THE FUTURE OF THE SECOND GENEVA CONVENTION IN THE DIGITAL AGE: ADDRESSING THE CHALLENGES OF CYBER WARFARE

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ABSTRACT

Technology has transformed combat, akin to numerous sectors of the modern world. Consequently, it has influenced International Humanitarian Law. The Geneva Conventions (GCs), created in the aftermath of World War II, address conventional warfare. Nevertheless, cyberwarfare has transformed all aspects of conflict. GC II, which governs maritime combat, has been adversely impacted by these technical advancements. In recent years, many incidents of cyberattacks have resulted in the loss of navigational capability or incapacitation of the ships. It has been a subject of contention among experts whether such activities may be classified as an "attack" and if the resulting consequences can be deemed a "shipwreck," invoking the requirements of GC II. The Tallinn Manual 2.0 provides some guidance on the relevance of international law in the cyber sphere; yet problems persist. Complications emerge when such cyber actions are classified as "acts of war," particularly if they are executed by non-state entities, anonymous agents, or originate from domestic territory. Progress is impeded without global collaboration and dedication. The Budapest Convention and the UN Convention Against Cybercrime renew optimism. Unless we comprehensively reconsider the Convention in the context of contemporary technological advancements, it will not be efficacious in dealing with these new challenges.

Keywords – Second Geneva Convention, cyber warfare, Tallinn Manual, shipwreck, Budapest Convention, UN Convention Against Cybercrime.

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