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Sovereignty and neutrality in cyber conflict / Eric Talbot Jensen

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Abstract:	<p>Cyber activities in general, and cyber warfare in particular, place stress on the traditional notions of sovereignty, challenging both belligerent nations and neutral nations in the application of law to cyber operations during international armed conflict. Therefore, a neutral state must not knowingly allow acts of cyber warfare to be launched from cyber infrastructure located in its territory or under its exclusive control. Upon arrival at the computer in State H, the malicious malware from the shipboard computer combines with the cyber tool at the beacon and creates cyber malware that is then forwarded to a computer in State X to which State G has previously gained access. In other words, considering the modified scenario, turning the nonparty state into a neutral provides another legal paradigm (along with domestic criminal law) by which the nonparty state could prevent or punish the actions of both the nonstate actor and potentially the state party to the NIAC for cyber operations that violated its neutrality. Cyber activities in general and cyber conflict in particular place stress on traditional LOAC notions, challenging both belligerent nations and neutral nations in the application of law to cyber operations. For example, recognizing that Internet traffic that traverses the computer infrastructure of a neutral nation is not a violation of that nation's neutrality provides greater clarity to states planning cyber operations of desiring to maintain neutrality.</p>
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Authors:	Jensen, Eric Talbot

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