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## **BLURRED LINES: WHY INFLUENCE ACTIVITIES WITHIN THE CANADIAN ARMED FORCES NEED THEIR OWN CODE OF ETHICS**

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## ABSTRACT

As a part of Information Operations and unlike most other capabilities within the Canadian Armed Forces (CAF), the capabilities of Influence Activities (IA) have unique characteristics in that they may target public audiences in order to ultimately gain information superiority over a known adversary, function on the psychological plane of conflict and are, for the most part, non-lethal. By offering a viable means to overcome a known adversary, while limiting armed conflict, these characteristics make IA as a single entity worthy of ethical consideration. This paper argues that the widely accepted ethical concept of Just War Theory and the CAF's current code of ethics offer an insufficient ethical framework for IA. As such, IA requires its own usable code of ethics so its components are easily understood by Canadians as to what the CAF accepts as the right ways to influence target audiences. A code of ethics dedicated to IA has the potential to offer a solid foundation for a wider acceptance of IA and its capacities.

## **CHAPTER 1 INTRODUCTION: AN OVERVIEW**

Over the past two decades members of the Canadian Armed Forces have been involved in a variety of aggressive military operations, each with its own unique characteristics. In most recent conflicts modern combatants are often elusive since they hide in the public domain, attack and then quickly return to their non-combatant status or disappear altogether. Examples of these types of adversaries include those who refer to themselves as jihadists and who capture non-combatants and often kill them for political or religious purposes. As most people with access to mainstream media have seen, these adversaries do not just perform the straightforward act of killing, but the activity frequently involves a series of video that tells the story of the ill-fated hostage. The adversary often captures a western noncombatant, documenting the action with video that features the captive, an unknown captor, the organization's demands and then a possible sequel video featuring the death itself; all of which is posted online and depending on the case, re-transmitted by mainstream media and social media. As a result, public and political reaction to the adversary's actions is swift.

In these types of scenarios the general reaction by the public has been to find these modern adversaries and eliminate them by using traditional, physical military methods. The ongoing challenge with this approach is regardless of the responding weapons' precision, the use of lethal force raises the obvious risk of killing or maiming the wrong people, as well as risking the lives of our own military members. Even with major technological advances in the precision of reaching enemy targets, what is known as "collateral damage" is always an issue because there is no guaranteed way to control individuals from being in the wrong place at the wrong time;

therefore different considerations and strategies are required in order to be successful and eliminate these modern adversaries.<sup>1</sup>

This is certainly not a new ethical issue since the fundamental and widely accepted ethical framework of Just War Theory (JWT) has been developed over centuries. JWT offers key ethical guidelines for the use of lethal force but lacks relevancy and substance with respect to the use of information and influence as a weapon in times of conflict. With online videos being posted and shown by mainstream media, reposted by individuals throughout the globe, modern adversaries are gaining an advantage over those using mostly kinetic military methods since their “message” is being viewed and received by a large audience, regardless of it originating from a criminal, terrorist or combatant.

While using force to respond to these situations is not being disputed, the process of preventing or countering the effectiveness of these extremists’ messaging to the general public audience has shown to be a neglected entity for many western militaries. For the CAF, the means to deal with this style of combat where there is an information battle has evolved through what is known widely as Information Operations (IO) into the concept of Influence Activities (IA)<sup>2</sup>. IO is an all-encompassing term that includes not only IA, but also cyber and electronic warfare,<sup>3</sup> while IA is designed to shape the will of a person or group, with the goal to influence and affect

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<sup>1</sup> Wolfe, Virginia, L. “Is Just War Theory Still Relevant?” *Journal of the Defence Ethics Programme*. Volume 1, Number 1 (Summer 2008). <http://www.forces.gc.ca/en/about-reports-pubs-ethics/2008-journal-defence-ethics-programme.page>

<sup>2</sup> Department of National Defence, B-GL-323-004/FP-003, Counter-insurgency Operations (Kingston: Army Publishing Office, 2009), Chapter 8, quoted in Neil Chuka, “Note to File: A Comparison of the Information Operations Doctrine of Canada, the United States, the United Kingdom and NATO,” *The Canadian Army Journal*, Vol 12.2, (Summer 2009): 93.

<sup>3</sup> Although Influence Activities are the specific focus of the paper, it is imperative to identify *Information Operations* given that it is the universally known term on an international scale. There will be cases where Influence Activities or Information Operations (IO) will be mentioned in this paper as identified by the respective source. In order to focus on the argument of this paper, IO will be used within the same context as IA unless identified otherwise. Canadian Army doctrine identifies IA as a subcomponent of Info Ops, which also encompasses “Counter Command Activity” and, “Information Protection Activity,” quoted in Department of National Defence. B-GL-300-001/FP-001, *Land Operations* (Ottawa: DND Canada, 2008), 5-45 – 5-46.

the behavior of the person or group in a desired manner.<sup>4</sup> As illustrated in international media reports on a seemingly daily basis, modern adversaries have shown the value of IA, given it has affected larger military forces to varying degrees because international media regularly transmit information about the small groups' cause, regardless of the information being right or wrong.<sup>5</sup> The larger, technologically advanced and resource-rich states like the US or Canada cannot contain the extremists' messaging due to the fact that no one controls international media or the World Wide Web. One of the major challenges for a well-established western force is how to effectively engage in this information battle in a proven ethical manner with the desired positive outcome over the adversary. Failure to act ethically has shown to have serious negative consequences on that force's credibility. In April 2004, an American television program, *60 Minutes II*, released images of American soldiers abusing detainees in 2003 at the Abu Ghraib prison in Iraq. The disturbing images caught international attention and prompted reaction from US Congress. The event was described as a painful moment for anyone who supported the US armed forces.<sup>6</sup>

While the Canadian military's current code of ethics<sup>7</sup> addresses a range of ethical issues and Just War Theory focuses on physical conflict, they do not specifically cover the elements that make up IA. This paper will demonstrate that existing military ethical models, namely Just War Theory, do not address Canadian Armed Forces' IA sufficiently and that a dedicated code of ethics is needed for IA in order to be more widely accepted in Canadian military operations and

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<sup>4</sup> Army Terminology Panel approved May 2007, quoted in DND B-GL-300-001/FP-001, *Land Operations* ..., 5-5.

<sup>5</sup> Zachary P. Hubbard, "Information Operations in the Global War on Terror: Lessons Learned from Operations in Afghanistan and Iraq" in *Information Warfare: Separating Hype from Reality*, ed. Leigh Armistead, Chapter 4, 3/28 (Washington: Potomac Books Inc., 2007).

<sup>6</sup> Thomas E. Ricks, *Fiasco: The American Military Adventure in Iraq*, 2<sup>nd</sup> ed. (New York: Penguin Group, 2007), 378.

<sup>7</sup> Department of National Defence, "The DND and CF Code of Values and Ethics," last modified 27 August 2014, <http://www.forces.gc.ca/en/about/code-of-values-and-ethics.page>

by the Canadian public. To begin, this paper will identify the terminology of Just War Theory and IA. It will then examine the relationship and the primary elements of these two concepts. The final chapter will identify and discuss specific recommendations for a code of ethics that is specifically designed for IA within the Canadian Armed Forces that can be presented with clear messages to the Canadian public.<sup>8</sup> The premise of this overall argument is based on the idea that if enemy forces use lethal force indiscriminately, the CAF responds in kind but in line with JWT and when enemy forces make an indiscriminate information attack, the CAF should be able to respond with IAs that follow a dedicated set of ethical guidelines to shape their appropriate use.

As Canada is in a capable position with respect to IA, this paper will build on this idea by identifying key values related to IA and their ethical<sup>9</sup> importance. Since IA involves psychological elements of warfare and targets a range of audiences, this ethical framework must be reflective of Canadian values since it will be a key building block in developing soldiers' and the public's trust in IA. A concise ethical code for IA that highlights key Canadian ethical concepts will allow for a better understanding and appreciation for its importance while removing some of the skepticism that has been associated with IA in the past.

## **Just War Theory**

Just war theory (also known as just war traditions) acknowledges that killing and injuring

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<sup>8</sup> While researching this paper, it was found that there is a wide range of terminology related to IO and IA. For example, Information Operations and Information Warfare are two different terms but depending on the source, are often used interchangeably. There will be cases where Information Operations or Information Warfare (IW) will be mentioned in this paper as identified by the respective source. Like the previous footnote specific to Information Operations, Information Warfare will be used within the same context as IA unless identified otherwise.

<sup>9</sup> *Ethics* can mean many things to many people, for this writer it has been a formal acknowledgement of what is right and wrong. For this paper, the term will be defined as, "...The principles of right conduct, especially with reference to a specific profession...", which, in this context will be in the areas of influence activities or information operations, as appropriate. Similarly, values are defined as, "2. *Often pl.* Something regarded as desirable, worthy, or right as, as a belief or moral precept..." *Funk & Wagnalls Canadian College Dictionary*, ed. Walter S. Avis (Markham: Fitzhenry & Whiteside, 1989), 455, 1480.



people is gravely wrong and war is evil, but at the same time acknowledging that it may be necessary, on occasion, to resort to violence in order to end or prevent aggression on a more defensive context.<sup>10</sup> The purpose of JWT is to "...impose ethical boundaries upon war, to limit excesses, prevent unjustified aggressive attacks and undue damage during conflict...(JWT) encompasses elements of legal frameworks, but provides ethical principles, as opposed to rules and laws."<sup>11</sup> In short, it is understood that JWT is based on relatively concise ethical guidelines for applying lethal force toward an adversary. These elements include *Jus Ad Bellum* (pre-conflict or "the right to fight") and *Jus In Bello* (during the conflict or "how to fight right"), which have been developed over centuries as an ethical basis and framework for physical warfare against a known adversary.<sup>12</sup> In a modern conflict when considering whether lethal force is an option, a military force may use JWT as a test to determine whether the claims of an adversary's use of force is significantly less right than the intents of that original force.<sup>13</sup> The underlying ethical issue of the JWT relates to the seriousness and gravity of delivering lethal force, while the specific application of lethal force is much less of a central theme of IA.

### **Influence Activities**

The Canadian Army defines Influence Activities as, "...an activity designed to affect the character or behaviour of a person or a group as a first order effect."<sup>14</sup> They are also intended to, "...predispose, persuade, convince, deter, disrupt, compel or coerce target audiences to adopt a particular course of action or to assist, encourage and reassure those that are following a desired

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<sup>10</sup> Charles Guthrie and Michael Quinlan, *Just War Tradition: Ethics in Modern Warfare* (New York: Walker Publishing Company, Inc., 2007), 12 of 51.

<sup>11</sup> Wolfe, <http://www.forces.gc.ca/en/about-reports-pubs-ethics/2008-journal-defence-ethics-programme.page>

<sup>12</sup> Guthrie and Quinlan, *Just War Tradition...*, 14 of 51.

<sup>13</sup> *Ibid.*, 21 of 51.

<sup>14</sup> DND, B-GL-300-001/FP-003, *Land Operations...*,5-5.

course of action.”<sup>15</sup> IA-specific activities are composed of psychological operations (PSYOPS), public affairs (PA), civil-military cooperation (CIMIC), presence, posture and profile (PPP), and (military) deception.<sup>16</sup> With the exception of PA, these general activities have a certain military theme within them.

It is important to highlight the potential usefulness of IA in military operations. Using the Canadian military mission to Afghanistan as an example, public support for more traditional operations is not certain. When the Afghan mission formally concluded in early 2014, support from the Canadian public was divided. According to a 2014 CTV/Ipsos Reid poll 48% of Canadians saw the overall mission as a success and 52% saw it as a failure.<sup>17</sup> Moreover, opposition to the kinetic mission also increased when allegations of abuse towards detainees captured by Canadians following their handover to local authorities surfaced.<sup>18</sup> At this point, the “winner” of the Afghanistan conflict remains uncertain. Due to the fact that there were 158 Canadian casualties in that mission, it is worth considering less lethal means to win future conflicts and garner greater public support for CAF. IA has the potential to fulfill that role where more traditional weaponry cannot.

It is with this thought where IA is desirable and is able to provide an avenue to overcome an adversary while minimizing the use of lethal force; namely by engaging in conflict on what is understood as the psychological or moral plane, as opposed to the physical or kinetic plane. According to the Canadian Army’s operations manual, the psychological plane, “...constitutes the perception, understanding, motivation, conviction, emotions, commitment, and ultimately the

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<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*, 5-6.

<sup>17</sup> Marlene Leung, “Canadians Divided on Afghan Mission: Poll,” *CTVNews.ca*, last modified 23 March 2014. <http://www.ctvnews.ca/canada/canadians-divided-on-afghanistan-mission-poll-1.1742708>

<sup>18</sup> Graeme Smith, *The Dogs Are Eating Them Now: Our War in Afghanistan*. (Toronto: Alfred A. Knoph, 2013), Chapter 4, 1-3/11.

will of individuals and groups... It represents the will that changes behaviour and enables individuals to overcome fear and adversity, as well as the cohesion that holds them together.”<sup>19</sup> On this plane targets are people; either individuals or groups that include leaders, military commanders, social and religious leaders, troops, and parts of a population.<sup>20</sup> IA is about creating a perception to the adversary that it is not worth the fight since they will ultimately lose. IA is also based on the assumption that most people would prefer not to engage in violence if it is not absolutely necessary.<sup>21</sup> The possible stumbling block for IA is that it has not been given enough time or opportunity to be sufficiently proven to work. In order to develop a foundation for a broader understanding of IA and confirm that there is nothing sinister in its makeup, a code of ethics for the Canadian Armed Forces’ IA is a key building block. A wider examination of ethics in Canadian Forces’ operations is necessary in order to show the importance of ethics in IA and its capacity to shaping and influence individuals’ thoughts and beliefs.<sup>22</sup>

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<sup>19</sup> DND, B-GL-300-001/FP-003, *Land Operations...*,5-3

<sup>20</sup> *Ibid.*, 5-58.

<sup>21</sup> David Grossman, *On Killing: The Psychological Cost of Learning to Kill in War and Society*, Revised ed. (New York: Black Bay Books, 2009), 7.

<sup>22</sup> Roger Vandomme, “From Intelligence to Influence: The Role of Information Operations.” *The Strathrobyn Papers*, no. 6 (2010): 82/88.

## CHAPTER 2 INFLUENCE ACTIVITY AND JUST WAR THEORY JUS AD BELLUM

### Overview

Just war theory has provided a general ethical framework for the Canadian Armed Forces and other legitimate militaries for engaging in a war or conflict.<sup>23</sup> *Jus ad Bellum* refers to the idea that going to war will yield a better peace as compared to the scenario before the conflict.<sup>24</sup> *Jus ad Bellum* also outlines the criteria for going to war, which are as follows: “Right Purpose,” “Duly Constituted Authority” and “Last Resort”. The other main component of the JWT, *Jus in Bello*, refers to the ethical guidelines in which wars are to take place.<sup>25</sup> This latter component is made up of the three primary components: “Non Combatant Immunity,” “Proportionality” and “Doing More Good than Harm.”<sup>26</sup> While JWT is focused on the ethical issues surrounding lethal conflict IA is not, which is a fundamental argument for why IA requires its own code of ethics. Lethal force may be part of IA for demonstrative purposes, but the central ethical issues surround the targeting of non-combatants using what are less traditional military methods, as noted previously. Like the Canadian military’s current code of ethics, JWT offers ethical guidelines that apply to Canadian Armed Forces members and outlines their accountability to the public. If support from the domestic public such as the Canadian public is lost, then it is difficult for any major military operation to take place with any degree of success; since military operations ultimately require support from elected members of parliament. Also, current Canadian values

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<sup>23</sup> Wolfe, <http://www.forces.gc.ca/en/about-reports-pubs-ethics/2008-journal-defence-ethics-programme.page>

<sup>24</sup> K.G. Giesen, “Towards a Theory of Just Cyberwar,” *Journal of Information Warfare* Volume 12, Issue 1 (2013): 25.

<sup>25</sup> Guthrie and Quinlan, *Just War Tradition...*, 19-20.

<sup>26</sup> John Arquilla, “Ethics and Information Warfare,” in *Strategic Appraisal: The Changing Role of Information in Warfare*, ed. Zalmay Khalilzad, John P. White, and Andrew Marshall, 381-382 (Santa Monica: RAND, 1999).

mandate members of the Canadian profession of arms to perform their tasks with humanity, which contributes to the Canadian public being supportive of its armed forces.<sup>27</sup> At face value, IAs can be seen as being less than desirable given that they are "...designed to affect the character or behaviour of a person or a group as a first order effect."<sup>28</sup> For those who see this definition as inhumane, a code of ethics could provide the right context for its use. In order to assess JWT properly and examine its compatibility with IAs, this paper will apply *Jus ad Bellum* and *Jus in Bello* specifically to IA, as opposed to lethal force wherever possible. Making a direct application of IA to just war theory will determine if the model can be applied to the psychological plane and if JWT has any effective ethical applications to IAs.

### **Right Purpose**

For armed conflict, JWT is based on the premise that there must be a sound reason for applying lethal force against an adversary. The underlying need for ethics in armed conflict is that a physical war causes damage, kills or hurts people and can start events that are difficult to predict or control.<sup>29</sup> Therefore, in order to initiate lethal force there must be a sound reason for doing so since irreparable damage will occur. Armed conflict is similar to the use of capital punishment. Once the prisoner is put to death, the action is irreversible. If the executed person is later exonerated there is no way to right the wrong, even though there may have been no initial wrongdoing and there was an unfortunate mistake. As for war, there has to be a high degree of certainty that lethal action is the right decision for the situation at hand because if an innocent bystander is killed in error, the error itself is irrevocable. What is learned from JWT is that the

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<sup>27</sup> Department of National Defence, A-PA-005-000/AP-001, *Duty with Honour: The Profession of Arms in Canada* (Ottawa: DND Canada, 2003), 29.

<sup>28</sup> DND, B-GL-300-001/FP-003, *Land Operations...*, 5-4.

<sup>29</sup> Guthrie and Quinlan, *Just War Tradition...*, 29.

decision to engage in lethal conflict is not to be taken lightly. As noted by John Arquilla, justifiable reasons for going to war are related to self-defence, preemption (i.e., striking in anticipation of an oncoming attack) or preventive wars, such as striking at an opportunistic time. Wars of conquest or annexation do not fit into this justified context.<sup>30</sup> As it stands, there is currently a lack of ethical certainty within JWT and kinetic warfare principles when it comes to examining whether lethal action is acceptable for a preemptive strike. Attacking an opponent with lethal force without provocation raises a range of concerns, but could be justified if there is a significant risk of doing nothing and waiting.<sup>31</sup> A military force may engage an enemy for humanitarian purposes, where it is known that the lives of those non-combatants within the particular theatre are at risk.<sup>32</sup>

The specific relationship between IA and the right purpose is less obvious than the relationship between physical conflict and right purpose. For kinetic activity the main premise is, “If you are going to employ lethal force against an adversary, you need a really good reason.” Having a right purpose in relation to IA does not come with the same gravity that comes with potentially ending a life. Nonetheless, any kind of aggression should have an easily justifiable reason for its use. The ethical issue for IA lies in the context that non-combatants could easily and justifiably be the target of an information-related attack. It is difficult to apply the right purpose test of JWT to IA because the right purpose of IA lies more within the context of *not* engaging in lethal conflict, which arguably removes the immediate need to have a strong ethical basis for its implementation. One of the ideals of IA is to win the conflict without the use of lethal force which therefore requires a less stringent ethical test with respect to right purpose. Nonetheless, as a whole, Canada not

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<sup>30</sup> Arquilla, “Ethics and Information Warfare...,” 381.

<sup>31</sup> Guthrie and Quinlan, *Just War Tradition...*, 27-28.

<sup>32</sup> Giesen, “Towards a Theory of Just Cyberwar...” 26.

only requires an ethical framework for using IA, but also for responding to IA being used on Canadians.

An example of responding directly to an IA from an adversary arose in Kosovo in 1999. NATO responded directly to the Serbian president Slobodan Milosevic's information campaign, which was designed to stir up emotion and cause domestic turmoil. NATO forces responded with messages directly to the local population of tolerance and cooperation, which would allow for a better standard of living and a more secure future. This messaging was successful and was implemented through traditional forms of mass media by a British PSYOPS team.<sup>33</sup> More recently during Operations Enduring Freedom and Iraqi Freedom, the US government had to prove faked evidence of coalition war crimes were inaccurate after such evidence appeared in international media.<sup>34</sup>

As defined previously, the intent of IAs is to alter the will or behaviour of their target audiences. While the right purpose for JWT is based on justification for killing. For this reason JWT does not fit well with IA, as well, IA targets non-combatant audiences, namely the public, in order to influence their behaviour in situations where they can affect the conflict. From an ethical perspective, justifiable actions involving IA are much less obvious than traditional forms of warfare. Shooting to kill is clearly an act of aggression. On the psychological plane evil intentions may easily be disguised because underlying goals may not be immediately visible, like a game of chess. A good chess player thinks a few moves ahead so the current move may or may not provide the other player with a glimpse of the master plan of obtaining a check mate in a certain number of moves. The true motives of the online jihadist killings can often be unclear, in

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<sup>33</sup> Jessica Davis, "From Kosovo to Afghanistan: Canada and Information Operations," *Canadian Military Journal*, (Autumn 2005): 35.

<sup>34</sup> "Information Projection: Shaping the Global Village," in *Information Operations: Warfare and the Hard Reality of Soft Power*, ed. Leigh Armistead, Chapter 4, 33-34/6 (Washington: Potomac Books Inc., 2004).

that sometimes hostages are killed for money, to further a cause or for other unknown reasons. Due to the fact that ultimate goals and motives are often hidden behind solitary actions, ethical guidelines allow for the greatest possible transparency, and remain attentive to the reports of outside observers (NGO watchdogs, neutral states, etc.) in order to protect against abuses.<sup>35</sup>

With this thought of transparency in mind, IA and its relationship with JWT may also be viewed in the way that in IA provides a means to communicate the right purpose in an aggressive manner toward the intended audience and limiting the odds of reaching armed conflict. One such IA is Civil Military Cooperation (CIMIC), which is intended to maintain the support and cooperation of the civilian population and civil authorities towards achieving stated political and military objectives in a non-aggressive manner, while denying such cooperation to those who do not support these objectives. In this context, coordination and synchronization of activities, involving CIMIC, PSYOPS and PA aimed at isolating and deterring extremist elements, are paramount to achieving the objectives of the mission.<sup>36</sup> Throughout all military operations, CIMIC activities focus on preventing further bloodshed, resolving an armed conflict and ensuring a lasting peace.<sup>37</sup> Thus, the use of CIMIC is an indirect means to respond to a conventional attack, or as a non-violent way of conducting a preemptive strike, with the intent of diffusing a mounting crisis. With respect to making the intentions known to the target audiences, Public Affairs doctrine acknowledges that a “synergy” between Public Affairs and CIMIC can make IA more effective:

CIMIC uses information to inform the in-theatre audience on assistance programs, reconstruction or rehabilitation projects in their locality and as a force multiplier to aid the CF mission. The PA function uses information to manage issues and inform

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<sup>35</sup>Giesen, “Towards a Theory of Just Cyberwar...”,26.

<sup>36</sup> Department of National Defence, B-GG-005-004/AF-023, *Civil-Military Cooperation in Peace, Emergencies, Crisis and War* (Ottawa: DND Canada, 1999), 5-1.

<sup>37</sup> *Ibid.*, 1-1.



the audience at home and in the area of operation of CF activities.<sup>38</sup>

While the CAF must act with purpose in instances such as these, performing with humanity also helps to justify support from a domestic audience.<sup>39</sup> Along these same lines, it is important to ensure that for those taking the “moral high ground” in a particular conflict will be understood by others as doing so, as the aggressive employment of IAs has the ability to favorably influence perceptions of a host nation, give the counterinsurgent force legitimacy and discredit the insurgent cause.<sup>40</sup> More importantly, in order to maintain credibility in the eyes of both foreign and domestic audiences is to base public messages on truth. If the PA messaging highlights humanitarian work and the IA messaging is something similar but actually a guise for some other motive, then there is a distinct risk to credibility. During a recent edition of the “Ideas” radio program, professor Michael Butler referred to “framing,” which in the context of JWT essentially identifies and publicizes a chosen right purpose but the actual or original motivation is actually something different. In the program Butler illustrates his point by noting that many deem World War II was worth the sacrifice because the allies stopped the holocaust, which although true, was not the original purpose for attacking Germany.<sup>41</sup> Acknowledging that this “framing” does not arguably question the outcome of WWII, there is an obvious ethical concern associated with using IAs to communicate a specific purpose when the actual motivation is different. In their workshop report on counter insurgency, Collings and Rohozinski refer specifically to Info Ops and the importance of what is being reported is actually reflective of what is actually happening. If things are being promised, but not delivered upon, then credibility

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<sup>38</sup> Department of National Defence, B-GJ-005-361/FP-000, *Joint Public Affairs* (Ottawa: DND Canada, 2007), 4-24.

<sup>39</sup> DND, A-PA-005-000/AP-001, *Duty with Honour...*, 29.

<sup>40</sup> W.N. Peters, *Shifting to the Moral Plane: The Canadian Approach to Information Operations*, (Ottawa: Canadian Forces Leadership Institute, Canadian Defence Academy 2007), 24.

<sup>41</sup> “Just War Theory: So What?,” *Ideas with Paul Kennedy*, 27 November 2014, <http://www.cbc.ca/radio/ideas/just-war-theory-so-what-1.2914198>

is lost.<sup>42</sup>

In the end it is difficult to make a direct link between IA and more conventional means of warfare with respect to the right purpose within JWT, except that IAs can be a means to communicate the right purpose to the intended audiences. For conventional conflict the reasoning is obvious; there is a significant degree of gravity that comes with killing and so there has to be a sound ethical justification. For IA there does have to be some ethical guidance on having the right purpose when engaging the public, but it is difficult to make it fit into the original intents of right purpose in JWT. For IAs, the ethical issue is more along the lines of *communicating* that right purpose, ensuring that it understood by the intended audiences and that right purpose is not used as covering message for something else. If found out, then the force's credibility and influence with external audiences are lost.<sup>43</sup> To conclude, for JWT the ethical issue is to have the right purpose(s) for engaging in lethal conflict. For IAs, the more important ethical issue is related to communicating the real right purpose to the intended audiences and then acting upon it. If the truth is compromised then one's credibility is obviously into question.

### **Duly Constituted Authority**

It is reasonable to assert that Duly Constituted Authority can apply to both kinetic warfare and IA with some degree of success. It is clear from most publications on ethics and war that a necessary condition for having a just war is that the decision to fight must come from a legitimate governing body. Wars started by individuals have always fallen outside the law.<sup>44</sup> If members of the public join the conflict they are considered "unlawful combatants" and become

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<sup>42</sup> Deirdre Collings and Rafal Rohozinski, "Shifting Fire: Information Effects in Counterinsurgency and Stability Operations," (Workshop Report, United States Army War College, 2006), 43-44.

<sup>43</sup> *Ibid.*

<sup>44</sup> Arquilla, "Ethics and Information Warfare...", 381.

legitimate targets by taking part in the hostilities at hand.<sup>45</sup> For example, “Ruses of War” are permissible measures according to the Laws of Armed Conflict that include transmitting bogus messages or feigning attacks, retreats or flights.<sup>46</sup> Based on this rules-based premise, it is noted that these types of acts should not take place against any public audience. Wherever there is a doubt, the current Laws of Armed Conflict stipulate that all members of the target audience must be treated as non-combatants or civilians. This means no acts of aggression are to be committed against them.<sup>47</sup> It is with this rationale that a ruse of war should only be used on known enemy combatants. Lawful militaries and alliances therefore have no choice but to work within the current laws of armed conflict and the restrictions on how the public may be engaged. The bottom line for kinetic activities is there has to be the right authority to engage in a conflict and when this happens it must be against established combatants or forces.

Like lethal force, IA requires the appropriate authority in order to occur, which is apparent when an IA is directed specifically toward non-combatants who have not committed any acts of aggression. This point stresses the importance of having the right authority. Like the “Right Purpose” of JWT, IAs can be put into question as having the right kind of authority when targeting non-combatants, regardless of the acts being non-lethal or strategic. In terms of IA these activities must be approved and in place in order to play an accepted role in establishing legitimacy. IAs can help persuade others to follow a desired course of action through the threat of force, especially if the aggressors are not legitimate combatants and there is a legitimate government in place. That is, the host nation officially permits Canadian assets to engage the local population to aid in exposing the alleged aggressor. For example, although a deployed

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<sup>45</sup> Department of National Defence, B-GJ-005-104/FP-021, *Law of Armed Conflict at the Operational and Tactical Levels*, (Ottawa: DND Canada, 2001), 3-5.

<sup>46</sup> *Ibid.*, 8-14 - 8-15.

<sup>47</sup> *Ibid.*, 4-6.

warship to the Gulf region may be prepared to engage in a combat activity, its mere presence helps maintain order and helps to deter any further violence.<sup>48</sup> The activities that take place have to be sanctioned, or supported by the government of the day, which gives them the necessary legitimacy. As well as physical conflict, any actions related to Canadian IAs need to be approved by the appropriate authority. For example, PSYOPS can be approved in the following context:

PSYOPS can be used throughout the entire spectrum of CF operations. CF commanders are permitted when authorized, to execute Offensive IO such as PSYOPS that negate, alter, impair or destroy information or the information infrastructure of Canada's opponent in an international military crisis or war emergency. However, CF PSYOPS Policy underline that CF will not engage PSYOPS in domestic operations except at the direct request/approval of Cabinet.<sup>49</sup>

With respect to IA in this regard, Public Affairs has a role to play in ensuring the public is aware that the military is acting with the right authority. As mentioned previously, it is true that the government gives a military operation its authority, but in democratic countries like Canada, the voters are often the driving force behind a particular mission. A loss in public support for a military mission may end it more quickly than the enemy.<sup>50</sup> As there is so much information available to the public online and elsewhere, the military does have a degree of responsibility to ensure that the correct information is made known.

One way of looking at this is through the American concept of "Perception Management," which is designed to build credibility and legitimacy of a military mission. If the public is not convinced that a mission is justified, then their support will diminish, to the point

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<sup>48</sup> *Ibid.*

<sup>49</sup> Department of National Defence, B-GJ-005-313/FP-001, *Psychological Operations* (Ottawa: DND Canada, 2004), 1-1.

<sup>50</sup> Robert J. Gaines, "Future of Information Operations in the Military: Is it time for an 'IO CINC?,'" (Research report, Air Command and Staff College, Air University, 2000), 16.

where a military commitment is undermined.<sup>51</sup> As noted by Canada's Chief of Defence Staff in recent years, there is a domestic expectation for the Canadian military to perform with the highest of ethical standards; without them, public support diminishes which ultimately has an impact on the government's support for Canadian military operations abroad.<sup>52</sup>

Military theorists like Carl von Clausewitz have argued that war is a political action, a political extension of the state.<sup>53</sup> This means that JWT requires a legitimate state and government to initiate a lawful war, thus giving the duly constituted authority. Such a political body is sanctioned by the society, whether by election, or another form of recognition. This feature of social or political sanctioning is essential to a just war and remains a fundamental criterion.<sup>54</sup> In short it would be unethical and unlawful to engage in any operation without the right authority, regardless of it being a lethal operation or an influence activity. The disruptive intent of an IA, even when it is not achieved through violent means, must be taken in consideration by any analysis aimed at providing ethical guidelines.<sup>55</sup> For example, when PSYOPS take place, "PA must not be compromised and must maintain its credibility and reliability in the eyes of the national and international media, as well as the national and international public."<sup>56</sup> Legitimate militaries now have to make the most of their restrictions and it is with this thought in mind that Public Affairs can play a larger role in influencing target audiences – if anything, to flush out the enemy where they hide within. Along a similar line, it is possible for a particular public audience to become hostile to western forces and sympathetic to the "combatants". Again, this is a key

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<sup>51</sup> Pascale Combelles Seigel, "Perception Management: IO's Stepchild," in *Information Warfare: Separating Hype From Reality*, ed. Leigh Armistad, 1-11 (Washington: Potomac Books Inc., 2007).

<sup>52</sup> DND, "The DND and CF Code of Values and Ethics...", <http://www.forces.gc.ca/en/about/code-of-values-and-ethics.page>

<sup>53</sup> Carl von Clausewitz, *On War*, ed. Anatol Rapoport, Reissued ed. (London: Penguin Classics, 1982), 412.

<sup>54</sup> Wolfe, <http://www.forces.gc.ca/en/about-reports-pubs-ethics/2008-journal-defence-ethics-programme.page>

<sup>55</sup> Mariarosaria Taddeo, "Information Warfare: a Philosophical Perspective," Last accessed, 19 April 2014, [http://www.academia.edu/1505528/Information\\_Warfare\\_a\\_Philosophical\\_Perspective](http://www.academia.edu/1505528/Information_Warfare_a_Philosophical_Perspective) . 15.

<sup>56</sup> DND, B-GG-005-004/AF-023, *Civil-Military...*, " 7-3.

difference between IA and kinetic activities. IA can be focused on influencing a wide range of audiences, while the kinetic is based on lethal engagement against a well-defined adversary.

To conclude, duly constituted authority is the one element of JWT that can apply directly to IAs. The right authority is required for any military action, whether it is IA or some other form of warfare. All efforts must be made to ensure that the public understands that the appropriate action is approved for use and to what extent, which underlines the importance of Public Affairs, whose role it is to explain the respective operation to the Canadian public and the issues behind it. Removing activities classified as “Ruses of War” on the general public limits the range of IAs that may be taken on the public, but leaves clarity on the types of IAs that can be projected toward the public without an ethical dilemma. For current Canadian deployments that are currently underway, there is a great deal of obvious attention on the existing use of lethal force, while at the same time they are influence activities to a large extent.<sup>57</sup> In the end like any other military action, the appropriate amount of authority is needed to make them just.

### **Last Resort**

This concept of Last Resort is much more relevant to kinetic operations than to IA. In a simple context, lethal conflict cannot be considered just unless it follows a reasonable process of lesser-violent means of conflict resolution. For the use of lethal force, the ethical concept is rather simple as a last resort; it should be used only after all other less destructive options have failed. According to Guthrie and Quinlan’s work on JWT, the process does not have to be exhaustive, but where violence is the “...least to be preferred.”<sup>58</sup> Given that this concept is obviously linked with violent warfare, it is fundamentally different from the characteristics of

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<sup>57</sup> Combelles Siegel, “Perception Management...,” 3.

<sup>58</sup> Guthrie and Quinlan, *Just War Tradition...*, 40.

IA, which can ultimately contribute to resolving an issue before it becomes violent and lethal. This principle rests on the assumption that war is violent and has to be avoided until it remains the only reasonable means for resolution. For an IA and its earlier-mentioned objective of achieving information superiority over an adversary without violence, the ideal and ethical objective is to avoid the last resort altogether. Applying IAs in this context is therefore an obvious challenge as IAs are not necessarily intended to involve lethal force, other than potentially display a lethal capability. More importantly, IAs are intended to be used before, during and after a conflict and, therefore, much less of an element of last resort, ethically speaking.<sup>59</sup>

Although IAs are not a last resort, they do have an interesting role to play with in their relationship with lethal force in general terms. As an example, one can send a message to target audiences of what that last resort may be, which may prompt that potential opponent to lose motivation to engage in a particular conflict. For example, one ship could literally take a shot across the bow of another. With respect to influence activities, this act falls under the influence activity known as Presence, Profile and Posture (PPP), which will “show” the enemy its capabilities, to essentially send the message that a physical conflict is undesirable for all involved. Through PPP, appearance, presence and attitude of a force and its soldiers may have significant impact on perceptions and attitudes, particularly on neutral or potentially adversarial audiences.<sup>60</sup> The run-up to the Gulf War in 1990-91 is an example of this, with the involved forces displaying capabilities and essentially positioning themselves for battle if required.<sup>61</sup> In this general case, nothing was underhanded; forces displayed their capabilities in an open manner, with lethal force being presented as the last resort. There is a risk that the act of building

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<sup>59</sup> Taddeo, “Information Warfare: a Philosophical Perspective...,” 14.

<sup>60</sup> DND, B-GL-300-001/FP-003, *Land Operations...*, 5-47.

<sup>61</sup> Arquilla, “Ethics and Information Warfare...,” 381-382.

up forces could be used as an opportunity by the adversary to interpret the act as one of aggression, prompting that side to react with violence.<sup>62</sup> However, if the situation is certain enough, a show of lethal force may be that final piece of “information” may also be the final element needed to discourage the enemy from an all-out conflict.

Even with direct application of lethal force, IAs have already played a role in armed conflict, and this role has been downplayed to some extent. To put this in more succinct terms, warfare is often not used to kill people, but to actually display how far a side will go to achieve the objective, winning hearts and minds. If it is done right, a war may be prevented.<sup>63</sup> Gwynn Dyer is quoted similarly in the acclaimed book, “On Killing,” by indicating that actual violence plays a minimal role in conflict, as most participants on the ground are actually interested in status, display, profit and damage limitation while, “...killing the enemy was the very least of their intentions. In war...posturing is the name of the game.”<sup>64</sup> The previously mentioned jihadists show that they have gained some traction in the information campaign; online videos of beheadings someone certainly show how far one will go to further his cause.

By influencing the attitudes and behaviours of their target audiences, Psychological Operations (PSYOPS) can help diffuse a situation so that the “Last Resort” does not have to be considered and the following objectives can be contemplated:

- a. Weaken the will of the adversary by lowering morale and reducing the efficiency of his force by creating doubt, dissonance, and disaffection;
- b. reinforce feelings of friendly target audiences; and
- c. gain the support of uncommitted or undecided audiences.<sup>65</sup>

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<sup>62</sup> *Ibid.*, 393

<sup>63</sup> Martin Van Creveld, *The Changing Face of War: Combat from the Marne to Iraq* (New York: Ballantine Books, 2005), Chapter 6, 21/31.

<sup>64</sup> Grossman, *On Killing...*, 7.

<sup>65</sup> DND, B-GL-300-001/FP-003, *Land Operations...*, 5-6.



Influence and propaganda are a part of this element. The continuing debate about the relationship between PSYOPs and Public Affairs cannot eclipse the fact that, in orchestration of influence activities, it is more important to think about a deep attitudinal change, rather than a change in structures.<sup>66</sup> With these discussed points, IAs essentially contribute to keeping violence as a last resort but they, in themselves, are not. Therefore IAs should not be put in under that same grouping as a conventional or more severe form of warfare. If forces reach a situation where a lethal conflict is necessary, then IAs have already failed to some degree but that is to say they should also continue until the conflict is resolved. IA should be ubiquitous in any conflict, so as to diminish the amount of damage as the conflict unfolds. Most certainly IA should be a part of that process leading up to a kinetic conflict. In any conflict, the standard is to successfully achieve mission goals, "...without causing unnecessary loss of life or suffering...using lesser means of force when such use is likely to achieve the desired effects and soldiers... can do so without endangering themselves, others, or mission accomplishment."<sup>67</sup> Within this context, an IA is ethical in itself as it contributes to a situation where the probability of implementing the last resort is diminished.

As IAs are focused on the psychological plane and directed at the public, it is expected that two of its key elements, PSYOPS and PPP could be implemented gradually and in place well before a stage of last resort and prepared to actually follow through on any warning of an armed response to the adversary, if provoked. A fundamental ethical concept appears in *A Warrior's Way*, noting that, "Ethics involves keeping promises, especially those promises

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<sup>66</sup> Thomas Dodd, "Creating the Right Image: Information Operations," last accessed 7 November 2014, <http://www.janes-defence-weekly.com>.

<sup>67</sup> Rebecca Johnson, "Jus Post Bellum and Counterinsurgency," *Journal of Military Ethics*, vol. 7, no. 3 (2008): 225.

perceived to be of some grave consequence when they are not kept.”<sup>68</sup> In fairness to the context of this passage, the deeper meaning is understood to be related more to duty in the general sense but also can be applied easily to the aspect of credibility on a force and its ability and willingness to follow through on promises of reacting to any last resorts of violence. If promises are not kept, then credibility is put into question. Although IAs may encourage both combatants and the general population not to fight, an attack on the enemy’s desire to resist will result in the primary responses of “fight, flee or surrender”. IAs should strongly encourage the latter two responses. If not, there is a higher risk of a move that goes directly to the “last resort.”<sup>69</sup> With these points there needs to be a delicate balance in place to ensure that any promises of violence are received in a way that it is not worth engaging in physical conflict, as opposed something that is received as a taunt for further action.<sup>70</sup>

To summarize, like the other elements in JWT, last resort applies in the context of physical warfare or lethal force. IAs can play a role in preventing this stage of a conflict by communicating to target audiences the expected scenarios that could accompany a “Last Resort,” thus providing a means to deter the adversary in a non-violent way. With this point, a connection can be made between IA and JWT in the manner that IA issue the direct warning that the “Last Resort” is undesirable to the adversary. However, because IAs can occur throughout various stages of a conflict, they have little in common with lethal force and its place as a last resort within JWT.

## Conclusion

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<sup>68</sup> Richard Gabriel, *A Warrior’s Way – A Treatise on Military Ethics* (Kingston: Canadian Defence Academy Press, 2007), 19.

<sup>69</sup> DND, B-GL-300-001/FP-003, *Land Operations...*, 5-12.

<sup>70</sup> Arquilla, “Ethics and Information Warfare...,” 393.

While acknowledging that duly constituted authority can apply directly to influence activities, the application of the other two elements is more problematic, in that the discussion becomes more of a process of trying to align the elements of IAs with JWT, rather than using JWT as an ethical model for IAs. For right purpose, it is certainly possible to find the right elements but the importance of right purpose is less distinctive in comparison with JWT and lethal force; for IAs the ethical issue is more in line with identifying the right purpose and using truthful messaging. For last resort, the relevance decreases to a larger degree, given that IAs are intended to be used at every stage in an operation's evolution, rather than being at the final and most severe action to be taken. These fundamental differences ultimately put Just War Theory into question as an effective ethical model for IAs and offer some justification for the argument that IAs should have their own code of ethics.

### CHAPTER 3 INFLUENCE ACTIVITY AND JUST WAR THEORY JUS IN BELLO

By building on the argument from *Jus ad Bellum*, this paper will now examine *Jus in Bello*, which refers to the moral issues related to how war is to be waged.<sup>71</sup> It is acknowledged that an influence activity is an act of aggression but, as described previously, *Jus in Bello* refers primarily to the application of direct lethal force against the adversary to stop the undesired action the opponent is taking. For IAs, an act of aggression can be much more subtle and over a period of time, as opposed to a direct armed attack.

#### **Noncombatant Immunity**

Wherever and whenever possible, according to JWT, those waging the war must avoid harming civilians or enemy troops that have surrendered. In an earlier time an attempt to cope with this was by considering the air and nuclear attacks on strategic targets as permissible, with civilian losses treated as “collateral.”<sup>72</sup> Thankfully for those non-combatants in the line of fire, this premise is not considered ethical in 2015. However nowadays, even with the best of intentions and the ability to apply force in a precise manner, the ability to keep non-combatants or unintended targets out of the path of lethal force cannot be guaranteed.<sup>73</sup> For kinetic operations, the ethical concept of noncombatant immunity is similar to current laws of armed conflict in that legitimate targets must be well defined as being or related to opposing combatants or an opposing force. Combatants are identified as those who are entitled to take part in armed

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<sup>71</sup> Guthrie and Quinlan, *Just War Tradition...*, 19-20.

<sup>72</sup> Arquilla, “Ethics and Information Warfare...,” 382.

<sup>73</sup> Guthrie and Quinlan, *Just War Tradition...*, 44.

conflicts, engage in hostilities and are also legitimate military targets.<sup>74</sup> During the conflict in Afghanistan, the concept of noncombatant immunity was compromised somewhat with U.S. acceptance of collateral damage as an unavoidable part of military operations. This position played into the Taliban propaganda machine as an example of President Karzai being dismissed by his masters, even when the issue was the killing of fellow nationals. All public opinion polls indicate that civilian casualties caused by air strikes are the single biggest complaint among Afghans against coalition and U.S. forces.<sup>75</sup>

With respect to just war theory, an IA presents ethical issues in that it specifically targets the public and non-combatants, which essentially contradicts JWT's concept of non-combatant immunity. It is fair enough to note that IAs don't involve lethal force in these cases, but this particular characteristic offers more reasoning for why IA does not fit well with the characteristics of JWT and another reason why influence activities need their own code of ethics. In this case, it could be beneficial to have an ethical element for IA which supports the premise that is acceptable to engage a target audience in an information attack but not with lethal force or other elements that cause physical harm. An example of how an IA that may impact non-combatants is to use Arquilla's reference to "Weapons of Mass Disruption," meaning that for IA, the weapons are not destructive but disruptive or persuasive to the intended target audience. That being said, ethical issues still remain with respect to IA in that they should also not deceive, which is essentially the understood intent for noncombatant immunity. Although the use of "Weapons of Mass Disruption" maybe seen as seen as an act of aggression, IAs should avoid conventional warfare altogether which then defeats any probability of non-combatants falling

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<sup>74</sup> Department of National Defence, B-GJ-005-104/FP-021, *Law of Armed Conflict at the Operational and Tactical Levels* (Ottawa: DND Canada, 2001), 3-1.

<sup>75</sup> Arturo Munoz, "U.S. Military Information Operations in Afghanistan: Effectiveness of Psychological Operations," 2001–2010, (Santa Monica: The RAND Corporation, 2012), 41.  
[http://www.rand.org/content/dam/rand/pubs/monographs/2012/RAND\\_MG1060.sum.pdf](http://www.rand.org/content/dam/rand/pubs/monographs/2012/RAND_MG1060.sum.pdf)

victim to collateral damage. By using IAs and not using lethal force, the opportunities for the adversary to use or exploit any wrongdoings by the friendly force are diminished.<sup>76</sup>

It must also be noted that for IA, there are ethical limits to what may be conveyed to audiences of on non-combatants. The most specific example is “deception” which is considered an IA. In short, deception is composed of acts with the aim of deceiving the adversary in its assessment of friendly capabilities, intentions and actions, thus leading that adversary to make decisions conflicting with his interests and contributing to the success of the friendly mission.<sup>77</sup> Deception, therefore, must only be directed at known enemy combatants.<sup>78</sup> This thought offers further reasoning for a separate code of ethics for IA and also highlights the importance of being truthful with target audiences. As also mentioned in the previous chapter, truth helps maintain credibility, which is more than just conveying the right messages. As noted in “Shifting Fire,”

Message credibility can be reinforced or eviscerated by soldier actions and interactions on the ground. How our soldiers behave on the ground – good or bad – is extremely important. Once an act has been committed it will create a perception in the minds of the local population of how forces are seen good or bad. That human encounter can make or break the trust of the individual, and/or the community that you’re trying to keep on your side.<sup>79</sup>

A deeper issue that complicates the relationship between IA and non-combatant immunity is that depending on the individual, a non-combatant can switch to being a combatant. A way to handle this possibility is to treat everyone like a noncombatant, in that it is ethically permissible to influence but not harm the intended audience. The general population surrounding the adversary is not only affected, but it can be targeted in some form or another, which puts IA out of line with noncombatant immunity. As mentioned in the last resort section, there is potential

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<sup>76</sup> Arquilla, “Ethics and Information Warfare...,” 387-388.

<sup>77</sup> North Atlantic Treaty Organization (NATO), AJP-3.10, *Allied Joint Doctrine for Information Operations*

<sup>78</sup> DND, B-GL-300-001/FP-003, *Land Operations...*, 5-6.

<sup>79</sup> Collings and Rohozinski, “Shifting Fire...,” 41.

for a sympathizing military force to recognize this as an offensive action and retaliate accordingly.<sup>80</sup> Lawful militaries and alliances therefore have no choice but to work within the current laws of armed conflict and the restrictions on how the public may be engaged. Legitimate militaries now have to make the most of their restrictions and it is with this thought in mind that Public Affairs can play a larger role in assisting IAs on target audiences, by simply distributing the facts that could have a positive effect on noncombatants.

To conclude, this element of noncombatant immunity clearly illustrates an area where JWT and IA are incompatible with one another with respect to ethical issues. The fundamental issue is that, except for deception, IAs target noncombatants with information-related attacks, which contradicts the concept of noncombatant immunity. At the same time, noncombatant immunity negates any ethical discussion with respect to engaging a target audience. If one opens the ethical discussion on targeting noncombatants, there are obvious ethical limits associated with targeting this type of audience. The ethical element most worthy of note is IAs should not cause physical harm to their target audiences. Although most will understand the thought behind this limitation, having it noted in a code of ethics will remove any ethical misunderstanding related to the application of an IA “attack” on a target audience.

### **Proportionality**

As noted by Virginia Wolfe, “Just war theory is to impose ethical and moral constraints upon war in order to limit excesses, prevent unjustified aggressive attacks and undue damage during conflict.”<sup>81</sup> The element of proportionality is straightforward in that it refers to the amount of military force used in proportion to that of one’s your opponent, but using enough so

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<sup>80</sup> Arquilla, “Ethics and Information Warfare...,” 395.

<sup>81</sup> Wolfe, <http://www.forces.gc.ca/en/about-reports-pubs-ethics/2008-journal-defence-ethics-programme.page>

that there is a beyond reasonable chance of winning the conflict.<sup>82</sup> In short, this element comes back to an eye-for-an eye premise. If an act of aggression against one side is made, the other responds in a similar manner. As noted by Arquilla, there could be issues if there is a major difference in the capabilities between sides. If the defender cannot respond in kind to the initial “attack,” there is potential for that side to jump to a more advanced act of aggression.<sup>83</sup> The ethical concept is generally straightforward; apply a corresponding amount of force with respect to the objective. A simple example of this is if the combatants are hiding in a house, it is more ethical to make all necessary efforts to find them, rather than to burn down the surrounding village.

Applying IAs to this concept is obviously not as simple. Using the example at the beginning of this paper, many modern adversaries are small “forces” that could easily be defeated by many well-armed western militaries if they engage in a violent conflict, face to face. Instead, many of these forces use elements of influence activities on the psychological plane as they offer the best chances for success, which is the obvious reason why there have been more frequent attacks by these smaller elements in recent years. By recording, posting and sharing their acts, they are capitalizing on the information capacity of a world that is interconnected online.<sup>84</sup> These cases have achieved positive effect in the originator by causing audiences to react, while there are obviously negative effects on the affected western countries and their leadership. Unlike using conventional warfare, these forces can influence the decision making process of larger states by killing one person and posting and sharing a video of the act. This act of killing for IA purposes presents an ethical issue in itself. In terms of proportionality, one could argue, “They killed one of us,

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<sup>82</sup> Arquilla, “Ethics and Information Warfare...,” 382-383.

<sup>83</sup> *Ibid.*, 389-390.

<sup>84</sup> Peters, *Shifting to the Moral Plane...*, 2.



so now we can kill one of them.” In the ethical sense it may be justified if there was another member of the friendly force present at the time of the killing that had the capacity to kill the “executioner.” However, in most cases, there will be no other friendly forces present, so if the perpetrators are found, then it becomes a case of taking them into custody, confirming who actually did the killing and then determining a suitable punishment. Given that western forces are more likely to handle adversaries in this sort of manner, the risk of being found out and receiving retribution for the act is unlikely.

The challenge for larger friendly forces is to respond using IA in a way that it has a corresponding negative effect for the adversary. It must be noted that this is not an argument for proportionality in influence activities, as IAs are arguably less quantitative. Using a simple argument, a small force and large force could spend an amount of money and media resources on an information campaign that is proportional to its respective size. Regardless of the disparity in resources, it is possible for the smaller forces’ message to be accepted and retransmitted by the desired audience while the larger force’s message is not. In this case of proportionality, the ethical issue is not about the quantity of the message, but what is in the message itself. The main point here is that proportionality is much less of a moral concern for IA than it is for kinetic operations.<sup>85</sup> Although IAs are generally less severe than armed attacks, they are not without their own ethical risks, whether intended or not, for well-established militaries. Referring to a similar example in *Jus as Bellum*, if such an IA-related act of aggression takes place by Canadian assets, the adversary’s reaction can be unpredictable. If that adversary wishes to respond and is not equipped to do so in a similar manner, there is risk that this opponent could launch a physical attack in defence of what is perceived as an attack, be it psychological or physical.<sup>86</sup>

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<sup>85</sup> Vandomme, “From Intelligence to Influence...”, 81.

<sup>86</sup> Arquilla, “Ethics and Information Warfare...”, 395.

Nonetheless, Info Ops and IAs are, by design, present so that a situation does not deteriorate into an all-out war. If an IA is done based on humanitarian considerations and the true intent to stop a larger war, the gesture is ethical to a large degree, but still a great deal of care and consideration must be taken.

Although proportionality can play a role in IA, it is not a fundamental ethical consideration as it is with lethal conflict. For IA, it is about what is in the message being sent with respect to the quantity of force. If there is any important link to proportionality for IA is with respect to how the proportion is being understood by any target audiences and their corresponding reaction. If a commander increases his/her force, that commander must understand and assess the overall situation regarding posture and profile, against the need to send a particular message.<sup>87</sup> If the “message” causes the opposing side to increase the likelihood of an unwanted conflict, than the risk of an unwanted outcome is heightened. If proportionality of IA can be weighed in any way between sides, it is in the effectiveness of the activities against the opposing side, which is not an easy task. For the friendly side there also has to be an ethical element with respect to that effectiveness. For example, the opponent may flood mainstream and social media with inaccurate information but, nonetheless, still hurtful to friendly forces and their objectives. To elaborate further by using the Canadian military’s current counterinsurgency manual:

Failure to adequately counter the enemy’s story in a timely and credible fashion can undermine not only a public’s morale but it can also bolster an enemy’s popularity and rally public opinion against the mission... Measures must be taken to counter the propaganda of adversaries and to reveal their falsehoods.<sup>88</sup>

The ethical issue that comes with this notion is when dealing with the public, caution

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<sup>87</sup> DND, B-GL-300-001/FP-003, *Land Operations...*, 5-47.

<sup>88</sup> DND, B-GL-323-004/FP-003, *Counter-Insurgency Operations...*, 8-5.

must be taken to not simply release information that is unconfirmed or inaccurate, which could undermine the credibility of the force that was negatively affected in the first place. In short, taking the high road is never an easy endeavour. One other area of proportionality that has some ethical advantage is with respect to the use of resources. When compared to the cost of heavy or technologically-advanced military equipment, there is some fiscal advantage associated with using IA, which do not require the expensive items associated with conventional warfare. Col Peters notes the relevance of IA in this aspect:

A recent observation on U.S. experiences in Iraq that apply broadly to the CF: the present “cultural” phase of the war, where intimate knowledge of the enemy’s motivation, intent, will, tactical method, and cultural environment has proved to be far more important for success than the deployment of smart bombs, unmanned aircraft, and expansive bandwidth. Success in this phase rests with the ability of leaders to think and adapt faster than the enemy and of soldiers to thrive in an environment<sup>89</sup>

The ethical question here lies partly along the lines of it being morally responsible to spend millions of dollars in conventional warfare when more effective and less lethal practices exist. This is not saying that traditional forms of warfare should not be ignored, but poses the argument that IAs should be given more of an opportunity to be tested. With respect to proportionality in JWT and its existing relationship with IA, it is less about the right quantity of information and more about the quality of that information that leads to credibility and success. As such, a separate code of ethics could help address these less proportionate characteristics of IA.

### **More Good Than Harm**

The obvious intent of western militaries is to improve an overall situation at hand but in

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<sup>89</sup> Peters, *Shifting to the Moral Plane...*, 63-64.

the case of JWT, there is a deeper intent with the use of lethal force meaning that, "...ethical conduct requires calculation of the net good to be achieved by a particular use of force."<sup>90</sup> A fundamental ethical concern arises when the liberal use of lethal force or physical destruction is based on the thought or intention that it will prevent further damage. The Canadian military publication, "A Warrior's Way," outlines this importance of this premise:

As a general principle, this is never acceptable and one must observe the axiom of Saint Paul never to "do evil that good may come." Note that there is often no claim that the means employed to achieve the good end are not evil in the first place, only that their employment is justified on the grounds that some higher good will eventually follow.<sup>91</sup>

With this thought, it is evident that this principle of more good than harm addresses the fundamental ethical concerns surrounding the use of lethal force, rather than the characteristics of influence activities. Once again, one can make efforts to fit IA into this concept but not without some difficulty. As IAs do not use lethal force for the most part, the fundamental need to make an ethical assessment of good versus bad is diminished. Nonetheless, an IA has some relevance in that its use has the potential to see the good easily outweigh the bad, given that IA has the ultimate goal of achieving information superiority without having to engage in a lethal conflict.<sup>92</sup> Like other military elements, this particular principle of JWT may also apply to IAs but not in the same way as lethal force. For most military activities, there is an expectation that they will contribute to achieving good as opposed to harm. For IAs there are some ethical issues with respect to engaging a public audience. It is safe to say that the ethical concept of achieving more good than harm against that audience is paramount for IA. Lethal force may be used in such a way that it can eliminate a known opposing combatant and be a message of reassurance to

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<sup>90</sup> Arquilla, "Ethics and Information Warfare...", 383

<sup>91</sup> Gabriel, *A Warrior's Way* ..., 74

<sup>92</sup> Arquilla, "Ethics and Information Warfare...", 391.

the local population. At the same time, care must be taken so that such a message does not motivate some members of the local populace to become enemy combatants.<sup>93</sup>

In order to look at this premise of more harm than good so that it is more in line with IA, one can look at the case where US President Harry Truman decided to use the atomic bombs on Nagasaki and Hiroshima at the end of World War II.<sup>94</sup> Notwithstanding the fact that there were obvious violations to the non-combatant immunity, the intention of the United States was to end the conflict quickly by forcing the Japanese to surrender and act in accordance with the best interests of the US.<sup>95</sup> Indeed, dropping nuclear bombs ended the war against Japan quickly, but the ethical issue clearly arises where the victory came with the price of mass civilian casualties. With respect to IA specifically, an attack with atomic weapons was certainly a demonstration of the US' military capabilities and their resolve to win the conflict. It is also an extreme example of how a display of lethal force can be used for IA purposes. Of course, the fundamental ethical question is "Did it do more good than harm?" In this particular case, it may have ended the war quickly but at the same time, the mass killing of non-combatants caused an obvious major ethical issue.

Like the other elements of JWT, making an assessment of good versus harm is a fundamental part of conducting an ethical examination surrounding the use of lethal force. For IAs, the ethical argument revolves around the notion that although the public can be targeted, there is the established condition that no physical harm should be involved in these cases. As described in the noncombatant immunity section, JWT clearly highlights the point that military force must not be targeted at noncombatants. With IA making use of information-related attacks on the psychological plane, it is permissible for noncombatants to be targeted when the element

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<sup>93</sup> Rebecca Johnson, "Jus Post Bellum and Counterinsurgency...", 225.

<sup>94</sup> Arquilla, "Ethics and Information Warfare...", 382-383.

<sup>95</sup> Combelles Siegel, "Perception Management...", 3.

of lethal force is removed. Without the use of lethal force, the gravity of “More Good than Harm” diminishes to a large extent. By removing lethal force and adding an IA such as CIMIC, the where the focus is on, “...preventing further bloodshed, resolving an (armed) conflict and ensuring a lasting peace,...”<sup>96</sup> the need for balancing good versus bad is much less of an ethical concern.

## **Conclusion**

### Jus in Bello

Like two of the elements of *Jus ad Bellum*, the three discussed elements of *Jus in Bello* present difficulties in their application to influence activities. Non-combatant immunity is difficult to apply in that IAs can specifically target audiences while proportionality can be a problem in that IAs often occur on the psychological plane and be more difficult to quantify, while more good than harm can have some parallels but with no direct harm intended by IAs, the gravity of this element is removed to a large extent. Like *Jus ad Bellum*, examining the process of the relationship between JWT and IAs becomes a practice of trying to make IAs fit into criteria of JWT rather than simply applying the elements of JWT to test the ethics of IAs. Nonetheless, by examining JWT it can be seen that there are ethical questions related to IAs that have not been truly addressed. Most specifically, as non-combatant immunity does not relate well with IAs, there should be something within a code of ethics for IA that formally addresses the guidelines of engaging non-combatant audience. This issue will be addressed in the next chapter.

### General

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<sup>96</sup> DND, B-GG-005-004/AF-023, *Civil-Military...*,” 1-1.

As just war theory provides an ethical framework for the use of lethal conflict, the elements of JWT also provide key messaging to the intended audiences for the use of that lethal force. With this thought in mind, there are now two primary justifications for why IA should have its own code of ethics. The first reason is that based on the findings in this and the previous chapter, JWT is insufficient in addressing all of the key ethical issues surrounding IAs. The second reason is that while just war theory provides ethical criteria for the use of lethal force, it also provides key messaging that members Canadian or domestic audiences can easily comprehend. As such, a dedicated code of ethics for IA can also highlight vital and succinct ethical messages that can be easily absorbed by the Canadian public, thus potentially leading a wider acceptance and more support for them. Just as the main messages of JWT can be conveyed to the military's own members, messages explaining the ethical use of IAs can also be prepared for military members, domestic political decision makers and populations.

The main conclusion about the relationship between influence activities and JWT is that it is difficult to align the two in order to make a substantial ethical assessment of IA. There has to be a considerable effort made to apply the relationship, for the main reason that JWT applies primarily to lethal conflict on the physical plane while IA is focused on less lethal means of conflict on the psychological plane. In short, with the exception of duly constituted authority, one has to apply the components of JWT in a more modified manner so that they relate more closely to the components of IA, namely by examining the ethical implications of targeting the public rather than using lethal military force. By doing this, the real importance and meaning of JWT is diluted to some extent, which underscores the need for IAs to have their own code of ethics. In all fairness to the usefulness of JWT, although it generally does not align well with the

characteristics of IA, for the purposes of this paper JWT has helped to identify some of IA's ethical issues that have not been formally addressed to any large extent. Finally, another positive feature of JWT is that it offers a sound and proven ethical framework that offers clear understandable ethical messages about the use of lethal force. While acknowledging that Canadians do not quote the elements of JWT as a practice in their daily lives, these elements indeed offer fundamental values that are easily understood and accepted. JWT teaches a useful lesson for ethics in influence activities; IAs need similar clear messaging about their ethical benefits and what they entail. A separate code of ethics that address the characteristics of influence activities with a general structure and clear messaging like JWT could like help to increase the awareness and acceptance of IAs in military operations.



## **CHAPTER 4**

### **RECOMMENDATIONS: A CODE OF ETHICS FOR INFLUENCE ACTIVITIES**

Building on the previous chapters, just war theory presents two main points that support the need for influence activities to have their own code of ethics. First, the elements of JWT do not apply well to IA and its association with the psychological plane and targeted audiences, which include non-combatants primarily. The second point is less obvious but worthy of consideration. As JWT provides compelling ethical guidelines for the use of lethal force, influence activities need a similar reasonably concise structure as JWT, with key characteristics or criteria that specifically addresses IA's own issues. Admittedly, this part of the argument is related less directly to the ethics of IA but to the conveyance of these ethical messages to the intended audiences. Referring back to the thesis statement of this paper, the underlying intent for an IA-specific code of ethics is to gain a wider acceptance of influence activities by members of the Canadian military and public. A general issue with IAs at the moment is the lack of clarity in terms of what they are and how they should be used from an ethical standpoint. In short, it is difficult for IAs to be accepted if they are not completely understood as being right or just. Even though JWT does not align well with the ethical issues surrounding IA, JWT demonstrates the importance of a code of ethics that is relatively easy to understand and interpret with its basic elements and themes. Without a dedicated ethical code, there is potential for information activities to be misinterpreted and carried out with less than honourable intentions. US Army Major Joe Cox explains this issue in a practical sense with respect to Information Operations and the US mission to Iraq:

Doctrine presents IO in a disjointed manner and as a function that is essentially separate from the commander's other requirements and missions, not as something

that must be integrated into all his requirements and missions," ...Commanders were therefore forced to develop their own IO integration practices and tended to "over control" the use of IO by their subordinates."<sup>97</sup>

Although he writes in terms of IO doctrine shortfalls in the US, he shows that existing doctrine on influence activities can be unwieldy in delivering concise ethical points to large and varied audiences. By drawing from current doctrines and ethical models, a dedicated code of ethics for Canadian Armed Forces' own influence activities will instill a solid moral foundation for justifying their unique capabilities and uses. As noted in *The Warrior's Way*, "Without a code of ethics, there is no standard against which the actions of the profession can be measured, and there is no clear statement of what the profession does that separates it from other occupations."<sup>98</sup> Although influence activities do not specifically constitute a profession themselves, their defined characteristics of engaging non-combatants on the psychological plane are distinct enough to warrant their own code. Without one, IAs may likely continue to exist with only limited interest in the near future, which would be unfortunate, given their growing relevance.

It may be argued that the Canadian military already maintains its own "Code of Ethics and Values," which could capture the elements of IAs not covered by Just War Theory. With a closer look at the CAF's current code of ethics and values, they do not sufficiently cover the ethical elements of IA not addressed by JWT. To elaborate, the CAF's code of ethics and values applies to all elements and members of the military and is made up the following fundamental principles: 1. Respect the Dignity of All Persons; 2. Serve Canada before Self; and 3. Obey and

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<sup>97</sup> Tony Skinner, "Information Operations - Shaping Influence," last accessed, 7 November 2014, <http://www.janes-defence-weekly.com>

<sup>98</sup> Gabriel, *A Warrior's Way* ..., 71.

Support Lawful Authority.<sup>99</sup> In short, these primary elements are too broad and non-specific to be applied directly to all of IA's unique characteristics. There is an opportunity for IAs to be addressed within the code's chapter on military operations, but that chapter has remained under development since the current code was first signed in 2012.<sup>100</sup> One possible underlying reason for why there is no obvious urgency in completing the operations chapter is that JWT has generally provided an ethical framework for the Canadian Armed Forces, or any other military, to engage in a war or conflict.<sup>101</sup> Also, much of the CAF's current code focuses on elements that are common among non-military organizations. These include conflict of interest, participation in political activities, acceptance of gifts and sponsorship.<sup>102</sup> As an example, Lockheed Martin maintains a "Values Statement" that includes doing what is right, respecting others and performing with excellence.<sup>103</sup> Obviously, these sorts of concepts could apply easily to the CAF but it is more difficult to apply them directly to military activities on the kinetic or psychological planes, as well as to the unique characteristics of IA. This is not a criticism of the CAF Code of Ethics and Values but it does show there is a clear want for IAs to have their own code to address their elements. The CAF's code of ethics and just war theory have clear, concise components which prompt a greater ease in understanding the ethics in what the Canadian Armed Forces are doing, IA needs something similar.

It also worthy to note that the CAF's code of ethics present an element of accountability to Canadians that must also be highlighted within a dedicated code of ethics for IA. When the CAF's current code was signed in 2012 the Chief of Defence Staff and Deputy Minister at the

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<sup>99</sup> DND, "DND and CF Code of Values..." <http://www.forces.gc.ca/en/about/code-of-values-and-ethics.page>

<sup>100</sup> *Ibid.*

<sup>101</sup> Wolfe, <http://www.forces.gc.ca/en/about-reports-pubs-ethics/2008-journal-defence-ethics-programme.page>

<sup>102</sup> *Ibid.*

<sup>103</sup> Lockheed Martin, "Ethics: the Essence of our Business," last accessed 16 February 2015, <http://www.lockheedmartin.ca/us/who-we-are/ethics.html>.

time specified,

Canadians rightfully expect the highest ethical behaviour from the people entrusted with the task of ensuring their defence. The adoption of a strong ethical stance by DND and the CF is therefore necessary to maintain and enhance the trust of Canadians in the integrity and accountability of DND and the CF.<sup>104</sup>

Although they do not cover all of the elements of IAs, the fundamental elements listed in the Code of Ethics and Values are reflective of Canadian values, something in which members of the CAF can legitimately believe and, like JWT, are easily learned and can be conveyed in a genuine, convincing manner to the desired audience. The CDS' comments in the previous paragraph highlight the point that the CAF is ultimately accountable to the Canadian public, regardless of the activity. For this paper, the obvious assumption is the Canadian public expects the same high standards with respect to the CAF's use of both lethal force and IAs. Based on these comments and findings of the discussions in the previous chapters on the primary elements of JWT, this paper proposes several main points and themes as a foundation to a code of ethics for influence activities within the Canadian Armed Forces. First, as JWT imposes "...ethical and moral constraints upon war in order to limit excesses, prevent unjustified aggressive attacks and undue damage during conflict,"<sup>105</sup> this writer recommends that a code of ethics for IA should maintain similar characteristics with an emphasis on treating non-combatants with the utmost respect at home and abroad, while ensuring all IAs are legitimate and credible. As such, for a code of ethics that is specific to IA, the following elements are proposed:

**1. Respect all non-combatants**

- *Cause no physical harm, minimize the probability of armed conflict;*
- *Tell the truth, do what you say.*

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<sup>104</sup> DND, "DND and CF Code of Values...", <http://www.forces.gc.ca/en/about/code-of-values-and-ethics.page>

<sup>105</sup> Wolfe, <http://www.forces.gc.ca/en/about-reports-pubs-ethics/2008-journal-defence-ethics-programme.page>

- 2. Ensure Influence Activities are legitimate and credible**
  - *Accountability, be able to substantiate what is happening and why;*
  - *Minimize risk, maintain highest standards of stewardship.*
- 3. Avoid targeting domestic or supportive audiences with IA-related attacks**
  - *Avoid aggressive influence activities on Canadians to garner their support*

To explain this proposed code further, these points will be discussed individually with respect to why they are identified and their ethical importance to IA. The primary “audience” for this code includes members of the Canadian Forces and the Canadian public; the underlying intent is to have members of the CAF must follow this code while members of the public are able to see the practical ethical standards of IA to which CAF members must operate. This proposed code has the capacity to help formalize IA’s legitimacy and ensure there are no hidden elements or that IAs are not a guise for something less just or more lethal. Any IAs should be presented for what they are to public audiences, if there are any elements of deception in a presented message, there could be damage to one’s credibility.<sup>106</sup> Therefore, these proposed elements are intended to provide clarity to the Canadian public that IAs are not an underhanded attack and that there is no intention to aggressively manipulate or deceive the target audiences (non-combatants) or Canadians themselves.

Also, as illustrated by a range of executions that are available for viewing online, it is worth noting that many of today’s modern adversaries that have demonstrated little to no ethical consideration to their influence-related activities. This in itself creates a premise that legitimate forces operate with tighter ethical parameters, leaving those target audiences to decide which side, if any, to support. This thought is based on the assumption that these target audiences are not being coerced or threatened by the adversary.

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<sup>106</sup> Peters, *Shifting to the Moral Plane...*, 28.

### **Respect all non-combatants**

This element arises from the first principle of the CAF's code of ethics which is to respect the dignity of all persons), as well as from previous discussions surrounding non-combatant immunity within just war theory. Unlike conventional warfare in JWT, where contact is not to be made with non-combatants, an IA can and does target public audiences. As such, extreme care and sensitivity should be taken so that these non-combatants are not physically harmed. At the same time, it can easily be perceived that there could be harm, so a code of ethics is essential to ensure that any information-related attack against a group of non-combatants is carefully managed. Respecting the dignity of all persons is a basic idea, it must occur within the Canadian Armed Forces but when influencing or informing the public, it becomes more sensitive. This is a key ethical concept and noting IA's contact with the public, it should be one that is an integral part of an IA code of ethics.

Cause no physical harm, minimize the probability of armed conflict

As discussed previously and contrary to the non-combatant immunity element of JWT, IAs can and do target public audiences, but at the same time, this does not mean causing physical harm. Regardless of the military activities being on the physical or psychological planes, Canadian values mandate members of the Canadian profession of arms to perform their tasks with humanity. While they must act with resolve, the concept of humanity forbids any reference to operating with "carte blanche".<sup>107</sup> Even when engaging with lawful combatants, the Canadian public has shown that it has little appetite for any mistreatment of anyone, regardless of the circumstances. For example, in early 2007 Canadian media engaged themselves in the detainee

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<sup>107</sup> DND, A-PA-005-000/AP-001, *Duty with Honour...*, 29.

controversy in Afghanistan, when there were allegations of abuse against Afghan detainees that occurred allegedly after Canadian personnel handed them back to Afghan authorities:

On 18 December 2005 the Government of Canada signed an agreement with the Government of Afghanistan concerning the transfer of enemy captured in Afghanistan by the CF. Five months later, Ottawa declared that captured al-Qaeda and Taliban fighters would not be afforded formal PW status as defined by the 1949 conventions. This policy, combined with concerns that detainees transferred to Afghan custody would not always be treated in accordance with international human rights standards, caused the Canadian media, some experts, and members of the general public to express concern that Canada's policies abrogated international law.<sup>108</sup>

Performing with humanity contributes to the honour earned by Canadian Forces members and helps make Canadians at home remain supportive of its military.<sup>109</sup> IAs highlight the use of the lesser means of force, it is desirable for members of the military to engage without endangering anyone, including themselves.<sup>110</sup> Influence activities on the moral plane, with the overall goal of reaching a resolution without violence, make this objective of minimized armed conflict much more attainable.

Tell the truth, do what you say

*Tell the truth.* All influence activities that are directed at noncombatants must be based on truth, otherwise credibility is lost.<sup>111</sup> This topic was identified during the discussion on right purpose in JWT. As mentioned in that section, while an IA should focus on the right purpose, the ethical issues lies in remaining true to that purpose, rather than using the right purpose as a cover for some other motivator. What is also important to note is that IAs are not stepping stones

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<sup>108</sup> DND, B-GL-300-001/FP-003, *Land Operations...*, 5-62

<sup>109</sup> DND, A-PA-005-000/AP-001, *Duty with Honour...*, 29.

<sup>110</sup> Rebecca Johnson, "Jus Post Bellum and Counterinsurgency..." 225.

<sup>111</sup> Collings and Rohozinski, "Shifting Fire..." 43.

leading to lethal conflict. If a more peaceful process does not work, IAs should not be a casualty in this process and should continue to be implemented, even after a lethal conflict has begun. Also, IAs must have significant credibility in the eyes of the target audience, which must be built on a foundation of truthful messages from influence enablers. Over time, target audiences will come to rely on these messages as an accurate source of information. In this context, influence enablers will be able to leverage the truth through synchronized messages to achieve the desired effects. If lacking credibility, a force will require input from social or religious leaders, who have established credibility with target audiences, in order to spread the desired messages.<sup>112</sup>

*Do what you say.* As noted in the discussion of JWT's "Last Resort" in this paper and in the Army's land operations manual, influencing a target audience "...requires 'delivering the goods,' not simply sending the message. Thus, if a promise is made, it must be kept. If a message is sent, it must be fulfilled."<sup>113</sup> As IAs are focused on the psychological plane and directed at the public, it is expected that two of its key elements, PSYOPS and PPP would be implemented gradually and in place well before a stage of last resort and prepared to actually follow through on any warning of an armed response to the adversary, if provoked. One must acknowledge that this is one area where previously discussed jihadists and modern adversaries have shown their resolve. By threatening violence and later capturing an execution on video, the adversary shows that he can deliver the goods, which puts more pressure on the friendly force to follow through on his claims, otherwise the credibility of that force is put into question and confidence in that force could be lost.

As noted previously, "Ethics involves keeping promises, especially those promises

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<sup>112</sup> DND, B-GL-300-001/FP-003, *Land Operations...*, 5-58.

<sup>113</sup> *Ibid.*, 5-60.



perceived to be of some grave consequence when they are not kept.”<sup>114</sup> In fairness to the context of the larger passage, the deeper meaning is related more to duty in the general sense but also can be applied easily to the aspect of credibility on a force with respect to following through on promises of reacting to any physical act of violence. Although IAs may encourage both the combatants and the general population not to fight, an attack on the enemy’s desire to resist will result in the primary responses of “fight, flee or surrender”. IAs should strongly encourage the latter two responses. If not there is a higher risk of moving directly to the last resort.<sup>115</sup> With these points there needs to be a delicate balance in place to ensure that any promises of violence are received in a way that it is not worth engaging in physical conflict, as opposed something that is received as a taunt for further action.

### **Ensure influence activities are legitimate and credible**

In itself, JWT offers the ethical parameters on the execution of lethal force and the conditions for which it should be used. IA and lethal force can be compared in the following manner: although lethal force is a last resort, it can be often be the desired course of action in a conflict by commanders because it is the known entity, what militaries are trained to do, so it is not a surprise that there is a desire to engage in it when the conditions appear to be right.<sup>116</sup> JWT acts as the ethical test to determine if lethal force is, indeed, warranted. As mentioned in the previous chapter, one has to be careful to ensure that the elements of JWT are not misunderstood or used in a misleading way to justify the use of lethal force. Influence activities, are the lesser-known entity, not widely understood or utilized within Canadian military operations, which can

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<sup>114</sup> Gabriel, *A Warrior’s Way* ..., 19.

<sup>115</sup> DND, B-GL-300-001/FP-003, *Land Operations*..., 5-58.

<sup>116</sup> Peters, *Shifting to the Moral Plane*..., 52.

make them seen as unpredictable and, or, unsafe. As noted by Jessica Davis, “Canada is currently following a disturbing path, given the realities of the new global environment, of not taking its IO capabilities, or lack thereof, seriously enough.”<sup>117</sup> In this case, a code of ethics could be beneficial in outlining the limits IA’s use and contributes to a firm foundation of being a safe and credible element of Canadian military operations. The code of ethics ensures clarity to the Canadian public and its “target” audiences that IAs are a viable and trustworthy form of military action. If the Canadian public does not accept Info Ops or IA as a part of its military operations, then it will be difficult to implement them for any period of time:

Canadian civic values encompass the values of liberal democracy and civic nationalism. In general terms, liberal democratic values are based on freedom of choice and expression and are reflected in... a responsible government that respects the division of powers and is answerable to the will of the people; and free elections with universal suffrage. In such a régime, the civil authority has supremacy over the military...<sup>118</sup>

As identified previously, “Perception Management” is designed to build credibility and legitimacy of a military mission, which can also involve influence-related activities. If the public is not convinced that a mission is justified, then its support will diminish, to the point where a military commitment is undermined.”<sup>119</sup> Also as noted by Rudolph Barnes in his work *Military Legitimacy*, “Legitimacy provides the moral authority underpinning the right to act, and its requirements are derived from values, constitutions, traditions, religion, culture, the law, and public perceptions.”<sup>120</sup>

Accountability – be able to substantiate what is happening and why

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<sup>117</sup> Jessica Davis, “From Kosovo to Afghanistan...,” 41.

<sup>118</sup> Department of National Defence, A-PA-005-000/AP-004, *Leadership in the Canadian Forces: Conceptual Foundations* (Ottawa: DND Canada, 2005), 21-22

<sup>119</sup> Combelles Siegel, “Perception Management...,” 1.

<sup>120</sup> DND, A-PA-005-000/AP-004, *Leadership in the Canadian Forces...*, 23.

Except for deception, IAs involve interaction with nonmilitary audiences, primarily the public. With this involvement, there is obviously a higher degree of public accountability and a much lesser degree of secrecy. Referring again to the concept of right purpose within JWT, it was discussed that although right purpose is less of a primary ethical issue for IA, communicating true motives and intents has a higher importance. An accessible code of ethics allows the public to see these intentions and motivators; IAs should be viewed as an integrating strategy or coordinating function, more than just a grouping of non-capabilities.<sup>121</sup> "...The ubiquitous nature of information operations, and the presence in the conflict zone of a variety of actors, such as NGOs, paramilitaries and special operations personnel, may give rise to unusual ethical dilemmas and blur the distinction between the military professional and other combatants."<sup>122</sup> For example, in international operations, there must be close coordination among all military and civilian agencies involved in the planning and conduct of PSYOPS. The PSYOPS plan must be developed in conjunction with the overall information operations strategy and complement the theatre operational plan. The integrated planning and execution of military and civilian activities need to improve unity of purpose and unity of effort to bring about the commitment of political and military leaders to create political, social, economic and environmental conditions and change for a structural, durable and sustainable peace.<sup>123</sup>

The cooperation of CIMIC, PSYOPS and PA can be used to educate and modify the culture, behaviour and attitudes of leaders towards a democratic system, values and beliefs. The same approach can be used to educate the population, which, in time, will counter extremist views and request democratic reforms from its leaders. Exploitation of the written and electronic

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<sup>121</sup> Peters, *Shifting to the Moral Plane...*, 27-28.

<sup>122</sup> DND, A-PA-005-000/AP-001, *Duty with Honour...*, 72.

<sup>123</sup> DND, B-GG-005-004/AF-023, *Civil-Military...*, " 7-6.

media must be used to this end, to include public lectures and documentaries using television, radio, Internet and the written media to foster democratic reforms in public institutions. This strategy is important in light of recorded factional efforts used to impede the implementation of the Dayton Accords in Bosnia and Herzegovina:

- a. (Host Nation) factional commanders establish policies and behaviours detrimental to and sometimes targeting the civilian population, which may not support them;
- b. the lack of commitment on the part of nationalistic leaders to the implementation of the Dayton Accords has been clearly evident in policies issued to their military, police and civil authorities. Resettlement attempts have resulted in houses being occupied or blown up to prevent occupation by its former owner of different ethnic origin. In addition, when former owners tried to visit their former homes in a different ethnic enclave, their progress was impeded by violent demonstrations, with the local police passively looking on; and local police have harassed rather than facilitated recovery activities; mayors have prohibited refugee return; and religious leaders have been discouraged from providing moral guidance to their adherents.<sup>124</sup>

While showing the importance of coordination, the above-mentioned situation also shows how our adversaries can undermine their own credibility by formally supporting an agreement, but acting against it.

As mentioned previously, CIMIC activities focus on preventing further bloodshed, resolving an armed conflict and ensuring a lasting peace.<sup>125</sup> Thus, the use of CIMIC is an indirect means to respond to a conventional attack, or as a non-violent way of conducting a preemptive strike, with the intent of diffusing a mounting crisis. Given that the intent of a military like the CAF is to improve upon a situation, activities like CIMIC illustrate that intent, thus giving credibility and accountability to CAF's activities in a particular theatre.

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<sup>124</sup> *Ibid.*

<sup>125</sup> *Ibid.*, 1-1.

## Minimize risk

As noted by Sun-Tzu, "...supreme excellence consists in breaking the enemy's resistance without fighting."<sup>126</sup> There is growing operational experience with the concept and, arguably, influence activity holds even greater promise for the future, since in campaign planning for asymmetric warfare, it offers a clearer path to an opponent's center of gravity that is frequently on the moral plane. The CAF has recently deployed well-equipped, tactically proficient forces by squarely addressing and largely overcoming its challenges in the physical realm. One of the main areas of focus for is on shaping the information environment to influence opposing decision-makers and other potential target audiences.<sup>127</sup> With this thought, if the Canadian military is effective in the kinetic sense, there is a great deal of potential in Canadians investing in IA and other elements on psychological plane to defeat an adversary while minimizing the risk of putting Canadians in harm's way. Colonel Peters elaborates on this thought more succinctly:

A recent observation on U.S. experiences in Iraq that apply broadly to the CF: the present "cultural" phase of the war, where intimate knowledge of the enemy's motivation, intent, will, tactical method, and cultural environment has proved to be far more important for success than the deployment of smart bombs, unmanned aircraft, and expansive bandwidth. Success in this phase rests with the ability of leaders to think and adapt faster than the enemy and of soldiers to thrive in an environment<sup>128</sup>

Regardless of the final outcome, influence activities need a code of ethics, first so that our activities are reflective of our own values but with a military related dimension in that

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<sup>126</sup> Sun Tzu, *The Art of War* (New York: Delacorte Press, 1983), 15, quoted in Peters, *Shifting to the Moral Plane...*, 7.

<sup>127</sup> Peters, *Shifting to the Moral Plane...*, 28.

<sup>128</sup> *Ibid.*, 63-64.

Info Ops are now widely viewed as being virtually synonymous with non-kinetic activities and reduce the risk of physical harm.<sup>129</sup>

### **Avoid targeting domestic or supportive audiences with IA-related attacks**

This proposed element is based on the premise that it is not right or ethical to target one's own allies or supporters, regardless of the attack being lethal or information based. This part of IA can be a potentially sensitive one for the military public affairs community, given that the Public Affairs capability is meant to *inform*, yet it is formally identified as an influence activity<sup>130</sup>, which could cause some suspicion that PA uses aggressive forms of IA on domestic audiences. To counter this premise, the Canadian Army makes a distinction between PYSOPS and PA where the former controls the media where the message is conveyed while the latter does not.<sup>131</sup> This writer interprets the distinction in the way that legitimate forces do not attack the public they represent.

Given that PA is an influence activity, there is some permissibility in influencing a domestic audience. It would be unreasonable to dismiss influence in PA given that most advertisements in the media are intended to influence the target audience in some form. Using a domestic military example, in the early stages of the 1990 Oka crisis, the CDS sent an ethics-based master message approved by the Government, which specified, "The CF will not be the first to open fire". This master message could be interpreted as a PSYOPS message which, nonetheless, had very positive effects on all parties to diffuse and resolve the crisis peacefully.<sup>132</sup> This is an example of how IAs may be directed at domestic audiences. In short, the above-

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<sup>129</sup> *Ibid.*, 61-62.

<sup>130</sup> DND, B-GL-300-001/FP-003, *Land Operations...*, 5-6.

<sup>131</sup> *Ibid.*

<sup>132</sup> DND, B-GG-005-004/AF-023, *Civil-Military...*, " 7-6.

mentioned elements of JWT can act as key messages to explain to the domestic public why lethal force is necessary from an ethical standpoint and potentially lead to the public's acceptance of the use of lethal force. In summary, there is some capacity to influence a domestic audience by informing the group of a particular activity. However, the line between right and wrong falls between influencing domestic audiences and attacking it with information with controlled media.<sup>133</sup>

Avoid aggressive influence activities on Canadians to garner their support

In given circumstances, as outlined in Just War Theory, when it is right to fight, JWT offers these messages which can become the main messages that outline the circumstances that permit when it is right to fight. This is where there can be some controversy in that conveying a message that the right to fight may be interpreted by some as “influence” on the local population. The bottom line is ethics should justify the need to fight, it can't be the other way around. If a force wants to fight for its own benefit and molds JWT as the basis for conflict, then there is a more immediate need to formalize a code of ethics for IA. Having established that IAs require their own code of ethics, there remains a curious relationship between IA and JWT. First given that IAs should not be used against domestic audience, there is an ethical question with respect to how Just War Theory is applied. One can look again at Michael Butler's use of “framing,” as described in the first chapter which refers to a potential of JWT as a justification for engaging in lethal conflict, when the actual motives may be different.<sup>134</sup> In short, there may be other motives for engaging in conflict, but if these reasons for fighting are buried under elements just war theory and are presented in order to acquire and maintain public support, then the truth is

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<sup>133</sup> DND, B-GL-300-001/FP-003, *Land Operations...*, 5-5, 5-6.

<sup>134</sup> “Just War Theory: So What?...” <http://www.cbc.ca/radio/ideas/just-war-theory-so-what-1.2914198>

compromised. The most evident of this is the US invasion of Iraq in 2003, following the US' claims that Iraq possessed weapons of mass destruction. There may have been some justification start a war in Iraq but it was evident that not all of the conditions were right to engage in lethal conflict.<sup>135</sup> The lesson to be learned here is to be wary that the action should fit the corresponding code of ethics, rather than trying to make the code of ethics fit the military actions, which could include various forms of IA. In short, there was most certainly some influence taking place with respect to gaining the support of the US population for invading Iraq.

For the domestic audience, the media climate is so inundated with information, that the military has an ethical need to ensure that the public has the most accurate information with respect to a conflict. As noted in the first chapter, influence activity involves affecting the behaviour of the public. There has to be a degree of influence in place to ensure that the public knows where and how to obtain the source information. Simply putting out information and expecting that members of the public will actively take it upon themselves to find it is unreliable. As noted by Snow on American society, "The public is easily manipulated, not because we're necessarily dumb, but because we're ignorant. We don't have the necessary tools to counter the propaganda. We don't teach effective media or information literacy or even advertising literacy....in our schools or universities, and this omission is both by design and demand."<sup>136</sup>

The specific argument here is that it would likely require a great deal of effort and initiative on the part of the public to understand the basic elements of IA and their features. As JWT offers ethical guidelines and basic messaging on the acceptable use of lethal force, a code

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<sup>135</sup> Ricks, *Fiasco...*, 46-49.

<sup>136</sup> Nancy Snow, "The Bermuda Mind Triangle," in *Information War* (New York: Seven Stories Press, 2003), 7/8.



of ethics for IA could not only offer ethical guidelines but also key messages for the Canadian public that can be presented in a proactive way, so that it can be received without a great deal of effort on the part of the public. In keeping with the overall ethical mindset, one has to acknowledge that there is some influence at play, but in the way of presenting IA for what it is. Just like advertising, there is influence involved but there are ethical limits to how much should be used. To summarize this argument, a code of ethics for IA acts as not just a code but a set of messages for the Canadian public to gain a better understanding and acceptance of IA, however, like JWT, the code of ethics should be the superior document, rather being a supporting document to justify other motives in the use of IAs.

## **Conclusion**

It is evident that influence activities have not been widely embraced or supported by the Canadian military, for the large part. In recent years given that modern adversaries are not large states but small groups or factions, military forces could be forced to adapt to ways they engage with these adversaries, if they want to win. As summarized by Col Peters,

The preference of opponents for the employment of asymmetric methods to neutralize the overwhelming advantage of Western nations in conventional combat power tends to focus attention on the moral plane, which reinforces the long-standing importance accorded to the moral plane by influential writers of military theory.<sup>137</sup>

IAs could very well be useful contributors to these new ways. Until that happens, now is the time to have a code of ethics in place so that when influence activities are being examined, there is no question about whether they are right or wrong, will they allow for a wider public understanding of what they are and what they will help accomplish. Because IAs are less

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<sup>137</sup> Peters, *Shifting to the Moral Plane...*, 62.

conventional in that they take place on the psychological plane, they can target the public and be generally less lethal, the elements of Just War Theory and the CAFs code of ethics are insufficient in assessing IAs ethical issues. That being said, a code of ethics is necessary for influence, not just to address and resolve their ethical issues, but also to be presented in such a way that can be easily understood by the Canadian public. Without that support, it will be difficult to achieve any degree of success. As argued by Roger Vandomme in his own work on Information Operations to which IA is associated closely:

Canada has the opportunity to take pride in being one of the first countries to have understood and embraced in a timely fashion the changes brought about by contemporary conflicts. As such, it is in a position to develop, on a foundation of universally recognized values, an expertise that is as original as it is relevant, offering innovative perspectives to address new challenges.<sup>138</sup>

In the end, a sound code of ethics will provide a place to maintain the above-mentioned foundation of universally recognized values as well as giving military members and the general public a sense of confidence and reassurance that IAs are a sound and reasonable option for countering the will of our adversaries. In our present era where modern adversaries are not well defined and where there is limited appetite for violence, influence activities present an ethical option for achieving military success.

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<sup>138</sup> Vandomme, "From Intelligence to Influence...", 3.

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