

‘AI Warfare and the Law’ by Bill Boothby

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Computer-based technologies that simulate human learning and reasoning¹ have become increasingly prevalent in armed conflicts, including those in Nagorno-Karabakh, Ukraine, Sudan, the Democratic Republic of Congo and the Israeli Defence Force’s military operations in Gaza. The use of these artificial intelligence (AI)-enhanced technologies introduces unique ethical, legal and strategic challenges concerning the regulation of lethal autonomous weapon systems and other vulnerabilities such as automation bias, cybersecurity threats, the erosion of human responsibility in decision-making, the further dehumanisation of warfare and the potential for armed conflicts to escalate uncontrollably. These challenges directly impact the work of AI developers, weapon designers, manufacturers, users, procurement agencies, military commanders and legal advisers.

‘AI Warfare and the Law’ by Dr William H (Bill) Boothby, published as a special volume in the institutional repository of International Law Studies (ILS), thus addresses one of the most pressing issues in contemporary armed conflict and ethical dilemmas posed by technology and AI. ILS is a peer-reviewed journal of the Stockton Center for International Law at the U.S. Naval War College.² The author retired as the Deputy Director of Legal Services for the Royal Air Force in the rank of Air Commodore and is well conversant with the theatre of conflict. He is widely acknowledged as a distinguished expert in the law of armed conflict after serving as a member of the Group of Experts convened by the International Committee of the Red Cross to discuss Direct Participation in Hostilities. Boothby was also a member of the Group of Experts that produced the *Manual of the Law of Air and Missile Warfare* and the drafting committee of the Council of Europe/Committee of Experts project that produced the *Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations*. He has published numerous journal articles and is an Associate Fellow within the Global Fellowship Initiative of the Geneva Centre for Security Policy.

‘AI Warfare and the Law’ represents the logical next step in Boothby’s scholarly trajectory by integrating his previous legal analysis of weapons law and the regulation

of military technologies while offering a novel perspective on the legality of the use of AI in military operations. Boothby's earlier works, such as *Weapons and the Law of Armed Conflict*,³ *The Law of Targeting*,⁴ *Conflict Law: The Influence of New Weapons Technology, Human Rights and Emerging Actors*⁵ and *New Technologies and the Law in War and Peace*⁶ provided foundational legal analyses of weapons law, the principles governing the conduct of hostilities and how legal frameworks evolve to address new threats in warfare. Boothby's current publication also expands and complements previous publications by other experts such as *The AI Military Race: Common Good Governance in the Age of Artificial Intelligence*,⁷ the *Research Handbook on Warfare and Artificial Intelligence*⁸ and the chapter by Hitoshi Nasu, 'Artificial Intelligence and the Obligation to Respect and to Ensure Respect for IHL,' in *Ensuring Respect for International Humanitarian Law*.⁹

The stated purpose of the book is to provide 'sensible answers' to the nature of AI, the capabilities that it may enable and the potential for AI-enhanced military technologies to comply with International Humanitarian Law (IHL). Boothby argues that the imminent development of new laws in response to these challenges is probably unrealistic. He thus provides a reasonable and comprehensive set of factors to consider when determining whether a specific AI-related system or activity is acceptable under existing law. To achieve this purpose, the publication is logically structured into 15 chapters, each addressing a distinct aspect of AI-enabled means and methods of warfare. Boothby begins by examining the creation, integration, introduction into service, and subsequent employment of AI technologies in weapon systems. He outlines the technical capabilities of AI systems in military operations, distinguishing between autonomous and semi-autonomous weapons. He then examines existing legal frameworks, including IHL, human rights law, and State responsibility. The publication also focuses on the sources of law, automation, autonomy, biometrics, *jus ad bellum*, conflict classification and further aspects of weapons law and AI.

Boothby specifically refines the legal, ethical and moral debate on accountability for AI in targeting and decision-making when removing humans from lethal decision-making processes. He appropriately focuses on distinction, discrimination, precautions, objects and persons entitled to special or specific protection. Boothby acknowledges that AI algorithms often incorporate various biases that hold the potential to replicate or amplify human prejudices. Critical questions about command responsibility should an AI-enabled system unlawfully target protected persons or objects are thus evaluated with reference to State practice and jurisprudence from international tribunals. Further chapters examine methods of warfare, aspects of non-international armed conflicts and the implications for international criminal law, neutrality and military discipline. Boothby also provides insights into the positions that States have adopted in their discussion of autonomous weapon systems.

Boothby does not advocate for absolute bans or unrestricted development of AI-enhanced military technologies. Instead, he provides a structured legal framework,

primarily from the perspective of the North Atlantic Treaty Organization, for analysing AI in warfare and the current legal requirements these technologies must meet to ensure their acquisition and use comply with international law. His analysis recognises both AI's risks and potential benefits in military activities.¹⁰ The recommendations for clearer legal guidelines and accountability mechanisms are well-reasoned and practical. Nonetheless, the publication may be challenging for readers without prior knowledge of IHL, particularly in sections involving doctrinal legal analysis, which require some familiarity with key principles.

'AI Warfare and the Law' is a valuable contribution to a major discourse in international law. It is not only of academic interest but will be of practical assistance to those responsible for developing, acquiring, introducing into service, and using military systems employing AI. It also functions as a valuable resource when drafting new guidelines, domestic policies and international instruments. This publication is, therefore, essential reading for legal professionals, military practitioners, academics, students, policymakers and journalists interested in IHL, military law, and AI ethics.

The publication is freely available for download at <https://digital-commons.usnwc.edu/ils/vol104/iss1/1/>.

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- 1 Bill Boothby, 'AI Warfare and the Law' (2025) 104 International Law Studies 5.
 - 2 *ibid.*
 - 3 William H Boothby, *Weapons and the Law of Armed Conflict* (Oxford University Press 2016).
 - 4 William H Boothby, *The Law of Targeting* (Oxford Academic 2012).
 - 5 William H Boothby, *Conflict Law: The Influence of New Weapons Technology, Human Rights and Emerging Actors* (Springer 2014).
 - 6 William H Boothby, *New Technologies and the Law in War and Peace* (Cambridge University Press 2018).
 - 7 Denise Garcia, *The AI Military Race Common Good Governance in the Age of Artificial Intelligence* (Oxford University Press 2024).
 - 8 James Gow, Ernst Dijkhoorn, Rachel Kerr and Guglielmo Verdirame (eds), *Routledge Handbook of War, Law and Technology* (Routledge 2019).
 - 9 Eve Massingham and Annabel McConnachie, *Ensuring Respect for International Humanitarian Law* (Routledge 2020).
 - 10 Bill Boothby, 'AI Warfare and the Law' (2025) 104 International Law Studies 5–8.