

## **Roundtable 8: The Next War**

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The final roundtable of the symposium, The Next War, was moderated by Sean Watts of the Lieber Institute at West Point. The roundtable included Magdalena Pacholska from TMC Asser Instituut at the University of Amsterdam, Major Tom Warschefsky of the US Army Futures Command, Colonel Pete Hayden of US Cyber Command, and Lieutenant Commander Lauren Cherry of the US Navy. The roundtable addressed multiple issues, including how much of the war in Ukraine would be translatable to the future, whether existing laws are translatable to the future, evolutions of legal issues, and how states treat international law.

#### **How much of the war in Ukraine is translatable to the future?**

Major Tom Warschefsky stated that tech will be involved, such as predictive logistics, to “cyber-related everything” and big data. Additionally, the law will become more important because as technology is more connected, there will be more opportunities for civilian use of technology and warfighting, requiring a reexamination of what that means legally.

#### **Will existing laws apply in the future?**

Another question was whether existing laws would be applicable in the future. One example, quantum computing, suggests changes in the law will be necessary. As quantum computing offers opportunities for rapid decryption and unbreakable encryption, privacy rights will be implicated.

#### **Evolutions in Legal Issues**

Anticipated evolutions of legal issues include the law of armed conflict. As it is applied in all military operations, determining what constitutes an “attack” becomes increasingly important in a world where harmful actions can be enacted with technology. Additionally, there is concern surrounding the US military’s transition from counter-terrorism to near-peer competition. Understanding how the law of armed conflict applies to cyber operations is going to be a critical issue for the next generation of legal advisors because the US has spent much of the last two decades focused on limited, target-specific counter-terrorism operations and not high intensity conflict on the scale of the war in Ukraine.

#### **How States Treat International Law**

Finally, there was a discussion on how states treat international law. For example, the obligations of neutrality have been upended by the war in Ukraine, suggesting this and other issues need to be questioned to fully understand their extent. The war has taken a theoretical issue and tested it in real time with states providing arms and other forms of support to both Ukraine and Russia. Sometimes ambiguities in international law are intentional as part of a larger strategy to hide a true position from other states. However, sometimes there are needs for a bright line rule to maintain clarity and order.