National Security Carveouts in AI Regulation

national_security_carveouts · Cross-jurisdiction AI-governance topic

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Summary

The recurring exclusion of military, intelligence, and national-security AI uses from civilian AI-governance instruments. EU AIA Art. 2(3) explicit exclusion; US EO 14110 §11 + NSM-10 separate track; CoE AI Convention Art. 3 carve-out; UK White Paper sectoral-regulator-only scope; India DPDPA state-security exemptions. China's approach is notable for treating state security as the central concern, not a carveout.

At a glance

Instruments governing

6

In conflict

0

Silent

40

Contested question

Whether the carveout should be (a) categorical exclusion of national-security AI, (b) parallel governance track with sui generis rules, or (c) full civilian-track compliance with national-security override. Most instruments choose (a); the field debates whether this leaves a dangerous gap.

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CHICAGO

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