

Seaworthiness and Liability Risks Involving Technology and Cybersecurity in Transport and Logistics

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Abstract : The widespread use of technologies and cyber/digital means for complex maritime operations have led to a sharp rise in global cyber-attacks. They have generated an increasing number of liability disputes, insurance claims, and legal proceedings. An array of antiquated case law, regulations, international conventions, and obsolete contractual clauses drafted in the pre-technology era have become grossly inadequate in addressing the contemporary challenges. This paper offers a critique of the ambiguity of cybersecurity liabilities under the obligation of seaworthiness entailed in the Hague-Visby Rules, which apply either by law in a large number of jurisdictions or by express incorporation into the shipping documents. This paper also evaluates the legal and technological criteria for assessing whether a vessel is properly equipped with the latest offshore technologies for navigation and cargo delivery operations. Examples include computer applications, networks and servers, enterprise systems, global positioning systems, and data centers. A critical analysis of the carriers' obligations to exercise due diligence in preventing or mitigating cyber-attacks is also conducted in this paper. It is hoped that the present study will offer original and crucial insights to policymakers, regulators, carriers, cargo interests, and insurance underwriters closely involved in dispute prevention and resolution arising from cybersecurity liabilities.

Keywords : seaworthiness, cybersecurity, liabilities, risks, maritime, transport

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