Norway’s Policy on Emerging Military Technologies

Contemporary military technologies raise political, ethical and legal questions that stretch beyond the operational dynamics of the battlefield. For this reason, their regulation is a matter of international diplomacy to which armed forces, governments, international institutions, and civil society should contribute. In this context, Norway is faced with multiple challenges and opportunities. Whereas the lack of efficient regulation poses operational challenges and increases security risks, it also creates an opportunity for the country to step-up its arms control diplomacy. But how should this happen? What are the key issues at stake? This policy brief summarizes the discussions held at a webinar jointly organized in June 2021 by PRIO and the European Forum on Armed Drones.

Brief Points

- Norway’s policy on military AI and LAWS remains ambiguous and overly cautious, with the country failing to take a clear stand in international fora on regulating and/or banning these technologies.
- Caught in a NATO context where some of its allies are not willing to effectively regulate AI-based weapons – and where the Russian threat remains a concern – Norway has not taken a leadership role in international regulation efforts.
- Diplomatic progress has been hindered by a myriad of challenges, including definitional ambiguities, as well as structural issues related to the requirements to adopt legal outcomes at the CCW in Geneva.
- The current regulatory vacuum creates significant security risks, but also generates opportunities for an active Norwegian arms control diplomacy.

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Introduction

Some of today’s military technologies raise political, ethical, and legal challenges both for the armed forces and for society at large. Rising effectively to these challenges requires that both civil society and political actors participate in debates with the military in defining a legal, ethical, and just use of new technologies.

Technologies have an impact in society that is not always easy to anticipate. Contemporary civil-military relations are characterized by a growing importance of dual-use technologies and by a participation of civilian R&D environments in the development of technology that ends up having a military use. Today, it is more common that civilian technology is used in a military context (spin in) than the opposite (spin off). These dynamics have generated a number of regulatory initiatives in different states and international organizations that Norway participates in and engages with, namely the UN, NATO and the EU.

On 9 June 2021, PRIO and the European Forum on Armed Drones (EFAD) organized a webinar on Norway’s policy on drones, artificial intelligence, and military technologies. The speakers for this event were Ilaria Carrozza (Senior Researcher at PRIO), Gerald Kador Folkvord (Political Advisor at Amnesty International Norway), Gregory Reichberg (Research Professor at PRIO), Henrik Syse (Research Professor at PRIO and Bjørknes College), and Richard Moyes (Managing Director at Article 36, a nonprofit organization focused on reducing harm of weapons). The debate was introduced and moderated by Bruno Oliveira Martins, Senior Researcher at PRIO and a participant in EFAD since 2016. These speakers mapped the current state of Norwegian policy on disruptive military technologies and the international context in which the country’s policy continues to develop, as well as the conceptual and regulatory issues which have defined the international debate until now.

China, Russia, and the AI Race

Launching the webinar presentations, Ilaria Carrozza outlined the current international security environment, highlighting the relevance of recent developments in China and Russia with regard to NATO policy more broadly, and Norwegian policy on military technologies, specifically. Carrozza, an expert on artificial intelligence (AI) and Chinese foreign policy, discussed the ways in which states invest in disruptive military technologies with adversarial intent. Drawing on the examples of Russian and Chinese investments in, and development of, new military technologies, Carrozza argued that this expansive focus on emerging technologies is of immediate concern to Norwegian policymakers.

In recent years, Russia has increased its focus on AI technology as a tool of information warfare, in the hope that this will compensate for the country’s inferiority when it comes to conventional weapons. With Russia’s national strategy prioritizing technological independence, Russia has made a significant attempt to join the group of world leaders in the military technological realm. In the run up to the UN Convention on Certain Conventional Weapons (or CCW – a convention whose objective is to ban or restrict the use of specific types of weapons that are considered to cause unnecessary or unjustifiable suffering to combatants or to affect civilians indiscriminately) the country has publicly stated that it strongly rejects any ban on lethal autonomous weapon systems (LAWS), which has impeded international regulatory efforts. Over the last few years, China, in turn, has become a leading country within AI development and has steered its national strategy towards a military-civil integration policy which gives it a distinct advantage in the development of military technologies. It is likely the case for both these countries that their technological abilities extend beyond what is publicly known, with both China and Russia operating with distinctly closed information systems regarding security matters. With these developments, the international regulation of autonomous weapons and other disruptive military technologies is a topic of relevance more than ever before. In light of Norway’s central geographical positioning in the Arctic, as well as the country’s membership in NATO, these issues are of particular concern for Norwegian policy on disruptive military technologies.

Calling for Greater Regulation

Yet the growing interest in, and development of, AI-based weapon systems is not just a concern from the perspective of NATO countries. The development of these technologies has been cited as a serious human rights issue by a variety of different actors. Gerald Kador Folkvord expanded upon this growing concern about the unregulated development of disruptive military technologies, stressing the impact of these technologies on human rights. The growing digitalization of warfare – whether through autonomous weapon systems or other technologies – reflects broader developments within the last decades wherein the rules of international law have become increasingly blurred and more difficult to operationalize. Importantly, the use of robotics in warfare has raised concerns surrounding the lack of legal accountability when employing autonomous weapons. If robots, AI-systems, or other forms of autonomous weapons cannot, by definition, be held accountable for actions in war, then who can? This has serious implications for the application of international humanitarian law, and raises both moral and ethical issues.

Folkvord put forth the argument that these developments are purposeful – and meant to render the “unclean” aspects of war invisible. According to Folkvord, the use of autonomous weapons has the effect of distancing governments from the violence and human suffering that have dissuaded states from declaring war in the past; with autonomous weapons, it is argued, declaring war will become easier, as states do not need to justify putting soldiers in harm’s way.

With the plethora of legal and ethical issues surrounding the development and use of autonomous weapons, civil society groups and international organizations alike are calling for the increased regulation of these technologies. While many discussions on this issue relate mainly to regulating the usage of AI-based weapon systems – systems designed specifically for military use – an equally concerning facet of AI relates to its status as “dual-use” technology. In the past, the majority of military innovations were developed for military use, and later applied in the civilian sector. Today, an increasing number of new technologies are developed in the civilian sector, and only later adapted for military use. This dynamic inherently necessitates a level of regulation, particularly when it comes to the export of dual-use technology to countries with a history of human rights abuses. For instance, surveillance technology has been exported from the EU to countries such as Saudi Arabia and China. Despite the EU Commission’s revision of their control list of dual use items (No 2021/821) earlier in 2021, civil society organizations are calling for a stricter, more expansive regulatory framework.
Expanding such a legal framework for regulating new technologies is, however, proving more difficult than expected. In his presentation, Gregory Reichberg outlined the existing challenges in making headway in the policy debate on autonomous weapon systems. Reichberg noted that it is difficult to ascertain exactly what it is that should be banned when talking about autonomous weapons, making discussions on regulation efforts particularly difficult. Ultimately, AI is, at its core, not a weapon in itself. AI is a kind of software linked with sensors and other robotic devices that enables different sorts of weapon platforms to operate without the direct intervention of a human being. Yet beyond this basic definition, the very nature of AI-based autonomous weapon systems is highly contested. From what constitutes autonomy, to whether this autonomy truly exists in technology today, there are many debates currently taking place within the larger discussion on limiting the use and development of LAWS.

In the past decade, Geneva has been the main arena for these debates. The UN CCW first introduced autonomous weapon systems as an issue of discussion in 2013. At the time of the webinar, formal negotiations were not yet underway to limit or ban these weapon systems. The discussions that have taken place to date are characterized by Professor Reichberg as being “rife with ambiguity”. Within these discussions, the debate on what is meant by autonomy emerges as a crucial issue. Many have attempted to differentiate between automated systems and autonomous weapon systems. There is, furthermore, substantial disagreement as to whether LAWS is a technology that currently exists today, or whether it is a technology of the future. Those who believe that LAWS technology is not yet in use today tend to draw this distinction, arguing that current systems are automated, but not autonomous in the way we understand the concept. These diverging conceptualizations of LAWS have formed the basis of current discussions in Geneva. To date, Norway has not yet taken a strong position on this issue, having stepped back from contributing meaningfully to efforts to limit LAWS.

Explaining Norway’s Position on Limiting Autonomous Weapon Systems

Despite Norway’s decision not to take a clear stand in Geneva, the country has made several public statements on this issue over the last decade. In his presentation, Henrik Syse gave an overview of Norway’s public position on autonomous weapon systems, and evaluated the content of these positions, tying in several conceptual issues highlighted by other presenters. Importantly, Syse emphasized that Norway is currently still in the process of developing a stance on the issue, and – similarly to many other countries – has struggled to draw conceptual and practical boundaries between AI-based technologies that should be banned in their entirety, and those that should be merely regulated.

In 2020, the Norwegian government introduced its National Strategy on Artificial Intelligence. This strategy stressed that any use of AI should be built on “ethical principles and respect for human rights and democracy”, though it did not elaborate on how this works in practice. Professor Syse further called attention to the strategy’s emphasis on “trustworthy” and “responsible” technology development and use. The use of these terms reflects the broader debate on autonomous weapon systems, which asks the question: if we do not fully know how a technology works, and what it may do, then how can we control it? The idea of responsibility, furthermore, is deeply connected to the principle on which humanitarian law is based: accountability for actions in war. As noted by several other presenters during the webinar, the central issue with AI-based weapon systems is that it is unclear who is responsible for the actions taken in these contexts, and who will be held accountable.

Despite Norway’s National Strategy including these references to important concepts which have defined the debate on autonomous weapon systems, the country’s practical responses to these issues can be characterized as cautious. For instance, in 2020, when the draft for new ethical guidelines for the Norwegian Government Pension Fund recommended excluding companies manufacturing LAWS from the fund, the Norwegian Government replied that such a total exclusion is too broad, as the ethical recommendation failed to clearly define which systems actually fall within the definition of LAWS. According to the Government, this would exclude many systems that the country may want to develop. As with many other practical efforts to limit or ban the use of autonomous weapon systems, the lack of consensus regarding the definitional boundaries of LAWS has been a major obstacle to making meaningful headway on the issue.

With these challenges in mind, have current international efforts to regulate autonomous weapon systems reached an impasse? And, if so, where do we go from here? Richard Moyes summarized the prospects for substantial progress on the development of a legal instrument on autonomous weapons. With civil society and international organizations pushing for a legal
In June 2021, PRIO and the European Forum on Armed Drones organized two public webinars focusing on how Portugal and Norway engage in international debates surrounding the regulation of emerging military technologies. This policy brief stems from the webinar on ‘Drones, robotics, and new military technologies: debating the Norwegian position’.

**Note**

Watch the recorded webinar ‘Drones, robotics, and new military technologies: debating the Norwegian position’ here: www.prio.org/Events/Event/?x=8857

**Further Reading**


