# Foreword: Advancements and Challenges for Latin American AI and Data Governance

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It has been said that we tend to overestimate the effects of a technology in the short run and underestimate its impacts in the long run. This phrase, attributed to futurologist Roy Amara, is particularly true in the case of Artificial Intelligence. Early assessments of potential social and economic repercussions of AI often held a catastrophic or overly optimistic tone. Today, it is fair to say that its impacts are already more pervasive, more impressive, and less akin to Hollywood science fiction than initially imagined. The current challenges created by AI are, in fact, not so much related to sentient killer robots but more connected to the ethical questions related to the replacement of human judgment and to the systemic effects the technology may have on societies.

Countries in Latin America have, over the years, made steady progress in discussing policies and strategies to promote the development and use of AI and in building legal frameworks related to the digital environment more broadly, as exemplified by the pioneering Brazilian Internet Bill of Rights *(Marco Civil da Internet)*. Many countries in the region have constitutional provisions regarding the protection of privacy and personal data, intimacy, and human dignity, as well as legal guarantees that enable the exercise of such rights before the public and the private sectors. Countries such as Argentina, Uruguay, Mexico, Peru, Costa Rica, Nicaragua, Colombia, Dominican Republic, and Brazil have approved comprehensive personal data protection rules. Chile currently leads the way in discussing a constitutional amendment to legislate on neurotechnologies and protect mental privacy, free will, and non-discrimination with regard to technologies that act upon the human brain. In Brazil, a draft Bill of Law on Artificial Intelligence is currently under consideration by the Federal Senate.

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At the same time, countries in the region have also engaged in international discussions on ethical and legal aspects of AI. Several Latin American countries have adhered to the OECD Principles on Artificial Intelligence (2019). The UNESCO Recommendation on the Ethics of AI (2021) was drafted with contributions from an Ad Hoc Expert Group, including experts from Uruguay, Mexico, Argentina, and Brazil. The *Red Iberoamericana de Protección de Datos* has issued recommendations on personal data protection and AI and the United Nations Economic Commission for Latin America and the Caribbean (ECLAC) has also carried out initiatives to raise awareness and promote cooperation in the region.

It is, therefore, possible to identify the increasing concern of legislators and policymakers in Latin America in discussing the impacts of technology on society, not only from an economic perspective but also regarding human values and fundamental rights. The region's strong history of debating digital rights certainly places it in a position to carefully consider the implications of AI in different sectors, such as law enforcement, education, finance, healthcare, and public service provision, and to evaluate the risks related to bias, discrimination and privacy. In this scenario, an open discussion is if new laws and regulations geared specifically towards AI are needed, or if existing legislation is sufficiently flexible to address emerging issues and to ensure trustworthy and accountable AI systems.

At the same time, it is important to note that these countries face specific issues that must be considered in the global debates on AI. In this sense, as discussions on the subject gain traction worldwide, it is important to realize that this is not a conversation that relates only to countries in the Global North.

Latin America faces challenges in terms of regional coordination and struggles to project a unified voice in international arenas. Many countries in the region encounter difficulties when it comes to policies aimed at stimulating public and private investments in research, development and innovation in the field of AI. Shortages of tech talent, difficulties in filing patents, and increased dependency on international supply chains may deepen the chasm between developing countries and developed countries currently

leading the race to AI dominance. Political instability and fragmentation of regulatory initiatives are also significant obstacles in the region.

In parallel, when designing technologies, policies, and regulatory frameworks, it is crucial to consider the different contexts in which they will be applied. The impacts of AI on the workforce, for example, may be felt differently in developing countries in comparison to developed economies, exacerbating existing inequalities. AI-fueled algorithmic discrimination may take on different nuances in societies marked by histories of colonialism, authoritarianism, and profound social inequalities, as is the case in many countries in Latin America. Ethical values and broad principles such as fairness, trustworthiness, non-discrimination, and transparency may have contrasting connotations in different countries and are strongly influenced by social, cultural, political, and religious contexts.

In this scenario, it is important to highlight the central role of multistakeholder engagement to inform the debate and critically assess the regional specificities of the use of AI, focusing both on policies to promote the development and use of the technology and on legal, ethical, and regulatory frameworks aimed at the protection of fundamental rights. Indeed, if well used and placed within appropriate governance frameworks, AI may become a relevant tool to overcome regional issues and help meet the Sustainable Development Goals, by increasing economic productivity and contributing to social and economic well-being.

Careful consideration of risks and benefits related to the development and use of Artificial Intelligence is necessary to enable a meaningful discussion on how to share the burden of rights and responsibilities related to this technology in a Latin American context. In this sense, this special issue on AI and Personal Data Protection in Latin America raises essential questions on the technical, social, legal, and ethical impacts of this emerging technology in the region, providing a relevant opportunity to explore, from interdisciplinary perspectives, the intersection between technology and society and the role of personal data protection frameworks in dealing with such issues. The AI landscape has substantially evolved over the last decade and will continue to do so, sparking interest,

raising questions, and fueling new discussions on matters such as privacy, safety, accountability, and human values.