

Date  
2021-02-05

## Course literature

<b>Course code and title</b>	War, Law and Emerging Technologies (2H0053 & 2FR009)
<b>Literature</b>	
<b>Other tool/aids</b>	
<b>Decision</b>	Appendix decided by ämnesrådet i Folkrätt Klicka och välj datum med pilen
<b>Valid from term</b> Please note that the literature can be changed before each new course opportunity	

**NOTE:** There is no set textbook for this course.

**All readings and other materials will be provided online through Canvas.**

You are expected to access and read the relevant materials prior to class. Please also note that this is a developing list and other materials may be added as the course progresses.

### 1. Introduction

- Rain Liivoja '[Technological Change and the Evolution of the Law of War](#)' October 2016 *International Review of the Red Cross* 97(900):1157-1177.
- ICRC, [New Technologies and the Modern Battlefield: Humanitarian perspectives](#), E-Briefing  
NB: This e-briefing from the ICRC covers most of the technologies that will be covered in this course from an humanitarian perspective. Follow the various chapters of the briefing as we progress through the course.

#### **Recommended & Further Reading**

- Bill Boothby, 'Regulating New Weapons Technologies' in Bill Boothby, *New Technologies and the Law in War and Peace* (CUP, 2019) 16-42.

### 2. Cyber Operations

#### **Compulsory Reading**

- Lukasz Olejnik & Tilman Rodenhäuser '[Malware: A selection of essential cyber notions and concepts](#)', Humanitarian Law and Policy Blog, 23 May 2019.  
(NB- Those of you with an extensive knowledge of cyber operations already can skip this one)
- A Few Significant Cyber Events (Linked on Canvas)  
(For a more extensive list of cyber operations, including espionage operations, see CSIS, [Significant Cyber Incidents](#))
- Cordula Drogue "[Get off My Cloud: Cyber Warfare, International Humanitarian Law, and the Protection of Civilians](#)." *International Review of the Red Cross* 94.886 (2012): 533-78.
- Michael N. Schmitt (Gen. ed.) [Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations](#) (2ed, CUP 2017) – Extracts - Rules 92, 93, 100

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## Course literature

- **Data as an object symposium**

(Note: a third paper exists in the symposium – it is linked under recommended reading below if you are interested in reading the full symposium)

- Heather A. Harrison Dinniss "[The Nature of Objects: Targeting Networks and the Challenge of Defining Cyber Military Objectives](#)" (2015) 48 Israel Law Review 1-16.
- Michael N. Schmitt "[The Notion of 'Objects' during Cyber Operations: A Riposte in Defence of Interpretive and Applicative Precision](#)" (2015) 48 Israel Law Review 81-109.
- Heather A. Harrison Dinniss "[The Threat of Cyber Terrorism and What International Law Should \(Try To\) Do about It.](#)" (2018) Georgetown Journal of International Affairs 19.Fall 43-50.

### **Recommended & Further Reading**

Country Cyber doctrines

- [United States \(Summary\)](#)
- [United Kingdom](#)
- [Australia](#)
- [The Netherlands](#)
- [France](#)
- [New Zealand](#)
- [Finland](#)

Heather A. Harrison Dinniss, [Cyber Warfare and the Laws of War](#) (Cambridge University Press, 2012)

Heather A. Harrison Dinniss "[Participants in Conflict- Cyber Warriors, Patriotic Hackers and the Laws of War](#)" in Dan Saxon (ed) *International Humanitarian Law and the Changing Technology of War* (Leiden: Martinus Nijhoff), 251-278.

Kubo Mačák "[Military Objectives 2.0: The Case for Interpreting Computer Data as Objects under International Humanitarian Law](#)" (2015) 48 Israel Law Review 55-80. (This is the third paper in the Data as an object Symposium above – also concluding that data is an object)

Zero Days Documentary – On a lighter note... a Friday night movie recommendation – This is a documentary about the Stuxnet operation 'Olympic Games' you can find many options for online viewing at <http://www.zerodaysfilm.com/>.

### **3. Unmanned and Autonomous Weapons Systems**

#### **Compulsory Reading**

- Kenneth Anderson and Matthew C. Waxman, [Debating Autonomous Weapon Systems, Their Ethics, and Their Regulation Under International Law](#) (February 28, 2017) in Roger Brownsword, Eloise Scotford, Karen Yeung, eds., *The Oxford Handbook of Law, Regulation, and Technology* (Oxford University Press, July 2017), Chapter 45 .
- Neil Davidson "[A legal perspective: Autonomous weapon systems under international humanitarian law](#)". In *Perspectives on lethal autonomous weapon systems* (UNODA, 2017) UNODA [Occasional Papers, No. 30](#), 5–18. (Other perspectives are included in the second link which you may find of interest as further reading)
- ICRC Explainer Video [Autonomous weapons could change battlefields of the future](#) (YouTube)  
SIPRI Reflection: [How to ensure human control over autonomous weapons](#) (YouTube)

## Course literature

- Noam Lubell & Nathan Derejko '[A Global Battlefield? Drones and the Geographical Scope of Armed Conflict](#)' (2013) *Journal of International Criminal Justice*, Vol. 11 Issue 1, 2013.

### 4. Human Enhancement Technologies

#### *Compulsory Reading*

- Heather Harrison Dinniss and Jann Kleffner '[Soldier 2.0: Military Human Enhancement and International Law](#)' (2016) *92 International Law Studies* 432.
- Extract: 'Humans, property & weapons' in Heather A. Harrison Dinniss 'Legal aspects of Human Enhancement Technologies in Boothby, *New Technologies and the Law in War and Peace* (CUP, 2019) (on Canvas)

### 5. Big data, surveillance and algorithmic warfare

#### *Compulsory Reading*

- Ashley S. Deeks '[Predicting Enemies](#)' (2018) *104 Virginia Law Review* 1529.
- ICRC, [Artificial intelligence and machine learning in armed conflict: A human-centred approach](#), 6 June 2019
- ICRC Humanitarian Law & Policy Blog series on Artificial Intelligence in warfare  
NB – there are a lot of good (and easily accessible) articles in this blog series. The two below are compulsory, all others are recommended if you are interested)
  - Dustin Lewis, '[Legal reviews of weapons, means and methods of warfare involving artificial intelligence: 16 elements to consider](#)' *Humanitarian Law & Policy Blog*, 21 March 2019.
  - Qiang Li & Dan Xie '[Legal regulation of AI weapons under international humanitarian law: A Chinese perspective](#)' *Humanitarian Law & Policy Blog*, 2 May 2019.
- Joe Tidy '[How China's using surveillance to fight coronavirus](#)' *BBC News*, 02 April 2020.
- Darren Byler '[China's hi-tech war on its Muslim minority](#)' *The Guardian*, 11 April 2019.

#### *Recommended & Further Reading*

- Dustin A. Lewis, Gabriella Blum and Naz K. Modirzadeh, [War-Algorithm Accountability](#) (August 31, 2016).

### 6. Outer Space

#### *Compulsory Reading*

- Kubo Mačák, '[Military Space Operations](#)', ECIL Working Paper 2020/2, forthcoming in Sergey Sayapin (ed.), *An Introduction to International Conflict and Security Law* (T.M.C. Asser Press 2020).
- Fabio Tronchetti '[Legal aspects of the Military Uses of Outerspace](#)' in Frans Von Der Dunk and Fabio Tronchetti (eds) *Handbook of Space Law* (2015, Research Handbooks in International Law, Edward Elgar Publishing).

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## Course literature

- CSIS Report, [Space Security Index 2020](#), (this report sets out the security threats for each country – you do NOT have to read it from cover to cover but read selectively)

### ***Recommended & Further Reading***

Francis Lyall and Paul Larsen *Space Law: a Treatise* (Routledge, 2009)