# How to employ artificial intelligence in public administration? Analysis and discussion of the Ibero American charter on artificial intelligence in civil service

**Juan José Rastrollo Suárez**✉, **Agustín E. Ferraro**✉
University of Salamanca, Spain

**Abstract**

*The exponential growth in the uses of Artificial Intelligence (AI) shows dramatic and long-lasting consequences on social reality in our days. Governments see themselves confronted with the need to supervise and regulate the difficult transition toward a "fourth industrial revolution", as some experts already describe such a development. Public regulation is expected to address diverse areas. In the first place, the legal and ethical dilemmas around the functioning and programming of AI must be determined and resolved—as far as possible. Secondly, the uses of AI as a tool for public decision-making have to be explored and operationalized. Finally, citizens' rights must be guaranteed against new and unexpected threats that result from these new technologies. In the present article, we propose to analyse and discuss the development and reception of AI by Latin American governments, considering in particular the recently adopted Ibero American Charter on Artificial Intelligence in Civil Service.*

**Keywords:** artificial intelligence, Latin America, public administration, Ibero American Charter, public employment

## Introduction

Artificial intelligence (hereafter, AI) has developed as one of the great regulatory challenges that legal systems will have to face in the coming years, due to its diverse and complex implications (Köbis et al., 2022). The transcendence and effects of AI have led to the approval of a recent regulatory framework within the European Union, the "Artificial Intelligence Act" (hereafter, the EU AI Act), the first supranational regulation on the subject until now in this area (European Parliament, 2024). In the first section of this article, we analyse and discuss the limitations that should—and could—be placed on the use of AI in the sphere of public

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✉ Professors, Faculty of Law, Area of Administrative Law, University of Salamanca, Spain; Virtual Institute of Sustainable Cities and Communities - EC2U - Centro de Investigación para la Gobernanza Global; e-mail: rastrollo@usal.es; agustinferraro@usal.es.

administration. Public organizations are particularly sensitive and relevant in this regard, for two main reasons. In the first place, because they are the recipients and executors of public authority and, secondly, because they are often an instrument under the control of the executive power, and subject to executive decisions on public policy programs.

More specifically, in the second section below, we will discuss the problems and possible advantages of applying AI in Latin American public administrations, considering that public administration systems in the region are traditionally characterized—in some cases—by marked institutional weakness. Moreover, the region has seen an undermining of confidence in democratic systems characterized, in certain situations, by instability and the rise of populisms of different political persuasions (Mainwaring, 1990; Weyland, 1999).

In the article's third section, we will briefly address some of the criticisms against the EU AI Act. Against this background, we will then describe and analyse the recently approved Ibero American Charter of Artificial Intelligence in Civil Service, a soft law document promoted by the Latin American Center of Administration for Development (hereafter, CLAD). We will attempt to evaluate if, due to its configuration and particular nuances, this document can be an appropriate roadmap in the process of integrating the use of AI in the field of public administrations in Latin America, interconnecting the different countries of the region in a new phase of development of public activity (CLAD, 2023).

## 1. Artificial intelligence and its reception by public administration

Within information technologies (IT), when we refer to AI, we are referring, in short, to the automated processing of information based on the use of algorithms with the aim of solving problems, simulating processes that are characteristic of human intelligence. This processing has been acquiring both autonomy and the ability to perform tasks - focused on the achievement of certain goals - that were previously considered exclusive to human beings. This is, to a large extent, related to its increasingly close relationship with the so-called Internet of Things (IoT), which in turn seeks to improve the relationship between sensors and the environment, and this has made the relationships resulting from these processes increasingly "smarter". Consequently, strictly speaking, we should speak today of the artificial intelligence of things (Ishengoma et al., 2022).

The use of these tools capable of automatically tanking decisions based on pre-established parameters can, in turn, have multiple applications in the field of organizations and their use could, in principle, be justified based on parameters of economy, effectiveness and efficiency. These are tools that, as their autonomy has increased, have acquired the capacity for self-perfection over time.

The use of this technology has ended up affecting citizens as a whole. Therefore, governments, as well as public administration systems, become

responsible for its proper legal development and future use, to the extent that these organizations must be capable of coordinating and supervising the technological transition (Uzun et al., 2022).

Focusing on the sphere of public organizations, we could assume for example, on the internal side of such organizations, that the use of AI may come to allow a more efficient selection and evaluation of public employees, devoid of the biases that surround this kind of processes and that, in some cases, tend to distort the decision made. In the relationship of public organizations and their external environment, artificial intelligence could be considered a suitable instrument for the design and evaluation of the most appropriate public policies at any given time, due to its capacity to carry out aseptic analyses, taking into account in advance parameters as diverse as the state of public opinion, and the electoral proximity or the effects that the adoption of a given option may entail, among other factors, both in the short and in the medium and long term.

However, there is a central and intrinsic element in the use of tools of this nature, which is the dehumanization of decisions, an issue that has been the subject of study for a long time (Hurley & Wallace, 1986). This dehumanization, which is debatable from an ethical perspective in the field of private organizations, takes on a different and somewhat more complex dimension in the field of public organizations.

Moreover, both effectiveness and efficiency are parameters that, in the sphere of the exercise of public power, have marked distinctions. In fact, although they are principles of action - not necessarily subsumable in each other - of practically every democratic public administration (as reflected in the constitutions and administrative norms of the various Latin American countries), they are in a permanent process of nuancing and refining. This is due, in the first place, to the existence of a large number of indeterminate legal concepts that proliferate in administrative legislation and are ascribed with changing contents based on historical, social and cultural circumstances at diverse periods in time. This is the way in which administrative law adapts to reality in order to address specific intricacies depending on the particular moment. Secondly, because of the continuous demand for the public power to choose, at its discretion and risk, between diverse partially unsatisfactory alternatives to resolve public policy issues. Thirdly, and connected to the phenomena described above, because the obligation to make decisions occurs, in some cases, in scenarios of bewilderment, ignorance and uncertainty and within a global scenario.

The dehumanized automation of decisions that does not take into account the constitutional parameters and that, within the framework of societies under permanent risk, pretends to respond to continuous social demands to make decisions in a scenario of total uncertainty, and can lead to negative consequences.

A negative impact, on the internal side of public organizations, corresponds to the professionalization and independence of public administration's officers, when the power to make recruitment decisions is usurped by algorithms. Because

the civil service, in order to generate real synergies with the society it serves, must represent society, which implies a direct relationship of proximity between those who are part of society and those who serve the public interest. The dehumanization of recruitment could, for example, dramatically increase the loss of legitimacy of public administrations as a result of suspicions of technocratic dominance.

On the external side of public organizations, the dehumanized automation of decisions can have a direct impact on the erosion of institutions and the breakdown of democracy. When we elect those who govern us in our name, we are part of the decisions they make; however, when these elected officials are not the ones who design or defend a public policy program, because they do not take decisions derived from political activity, it no longer makes much sense to elect them and, therefore, democracy ceases to have meaning to a large extent.

Therefore, it is essential to superimpose some classic principles of administrative activity on any procedural reform based on algorithms. The aim is thus to ensure that the development of AI in the field of public administration is dependent on the consideration that the citizen must remain at the center of the provision of public services (Nzobonimpa, 2023).

## 2. Conditions and characteristics of Latin American public administration and its (possible) relationship with artificial intelligence

It is a big mistake to conceive Latin American countries as a univocal whole. One of the region's characteristics is precisely the speed with which the political, social and economic reality of the different nations in the region can vary. This is perhaps the most typical common feature: the lack of social stability, based on reasons that have to do with various circumstances, such as economic instability or the political dominance of "caudillos" (strongmen) that is reflected to some extent in contemporary populisms. These traits have, in turn, a clear projection in the structuring and exercise of public power.

Consequently, a large part of Latin America's public administrations is characterized by a marked institutional weakness. We could say that among their most notable features are a low rate of professionalization of civil services, a high rate of corruption and, as a result of the markedly presidentialist nature of most of their governments, the existence of significant deficiencies in the system of checks and balances that should serve as a basis for the supervision and control of political powers (Cárdenas & Posse, 2024; Coastworth, 2008).

Also, particularly characteristic of Latin America is the economic inequality that, far from diminishing, tends to be maintained or even intensified by phenomena such as social conflicts or climate change (Huber, 2009; Spikin et al., 2016).

All these circumstances mean that the integration of AI in the field of public administration in Latin America should be analysed without losing sight of its particular nuances. At the end of this section, we will highlight the need to strongly

regulate AI in order not to allow an indiscriminate its use in the field of public administration, which could allow both its dehumanization and, in direct connection with the above, evident injuries to the democratic principle.

In the field of public employment, we could find positive applications of AI in areas such as selection and evaluation. It is evident that cognitive biases are present in the exercise of these functions and can limit objectivity in decision making affecting these areas, which is especially common in the field of civil services where the interview has traditionally had such a considerable weight in different Latin American countries. There are already some experiences in this sense, for example in Brazil (Bailão Gonçalves et al., 2022; Bitencourt & Martins, 2024; De Toledo & Mendoça, 2023). In addition, the use of virtual spaces in which applications and job offers converge in the field of public employment in which AI can facilitate, based on certain parameters, the selection of the most suitable profiles for each position required within the Administration could be a relevant advance, which could also serve as a stimulus to attract to the public sector different types of career profiles that at first did not consider this possible professional opportunity. This type of initiative is not new and has already been implemented in some parts of the world, such as Canada, through the Talent Cloud project.

Another area to be considered corresponds to the exercise of disciplinary powers over public employees. In principle, we could think that the automated processing of information based on the use of algorithms could serve to settle the limits of the meaning of the "indeterminate legal concepts" so commonly used in this area of public law and which, in certain cases, hide the interest in removing from the administration certain employees who are considered problematic for political or other illegitimate reasons.

In the field of administrative procedures, a distinction must be made between the exercise of regulated and discretionary powers. The use of AI may be perfectly valid in the area of regulated powers. However, its use in the area of discretionary powers (such as the urban planning power) requires taking many more precautions. While it is true that it seems reasonable to think that the massive processing of information could make a decisive contribution to increasing efficiency in decision-making, it is no less true that administrative powers such as these must reflect negotiation between social actors, and the application of democratic principles.

In the field of public procurement there is a clear positive effect that AI can have on the monitoring of procurement procedures. Knowing what is purchased, how it is purchased and when it is purchased in the different units, agencies, departments and areas of the public administration can contribute decisively to making a prior diagnosis of the situation within the administration that serves as a basis for subsequent decision-making.

In fact, the use of cross-checking and information processing can help to shed light on such often obscure aspects as the prior determination of how much needs to be purchased in order not to allow overruns in the procurement calculation, the

determination of the probability index of the need to carry out contractual modifications (to avoid concealing improper practices on the part of the administration), the control of contractual actions carried out in cases of urgency or emergency in which, inevitably, bureaucratic controls must be limited, or the determination of the forecasts linked to the necessary reserves so that these cases occur as infrequently as possible.

In the field of asset liability, the contribution of the AI can also be decisive. In many cases this figure is abused in the sphere of public organizations, and although a central element of a democratic public administration is that it is liable for the damages it causes to individuals, in many cases either the reasons for which it is activated are not adequately justified or the action of repetition or return against the public employee is not activated due to corporativism. AI can make a decisive contribution to the monitoring of information in this area to prevent both the public administration from assuming undue liability and public employees from ultimately not being liable for damages whenever there is malice or gross negligence.

In short, and as some authors have shown on the basis of practices implemented in some Latin American countries, such as Brazil, the use of AI can contribute - by replacing human judgment with algorithmic processes - to largely eliminate "patrimonialization" within the administration, whereby no distinction is made between personal assets and those of the institutions (Filgueiras, 2023), which ultimately fosters a profound social disaffection towards political leaders.

However, as mentioned above, there are a number of risks associated with the practices described. The possibility that the AI itself hides errors that are projected onto the activity performed must always be taken into account. One of the first issues that must be considered is that, just as the reproduction of a logic based on algorithms and properly constructed can increase efficiency in the operation of organizations, it can have undesirable effects if it hides flaws that may be undetectable by the AI itself. Therefore, beyond the humanization of decisions, which we will discuss in the following paragraphs, it is necessary to consider the need to prevent the automation of failures.

Another possible risk linked to an abusive or unregulated use of AI is, paradoxically, the lack of transparency. Despite the fact that new technologies can contribute considerably to the establishment of this principle (so relevant in the field of administrative activity to prevent corrupt practices), the degree of digital literacy or the lack of telecommunication infrastructure in some areas of Latin America can considerably alienate certain people from public employment selection processes and can have an impact on the lack of protection of those persons who, within the public administration, are subject to evaluation or disciplinary procedures.

We cannot forget in any case that when we talk about data linked to the civil service (both those who aspire to be part of it and those who are part of it) we are talking about personal data that must be duly protected and may be particularly exposed -perhaps unjustifiably- through the use of AI in this field.

The sedimentation of the limits of the meaning of "indeterminate legal concepts" could lead to the loss of their foundation and meaning as instruments for adapting administrative law to the historical and social reality of each time. That is why it is very important that, if there is a relationship between the IA and the determination of the specific meaning of the indeterminate legal concepts, this should be of a merely tangential nature (in relation to certain extremes and not to the meaning as a whole) and continuously subordinated to human review.

When we talk about the exercise of discretionary powers such as in the field of urban planning, we cannot lose sight of the fact that the opinion and criteria of the neighbours of the different communities and areas that inhabit a given population have varied and changing interests that cannot always be assimilated to parameters of efficacy and efficiency. There are cultural, economic, aesthetic, sentimental or safety-related reasons that come into play, which are also dynamic and changing in nature. Taking them into account implies the exercise of power in accordance with constitutional parameters. The use of AI in relation to the exercise of this type of power may be contrary to the democratic principle.

It should not be forgotten that the very essence of administrative law is, to a large extent, linked to the need to preserve the general interest in situations of uncertainty. This, in turn, is directly related to some of the central figures of this discipline: discretionality or indeterminate legal concepts.

This singular nature of administrative law takes on particular nuances in the framework of global administrative law and the risk society, in which, due to the magnitude and dimension of the challenges faced by public authorities (such as climate change, migratory processes or the emergence of pandemics), the precautionary principle has attained special relevance, which by its very definition implies, not only uncertainty, but also total lack of certainty in some situations. Doubts as to whether AI can be useful in this context or whether, on the contrary, it may imply a "dictatorship of the algorithm" that would ultimately be responsible for filling in these "blanks" are quite reasonable.

## 3. The Ibero-American Charter. Going beyond the EU AI Act?

The "Ibero American Charter on Artificial Intelligence in Civil Service" (hereafter, the Charter) was unanimously approved by the 23 member states of the CLAD Steering Committee on November 20, 2023 in Varadero, Cuba (CLAD, 2023). The Charter was drafted at a time when the European regulation of AI was already well known. As stated in the introduction of this article, the EU AI Act was the first supranational regulation of AI. Although the European regulation was sanctioned only in 2024, a draft proposal of the document was officially approved and publicized by the European Commission already in 2021. Therefore, it is possible to assume that the design of the Ibero-American Charter took into

consideration this precedent, and both documents can be compared in terms of their contributions and eventual shortcomings, as we will attempt to do in the following.

We will concentrate on two primary lines of criticism that have been raised against the EU AI Act (hereafter, "the Act"). On the one hand, the Act has been questioned for its reliance on the judgement of experts to establish "trust" in AI developments. This approach been considered "paternalistic", because the Act does not offer a similar consideration of civil society's input regarding the trustworthiness of AI (Laux et al., 2024). On the other hand, the enforcement regime of the Act has been evaluated as "weak", due to its excessive reliance on private sector certification firms to establish the safety and performance of AI products. In practice, however, little is known about the activities of such firms, in the regulation of AI and other areas in the past, especially due to frequent outsourcing (Galland, 2013). Finally, the public authorities that the Act defines as "market surveillance authorities" have numerous obligations, which go far beyond product regulation, such as "assess manipulative digital practices of any professional user", and "scrutinize the functioning of the digital welfare state", among others. Worse still, such authorities are not guaranteed to be independent of the Government, as a data protection supervisory authority must be (Veale & Borgesius, 2021).

Considering now the Ibero-American Charter, we see from the beginning that the Charter defines its main objective as to "establish a shared model for the development of AI from and in the public administrations of Ibero-America". The Charter, in this regard, seeks to establish a minimum model because, as we indicated earlier, there is a substantial diversity of the public administrations in the region in terms of level of development, institutional strength and professionalization. Even more so when, in its development, the Charter makes special reference to the need for a set of principles that make up this shared development model to be usable also at the local level, where resources are more limited.

One of the most interesting contributions made by the Charter is the differentiation between AI "in" public administration and AI "from" public administration. In both cases it refers to "actions promoted by governments and public administrations, through regulatory, financing, training, knowledge and other instruments". The first, which is the main object of the Charter, is internal to public organizations. Therefore, some of the major challenges it poses have to do with its reconciliation with the power of self-organization (in the sense of contributing to its improvement without limiting its exercise by the public administration) and its application to the field of human resources.

The second is external to public organizations. Of course, the diversity of areas in which the administration interacts with citizens and society as a whole is extraordinarily varied. This field of administrative activity corresponds to regulation, which can pose diverse problems and questions, as considered above for the EU AI Act. Regulation goes from areas as diverse as those related to the internet or biotechnology, to the exercise of sanctioning law, traffic control, food or tax

collection. Within this spectrum, it is particularly important that, in the exercise of certain powers, the use of AI - which can be positive in terms of objectifying the actions of public authorities - does not end up replacing human judgment, since this would be tantamount to saying that it ends up replacing the democratic principle (we must not forget that, ultimately, the public administration is an instrument in the hands of executive power for the fulfilment of public policy programs). This may be particularly contrary to constitutional principles in a context, such as that of Latin American countries, in which presidential legitimacy is especially based on the democratic principle. Moreover, human judgement corresponds not only to experts, as had been criticized of the EU AI Act, it must include civil society actors and citizens in general through public forums.

As indicated above, the Charter considers in particular what it identifies as AI "in" public administration and, within it, identifies a series of opportunities that AI provides, such as improving administrative procedures and public services, increasing their flexibility, efficiency and equity. AI could also be employed to improve decision-making processes, by means of founding those decisions more objectively on data, and promoting inter-administrative cooperation, which should be based on the increased interoperability of data and information. Finally, AI could help thus achieve a more holistic view of public activity, development of transparency and improvement in the fight against corruption, through the direct contribution that AI can make to accountability and government improvement. All this, moreover, should be based on the deepening of the dynamics of participation, fostering, through AI, the inclusion of groups and individuals in the processes of participation, the advancement of cooperation with the citizenry, particularly in the more complex areas where AI can make relevant contributions, achieving in this form greater trust and legitimacy in public institutions, based on the potential success in the previously mentioned areas. The Charter makes an interesting contribution in framing the employment of AI in public administration as a tool to improve public participation. As mentioned above, this was one of the criticisms raised against the EU AI Act. Nevertheless, the Iberoamerican Charter has in this and other areas a clear deficiency, which is its purely declarative or programmatic character. This is to be expected of a "soft law" document, but sometimes the Charter devolves into mere generalizations. It must be said, however, that ample generalizations are characteristic of regulations

We will consider now the "dangers" that the Charter describes as involved in the use of AI, challenges that public administrations are called to help prevent and counteract. These include fighting against any type of discriminatory bias, preventing opacity in automated decision making through monitoring and auditing, avoiding the simple transition of functions and tasks from people to robots and machines by promoting harmony, limiting excessive control in the workplace for public employees, avoiding that, through the use of AI, fundamental rights can be limited by lack of accountability, prevent the use of AI from increasing the digital divide and social and

economic exclusion, anticipate the ethical dilemmas that the use of AI may generate, reduce mistrust, guarantee the rights of human beings in their interaction with neuro-technologies, oversee the independence of public power from private interests in the regulation and development of AI, and prevent any use of AI to erode democracy, for example, through the dissemination of false or malicious information. As in other areas of the Charter, here the tone is rather declamatory, establishing ideal goals that nobody would actually question as such. However, as we will see, the issue of enforcement of a possible regulatory framework, which could be derived from these ideal principles, remains rather vague. The Charter follows thus a trend in Latin America, which consists of creating soft legal documents in the form of "national strategies" or "plans" such as, for example, the "Brazilian Strategy for Artificial Intelligence" (MCTI, 2021) or the "National Intelligence Policy," approved by Decree of the Government of Chile (2024).[1] CLAD may have missed an opportunity here, namely to propose rules and regulations with clear prohibitions, and a more concrete enforcement regime, banning unethical or hazardous uses of AI in the public administration or by private firms.

It is worth noting that there are doctrinal discussions on the appropriate way to "democratize" AI. We will refer here to the impulse toward democratic governance expressed in the idea that AI could increase the number of individual citizens and social actors involved in decision making. However, some authors warn about the need to implement such potential democratization only if it effectively brings about an increase in the democratic quality of the administrative and executive resources used in public decision making and implementation (Himmelreich, 2023). Mere increases in the numbers of participants does not mean automatically more democratic quality in the area of AI, because of the possibility of disinformation, among other dangers.

In order to address these challenges, the Charter establishes a series of general principles of AI in public administration based both on respect for human rights and on the ethical dimension of AI, which in turn is established as a general principle. This is relevant to the extent that the absence of "intrinsic" morality in AI forces us to promote models in which the so-called "affective" computing (based on the recognition and processing of human sensations and feelings by machines) is at the epicenter of the development of this technology. This is essential to ensure that the development of increasingly autonomous AI remains compatible with the essential development of human rights (Cataleta, 2020). The Charter recognizes a series of guiding principles, which are the following:

a) Human autonomy: this implies the need for the control of data, the context in which they are used and the ability to modify their use and context to be subject to human control in all cases. The design and development of AI systems must be aimed at increasing, improving and enhancing human capabilities, in short, their humanity in the broad sense;

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[1] For a complete list of such documents, see Cisneros, 2024.

b) Transparency, traceability and explainability: these values involve both the dissemination of meaningful and consistent information and data, as well as their pedagogy and traceability. This implies the opportunity for those who interact with the data to be aware both of these guarantees, and of the effects that the interaction may have;

c) Accountability, responsibility and auditability: this principle implies that all actors involved in the design and use of AI should be held accountable through algorithmic auditing, encouraging the creation of supervisory bodies to enforce this principle, both in the public and private spheres (Bracci, 2023);

d) Security and technical robustness: these two standards mean the establishment of prevention systems to avoid any risk that endangers security or data protection, being aware of the permanent danger of the emergence of unexpected scenarios;

e) Reliability, accuracy and reproducibility, three values that assume the establishment of sufficient validation measures - based on predictability - to consolidate the operation of algorithms and the promotion of their technical reliability;

f) Trust, proportionality and prevention of harm, which involves both the promotion of trust in citizens and the orientation of the use of AI to legitimate and proportionate purposes, also anticipating the possible harmful consequences that its use may have in various fields, from personal to environmental;

g) Privacy and protection of personal data: these two principles should represent a clear standard in the regulation and treatment of AI. They involve the establishment of rigid protocols aimed at controlling both the access and use of personal data and the clear identification of who, how, under what circumstances and for what purpose has access to the data, which is particularly relevant in the public domain (Ishengoma et al., 2022);

h) Data quality and integrity, which means the adoption of protocols to ensure that the collection, selection, training and use of data ensures its quality and the absence of bias, inaccuracies or lack of representativeness. To this end, ongoing training of data processors in best practices related to the above aspects is essential;

i) Equity, inclusiveness and non-discrimination, three values that imply taking advantage of AI to promote equity and the participation of all people in its life cycle through a universal design of systems that facilitates inclusiveness and accessibility of any person to these technologies and the possibility of compensation for damage caused;

j) People-centeredness, public value and social responsibility: this assumes both the fight against data bias and misuse, and the active promotion of all measures that imply a responsible and people-centered use by administrations and all actors that may intervene in the use of AI;

k) Sustainability and environmental protection: involving the promotion of the use of sustainable and non-polluting technologies in direct alignment with sustainable development goals (Haley, 2016).

Based on the above described principles, the Charter stresses the need for the diverse Latin American countries to promote a national strategy from and in the public administration with an impact on certain key aspects. Among them, it expressly mentions the need to refer to the relationship between AI and democratic values, ethical choices and the data governance model, the impact that its use can have on different social sectors, how it can affect the development of certain economic sectors, the role of science and academia in its research, the identification of new professional and educational skills and knowledge derived from AI, and which social sectors can potentially be most affected.

The Charter calls further for a leading role of public administration in the process of integration of AI in society, starting with the incorporation in public sector organizations of technologies that allow its maximum use and its integration into administrative action. At the level of human resources, it is claimed that within public leadership and personnel management, a key competence is related to analytical institutional capabilities, as well as staff training. Both internally and externally to the public administration, the appropriate training of intelligent devices is mentioned, as well as the need to prepare new personnel, and the requirement to develop new skills for the management of public organizations. Furthermore, the Charter calls for the creation of new channels to facilitate the digital relationship with citizens, and the secure management of the identity of human beings within digitalized environments. According to the Charter, in order to take into account new ethical and social impact challenges, the development and the steps to be taken regarding the integration of AI in the administration must be governed by a monitoring, auditing and evaluation model.

In short, the Charter promotes the leadership of public administrations in the process of integrating AI into diverse societies, warning of the necessity to accompany regulation with an organizational and human structure provided with sufficient economic resources. This regulation must be characterized by having a double aspect, internal and external to the administration and it must guarantee, as a minimum, the objective that "algorithmic systems are secure, transparent, traceable, non-discriminatory and environmentally sustainable", as well as respecting data protection regulations and reusable, transparent and non-proprietary information systems.

As referred to the complete autonomy of AI systems, the Charter stresses the requirement to avoid such as a result. In all cases, AI must be supervised by humans and it must be developed in a sufficiently cybersecure environment.

A specific section of the Charter is focused on the elucidation of the impact of AI on public policies and services, identifying a series of new capabilities that, derived from AI, can have a direct impact on administrative activity. These

capabilities represent the advantages that AI could potentially bring to administrative activity. Specifically, the Charter refers here to:

- The automation of administrative and decision-making processes, expressly emphasizing the cost savings that this may entail (Bonomi Savignon et al., 2024);
- Increased predictive capabilities, insofar as the use of AI in the formulation and design of public policies and service delivery processes can take much greater account of demand. The advances that the use of AI can have in relation to a better understanding of social problems on which public authorities can act more effectively and directly seem also clear;
- The transformation of opportunities for planning and evaluation of public actions, to the extent that the use of AI allows continuous and real-time monitoring of citizens' needs, with the consequent impact on the quality of services;
- The development of new governance structures, with a horizontal, more transparent and inclusive character (Wirtz et al., 2020). Although it is true that the limitations in terms of technological development and digital literacy in Latin America are - in some cases - profound, the promotion of a new e-governance can be decisive in order to combat the pernicious effects of excessive centralism in some countries and encourage active participation in decision-making by populations located in rural areas (Prashar & Bawa, 2023);
- The reorganization of value creation and capture processes, insofar as the use of these new technologies can have a direct impact on the creation and capture of public value through the services provided (which in turn can imply a substantive change in identifying who creates value, how they do it and for what purpose);
- Innovation in public service models, based fundamentally on the disruptive nature of the use of algorithms and their decisive contribution to overcoming an excessively departmentalized way of acting in public organizations and replacing it with one that allows a more comprehensive view of the activity carried out. This innovation, which should prevail as a fundamental principle in terms of the design of systems using AI in the public sphere should also be linked to the possibility of enabling companies, citizens and researchers to develop new value from the use of open data (Ishengoma et al., 2022);
- Transformation in the public policy cycle, to the extent that the linear view of this cycle is overcome, to move to one in which the stages are continuously interrelated and shortened.

Based on the potential advantages provided by AI, as discussed in the Charter and summarized above, the Charter suggests to determine areas of public action on which it would be convenient to focus the use of AI, taking into account a number of aspects such as the opportunities and benefits offered by focusing on a particular area, the repercussion and social impact, the degree of maturity that has been reached from the perspective, not only technological, but also judicial or infrastructural in

relation to each of these areas. When identifying these priority areas of intervention, the document calls for the need to do so on the basis of an adequate identification of the actors involved, favouring citizen participation and based on the principle of accountability.

Furthermore, the Charter, under the heading "AI in public administration for people", stresses the need to place the citizen at the center of the development of public policies based on the use of AI, alluding to the direct participation of citizens in the design of public services through a series of tools (such as virtual assistants). It stresses the need to guarantee the trust of citizens through effective inclusion and the neutralization of biases, discrimination and barriers that may hinder the projection of collective intelligence in the design of administrative activity.

Finally, the fifth chapter of the Charter refers to a series of key principles to ensure that AI governance is properly established in the public administration, specifically alluding to:

a) The creation of an adequate data management framework for AI, alluding to the need to adapt the administrative structure to ensure that certain bodies and units are dedicated to promoting a data management model in which sufficient data quality is guaranteed in relation to the establishment of guidelines and implementation of instruments dedicated to the verification of their traceability, registration, conservation, accuracy, integrity, veracity, updating, relevance, interoperability, human intervention on them …;

b) The establishment of enabling technological and cybersecurity infrastructures, i.e. open technological infrastructures on which there are no patents, which take into account the principle of damage prevention, and which allow public managers to intervene directly in their evolution and development, avoiding possible evolutions of the systems based on spurious interests and combining this development with adequate cybersecurity measures;

c) The assignment of risk to algorithms. Specifically, the Charter distinguishes between low (acceptable) risk, which requires the establishment of a warning to people that are interacting with algorithms so that they can decide whether they want to continue to do so or not. High (acceptable/not acceptable) risk, when algorithms may have a direct and negative impact on aspects such as "fundamental rights, security or privacy of individuals", which require continuous motivation to make a decision on their acceptability or not, particularly in those cases in which they are linked to autonomy and limit human control. Finally, the extreme risk level (not acceptable) that the Charter identifies as those "physical biometric or behavioural information systems in real time and highly invasive", the latter being algorithms that must be evaluated on an ongoing basis considering as a parameter the necessary respect for human rights;

d) The establishment of public registries, audits and evaluation procedures for algorithms, specifically the establishment of a public registry of algorithms and a central authority dedicated to auditing and evaluation, which, in addition to

issuing reports, recommendations or certificates, would be responsible for coordinating, at regional and international level, the development of this type of policy;

e) The generalization of experiments, tests and sandboxes with algorithms, from the outset and in relation to as many elements of AI systems as possible. The term sandbox refers to a controlled, supervised and isolated space for monitoring, and is particularly relevant in the field of public administrations, because of the need to strengthen guarantees around experimentation and testing before implementing any mechanism, given the sensitivity of the data used by public authorities (Ishengoma et al., 2022);

f) The promotion of interoperability with algorithmic systems in the public sector, in connection with the 2007 Ibero-American Charter of Electronic Government, which established the need for States to take "the necessary measures to adapt public administrations to electronic government and collaboration between public administrations to achieve full interoperability of services at the national and subnational levels, as well as internationally" (CLAD, 2007, p. 208). In this regard, special emphasis is placed on the need to promote common objectives and benefits and to integrate technical, organizational and semantic elements in this interoperability, taking advantage of this process to preserve and promote interoperability in Spanish and Portuguese, the majority languages in the region;

g) The maintenance of public organizational structures for AI, based on the creation of national bodies or agencies specialized in the promotion and promotion of AI strategies within the framework of a given Ministry and responsible, first, for coordinating relations between the strategy and the reform and modernization of the administrative structures and the civil service of each country and, second, for coordinating relations at the subnational (depending on the degree of decentralization of each country) and national levels to ensure the effective development of the strategy;

h) Ensuring public leadership and managerial capacities for AI, which require the consolidation of public leadership with hybrid managerial capacities (i.e., managers equipped with new knowledge and technical skills capable of implementing new models of governance and bureaucracy linked to the generation of public value and the ability to anticipate the needs of citizens);

i) The establishment of transversal enablers in the form of alliances between different administrations at the national and international level and public-private partnerships;

To conclude, as a final statement, a general call is made by the Charter for the involvement of the region's public administrations in a change of paradigm, both internal and external to them, so that they do not miss the train of the fourth industrial revolution.

As mentioned above, all these principles enunciated by the Charter represent a consistent and useful system of normative foundations for a regulation of AI in

public life, and for its use in the private economy. However, the issue of enforcement remains vague. The Charter calls for member States to create, for example, "supervising agencies to ensure the quality of designs and impact of algorithms." Furthermore, the Charter recommends that "civil service must establish units responsible for data management and quality (e.g., Data Leading Office, Data Chief Office) to ensure good performance both in the public sector as a whole and in the interaction with other sectors." These units responsible for data management and quality, as the Charter recommends, could also be in charge of "setting up guides and offering tools for data traceability, recording and conservation, as well as accuracy, integrity, veracity, update, relevance, usability and types of human intervention in data bases".

However, nothing is said about the institutional design, and particularly the independence of supervising agencies, or units responsible for data management and quality. It must be observed that the independence of authorities that control the compliance of rules regarding the protection of personal data is a fundamental principle of the Charter of Fundamental Rights of the European Union (art. 8-3). Nevertheless, it is true that the European Union itself did not uphold this fundamental value in the EU AI Act, omitting to specify that authorities created to supervise uses of AI in the private economy should be independent from the Government (Veale & Borgesius, 2021). Both legal documents are similarly deficient in this regard, or perhaps it is even worse in the case of the EU AI Act, because it has failed to follow fundamental legal principles of the Union.

**Conclusions**

Artificial intelligence (AI) in its relationship with the Internet of Things (IoT), ultimately focused on data processing and the improvement of the relationship between artificial sensors and the environment for intelligent decision-making, have begun to be employed by many public administration systems with the aim of increasing efficiency, effectiveness and economy in administrative activity. Due to its exponential development in recent times and its tendency towards autonomy, AI nevertheless represents potential threats, both to the proper functioning of public power and to democracy itself.

In a particular socio-political context, such as that of many Latin American countries, characterized by the impact of populism and institutional weakness, AI has a double aspect. In the first place, it is a potential danger, due to aspects such as the existence of biases or the threat to privacy that it may pose. Secondly, AI can be a potential instrument at the service of a more democratic governance, encouraging the participation of more people or actors regardless of where they are, increasing transparency and effectiveness in public decision-making or promoting the "depatrimonialization" of the administration.

The idiosyncrasy of an AI in continuous development based on parameters of autonomy makes it necessary for its use in the framework of public administrations to be subordinated to the classic foundations of administrative activity, as a way of guaranteeing that citizens remain the epicentre of the activity.

Affective computing, characterized by the conditioning of AI development based on the progressive assimilation of human feelings and sensations, stands as an essential way of guaranteeing AI development, which is inevitably influenced by the permanent increase of autonomy, with the necessary respect for human rights.

The Ibero American Charter, based on the guiding principles and criteria that we have analysed in this work, represents a great opportunity to promote an orderly development of the process of integration of AI in administrative activity that considers the need to humanize decision-making processes, and takes advantage of the benefits -in relation to effectiveness, efficiency, economy, citizen participation and the promotion of governance- and minimizes the risks -of discrimination or injury to privacy or human rights-, which may occur in societies especially suffering from lack of equity.

This is to the extent that AI, properly used, can serve as a lever for the achievement of some of the main objectives that should be pursued by the public policies promoted in Latin America and which should revolve around the reduction of inequality (which, far from being reduced, is being maintained by phenomena such as social conflicts or climate change). We refer to objectives such as poverty reduction, increased citizen participation and institutional strength, and the promotion of the professionalization of public activity. The focus on citizen participation as a public value represents perhaps the main virtue of this Charter. In several places in the document, the principle of citizen involvement in public decisions regarding the use of AI is highlighted and developed. In this particular regard, the Charter can be described as going beyond the EU AI Act.

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