of AI governance, it is inevitable that CSOs have to equip themselves with knowledge of multiple fields to understand the process. However, considering the limited time and financial resources they have and the fast-moving nature of the field, organising intelligence through collaboration and borrowing expertise, such as tech specialists, based on project needs, should be prioritised.

4.5.3. Approachable and Transparent Formal Processes

Apart from top-level design, concrete engagement methods should be applied to make the processes approachable to CSOs. More guidelines should also be developed to remove ambiguity about how to participate. Moreover, the public sector has the obligation to provide CSOs with more resources to reduce their substantive disadvantage. For example, fund opportunities can be institutionalised to accept CSOs' applications for travelling to meeting sites As suggested by Interviewee D, officials at the European level can pay regular visits to CSOs rather than fully relying on the other way around.

Transparency is a processual requirement which should be satisfied at every stage and every aspect of decision making, which highlights the scope of the information disclosure.

Firstly, CSOs are not confined to certain topics in certain "key" steps. They should stay fully informed of every change made to the draft towards the final text, instead of ending up being forced to accept the in-between gap. In particular, the texts should be accessible before the final adoption, available for last inputs and feedback.

Secondly, complete process transparency also requires the exposure of the operational process, including who does what, when and where. The registry mechanism should be well constructed to clearly show what parties have been included in communicating with what European bodies, and for what frequency.

Thirdly, discussing, questioning, and demanding further explanation of the information that have been made visible constitutes due parts of transparency. The ultimate purpose of the top-down information disclosure is to serve bottom-up comments, critiques and suggestions. The decision makers should adopt publicity procedures and offer CSOs a due period. Hereafter, CSOs are entitled to hear the feedback of their submission, whether and how their perspectives are incorporated in the final resolution, whether it has been duly considered, and sufficient explanation for the rejection. The plenary meetings are not sufficient as they usually turn out to be a monologue of CSOs rather than effective and consequential dialogue between the CSOs and the policymaker.

4.5.4. Influences through Informal Channel

Though formalised participatory avenues which allow CSOs to be included in a regular basis with formal status is the ultimate goal, Interviewee F keenly pointed out that the informal relationship

[43] One of the successful networks among CSOs mentioned by interviewees is the #ProtectNotSurveil coalition and Reclaim Your Face coalition. The campaign proactively promotes the ban of biometric mass surveillance in the EU AI Act process and has persuaded the European Parliament to adopt its opinion. Though CSOs' influence is rather limited regarding the final text, the already reached dialogue is considered as a big win.

building similar to traditional lobbying mechanisms with delegations are crucial for the CSOs at the moment, as very few public channels are seeking CSOs' contribution. Endeavours in identifying allies and establishing personal connections are expedient measures adapting to the current situation. Neither European bodies nor the private sector stand in total opposition to CSOs. Close and positive working connections with the two parties through conversation and personnel flow can also benefit CSOs with more updates, inside knowledge, and clearer explanations.

5. Data Analysis

5.1. Technical or Institutional: The Key Obstacle of CSOs' Participation

As all the interviewees have questioned the inclusiveness of the European regulatory frameworks on AI, it leads us to explore the reasons for their lack of participation. In light of the IG, the paper will examine one prevailing explanation of CSOs' underengagement and propose our own stance based on our findings.

As previously mentioned, literature in the field of IG has built a causal relationship between the exclusion of CSOs and their lack of technical expertise, and criticised the effectiveness of their approach of influencing the standard-setting forums with political means situated in the "fringe" of those technical processes. Paralleling these arguments for AI governance, our study has found these arguments are still open to question.

As also shown by the history of IG, there has been a gradual permeation of the socioeconomic and power logics into the technicalities. The perpetuation of the high political stakes attached to this domain (Radu, 2019). Though starting with the informal management of technical standards, after the WSIS process, IG is confirmed as a political rather than technical realm of governance. Similar dynamics emerges in AI governance, which introduces civil society into the regulatory arena because politics is as usual, and the core stimulus of regulation is the societal consequences rather than the technology itself. Having recognised the public nature of the governance, one can realise such underengagement faced by CSOs, while inevitably influenced by technical barriers, has other institutional attribution. Admittedly, the technical aspect of IG and AI governance has excluded CSOs from various discussions, but for occasions that are designed for public participation, the existing inclusive mechanism is not properly implemented or even not sufficient in itself for CSOs to have a tangible impact. The current institutional culture is still in favour of narratives of innovation, economic development, and national security. Societal expertise is not as valued as the technical counterpart. The omissions in policies and institutions are what can, and shall be improved for better CSO inclusiveness, as this is the responsibility of public bodies such as the EU and Council of Europe.

In IG, there are also scholars arguing that the efforts should be made to appropriate economic incentives, law and policies to influence the standard developing rather than the standards themselves (Mueller, Badiei, 2019), which resonates the opinions of interviewees F who appealed for a change of the institutional culture. In short, our findings show that CSOs' capacity and opportunity to meaningfully participate in AI governance is not only a matter of technical knowledge. As public representatives, the distinct public concerns they bring to the table should be granted formalised and institutionalised status to be duly heard. Considering the public feature of the CSOs and the governance itself, it is meaningful to switch the focus of the critique and the following improvement from CSO's lack of technical expertise to the omission of the current inclusive mechanisms.

5.2. CSOs' Meaningful Participation : A Paradigm Shift

Examining the democratic theories related to global AI governance, this research began with the concept of democratic participation, which ideally provides equal political opportunities for all stakeholders to engage in the process. As outlined in our theoretical framework this analysis is conducted through the lenses of access and exercise sides in democratic processes.

First, CSOs themselves provided a consensual evaluation of their role in global governance of AI as "making sure that AI respects democratic values, human rights and rule of law" (Interviewee A), "ensuring that human rights are always given the same importance as commercial aspects or that the fundamental rights protections are centred in the regulations" (Interviewee B). Their focus is based on the potential risks of AI systems development and deployment (all of them). Their own assessment indicates a representative role, establishing indirect participation of the possibly affected individuals (citizens, marginalised groups, Global South communities). Concerning their political equality in the field it gets more problematic, based on what has been collected in the findings. Even though pathways for participation exist and are even encouraged by policy makers, the power disbalances in the field of AI governance is too high. The participation and lobbying of big tech companies as well as geopolitical considerations overshadow CSOs efforts. Some areas are not even available yet, as mentioned in the previous section of the analysis. Despite this imperfect system, it is "not broken".[44] Many CSOs mentioned the positive outcomes and their wins in incorporating fundamental rights concerns into the policy. If these coalitions and networks did not participate in the process at all, there is no doubt that institutions would have been monopolised by the private sector and the legislation would have reflected profit driven interests.

As global governance of AI through binding frameworks is still in its infancy, it is hard to analyse CSOs participation on the exercise side. However, what can be said is that implementing and monitoring have been highlighted as the next great issues for CSOs, assessing the effectiveness, transparency and accountability of those new regulations. They all expressed their continuous engagement beyond the drafting of a text. Some of them mentioned their concerns surrounding robust oversight mechanisms as well as national implementation and coordination issues. As mentioned above, indeed, national authorities risk dismissing concerns about human rights and focusing solely on the technical aspect.

Having attempted this analysis of the democratic ideal of global AI governance processes, we would like to point out that the principle of meaningful participation does not shine through. To take into account the analysis of the level of participation generally used - the ladders triangles or stars of participation - each action of engagement presupposes a certain outcome that would be quantifiably measured.

However, as this research and CSOs perceptions indicate, even when engagement does not achieve the desired results, it still holds significant meaning (c.f §meaningful participation). There is a need to shift paradigms and take into account subjective criteria to analyse CSOs' participation in these processes, as well as the objective ones. The purpose behind participation—such as representing citizens, defending human rights or raising ethical concerns surrounding AI technology as defined by the CSOs—often carries more than just measurable outcomes.

[44] As mentioned by Interviewee A when asked how they would fix the processes : "If it's not broken, don't fix it."

6. Conclusion

From a subjective perspective prioritising CSOs' perceptions and self-evaluation, this study depicts their reality of involvement in the two European AI regulatory frameworks, i.e., EU AI Act and CAI, which have institutionalised multistakeholder governance. It explores the wins and the challenges experienced by the CSOs throughout these nascent and decentralised processes, with a purpose of reflection and construction, rather than mere criticism. Practically, it develops recommendations for enhancing the genuine involvement of CSOs in the AI governance, with a specific care of binding institutions in the European context. Theoretically, it forms dialogue with the concerns and disputes in the realm of IG, revisits the sustained technical barriers shared by both governance fields, and proposes a new understanding of CSOs' lack of participation based on the public character of the governance itself. It also suggests a more dedicated and CSO-inclusive way to evaluate CSOs' role and impact in these frameworks, that is to respect the significance they attach to their presence and persistent endeavour. On this basis, this study argues for more inclusive institutional settings that appreciate cross-sector collaboration, knowledge sharing, democracy, unbiased representation and public accountability. It also raises concerns about the ethical knowledge production that takes the actors' voices into account.

The limitations of the study are twofold. It has a relatively narrow scope excluding other regions and processes. In particular, considering the sharp power imbalance in the field, and the western-cerntric nature of multistakeholderism itself, the lack of attention to the Global South may create invisible bias. Another limitation is the study has only conducted interviews with a very small number of CSOs. The representativeness of these interviewees is awaiting further consideration.

The study opens a new direction for future research. In order to evaluate, or even measure the CSOs' involvement in the MSIs of AI governance regime, theoretical frameworks besides structural analytics, such as the ladder model, are worth further exploration.

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APPENDIX A: Informed Consent Form

Informed Consent Form

I, [Participant's Name], have been invited to participate in a research interview conducted by the research team (Geneva Graduate Institute and Blavatnik School of Government, University of Oxford) as part of an academic study on AI Global Governance and Civil Society Involvement. Before agreeing to participate, I acknowledge that I have read and understood the following information regarding my involvement in this survey.

Voluntary Participation

My participation in this survey is entirely voluntary, and I understand that I have the right to withdraw at any time without providing a reason. My decision to participate or withdraw will not result in any negative consequences.

Confidentiality

I understand that my responses will be treated with strict confidentiality. All information collected will be anonymized and aggregated for analysis. No personally identifiable information will be disclosed without my explicit consent.

Use of Data

I acknowledge that the data collected from this survey will be used for academic research purposes only. The findings may be reported in academic publications or presentations only, ensuring that my identity remains confidential.

Contact Information

If I have any questions or concerns regarding the survey, I can contact the research team at arp2023.aigovernance@graduateinstitute.ch

Consent

I have read and understood the information provided in this consent form. By proceeding with the survey, I voluntarily consent to participate in the study on AI Global Governance and Civil Society Involvement under the conditions outlined in this form.

APPENDIX B: Questionnaire

Section 1: Introductions

1.1. Could you please tell us a few words about your experience in civil society?

1.2. What has been your most recent engagement as a civil society/network representative in the AI governance space?

Section 2: Participation in AI Act and CAI processes

2.1.1 How did your organisation participate in the AI Act and the CAI processes?

2.1.2 How did it start and what was the process for sustaining engagement?

2.1.3 How would you describe the level of involvement of your organisation in global discussions and decisions related to AI governance?

2.2. What parts of the process/ which topics were you most interested in addressing and why?

2.3. How included did you feel? In your experience, what are the main opportunities and/or challenges faced by civil society organisations in participating in the AI Act and the CAI processes?

2.4. What were the main outcomes of your involvement in the AI Act and the CAI processes?

Section 3: Recommendations

3.1. Based on your experiences, what recommendations would you provide for enhancing the meaningful involvement of civil society in the global governance of AI?

3.2. Are there specific areas where additional support or resources are needed to strengthen the impact of civil society in global AI governance?

Section 4: Additional Comments

4.1. Please provide any additional insights, comments, or recommendations related to AI global governance that you believe are essential for our research.

4.2. Are there any additional questions you would like to ask/ be asked for this research?

APPENDIX C: Thematic Analysis Chart

https://drive.google.com/file/d/1jaZAkRaLm1ictUe-rLnUI2xbN_pJpGLP/view?usp=drive_link
Sheet A: Common CSO Challenges
Sheet B: AI Specific Challenges
Sheet C: Process Specific Challenges
Sheet D: Global AI Governance Challenges

APPENDIX D: Process Participants List

EU AI ACT

Public Consultation :

- https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12527-Artificial-intelligence-ethical-and-legal-requirements/public-consultation_en

Road Map

- https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12527-Artificial-intelligence-ethical-and-legal-requirements/feedback_en?p_id=8242911

Commission Adoption

- https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12527-Artificial-intelligence-ethical-and-legal-requirements/feedback_en?p_id=24212003

COUNCIL OF EUROPE - CAI

- https://www.coe.int/en/web/artificial-intelligence/cai#{%22126720142%22:[1