

IMSIS Dissertation Feedback & Mark Sheet

Student Matriculation No.	Glasgow 2567058K DCU Charles 79452457 Trento 225062
Dissertation Title	The Challenges raised by the application of International Humanitarian Law to Information Warfare

INDIVIDUAL INSTITUTION GRADING

Reviewer 1 Initial Grade	Reviewer 2 Initial Grade	Late Submission Penalty no penalty [no penalty]
Word Count Penalty (1-15% over/under = 1gr point; 15-20% over/under = 2 gr points; 20-25% over/under = 3 gr points; more than 25% over/under = 0 fail)		
Word Count: 21212 Suggested Penalty: no penalty [no penalty]		

JOINT GRADING (subject to agreement of the external examiner and approval at Joint Exam Board)

Final Agreed Mark. (Following correspondence reviewers should list the agreed final internal grade taking before and after any penalties to be applied).
Before Penalty: B2 [16] **After Penalty:** B2[16]

DISSERTATION FEEDBACK

Assessment Criteria	Rating
A. Structure and Development of Answer This refers to your organisational skills and ability to construct an argument in a coherent and original manner	
• <i>Originality of topic</i>	Excellent
• <i>Coherent set of research questions and/or hypothesis identified</i>	Very Good
• <i>Appropriate methodology and evidence of effective organisation of work</i>	Good
• <i>Logically structured argument and flow of ideas reflecting research questions</i>	Very Good
• <i>Application of theory and/or concepts</i>	[Good]
B. Use of Source Material This refers to your skills to select and use relevant information and data in a correct manner	
• <i>Evidence of reading and review of published literature</i>	[Good]
• <i>Selection of relevant primary and/or secondary evidence to support argument</i>	Good
• <i>Critical analysis and evaluation of evidence</i>	Good
• <i>Accuracy of factual data</i>	Very Good
C. Academic Style This refers to your ability to write in a formal academic manner	

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• <i>Appropriate formal and clear writing style</i>	Good
• <i>Accurate spelling, grammar and punctuation</i>	Good
• <i>Consistent and accurate referencing (including complete bibliography)</i>	Excellent
• <i>Is the dissertation free from plagiarism?</i>	[Yes]
• <i>Evidence of ethics approval included (if required based on methodology)</i>	Not required
• <i>Appropriate word count</i>	Yes

ADDITIONAL WRITTEN COMMENTS

Reviewer 1

The dissertation addresses a topic of great interest that falls fully within the scope of the Master's programme. The research question is clearly formulated and is addressed through a logical structure. The author identifies and addresses the main problems posed by the application of international humanitarian law to the issue of information warfare in contemporary warfare. The bibliography is on the whole adequate although it could have been more thorough in covering the specialist humanitarian law debate. The literature review is rather descriptive, limiting its overview to some of the relevant contributions without deepening and interacting with the content of such contributions. The legal reasoning, while on the whole acceptable, is sometimes superficial or questionable (see for instance pp. 15-16 on the overall control/effective control tests; pp. 18-19 on the concept of armed attack/use of force under the *ius ad bellum*; p. 49 where the UDHR is qualified as binding with no explanation) and is characterised by extensive reference to authorities such as the Tallinn Manual, individual scholars, and the ICRC (see for instance, p. 22 on non-kinetic 'attacks'; p. 25 on Prof Robbat's stance; p. 26 where reference is made to the ICRC Study when there is an appropriate conventional legal basis for the 'advance warning'; p. 30 on the concept of 'military advantage'; p. 35 on different interpretations on perfidy; pp. 52-53 on prof. O'Connell's proposal). In such circumstances, a full legal argument that makes use of the criteria of treaty interpretation or the rules of customary law formation is lacking. In part, these shortcomings can be excused in light of the complexity of the subject matter and the need to comply with the word limit assigned. Finally, the conclusion argues in favour of an evolutionary interpretation of IHL to clearly cover also non-kinetic attacks and contemporary practices of information warfare. The legal basis and the effects of such interpretation should have been, however, better clarified with specific reference to the relevant applicable rules.

Reviewer 2

The rapid expansion of the information space and its importance raises the question of whether the current international law needs an update. This dissertation thus rightfully reviews the international humanitarian law, whose main sources were formulated in the late 1940s and 1970s, and challenges it with the advances and consequences of present-day information warfare. This dissertation thus deals with an important and timely question. It does a good job of identifying the rules and clauses that could be challenged by the development of information warfare and illustrates these issues with relevant cases.

The arguments, however, are less convincing. This weakness may come from an inductive research design in which case studies of information warfare are assumed to represent behaviour that ought to be outlawed. I am missing convincing arguments based on the founding principles of IHL.

The case of Azovstal (p37) and the Lebanon war (p41) are examples of such an unconvincing interpretation. The Azovstal case confuses what and why constitutes perfidy. Spreading disinformation that might lead to surrendering Azovstal defenders is completely different from an ambush covered by false information about surrendering at a certain time and place. The Lebanon case suffers from a lack of

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proportionality. In the context of large-scale violence, “mental suffering” caused by information operations does not seem to present the gravest concern to the affected people.

To sum up, the author asks an important question and identifies some relevant problems. However, the argumentation suffers from a kind of tunnel vision. The issues related to information warfare seem to be disconnected from the conditions that IHL attempts to affect.