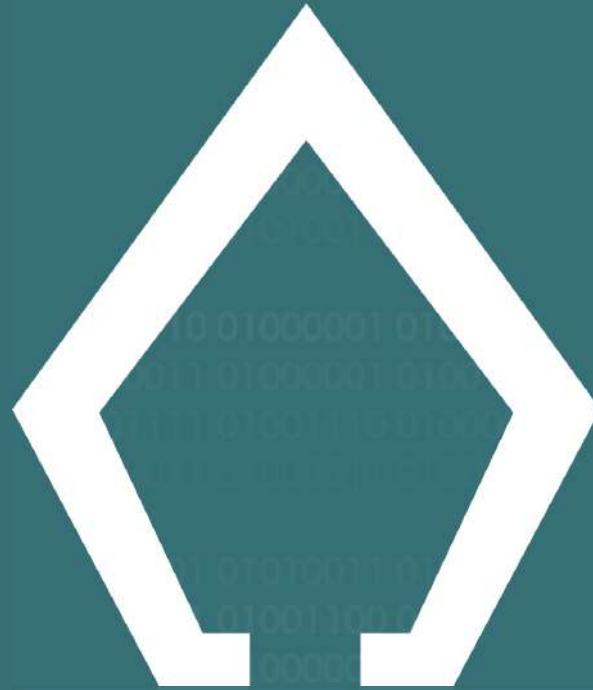




# Disinformation

*A Legal Appreciation*



Peter BMJ Pijpers

Associate Professor Cyber Operations

Netherlands Defence Academy

Researcher ACIL University of Amsterdam

# Short Intro

Netherlands  
Defence  
Academy

Military

University of  
Amsterdam

Research

International  
Law

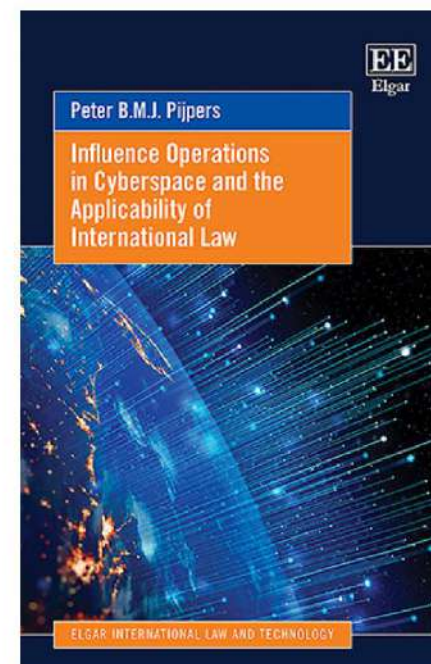
 **Edward Elgar**  
PUBLISHING

## Influence Operations in Cyberspace and the Applicability of International Law

Elgar International Law and Technology series

Peter B.M.J. Pijpers, Associate Professor of Cyber Operations, Faculty of Military Sciences, War Studies, Netherlands Defence Academy, Breda and Researcher at Amsterdam Centre of International Law, University of Amsterdam, the Netherlands

This enlightening book examines the use of online influence operations by foreign actors, and the extent to which these violate international law. It looks at key recent examples such as the 2016 UK EU Referendum, the 2016 American Presidential Election, and the 2017 French Presidential Election. The book analyses the core elements of interventions and sovereignty, and the extent to which these elements were violated in the three central case studies.



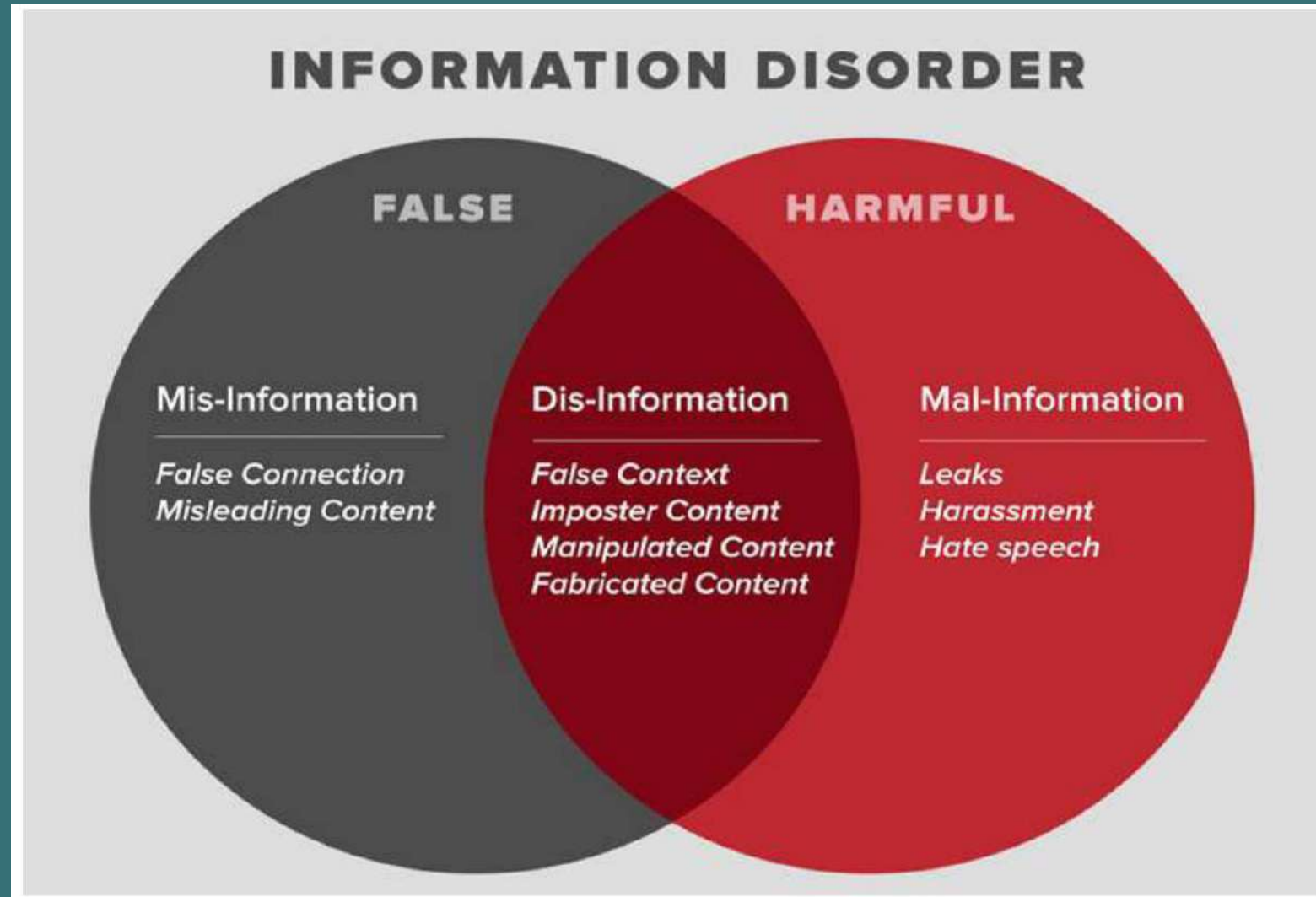
# Content

- **What is disinformation**
- Why is it in vogue
- How does it affect us
- What does it mean in legal terms
- Some observations...



# Disinformation

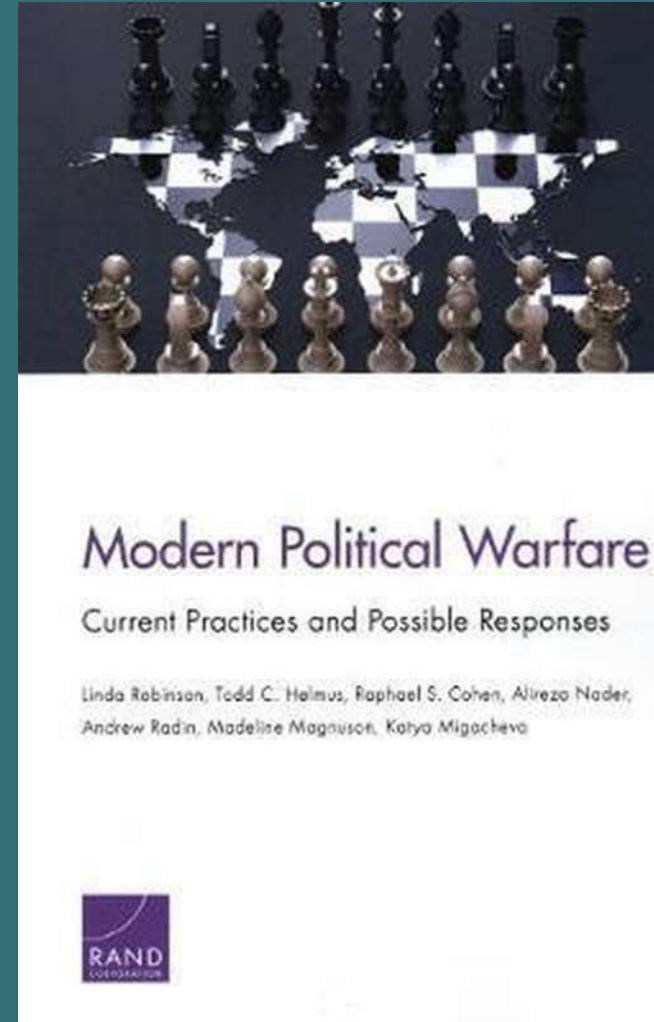
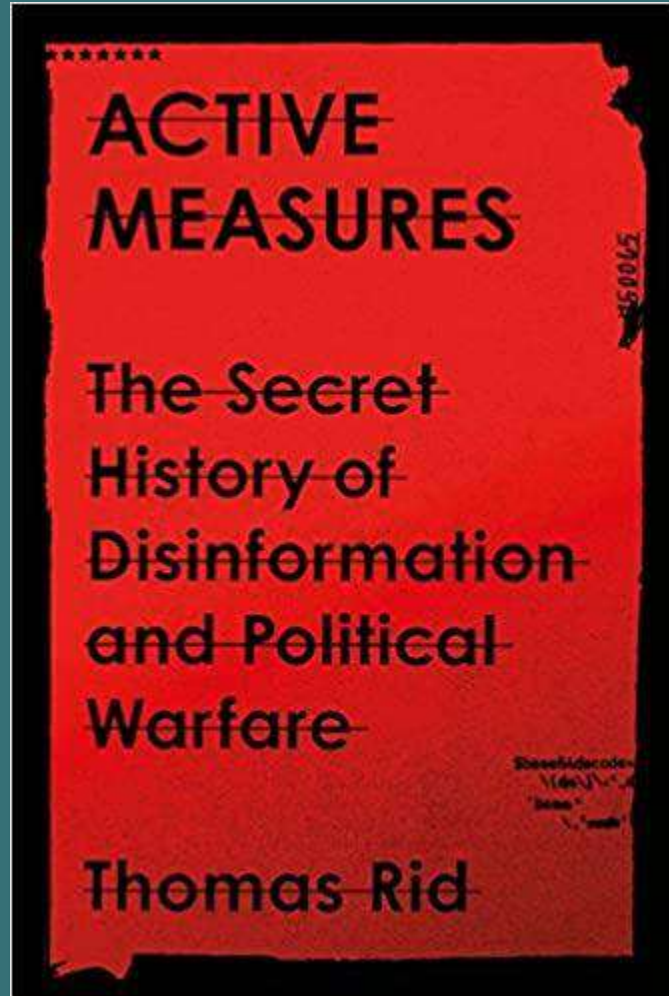
Information Activities





# Disinformation

Nothing new...



# Content

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- Some observations...

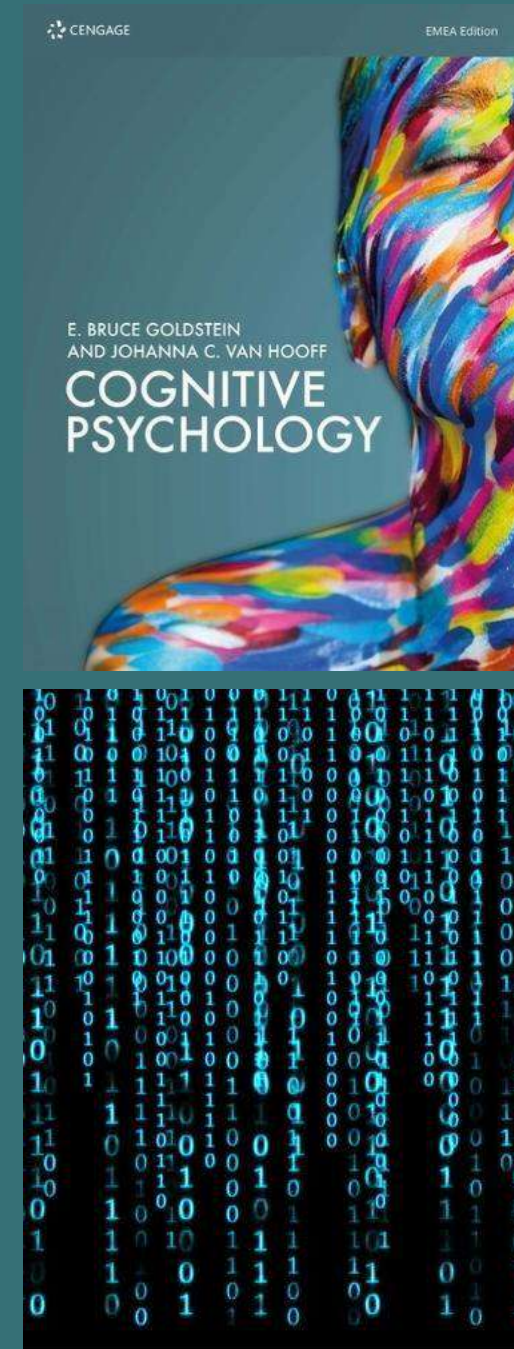


# Why is it in vogue

Disinformation has been around for ages.

What is new, is...

1. Cognitive Psychology
2. Inception of cyberspace

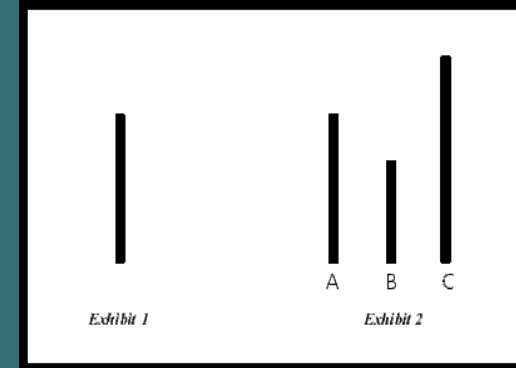




# Cognitive Psychology

## Heuristics and Biases

- Social Pressure.  
(Conformity Bias –  
Group Pressure - Asch  
1953)
- Obedience to Authority  
(Milgram 1963)
- Anchoring (Tversky &  
Kahneman 1974)



Group 1:	Group 2:
1x2x3x4x5x6x7x8	8x7x6x5x4x3x2x1
median estimate 512	median estimate 2,250





# Information Environment

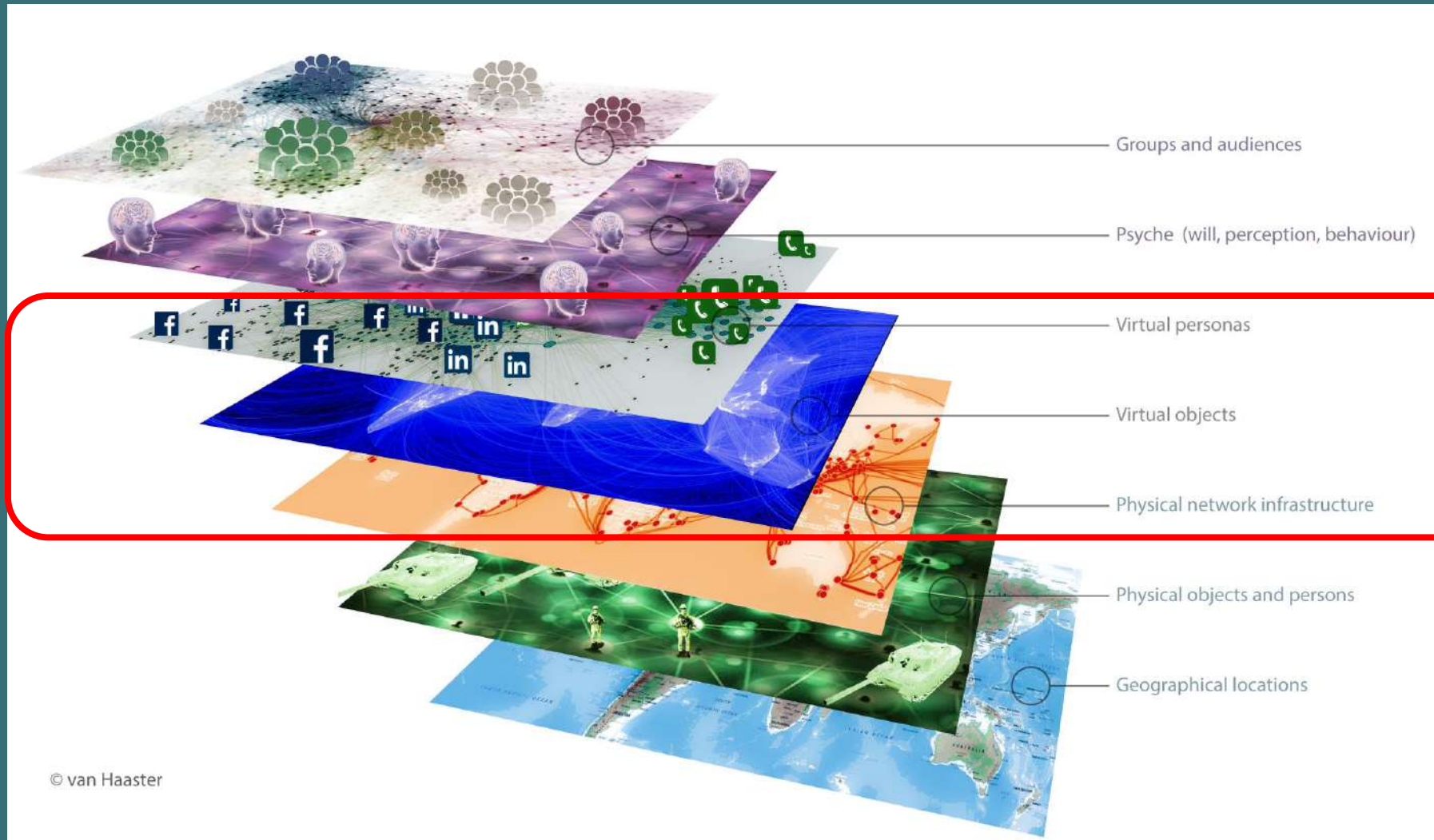
## Digitalised





# Information Environment

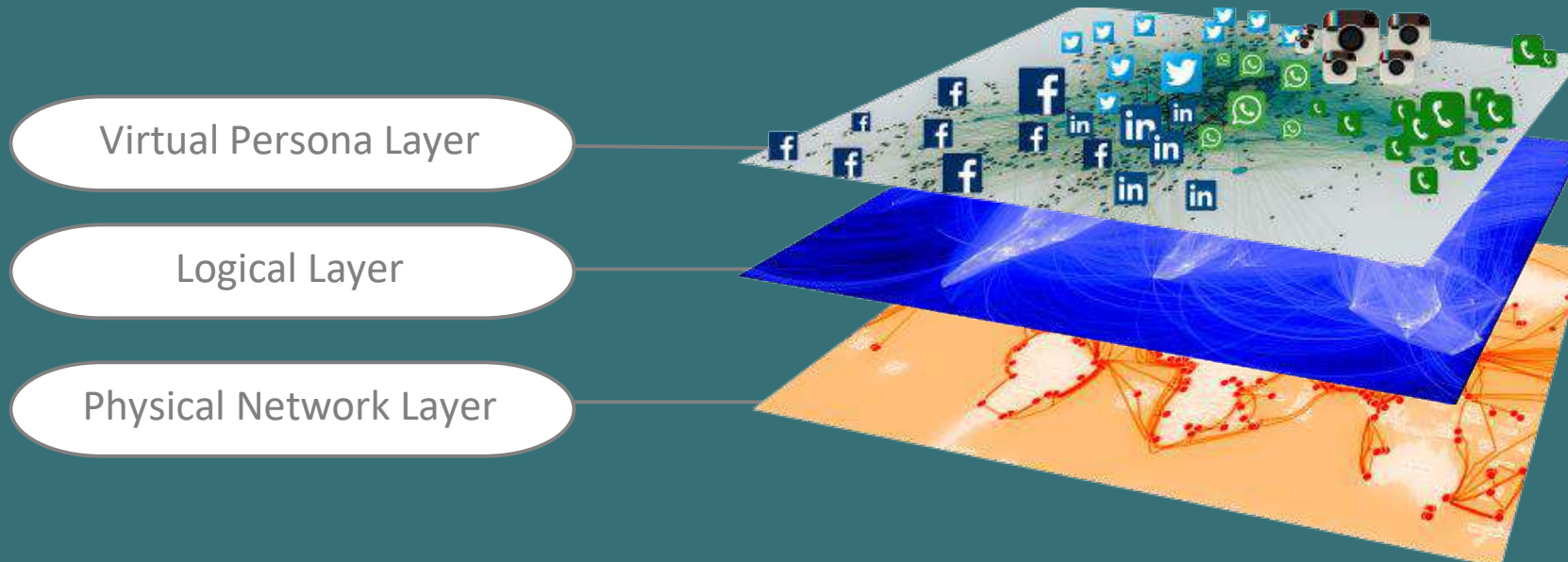
Version 2.0 - Cyberspace





# Cyberspace (Digital Domain)

New target surface





# Undermine: Stuxnet

New Actions

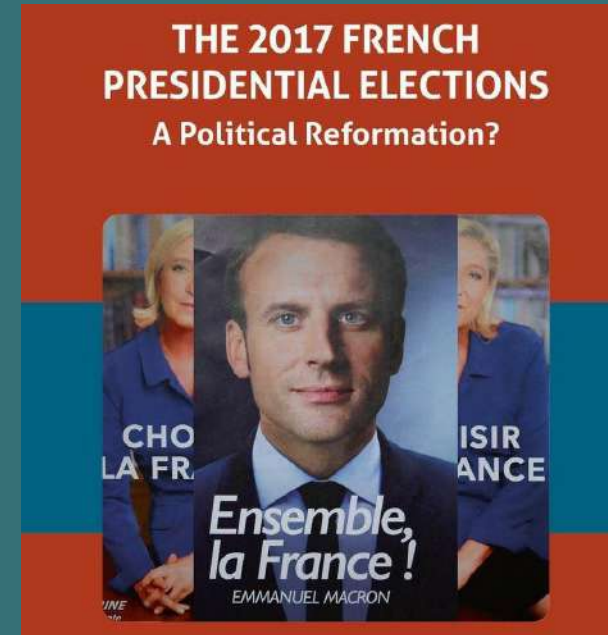






# Subversion: Elections

## New Actions





# Cyberspace

## The Attributes

- New Surface Layers
- New Activities
- New Actors
- No Gate Keepers
- Every one is producer & consumer of data
- Agenda Setting for all (belingcat)



# Content

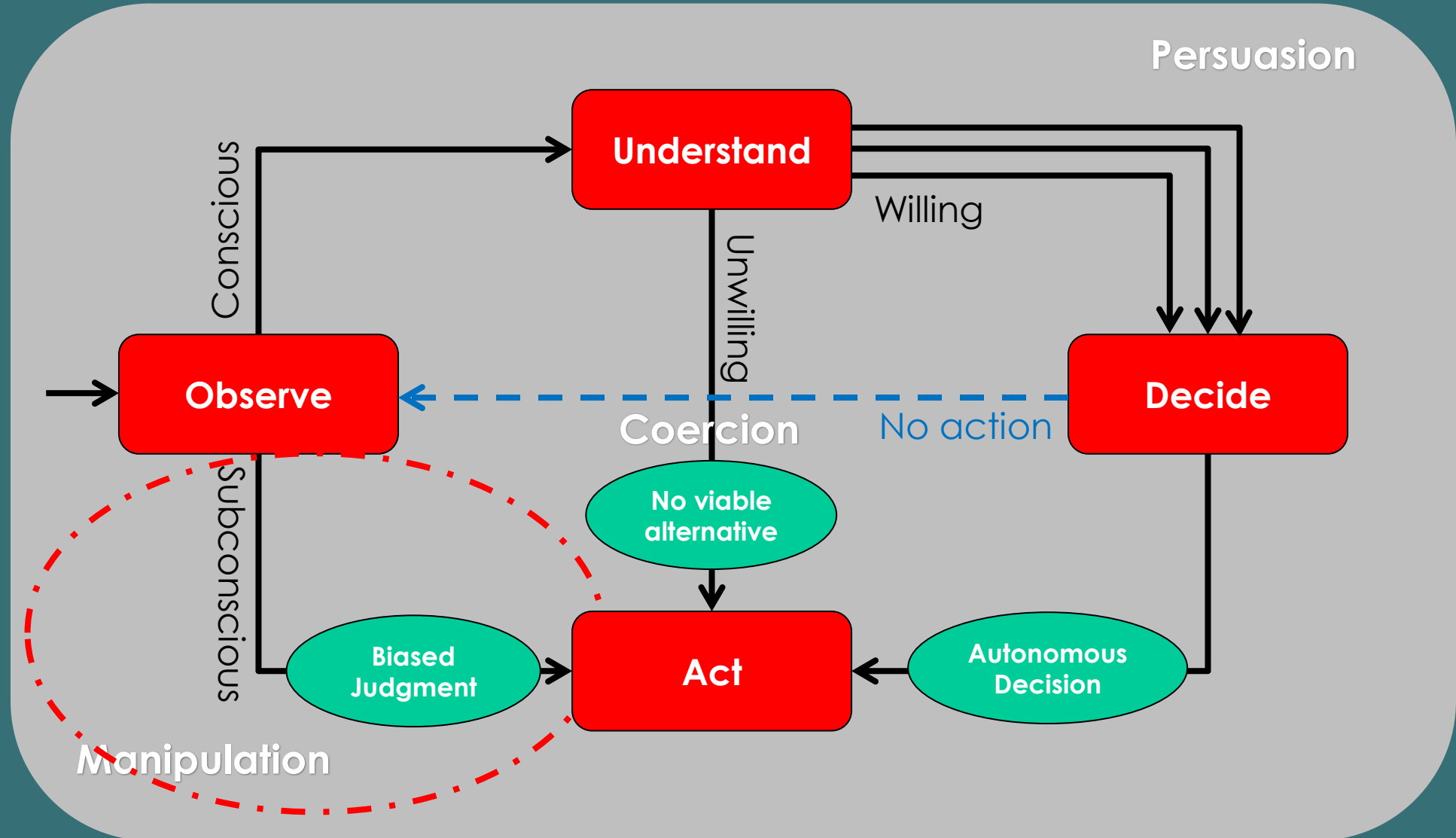
- What is disinformation
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- Some observations...





# How does it work?

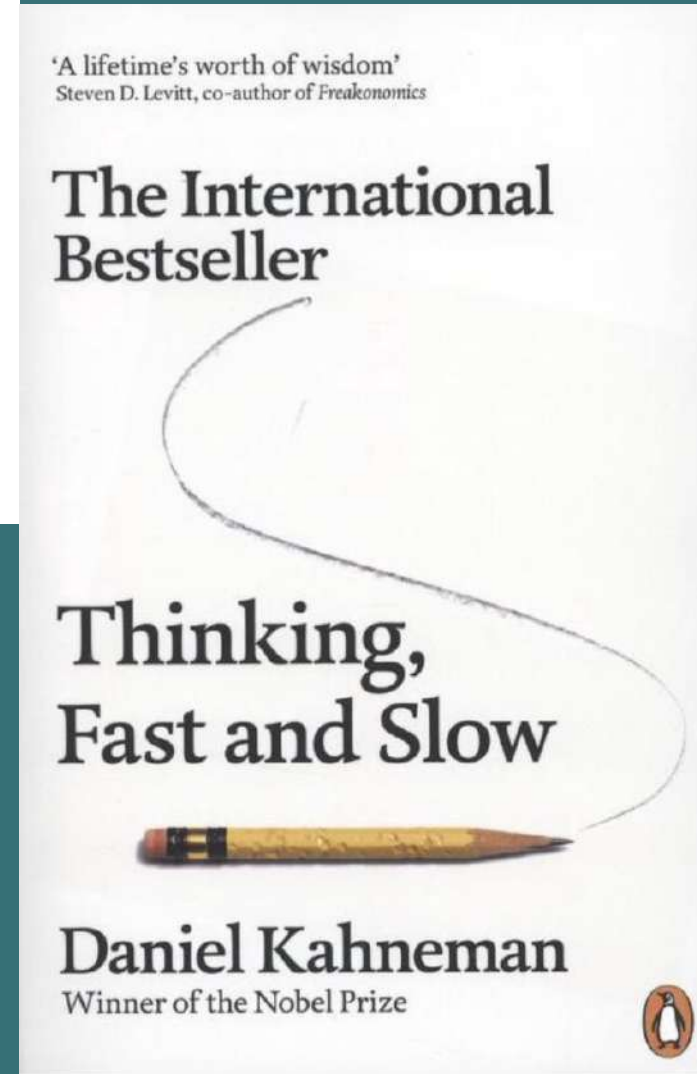
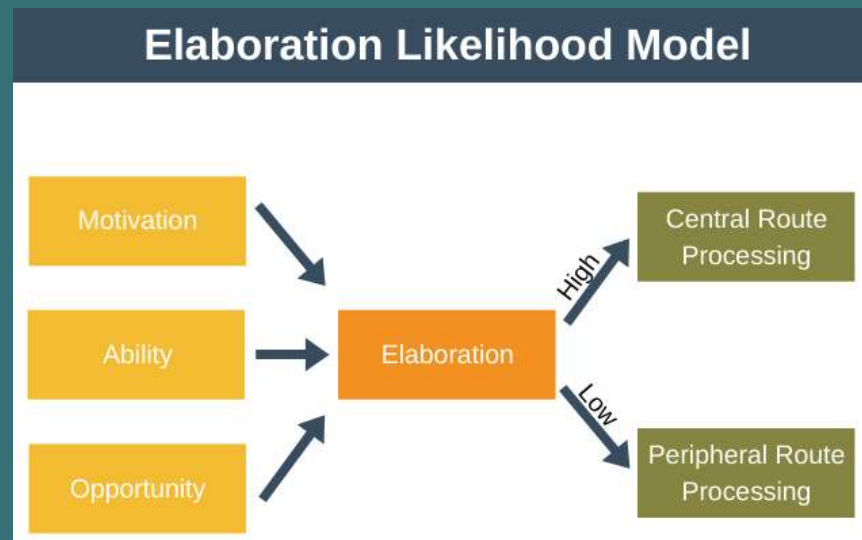
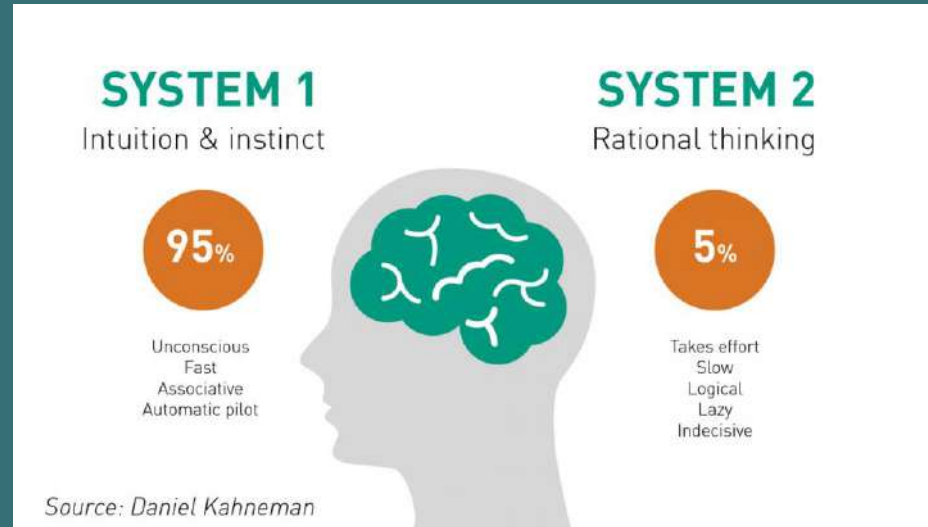
Disinformation as part of Influence Operations





# How does it work?

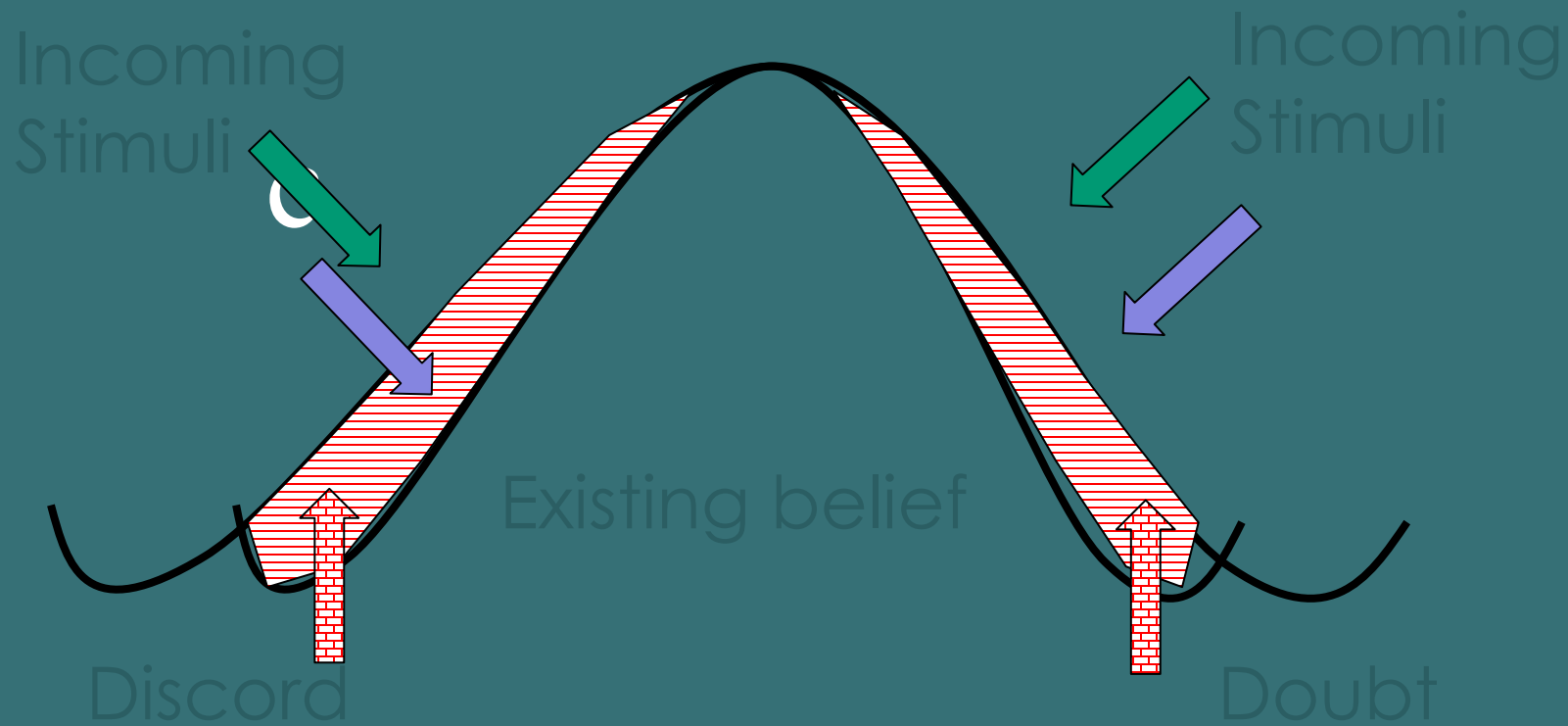
The periferal route





# How does it work?

Create Doubt





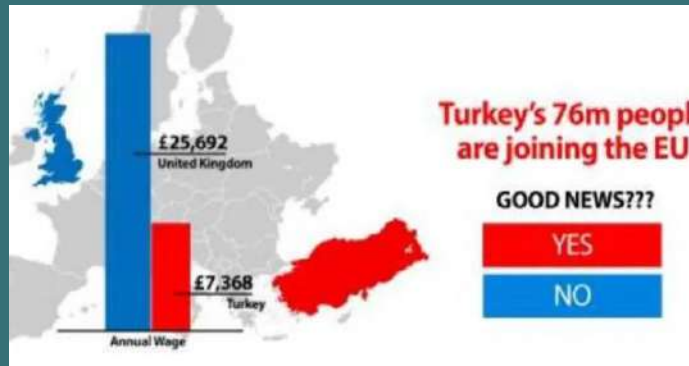
# How does it work?

## And Manipulate

### Take Back Control

[UK 2016 Brexit]

- Anti EU sentiment/ Scape-goat
- Link to unemployment/ fear for migrants



# Content

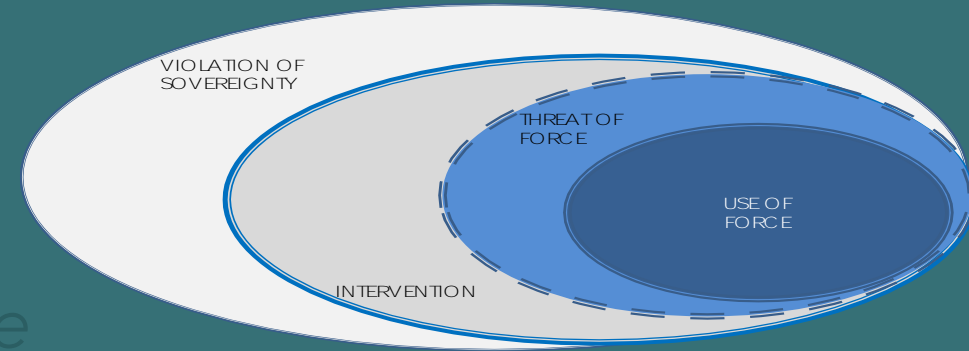
- What is disinformation
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# Legal Framework

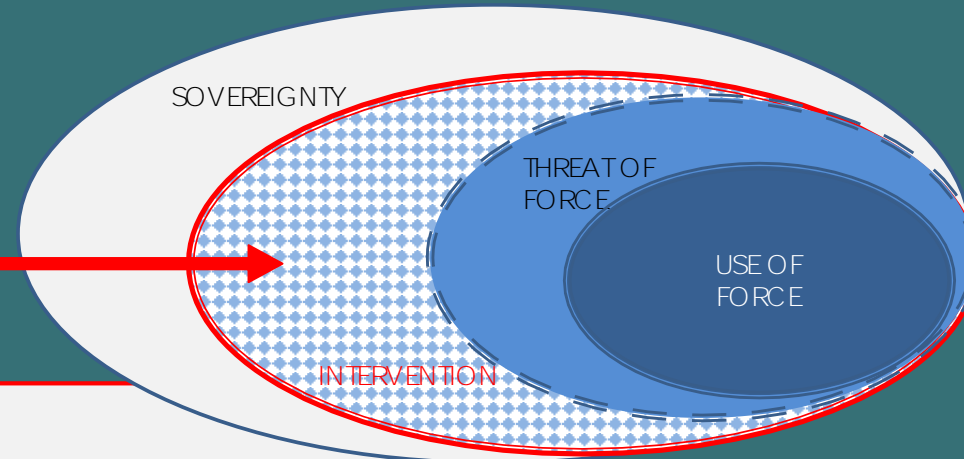
## Disinformation

- *Categorised:*
  - *Below the use force*
  - *State and non-State actors*
  - *Time lap between Act and Effect*
- *Categories of Violations*
  - ~~*Armed Attack (Art 51 Charter UN)*~~
  - ~~*Threat or use of Force (Art 2(4) UN)*~~
  - *Intervention*
  - *Violation of sovereignty*





# On Non-Intervention

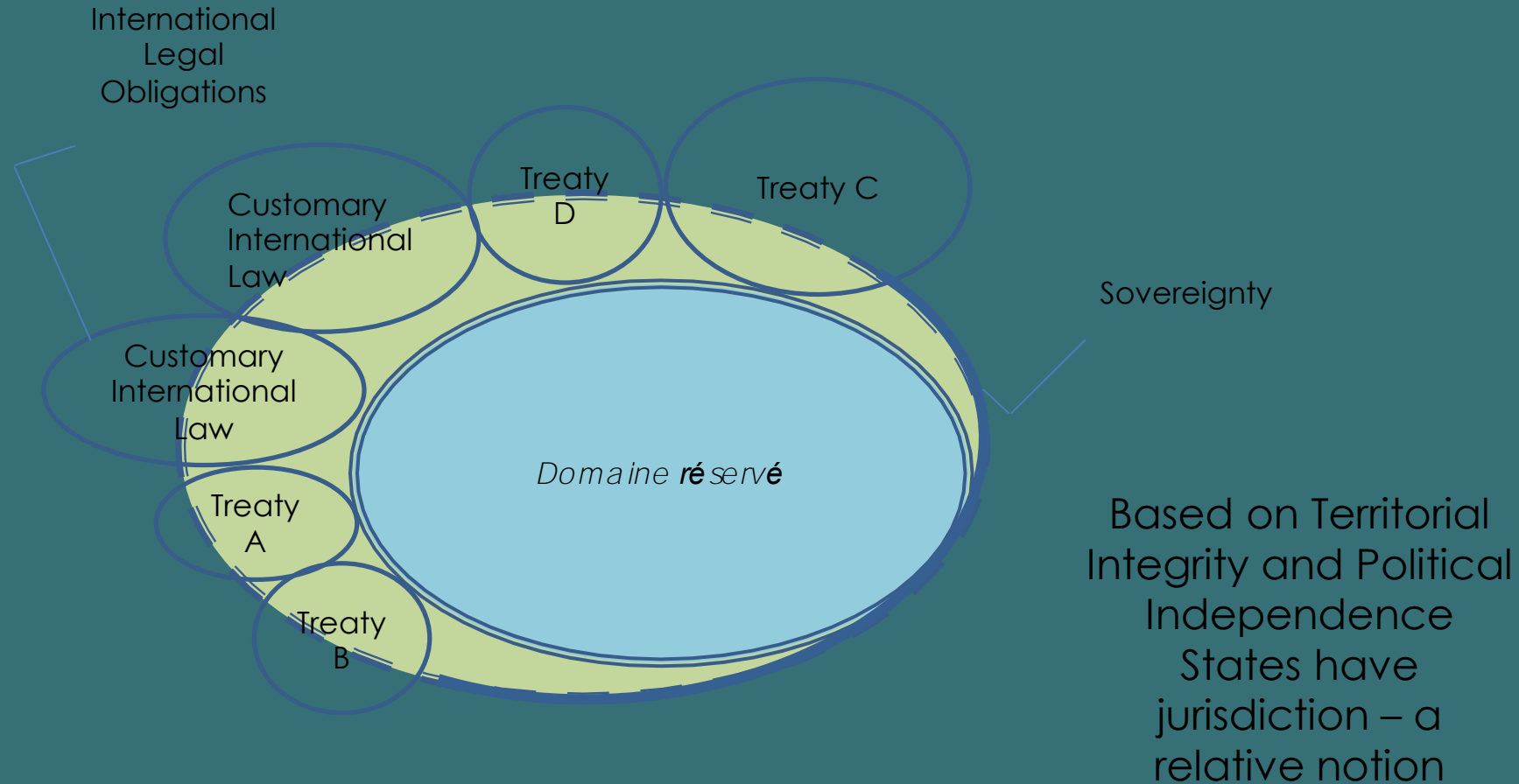


- Violation of prohibition of intervention
  - Domain – reserved domain
  - Nature – coercion
    - Deliberate intent
    - Undermine understanding and decision-making
    - Change of policy



# On Non-Intervention

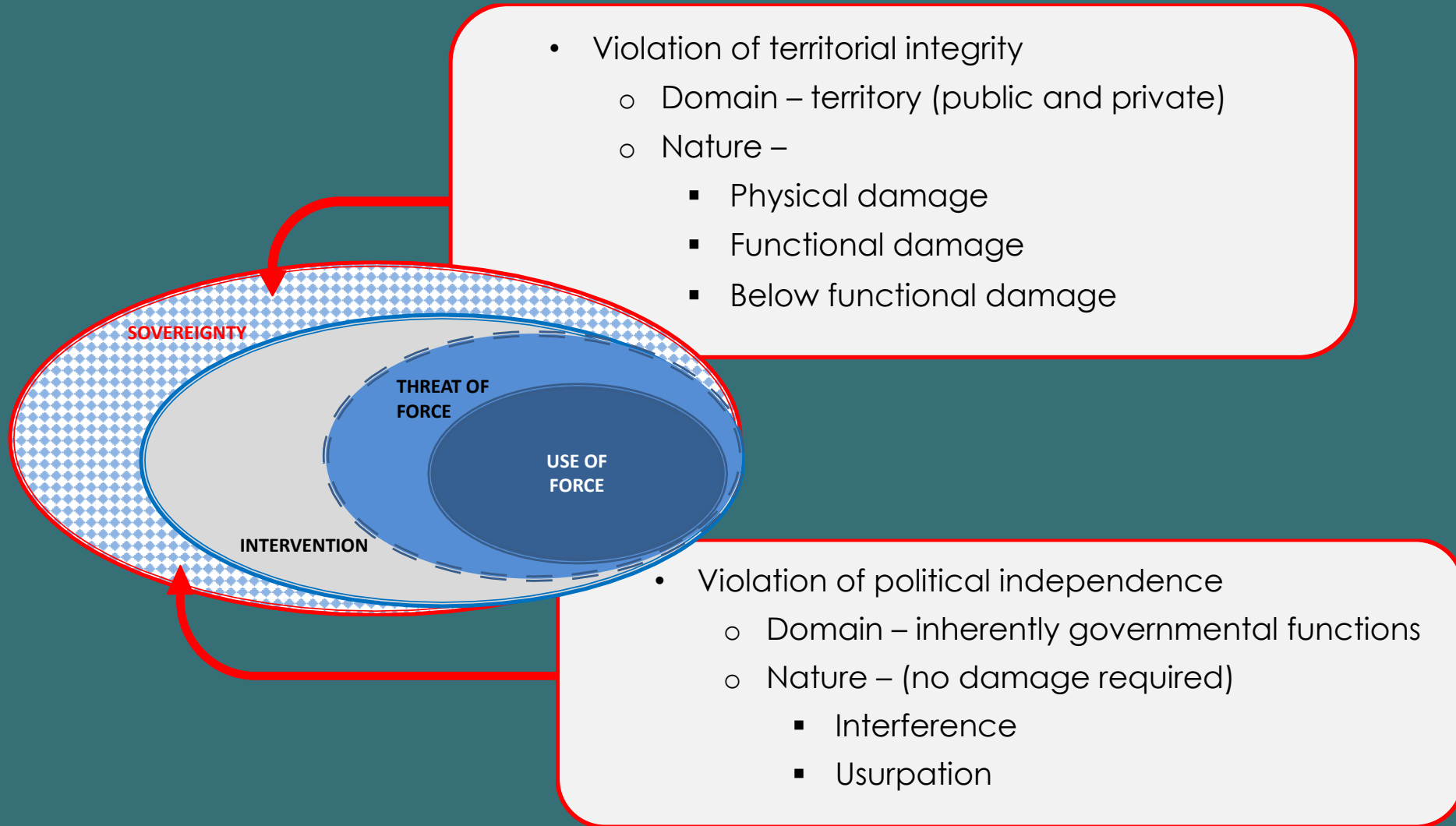
## The Domaine Reserve







# On Sovereignty





# Violate International Law

- Disinformation
    - Does not breach Territorial Integrity
    - Can breach Political Independence
      - Not taking over State Functions
      - But interfering with them
    - Can breach Prohibition of Intervention
      - Tampering with domestic jurisdiction
      - In a coercive manner (via manipulation)
- ➔ Disinformation can violate International Law

# Content

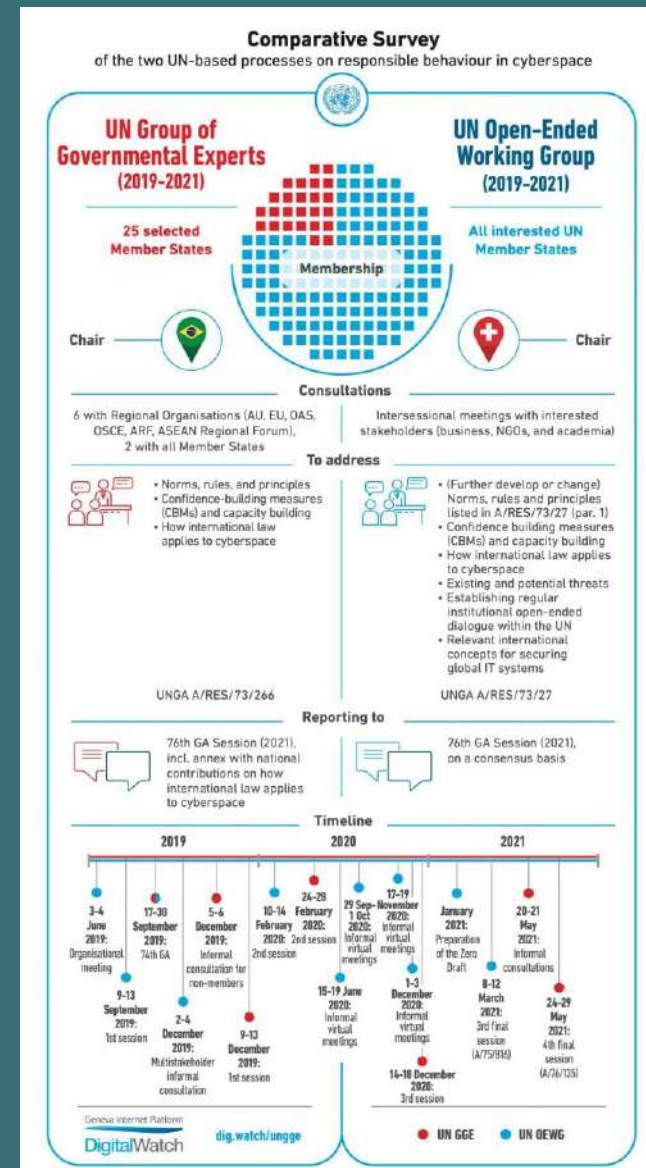
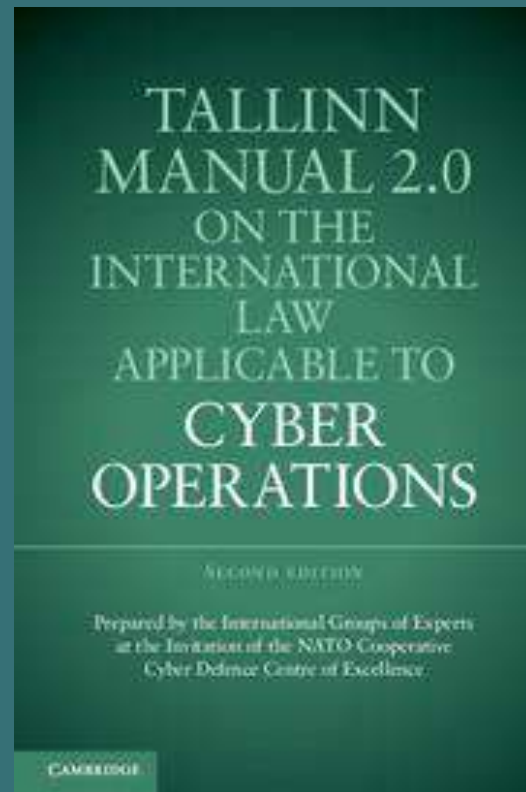
- What is disinformation
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# Legal Ambiguity

It remains...

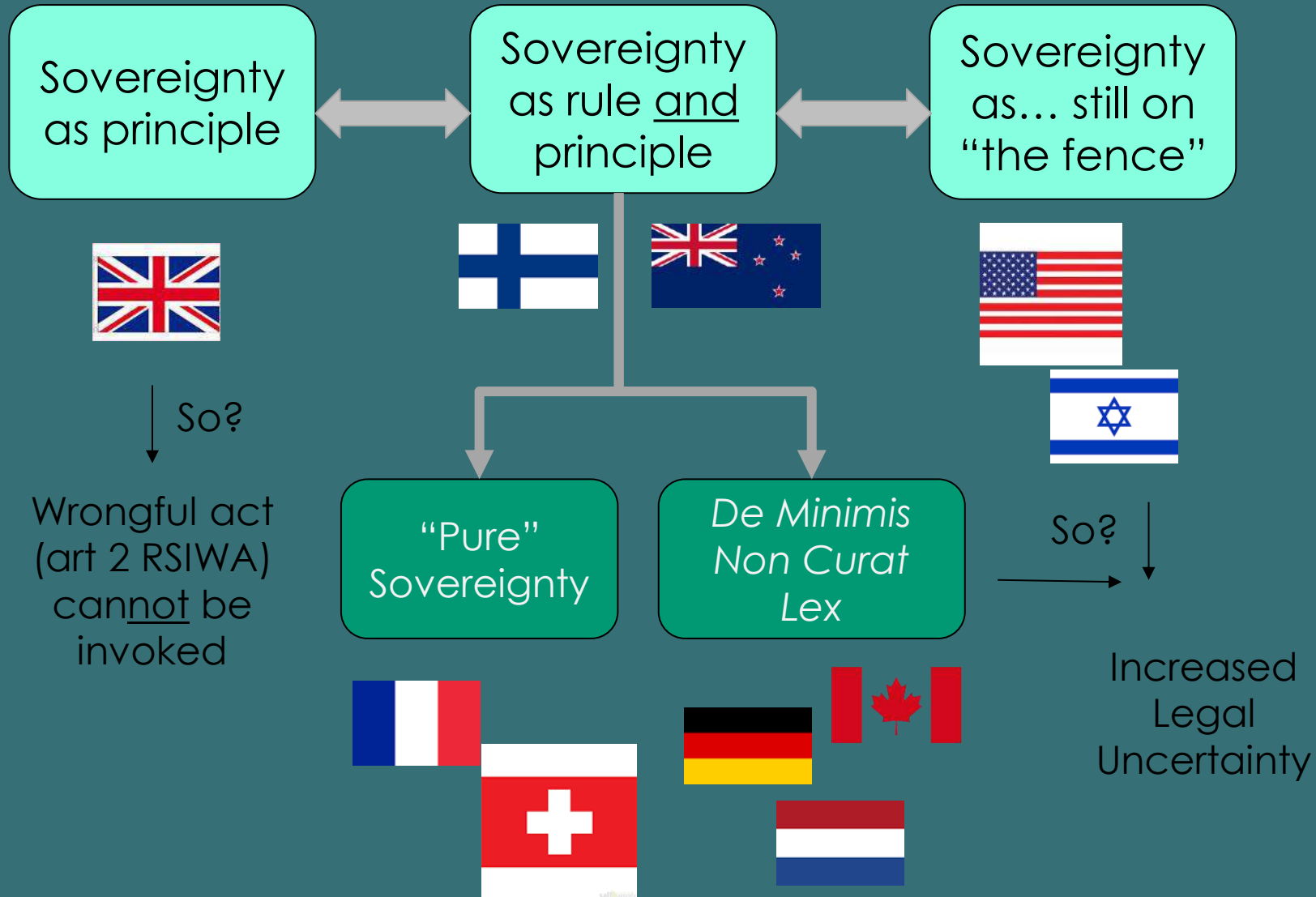
- Despite work of states and scholars





# Legal Ambiguity

## On Sovereignty in Cyberspace





# Legal Ambiguity

## Attributes and Attribution

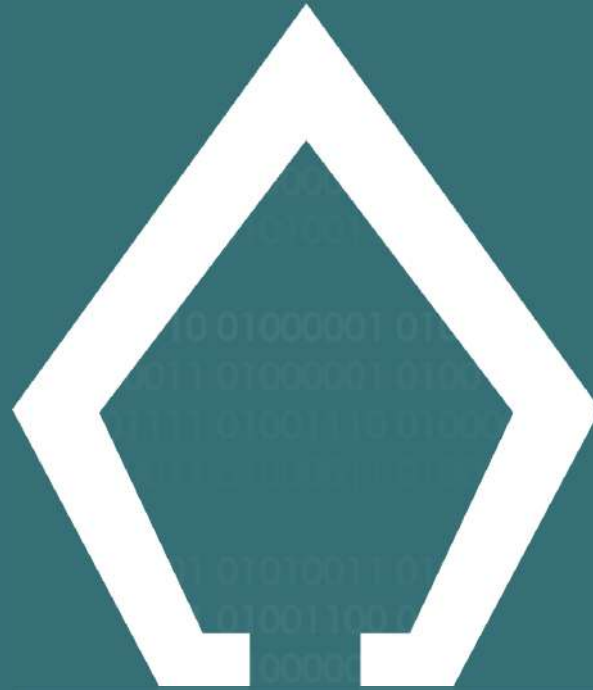
- *How to apply International Law to*
  - *Musk's Star Link,*
  - *Anonymous?*
  - *Or Microsoft?*
- *Do we need new Laws?*





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