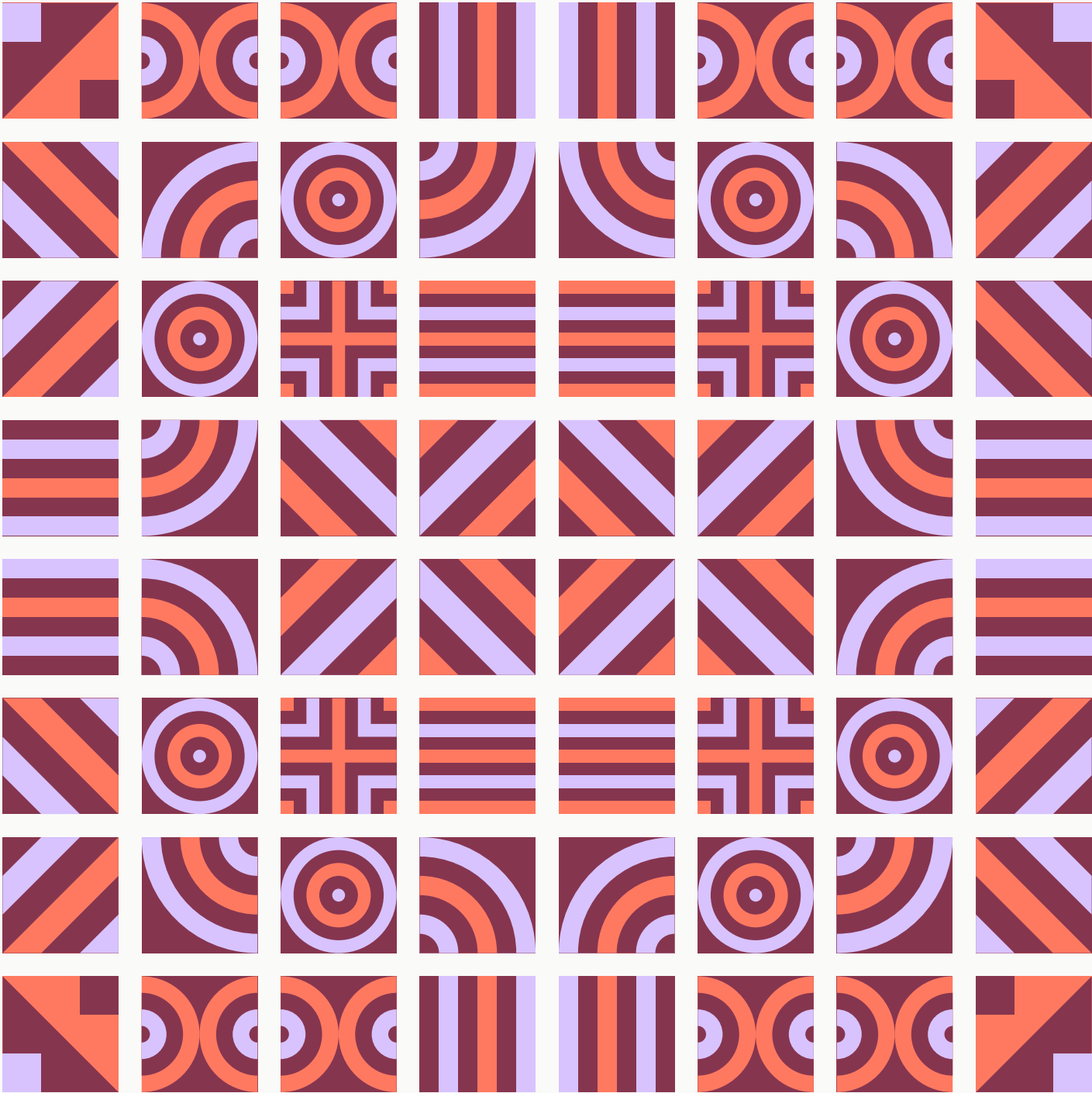


A meaningful participation approach from Latin America



LESSONS FROM INTERNET GOVERNANCE TO AI GOVERNANCE:

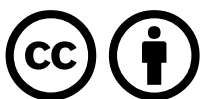
a meaningful participation approach from Latin America

This is a publication by Derechos Digitales, an independent non-profit organization founded in 2005. Its mission is to defend, promote, and develop human rights in digital environments in Latin America.



Written by: Laura Clemencia Mantilla-Leon; Lucia Camacho Gutierrez
Supervision: Paloma Lara-Castro
Review: Paloma Lara-Castro, Juan Carlos Lara

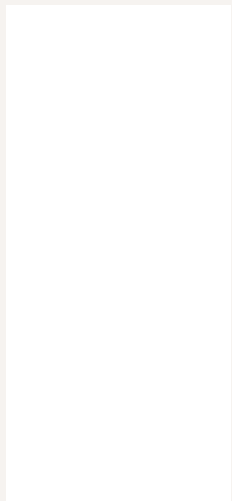
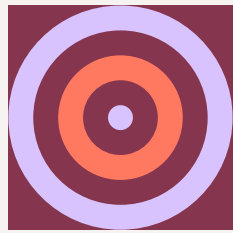
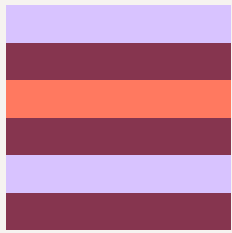
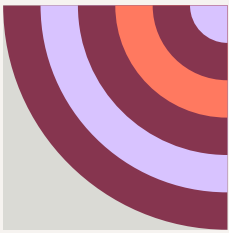
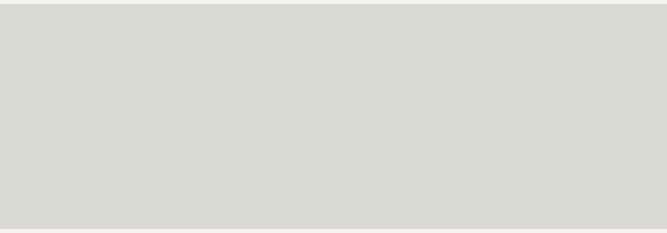
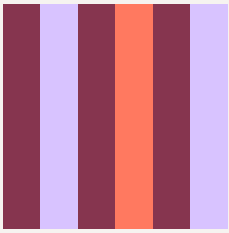
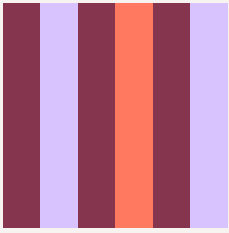
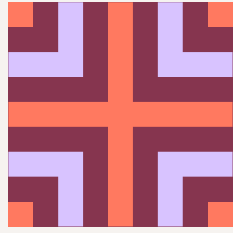
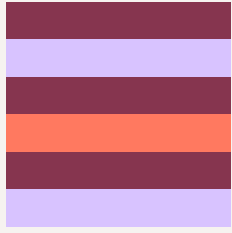
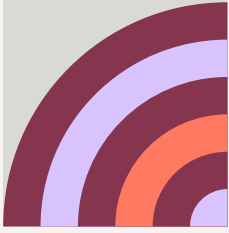
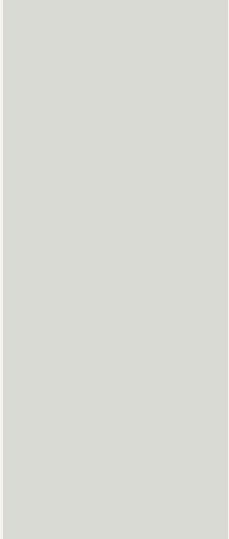
December, 2024.



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EXECUTIVE SUMMARY

The human right to participation also applies at the international level. Although the contours of this right in multilateral forums and discussion spaces remain vague — since their rules depend on the decisions of the actors who convene and govern them — various multi-stakeholder participation models, such as those in internet governance, suggest good practices to follow in ensuring its exercise.

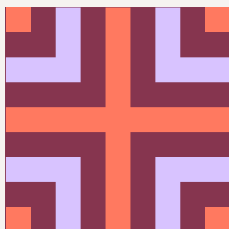
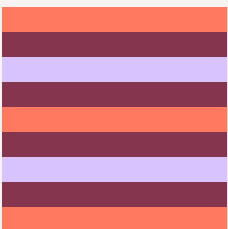
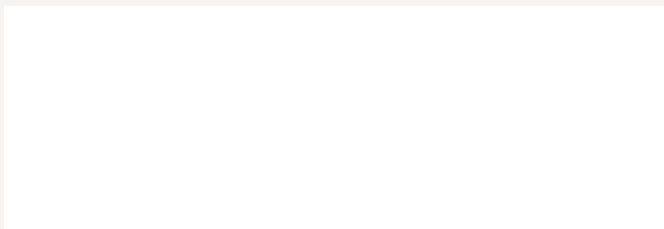
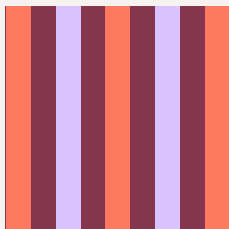
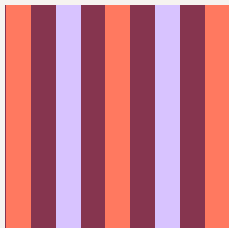
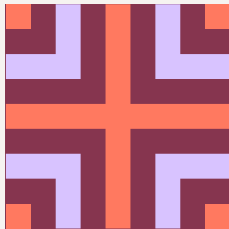
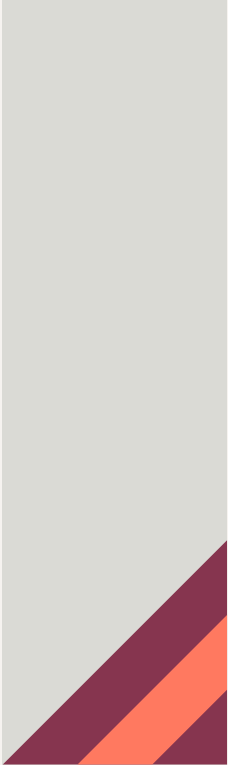
In this analysis we propose that the lessons learned from long-standing internet governance spaces, such as the different versions of the World Summit on the Information Society (WSIS) and NETMundial, suggest how to fulfil the right to *meaningful participation*. That is, the right to participate as a process that goes beyond physical or virtual attendance at discussion spaces, or that transcends the submission of written contributions to draft documents.

The main goal of identifying these good practices is to support the exercise of the right to meaningful participation in emerging spaces of artificial intelligence governance. These spaces are increasingly multiplying in different multilateral processes that seek to define rules for the operation of a certain technology with a high social impact. It is now more urgent than ever to insist on the importance of the presence of multiple interested parties, especially of civil society as an actor capable of transmitting, articulating, and making interests visible the aligned with social interest.

Among the good practices identified are, for example, the creation of open consultation processes and online surveys about the discussion documents of each forum, which should be available in several languages; effective access to participation spaces by civil society, that is, ensuring their inclusion and participation through active mechanisms by using their voice and vote, as well as mechanisms to ensure the representativeness and diversity of voices, especially from those underrepresented geographic areas and countries. Also, it is identified as relevant to allocate equitable spaces and times for relevant interventions; the promotion of gender equity from an intersectional perspective, among others.

At the end of this report, it is recommended that the states and other non-governmental actors facilitating AI governance spaces adopt mechanisms to guarantee the right to inclusive and effective participation, such as the elimination of material, financial, linguistic, or geographic access barriers to AI governance spaces; ensuring operational transparency practices associated not only with the organizational functioning of each governance space but also with clarity and transparency around the roles and influence of non-governmental actors participating in such discussions — especially the role played by the private sector and the industry in such scenarios —; the need to strengthen multi-sector participation processes in governance processes which are threatened in practice by industry capture; the appropriation of approaches that respect human rights; and finally, the systematization of such governance experiences and their participation processes.

Undoubtedly, the right to meaningful participation demands the political will of the states and other stakeholders to make these recommendations viable in practice. This is a first step toward conceptualizing meaningful participation as an ongoing process that should not end with the publication of a specific document or the holding of a specific event, and should instead aim at iterative discussion processes, where the voices of interested stakeholders — especially those least heard and represented in AI governance — have a leading role in defining the future of a technology that, like the Internet, is here to stay.



1. INTRODUCTION

Participation is a critical element in the governance spaces of the technologies as it supports and legitimizes discussion and decision-making processes. In internet governance, for example, participation has been a foundational component of the “*multi-stakeholder*” model, where the states, industry, civil society, and academia, among others, come together to debate the most pressing aspects surrounding the functioning of the Great Network of networks. However, after more than twenty years of existence of this participation model¹ have left valuable lessons on the importance of strengthening existing mechanisms to ensure that participation is truly *meaningful*. This means going beyond the mere attendance of various stakeholders in the same physical or digital space, or sending written comments in key documents and consultation processes. The concept of *meaningful* participation must be reinforced in governance processes as well as in other emerging ones focused on technologies with great social impact, such as artificial intelligence (AI).

According to research by Global Partners Digital (GPD),² as of October 2023, there were 50 active international AI governance initiatives, a quarter of which were driven by the United Nations (UN) system³, complemented by multilateral or state-led initiatives. The approaches of these spaces range from governance guidelines⁴ to regulatory proposals. That being said, how can the concept of meaningful participation be adopted and applied in AI governance spaces? What should their scope and outlines be?

-
- (1) In the early 2000s, there was no consensus on internet governance or a common framework for digital cooperation. The World Summit on the Information Society (WSIS) represented the first moment that stakeholders came together to address these issues. The outcomes of its two summits have influenced the main lines of action in this area. The Tunis Agenda, adopted in 2005, outlined a vision for a multi-stakeholder approach to internet governance, which has been the basis for the work of other global forums. See: Council of European National Top-Level Domain Registries (nd) Why we need Multistakeholder Internet Governance, at: <https://centr.org/news/blog/why-we-need-multistakeholder-internet-governance.html>
 - (2) See: Global Partners Digital (2023). Navigating the Global AI Governance Landscape, at: <https://www.gpd-digital.org/navigating-the-global-ai-governance-landscape/>
 - (3) Such as the Artificial Intelligence High-Level Advisory Body (AIAB), the negotiations on the Global Digital Compact (GDC), as well as the discussions of the International Telecommunication Union (ITU).
 - (4) See: Organization of American States (Nov, 2024). Inter-American Guidelines on Data Governance and Artificial Intelligence, at: <https://www.oas.org/ext/DesktopModules/MVC/OASDnnModules/Views/Item/Download.aspx?type=1&id=1080&lang=2>

To answer these questions, we propose to focus on lessons learned by civil society ⁵in different internet governance spaces, particularly the most recent ones that took place at NETmundial and the World Summit on the Information Society (henceforth, WSIS). The identification of good participation practices — as well as those to be avoided — helps to enrich both the concept and the mechanisms of meaningful participation.

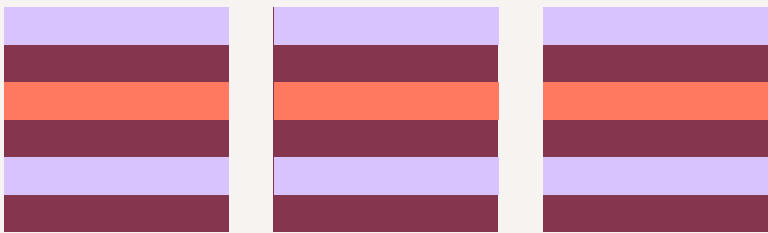
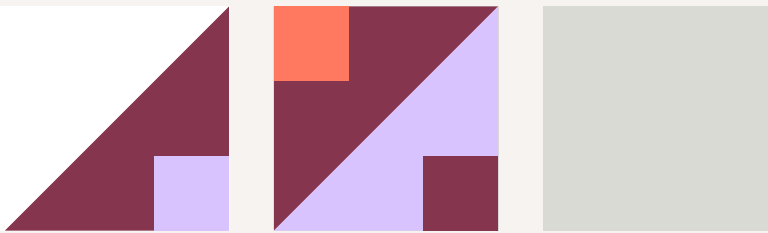
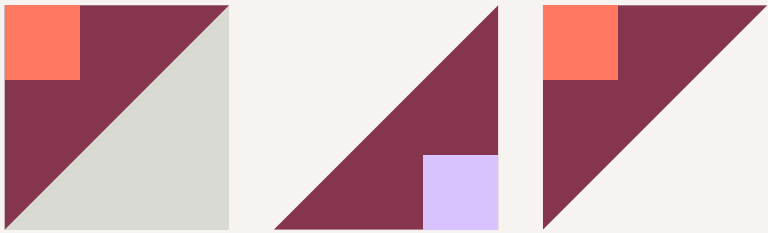
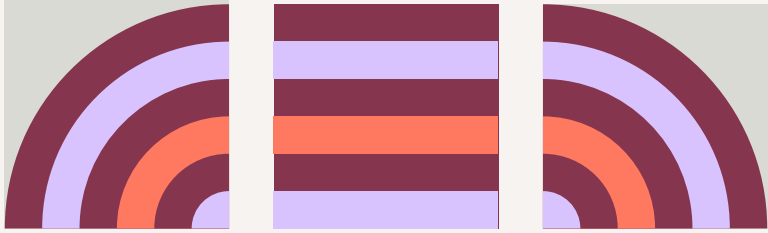
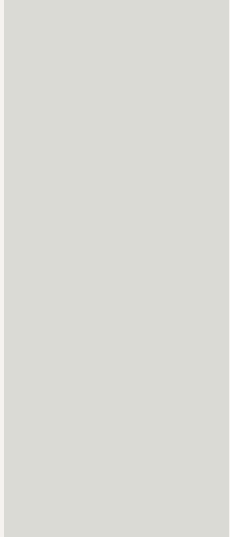
Why is it urgent to imagine a robust concept of participation, especially in light of the growing number of AI governance spaces alongside those established within multilateral frameworks? Firstly, because AI is a technology that states have expressed interest in regulating through various international forums⁶, aiming to establish rules on its design, deployment, and operation, and ultimately negotiate binding agreements with specific and operational provisions. Secondly, such negotiation takes place primarily in multilateral spaces as AI's multi-jurisdictional impact necessitates rules and agreements that transcend national borders. Thirdly, the dynamics of some AI governance forums have favored private sector interests, even leading to the creation of industry-driven bilateral spaces that bypass consensus and public scrutiny⁷.

Although AI governance initiatives are still in the early stages of consolidation, we believe that now is the right time to emphasize the importance of meaningful participation by the stakeholders involved in these spaces, which means genuine, balanced, intersectional, direct, and effective participation. To advance this proposal, we will first examine the concept of participation as a human right. Then, we will review the lessons on participation that internet governance has provided within the framework of “multi-stakeholder” processes. Finally, we will apply these lessons to formulate recommendations for the future of AI governance from a Latin American perspective.

(5) See: Digital Rights (2024). Contribution to the International Telecommunication Union consultation “The developmental aspects to strengthen the internet”, at: https://www.derechosdigitales.org/wp-content/uploads/Submission_Online-Open-Consultation_Derechos-Digitales.pdf

(6) See: Global Partners Digital (2023). Navigating the Global AI Governance Landscape, at: <https://www.gp-digital.org/navigating-the-global-ai-governance-landscape/>

(7) See: AlSur (2024). AI governance for Latam: map of the most relevant global and regional forums (part I), at: <https://www.alsur.lat/blog/gobernanza-ia-para-latam-mapa-foros-globales-regionales-mas-relevantes-parte-1> and AlSur (2024). AI governance for Latam: map of the most relevant global and regional forums (part II), at: <https://www.alsur.lat/blog/gobernanza-ia-para-latam-mapa-foros-globales-regionales-mas-relevantes-parte-2>



2. PARTICIPATION, A HUMAN RIGHT

Participation in the debate of public affairs is a human right⁸, whether at the national or international level. As a political right, participation enhances the legitimacy and transparency of decision-making processes, promotes stakeholder accountability, and supports the sustainability of the agreements reached.

Various human rights instruments⁹ have highlighted the importance of participation being “comprehensive”, “meaningful”, “effective”, “open”, “free”, and “intersectional” -adjectives that collectively stress the need to ensure that decision-making processes, whatever they may be, do not fall into the artificiality of mere representation, but rather guarantee that the voices and perspectives of all stakeholders are genuinely heard and considered.

In the international arena, establishing uniform rules for meaningful participation is far more complex. For example, within its own structures, the UN has specific guidelines¹⁰ to enable participation, such as: **promoting citizen participation** in the different stages of decision-making processes; **providing funds and financial support** to facilitate the meaningful and equitable participation of women, human rights defenders, small and grassroots civil society organizations; **facilitating the procedures** of visas required for those who physically participate in international spaces¹¹, among others. While the UN encourages external multilateral spaces and forums to follow its guidelines, in practice — and according to the Human Rights Council¹², each regional or international forum designs its participation methods based on its own structure, functioning, and specific objectives. This allows for significant discretion in shaping participation rules.

(8) Universal Declaration of Human Rights (art. 21); International Covenant on Civil and Political Rights (art. 25); Convention on the Elimination of All Forms of Discrimination against Women (art. 7, art. 8, art. 14, paragraph 2); International Convention on the Elimination of All Forms of Racial Discrimination (art. 5); Declaration on the Right to Development (art. 2).

(9) Universal Declaration of Human Rights; International Covenant on Civil and Political Rights; American Convention on Human Rights; American Declaration of the Rights and Duties of Man.

(10) Report of the United Nations General Assembly A/HRC/42/48. Promoting a democratic and equitable international order. Report of the Independent Expert on the promotion of a democratic and equitable international order, Livingstone Sewanyana. Available at: <https://documents.un.org/doc/undoc/gen/g19/230/70/pdf/g1923070.pdf>

(11) Office of the High Commissioner of Human Rights OHCHR (sf) Guidelines for States on the effective implementation of the right to participate in public affairs, see: https://www.ohchr.org/sites/default/files/Documents/Issues/PublicAffairs/GuidelinesRightParticipatePublicAffairs_web.pdf

(12) United Nations General Assembly Report A/HRC/42/48. Promoting a democratic and equitable international order. Report of the Independent Expert on the promotion of a democratic and equitable international order, Livingstone Sewanyana. Available at: <https://documents.un.org/doc/undoc/gen/g19/230/70/pdf/g1923070.pdf>

However, in some cases¹³, these rules are insufficient to fully guarantee and uphold the right to participation, particularly for civil society organizations¹⁴.

As an example, some reports, such as that of the *Independent Expert on the Promotion of a Democratic and Equitable International Order*¹⁵, have highlighted the lack of civil society participation in the Group of 20¹⁶ (G20) and BRICS+ (a group comprising Brazil, Russian Federation, India, China, and South Africa). These forums, which are relevant to AI governance in Latin America, operate under rules that, in essence, do not foster a more open, effective, and vocal role for actors with interests beyond the purely economic. As a result, they “remain practically inaccessible to the public”¹⁷. The strong emphasis on economic development in these forums prioritizes certain discussions while overshadowing perspectives on human rights, which are also fundamental for economic and social development. Additionally, the UN Expert has pointed out that structural obstacles to the effective participation of non-governmental actors persist. These include visa restrictions, high travel and accommodation costs, limited access to information, and tight deadlines for the presentation of positions by stakeholders, challenges that are aggravated for Latin American civil society and other grassroots organizations.

(13) See: AlSur (2024). AI governance for Latam: map of the most relevant global and regional forums (part I), at: <https://www.alsur.lat/blog/gobernanza-ia-para-latam-mapa-foros-globales-regionales-mas-relevantes-parte-1>

(14) Report of the United Nations General Assembly A/HRC/56/57. Participation of civil society organizations seeking to express international solidarity through transnational, international and regional networks. Report of the Independent Expert on human rights and international solidarity, Cecilia M. Bailliet, in: <https://documents.un.org/doc/undoc/gen/g24/099/99/pdf/g2409999.pdf>

(15) We refer to the reports of Alfred-Maurice de Zayas and Livingstone Sewanyana, available respectively at: <https://documents.un.org/doc/undoc/gen/g13/153/68/pdf/g1315368.pdf> and <https://documents.un.org/doc/undoc/gen/g19/230/70/pdf/g1923070.pdf>

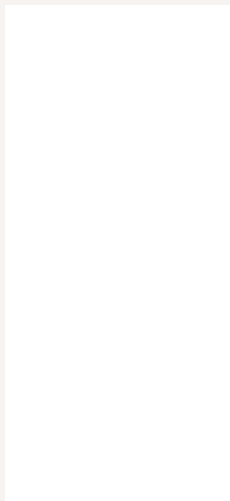
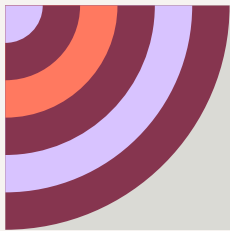
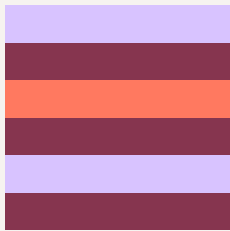
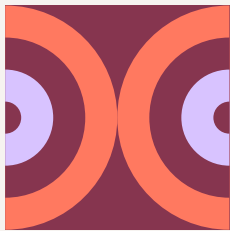
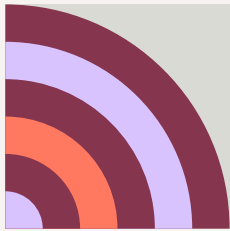
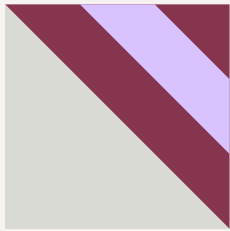
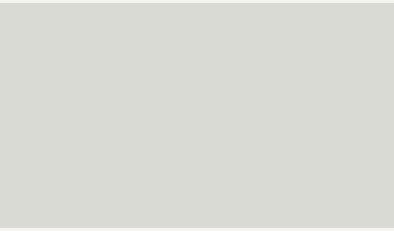
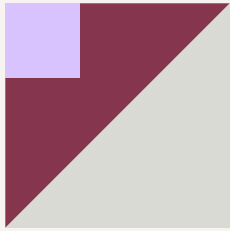
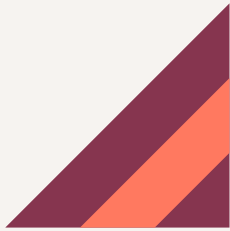
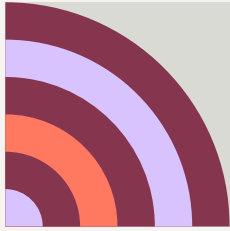
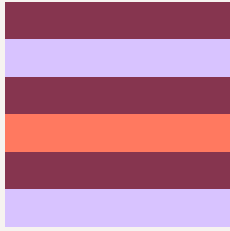
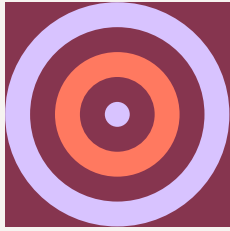
(16) Germany, Saudi Arabia, Argentina, Australia, Brazil, Canada, China, United States of America, Russian Federation, France, India, Indonesia, Italy, Japan, Mexico, United Kingdom, Republic of Korea, South Africa, Turkey and European Union.

(17) Report of the United Nations General Assembly A/HRC/42/48. Promoting a democratic and equitable international order. Report of the Independent Expert on the promotion of a democratic and equitable international order, Livingstone Sewanyana. Available at: <https://documents.un.org/doc/undoc/gen/g19/230/70/pdf/g1923070.pdf>, paragraph 39

Under these conditions, how can we establish truly multi-stakeholder processes for AI governance? At Derechos Digitales¹⁸ we have observed that some AI governance environments lack clear rules for civil society participation and its impact on work agendas. As a result, human rights-centered perspectives are limited, potentially leading to violation of rights such as equality, privacy, and freedom¹⁹ in the deployment and operation of AI, while also perpetuating racial, social, and gender biases. So, what lessons can we draw from multi-stakeholder models of Internet governance to apply to AI governance?

(18) See: AlSur (2024). AI governance for Latam: map of the most relevant global and regional forums (part I), at: <https://www.alsur.lat/blog/gobernanza-ia-para-latam-mapa-foros-globales-regionales-mas-relevantes-parte-1>

(19) See: Digital Rights (nd) Artificial intelligence and inclusion in Latin America, at: <https://ia.derechosdigitales.org/>



3. LESSONS FROM INTERNET GOVERNANCE TO AI GOVERNANCE

With WSIS as part of the United Nations System and NETmundial as a space that emerged from Latin America, both have served as key examples of internet governance processes that have crystallized important lessons on civil society participation in international *multi-stakeholder forums*. In these spaces, decision-making processes are not only extensive and iterative, but also highlight the importance of defining both substantial and operational aspects of the right to participation to fully guarantee its implementation. Let's take a closer look at each of these spaces.

3.1 WSIS AND NETMUNDIAL: A BRIEF OVERVIEW OF EACH PROCESS

The two original phases of WSIS, held in Geneva in 2003 and Tunis in 2005, were the first spaces that brought together stakeholders to discuss internet governance. The Tunis phase specifically outlined the roles of the various actors—governments, civil society, the private sector, and the technical community—that promoted the creation of the Internet Governance Forum (IGF) to be held annually, and began the path towards closer digital cooperation²⁰. On the other hand, the first version of NETmundial was held in 2014 in São Paulo, Brazil, bringing together stakeholders and establishing non-binding guidelines that seek to operationalize digital governance processes. As a Latin American initiative, it introduced a participatory dynamic with a degree of equality that is largely absent from most internet governance processes led by the United Nations²¹.

Each forum has held review meetings on the original agreements for internet governance. WSIS+10 took place in 2015 and WSIS+20 will take place in 2025, where stakeholders²² will assess: the initial WSIS framework, its outcomes, the lines of action developed, challenges such as digital inequality²³, the implementation of the agreements by different UN bodies and agencies²⁴, among others²⁵. NETmundial+10 was held in 2024. This *multi-stakeholder*

(20) See: World Summit on the Information Society WSIS (2006). Tunis Agenda for the Information Society, at: https://governanzadeinternet.co/apc-aa-files/bb9cdd26e110b7763a22e4becac32240/agenda_tunez_para_la_sociedad_de_la_informacion.pdf

(21) See: NETmundial+10 (2024). NetMundial +10 Multistakeholder Declaration, strengthening internet governance and digital policy processes, at: https://netmundial.br/pdf/OutcomeDocument-20240430_SPANISH.pdf

(22) From academia, civil society, governments and international organizations, industry and the technical community.

(23) See: Global Digital Justice Forum (2024). The World Summit of the Information Society WSIS+20 Review, at: <https://globaldigitaljusticeforum.net/the-world-summit-on-the-information-society-wsis20-review-civil-society-perspectives-and-proposals/>

(24) Such as the International Telecommunication Union (ITU), the United Nations Educational, Scientific and Cultural Organization (UNESCO) or the Commission on Science and Technology for Development (CSTD).

(25) See: Global Partners Digital (2024). Everything you need to know about the WSIS+20 Review, at: <https://www.gp-digital.org/everything-you-need-to-know-about-the-wsis20-review/>

process revisited the principles established in 2014²⁶ to formulate specific, non-binding recommendations to strengthen the multi-stakeholder approach in internet governance and digital policy processes²⁷.

Below, we outline a set of practices identified in each process that help shape both the concept and methods of meaningful participation in global and regional forums for AI governance.

A. Open Consultation Processes and Online Surveys

Both WSIS and NETmundial conduct open consultation processes as formal opportunities for stakeholders to contribute to both the outcome documents to be discussed at the forums and to assess achievements, challenges, opportunities, and trends relevant to each engagement space. A notable action is the publication of the drafts and the final documents in multiple languages on official platforms prior to the events, allowing sufficient time for stakeholders' review and input.

The availability of tools such as online questionnaires and official virtual platforms is crucial for public scrutiny and multidirectional monitoring, incorporating regional perspectives on the lines of action and outcomes of governance processes. Moreover, consultation processes allow stakeholders to familiarize themselves with key issues and agendas of each space before the high-level meeting. WSIS, in particular, holds regular consultative meetings in a hybrid format²⁸.

It is important to note, however, that most consultations are limited to an open consultation form available for a short period of time with no mechanisms to track the inclusion of contributions. As a result, stakeholders are left without clarity on whether their positions are considered and, if so, under what criteria²⁹.

(26) See: NETmundial (2014). NET World Multistakeholder statement, at: <https://netmundial.br/2014/wp-content/uploads/2014/04/NETmundial-Multistakeholder-Document.pdf>

(27) See: NETmundial+10 (2024). NetMundial +10 Multistakeholder Declaration, strengthening internet governance and digital policy processes, at: https://netmundial.br/pdf/OutcomeDocument-20240430_SPANISH.pdf

(28) See: International Union of Telecommunications (sf) Open Consultation Process, at: <https://www.itu.int/net4/wsis/forum/2025/Home/Consultations>

(29) See: Digital Rights (2024). Contribution to the International Telecommunication Union consultation "The developmental aspects to strengthen the Internet", at: https://www.derechosdigitales.org/wp-content/uploads/Submission_Online-Open-Consultation_Derechos-Digitales.pdf ; Association for Progressive Communications APC, (2016). Lessons to be learned from NETmundial: Achieving bottom-up, multi-stakeholder outcomes from the global internet governance policy debate, at: <https://www.apc.org/sites/default/files/LeccionesParaAprenderDeNETmundial.pdf> ; Global Partners Digital (2024). United Nations Commission on Science and Technology for Development Twenty years in the implementation of outcomes of the World Summit on the Information Society (WSIS), at: https://www.gp-digital.org/wp-content/uploads/2024/11/Global-Partners-Digital-submission_-CSTD-WSIS20.pdf .

On the other hand, disparities have been observed in stakeholder participation in consultation processes. For example, according to GPD, at NETmundial+10 “government responses to the open consultation that informed the results document represented only 6.49% of all responses, in stark contrast to civil society responses, which amounted to 40.26%”³⁰. Given that government contributions are typically the most dominant, this disparity is a key factor in understanding certain differences in the recognition of rights, which will be explored further.

B. Effective Access for Civil Society and Non-governmental Stakeholders

The Internet governance forums have recognized that, through their expertise, non-governmental actors make the perspectives of under-represented social groups visible and provide specialized knowledge on human rights, enriching discussions and raising awareness of the local impact of decisions³¹. Their positions must therefore be heard and considered in high-level debates.

To achieve this visibility and participation, governance forums must, on the one hand, address structural obstacles to civil society participation, such as financial constraints to attend in-person events in remote locations, especially for Global Majority organizations. A feature of negotiations on the governance of digital technologies is that they often overlap with each other, limiting the participation opportunities of less well-resourced organizations. For example, the WSIS 2024 Forum 20 High-Level event was held close to the Summit of the Future (SOTF), the discussion of the Global Digital Compact (GDC), NETmundial+10 and the meeting of the High-Level Advisory Body on Artificial Intelligence (AIAB)³². In such a scenario, it is crucial to establish formal funding mechanisms that are sufficient, readily available in advance, and designed to facilitate the participation of civil society from underrepresented regions, overcoming the dynamics of geopolitical competition³³. In this regard, it is essential to guarantee hybrid participation formats that ensure access to the discussions.

On the other hand, we emphasize that effective civil society participation in international spaces goes beyond the invitation or the guarantee of its registration and attendance, — it must also include the genuine and substantive consideration of their positions. Therefore, it is essential to establish mechanisms that ensure the inclusion of civil society contributions throughout the entire governance process, from design to implementation. For example, as proposed at NETmundial+10, fostering civil society inclusion and eliminating hierarchies among stakeholders can start at the very formation of organizing committees, ensuring balanced representation across different sectors. This principle should also extend to the physical arrangement of the space and the organization of interventions within the forum.

(30) See : Global Partners Digital (2024). NETmundial +10: inspiration for multi stakeholder digital governance, but is it enough?, at: <https://www.gp-digital.org/netmundial-10-inspiration-for-multistakeholder-digital-governance-but-is-it-enough/>

(31) See: United Nations General Assembly Report A/58/817. Strengthening the United Nations: An Agenda for Deepening Change, at: <https://documents.un.org/doc/undoc/gen/n04/376/44/pdf/n0437644.pdf>

(32) See: Global Partners Digital (2024). Everything you need to know about the WSIS+20 Review, at: <https://www.gp-digital.org/everything-you-need-to-know-about-the-wsis20-review/>

(33) See: United Nations General Assembly Report A/58/817. Strengthening the United Nations: An Agenda for Deepening Change, at: <https://documents.un.org/doc/undoc/gen/n04/376/44/pdf/n0437644.pdf> see paragraph 161 onwards.

C. Allocation of Equal Spaces and Speaking Times

This lesson is based on the experience of NETmundial+10, which implemented several innovative ways to encourage participation³⁴ through a shift system that assigned a microphone to each sector, including remote participation, with a maximum limit of two minutes per intervention. This approach was remarkable for two key aspects: first, interventions were staggered between sectors, promoting equal participation and combating sector-based hierarchies; second, all speakers had the same time, ensuring greater equity.

This structure contrasted with traditional UN processes, where governments are often given priority to speak first and for extended periods, relegating other actors to a secondary role or even excluding them altogether. In contrast, the structure of NETmundial+10 provided a more equitable model that can serve as a reference for future inclusive governance processes.

D. Promoting Gender Equality from an Intersectional Perspective

Both WSIS and NETmundial have included³⁵ diversity and equity in decision-making processes as principles. An example is addressing the gender gap in participation spaces and decision-making bodies, promoting effective leadership roles and a balance in stakeholder representation based on gender and region. It is also essential to move towards *people-centered* frameworks, integrating civil society perspectives that position the needs of vulnerable social groups in the face of digital policies³⁶.

E. Renewal and Adaptation of the Digital Governance Agenda

Some civil society analyses³⁷ on internet governance processes discussed here highlight the importance of constantly reviewing policies, themes, lines of work, digital challenges, and forum procedures from a human rights perspective and following principles of accountability and inclusion. Both WSIS and NETmundial have sought to establish committees, with clarity and transparency regarding their functions, to monitor the results of each participation space,

(34) See: Association for Progressive Communications APC (2016). Lessons to be learned from NETmundial: Achieving bottom-up, multi-stakeholder outcomes from global internet governance policy debate, in: <https://www.apc.org/sites/default/files/LeccionesParaAprenderDeNETmundial.pdf>

(35) NETmundial (2014). NET World Multistakeholder statement, at: <https://netmundial.br/2014/wp-content/uploads/2014/04/NETmundial-Multistakeholder-Document.pdf> and World Summit on the Information Society Geneva 2003-Tuniz 2005, Declaration of Principles, at: <https://www.itu.int/net/wsis/docs/geneva/official/dop.html>

(36) See: Global Digital Justice Forum (2024). The World Summit of the Information Society WSIS+20 Review, at: <https://globaldigitaljusticeforum.net/the-world-summit-on-the-information-society-wsis20-review-civil-society-perspectives-and-proposals/>

(37) See: Global Partners Digital (2024). United Nations Commission on Science and Technology for Development Twenty years in the implementation of outcomes of the World Summit on the Information Society (WSIS), at: https://www.gp-digital.org/wp-content/uploads/2024/11/Global-Partners-Digital-submission_-CSTD-WSIS20.pdf and Association for Progressive Communications APC (2016). Lessons to be learned from NETmundial: Achieving bottom-up, multi-stakeholder outcomes from the global internet governance policy debate, at: <https://www.apc.org/sites/default/files/LessonsToBeLearningFromNETmundial.pdf>

guaranteeing multi-stakeholder approaches³⁸. The renewal of digital governance processes includes the review of operational functions, the structure of participation and interaction of the parties, location, and renewal of the mandate, among other issues³⁹.

F. Formation of Working Groups and Regional Spaces

The creation of regional platforms to foster inclusive dialogue is essential for clarifying shared goals and addressing the specific challenges of stakeholders from each region participating in the forums. Regional spaces need to have the same guarantees as global spaces in terms of resources and capacity building. Likewise, connection with global dialogues is key to avoid duplication of work and ensure coordination of efforts⁴⁰. For example, the WSIS has promoted the annual holding of the IGFs, which have regional formats such as the Latin American and Caribbean Internet Governance Forum (LACIGF), a regional platform for inclusive dialogue.

G. Selection of Host Countries That Protect Human Rights

The selection of host countries for the forums must result from an open process that includes community participation to address access barriers for stakeholders. Such selection must be based on the host country's compliance with human rights, as recognized in the NETmundial+10 outcomes document⁴¹, such as freedom of expression, association, and peaceful assembly⁴². For example, civil society raised concerns about the risks of holding the 19th IGF in Saudi Arabia, a country accused of imposing prohibitions, enforcing disappearances, and imprisoning individuals for exercising their right to freedom of expression online⁴³. Additionally, reports highlight harassment, persecution, and criminalization of the LGBTQIA+ community and women's organizations⁴⁴.

(38) WSIS appointed the Commission on Science and Technology for Development (CSTD) for this purpose, and NETmundial formed the High-Level Multistakeholder Committee (HLMC) and the Multistakeholder Executive Committee (MEC).

(39) See: Global Partners Digital (2024). United Nations Commission on Science and Technology for Development Twenty years in the implementation of outcomes of the World Summit on the Information Society (WSIS), at: https://www.gp-digital.org/wp-content/uploads/2024/11/Global-Partners-Digital-submission_-CSTD-WSIS20.pdf

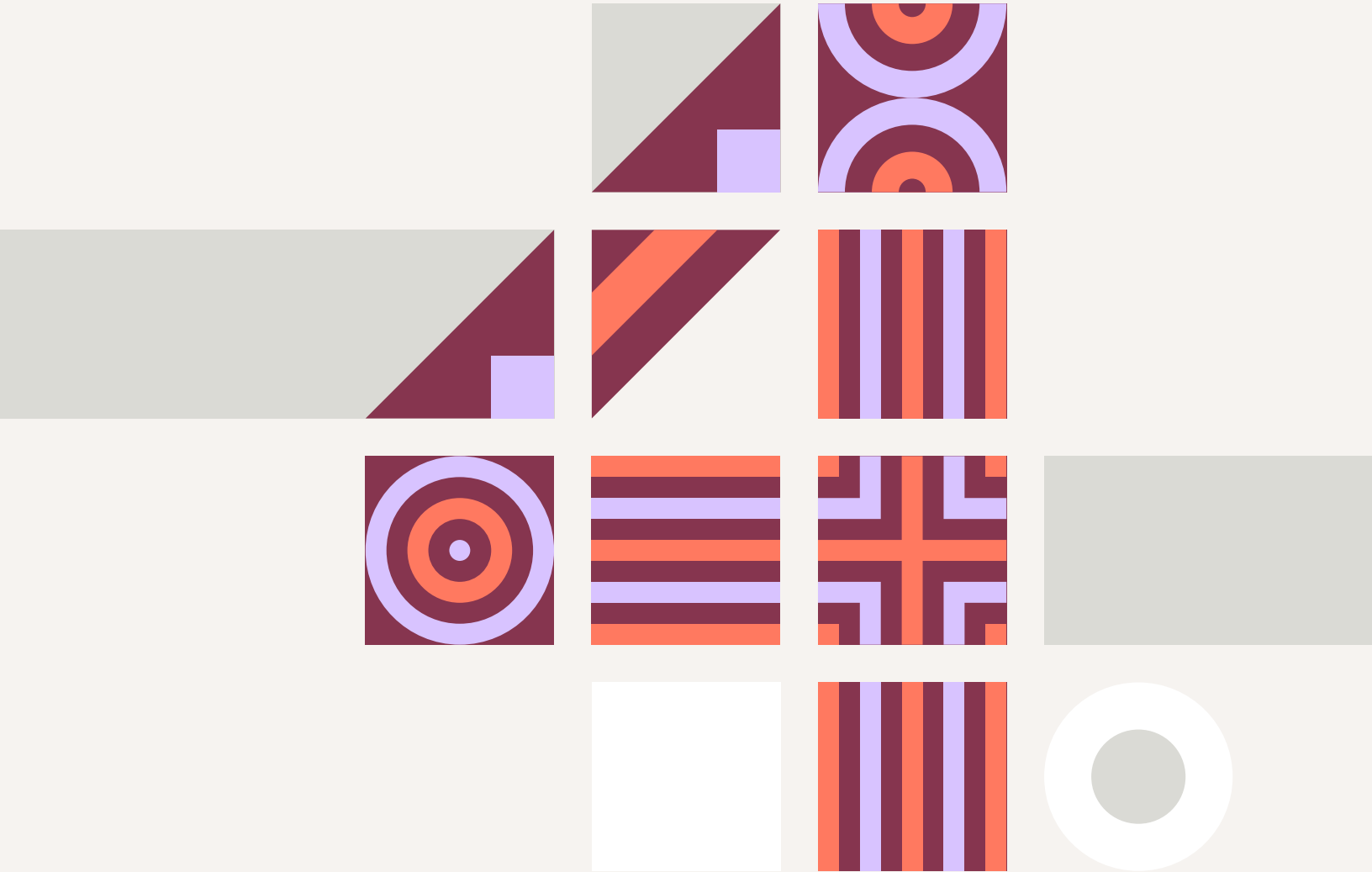
(40) See: NETMundial+10 (sf) Contribution by Paloma Lara Castro on behalf of Derechos Digitales, at: <https://netmundial.br/consultation/contributions/3638353739343637320000/detail>

(41) See: NETMundial+10 (2024). NetMundial +10 Multistakeholder Declaration, strengthening internet governance and digital policy processes, at: https://netmundial.br/pdf/OutcomeDocument-20240430_SPANISH.pdf

(42) See: Global Partners Digital (2024). United Nations Commission on Science and Technology for Development Twenty years in the implementation of outcomes of the World Summit on the Information Society (WSIS), at: https://www.gp-digital.org/wp-content/uploads/2024/11/Global-Partners-Digital-submission_-CSTD-WSIS20.pdf

(43) See: Amnesty International (2024). Saudi Arabia: Authorities must release those arbitrarily detained for exercising their freedom of expression ahead of the Internet Governance Forum, in: <https://www.amnesty.org/es/latest/news/2024/11/saudi-arabia-authorities-must-free-people-who-are-arbitrarily-detained-for-online-expression-ahead-of-internet-governance-forum/>

(44) See: Article 19 (2023). UN: Saudi Arabia must not host 2024 Internet Governance Forum, at: <https://www.article19.org/resources/un-saudi-arabia-must-not-host-2024-internet-governance-forum/>



4. RECOMMENDATIONS FOR AI GOVERNANCE FROM A LATIN AMERICAN PERSPECTIVE

The emerging spaces for AI governance have diverse natures and priorities. There are intergovernmental human rights forums now also focused on AI (Human Rights Council; United Nations General Assembly; OAS); intergovernmental forums that were explicitly created to advance this agenda (Council resulting from the Santiago Summit); multilateral forums with a focus on economic development that now includes AI as an aspect of interest (G20, BRICS+); and economic cooperation processes that have focused on addressing AI from their development agendas (OECD, ECLAC).

Just as in the international context described in the second section — and as NETmundial and WSIS have done — each of the forums mentioned here establishes its own rules and participation modalities, aligning them with its specific objectives and interests or framing them within the relevant multilateral process.

4.1 CURRENT OBSTACLES IN GOVERNANCE SPACES FOR AI

As civil society, we have identified some obstacles in the most relevant AI governance processes in the region which have already been pointed out, limiting meaningful participation. These obstacles are mentioned below.

A. Lack Of Transparency or Inaction Regarding Mechanisms for Including Stakeholders in Decision-Making

For example, G20⁴⁵, BRICS+⁴⁶, and the Intergovernmental Council for AI⁴⁷ have not clearly defined the dynamics for integrating interested sectors, their capacity to influence work agendas, or participation mechanisms for civil society, despite having, in some cases, working groups organized by stakeholders⁴⁸. As seen in the cases of NETmundial and WSIS, inviting contributions from stakeholders is essential for meaningful participation. This can be achieved through open consultation processes or online surveys, designed with equitable formats that are transparent from the outset regarding timelines, criteria, and follow-up mechanisms for incorporating input.

(45) See: UNESCO (2024). UNESCO Welcomes G20 Digital Economy Working Group's Focus on Artificial Intelligence for Inclusive Sustainable Development and Inequalities Reduction, at: <https://www.unesco.org/en/articles/unesco-welcomes-g20-digital-economy-working-groups-focus-artificial-intelligence-inclusive>

(46) See: DigWatch (2023). BRICS announces formation of AI study group. at: <https://dig.watch/updates/brics-members-announce-formation-of-ai-study-group>

(47) See: Summit of Ministers and High Authorities of Latin America and the Caribbean, Santiago de Chile, October 23-24, 2023, at: https://minciencia.gob.cl/uploads/filer_public/40/2a/402a35a0-1222-4dab-b090-5c81bbf34237/declaracion_de_santiago.pdf

(48) See: G20 (sf) The G20 is made up of 13 Engagement Groups, at: <https://g20.org/engagement-groups-2/>

B. Few Relevant Opportunities for Meaningful Participation In Defining AI-Focused Agendas

ECLAC⁴⁹, for example, has limited its participation efforts in its work agenda to the mere dissemination of agreements and results reached in discussions that are not accessible to civil society. And in other cases, participation processes lead to efforts that are not relevant or have no impact.

For example, Derechos Digitales recently took part in ECLAC's "AI Working Group" where we contributed intensively to redesign a format that sought to obtain information from the states on the use and deployment of algorithms in public service. Despite being a demanding task in terms of our time and capacity, the form will not be applied by ECLAC, but rather by States that voluntarily wish to respond to it. At the time of completion of this report, we have no information on the voluntary application of the form by any state in the region; nor do we know the final version of the form to which we suggested substantive changes.

On the other hand, participation processes in OECD⁵⁰ on AI policies sometimes result in written consultations with varying timelines. However, civil society in Latin America has had limited opportunities to influence the definition of working group agendas, their composition, or internal debates⁵¹. To address this, working groups and regional spaces can be formed to promote inclusive dialogue as the WSIS has done.

C. Lack of Financial Support Mechanisms for the Presence and Effective Representation of Civil Society

Although this obstacle extends to most governance forums, we highlight the case of the Human Rights Council, which, although it is presented as a space open to any organization—with relevant limitations for those that do not have active consultative status with ECOSOC⁵²—it does not offer resources in terms of travel and visas for the participation of civil society.

(49) See: Economic Commission for Latin America and the Caribbean ECLAC (March 12, 2024). Preparatory Meeting for the Ninth Ministerial Conference on the Information Society in Latin America and the Caribbean, at: <https://www.cepal.org/en/events/preparatory-meeting-for-the-ninth-ministerial-conference-on-the-information-society-in-latin-america-and-the-caribbean>

(50) See: OECD.AI Policy Observatory (2024). A new expert group at the OECD for policy synergies in AI, data, and privacy, at: <https://oecd.ai/en/wonk/expert-group-data-privacy>

(51) See the regional and sector composition of the *OECD.AI community* at: <https://oecd.ai/en/community?role=&workingGroupId=&terms=&countryId=&stakeholderTypeId=12&page=1>

(52) Consultative status with the United Nations Economic and Social Council (ECOSOC) allows civil society organizations to participate in the work of ECOSOC and its subsidiary bodies. Accredited organizations can attend UN meetings, make written and oral statements, and contribute to issues related to the UN agenda. This status is granted through an accreditation process managed by the ECOSOC NGO Committee.

D. Unclear or Opaque Criteria When Adding Participants, and the Need to Ensure Civil Society Representation in Working Groups

The OAS, for example, has made progress in developing guidelines for data governance and artificial intelligence⁵³, and although it has a Civil Society Group to contribute to this process, the guidelines for adding members have been unclear and opaque. At the same time, we observe that the OAS has adopted a draft Declaration and Plan of Action focused on the safe, secure, and reliable development and deployment of AI in the Americas⁵⁴, where the list of “special guests” to intervene includes, naturally, the governments of the region and a large group of the private sector such as Amazon, IBM, Meta, Microsoft, NVIDIA, Palantir, Oracle, xAI, among others, with very few civil society organizations focused on the defense of human rights as guests.

From the experiences of WSIS and NETmundial, we understand that civil society contributes specialized knowledge on human rights and highlights the local impact of decisions – an aspect that must not be overlooked in AI governance processes.

4.2 RECOMMENDATIONS FOR THE STATES AND OTHER ACTORS FACILITATING GOVERNANCE SPACES FOR AI

Given the outlined conditions of participation methods, concepts, and mechanisms – and drawing on the internet governance practices discussed in the previous section – we recommend the following to states and other non-governmental actors facilitating AI governance.

A. Operational Transparency

Clarify the structure of participation and interaction of stakeholders in the forums, as well as their committees and their functioning. Transparency and accountability are essential and must be integrated into the design, implementation, and monitoring of AI governance processes⁵⁵. Transparency should also extend, for example, to the processes of inviting and including private sector actors, the definition of their role and capacity to influence each space, as well as holding private meetings between some actors and the participating states of the forum in question.

B. Guarantees of Access and Reducing Barriers

Expanding the range of travel and visa support available to Global Majority organizations and representatives is essential to foster a culture of participation. Moreover, establishing mechanisms to facilitate effective civil society participation such as technical training is crucial, given the specialized language of the debates.

(53) See: Latin American and Caribbean Electronic Government Network GEALC Network (nd) -Data Governance and Artificial Intelligence, at: <https://www.redgealc.org/lineas-de-trabajo/gobernanza-de-datos-e-inteligencia-artificial/> and Digital Rights (2024). Digital Rights’ comments on the “Inter-American Guidelines for Data Governance and AI” of the Organization of American States OAS, at: https://www.derechosdigitales.org/wp-content/uploads/Sobre_lineamientos_GDIA_-OEA_postura_de_DD.pdf

(54) See: Organization of American States (2024). Press Release “The OAS held the VII Meeting of Ministers of Science and Technology: Adopts an Innovative Declaration and Launches AI Governance Initiative”, at: https://www.oas.org/en/news_center/press_release.asp?sCode=C-100/24

(55) See: Digital Rights (2024). Contribution to the International Telecommunication Union consultation “The developmental aspects to strengthen the Internet”, at: https://www.derechosdigitales.org/wp-content/uploads/Submission_Online-Open-Consultation_Derechos-Digitales.pdf

C. Strengthening Multi-Sector Participation Processes

Participation in AI governance must be meaningful and multi-stakeholder from the earliest stages and maintained continuously. This inclusive approach allows to address emerging opportunities and challenges from diverse perspectives. A notable example of this type of participation is the multi-stakeholder process recently promoted at the G20 Summit in Brazil, which led to the creation of participation groups such as the C20 (for civil society), the W20 (for women) and the S20 (for academics), among others. Through policy documents, these groups reflect the impact of decisions on their members, highlighting the importance of inclusive participation in multilateral decision-making⁵⁶.

D. Inclusive and Equitable Participation

It is crucial to promote and strengthen diversity in AI governance processes, ensuring broad representation and placing special emphasis on historically underrepresented groups and regions. This includes: adopting flexible and inclusive programming that avoids rigid schedules that restrict stakeholder participation; enabling effective hybrid formats; and ensuring that open consultation processes encourage diverse representation, offering adequate and clear timelines that allow for the contribution of experiences and perspectives⁵⁷.

E. People-Centered and Human Rights Respectful Approaches

As some civil society organizations point out⁵⁸, there are challenges in applying international human rights to AI systems. Therefore, regulatory spaces must incorporate international human rights protections and obligations, strengthening them with the expertise of human rights organizations that apply these frameworks to new technologies⁵⁹.

F. Systematization and Transparency around Debates and Discussions

Documenting participation methodologies helps create a repository of knowledge and lessons learned that can be useful for other processes and events. This contributes to consolidating common principles that ensure meaningful and diverse participation.

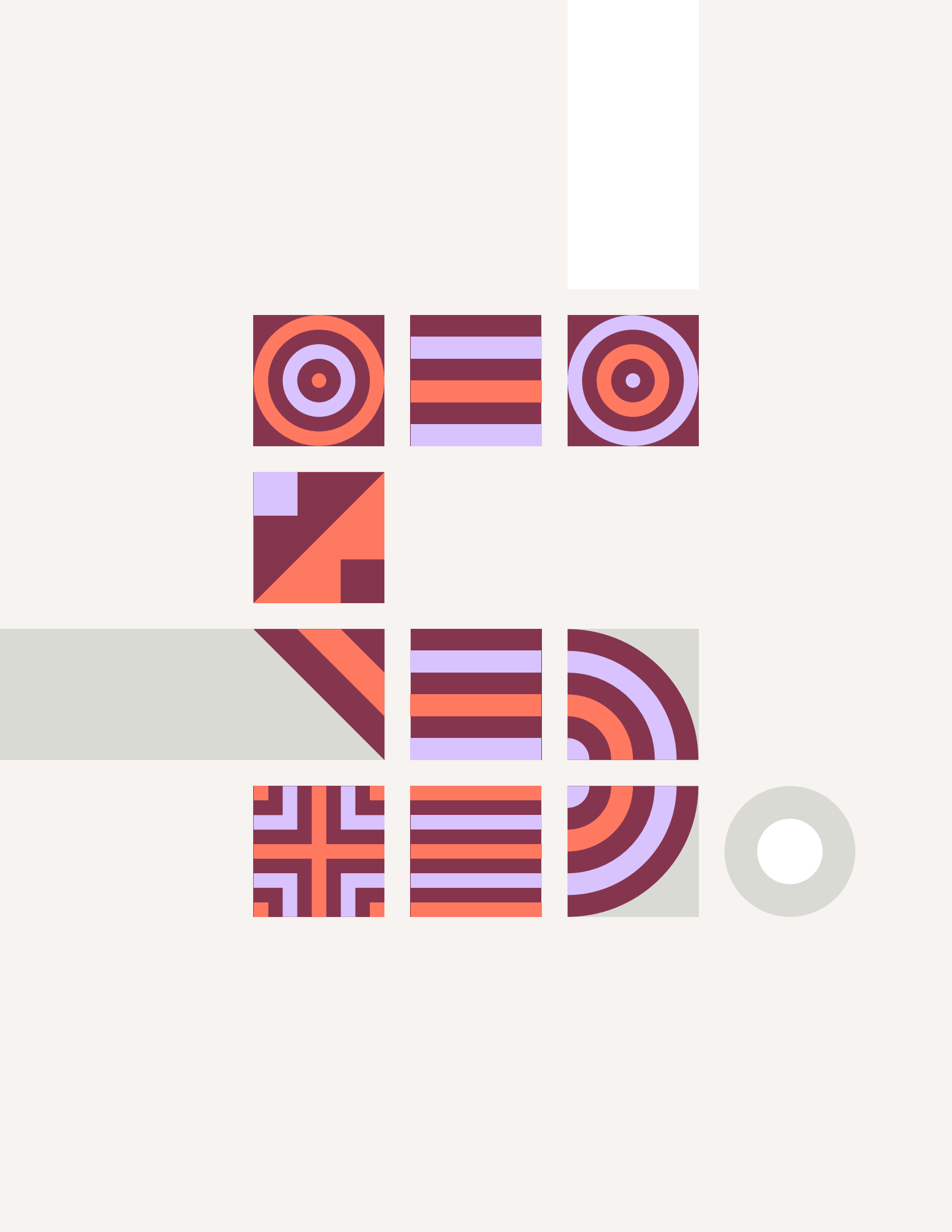
Transparency in current, past, and future discussions allows for maintaining a historical and comparative record of the evolution of states' positions while facilitating the measurement of progress toward established objectives and goals.

(56) See: G20 (sf) The G20 is made up of 13 Engagement Groups, at: <https://g20.org/engagement-groups-2/>

(57) See: NETMundial+10 (sf) Contribution by Paloma Lara Castro on behalf of Derechos Digitales, at: <https://netmundial.br/consultation/contributions/3638353739343637320000/detail>

(58) Balla, Catalina (2024). A strong voice to put human rights at the center of artificial intelligence. Available in: <https://www.derechosdigitales.org/24559/una-voz-firme-para-poner-los-derechos-humanos-en-el-centro-de-la-inteligencia-artificial/>

(59) See: Global Partners Digital (2023). What would a human rights-based approach to AI governance look like?, at: <https://www.gp-digital.org/what-would-a-human-rights-based-approach-to-ai-governance-look-like/>



5. CONCLUSION

We recognize that the recommendations outlined here face a significant external constraint: the political will of states and other non-governmental actors that facilitate and coordinate AI governance spaces.

This constraint is further exacerbated by recent warnings about the shrinking of civic, digital, and analog spaces at both national and international levels⁶⁰. In response, actors such as the OECD have recommended that decision-makers ensure environments that facilitate, protect, and guarantee the participation of civil society organizations, associations, groups, and movements. These actors are crucial as they “contribute to democracies by advocating for the needs of diverse groups, providing expertise in public policies, monitoring government actions, contributing to public debates and offering key services”⁶¹.

Meaningful participation in AI governance spaces will thrive as long as other enabling factors for this right are in place — that is, where the right to association is not threatened, freedom of expression is guaranteed, and access to information is upheld as a duty not only respected by states but also ensured by non-governmental actors, who increasingly play a greater role in shaping public agendas.

We also maintain that meaningful civil society participation faces critical challenges when global agreements on AI governance are negotiated in closed, bilateral meetings between technology-producing countries such as China and the United States. This dynamic threatens the technological sovereignty of other nations that rely on this technology, as is the case in Latin America.

Therefore, the call to strengthen meaningful civil society participation in AI governance processes from a regional perspective also aims to reinforce the role our states can play — presenting a united and strong front — against processes that, as we previously warned, evade public scrutiny not only from citizens but also from other states that appear to have less negotiating power at the table.

We assert that protecting, advancing, and giving substance to meaningful participation in AI governance must bring together all stakeholders to build fair and equitable rules that reflect the specificities of our socio-political and technical-legal contexts in a deeply unequal region. Meaningful participation should not be a privilege. As an fundamental pillar for promoting social well-being and technological sovereignty, it plays a critical role not only in preventing social inequalities — exacerbated by new and emerging technologies — from deepening further but also in using these technologies to close these gaps once and for all.

Only through open, pluralistic, effective, intersectional, and collaborative participation processes can we steer AI governance towards serving the social interest, now and in the future. It is up to all those engaged in these governance processes to ensure that the good participation practices learned from the governance of other technologies are replicated and upheld, preventing the mistakes of the past from being repeated once again.

(60) See: Overseas Development Institute (2018). What Does Closing Civic Space Mean for Development? A Literature Review and Proposed Conceptual Framework: https://opendocs.ids.ac.uk/articles/report/What_Does_Closing_Civic_Space_Mean_for_Development_A_Literature_Review_and_Proposed_Conceptual_Framework/26484238?file=48229429

(61) OECD (2024). Practical Guide for Policymakers on Protecting and Promoting Civic Space, at: https://www.oecd.org/en/publications/practical-guide-for-policymakers-on-protecting-and-promoting-civic-space_6c908b48-en.html see page 35



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