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Artigos Dossiê

Cognitive warfare and the principle of non-intervention

Guerra cognitiva e princípio da não intervenção

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Abstract

The technological transformation of international conflicts has expanded the capacity of States to influence the perceptions, beliefs, and decision-making processes of foreign societies. In this setting, cognitive warfare has emerged as a form of unconventional warfare that, although rooted in psychological warfare, is amplified by the digitization of information, smartphones, big data analytics, social media platforms, and generative artificial intelligence. Against this background, this article examines whether cognitive warfare conducted by States may violate the principle of non-intervention under international law. Based on an exploratory literature review, it traces the evolution from psychological to cognitive warfare and then the treaty-based and customary development of the principle, with emphasis on the two elements that characterize unlawful intervention: conduct directed at a State's *domaine réservé* and coercion. The article concludes that cognitive warfare cannot automatically be equated with ordinary influence or diplomatic practice. When deliberately structured to exploit vulnerabilities and distort the conditions under which political will is formed, it may acquire a coercive character and undermine the autonomy that sovereignty protects. Consequently, a restrictive interpretation of the principle would tend to favor technologically powerful States at the expense of those most exposed to the effects of such operations.

Keywords: Cognitive warfare; Principle of non-intervention; International Law

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Resumo

A transformação tecnológica dos conflitos internacionais ampliou a capacidade dos Estados de influenciar percepções, crenças e processos decisórios de sociedades estrangeiras. Nesse cenário, emerge a guerra cognitiva, modalidade de guerra não convencional que, embora enraizada na guerra psicológica, é potencializada pela digitalização da informação, pelos smartphones, pela análise de big data, pelas plataformas de mídias sociais e pela inteligência artificial generativa. Diante disso, este artigo examina se a guerra cognitiva conduzida por Estados pode violar o princípio da não intervenção no direito internacional. Para tanto, adota-se pesquisa exploratória, baseada em revisão bibliográfica, que percorre a evolução da guerra psicológica à guerra cognitiva e, em seguida, a consolidação convencional e costumeira do princípio, com ênfase nos dois elementos que caracterizam a intervenção ilícita: a incidência sobre o *domaine réservé* do Estado e a coerção. Conclui-se que a guerra cognitiva não pode ser automaticamente equiparada à influência ordinária ou à prática diplomática. Isso porque, quando deliberadamente estruturada para explorar vulnerabilidades e distorcer as condições de formação da vontade política, ela pode assumir caráter coercitivo e comprometer a autonomia protegida pela soberania. Assim, uma interpretação restritiva do princípio tenderia a favorecer os Estados tecnologicamente mais poderosos, em detrimento daqueles mais expostos aos efeitos dessas operações.

Palavras-chave: Guerra cognitiva; Princípio da não intervenção; Direito Internacional

1 INTRODUCTION

The technological transformation of international conflicts has expanded the possibilities for exerting influence over dimensions that, although not directly involving the use of physical force, may have significant effects on the decision-making capacity of States and their societies. The expansion of cyberspace, social media platforms, large-scale data analytics, and artificial intelligence has made it possible to reach individuals and groups continuously, in a highly targeted manner, and across national borders. In this environment, the struggle over information involves not only its control and circulation but also the ability to influence the cognitive processes through which individuals interpret reality, form preferences, and make decisions.

Cognitive warfare has emerged as a contemporary mode of unconventional warfare aimed at shaping individual and collective cognition. While historically rooted in psychological warfare, it draws on technological and informational advances that have expanded the scope, speed, and precision with which States can shape

perceptions, attitudes, and decisions. This development introduces new challenges for understanding contemporary conflicts, particularly their implications for the autonomy of States and societies.

The projection of these capabilities into international relations, however, raises important legal questions. When States employ cognitive warfare to shape the political, social, or decision-making processes of another society, their operations may affect matters at the core of State sovereignty and political autonomy. This is particularly significant when they seek to manipulate the information environment or the conditions under which political preferences are formed, thereby potentially constraining a State's ability to determine its internal affairs autonomously. The legal challenge is especially acute when such operations do not involve conventional military force and may outwardly resemble ordinary forms of communication, persuasion, or political expression.

Although the literature has addressed the application of the principle of non-intervention to cyber operations (Schmitt, 2017, 2021; Wheatley, 2021), its characterization in the context of cognitive warfare remains underexplored. Against this background, this article examines whether cognitive warfare conducted by States may constitute a violation of the principle of non-intervention under international law. It asks whether operations designed to shape perceptions, beliefs, and attitudes within a foreign society can, under certain circumstances, cross the boundary between legitimate influence and unlawful intervention, particularly when they are directed at matters falling within the State's sovereign sphere.

The research is exploratory in nature and is based on a literature review. It examines the relationship between cognitive warfare and the principle of non-intervention by applying the relevant legal concepts to the technological transformation of contemporary conflicts. This approach provides a basis for assessing whether emerging forms of influence may fall within the scope of conduct prohibited by international law.

Following this introduction, the article is organized into two sections and a conclusion. Section 2 traces the evolution from psychological warfare to contemporary cognitive warfare, examining how technological developments have expanded the ability to shape individual and collective cognitive processes. Section 3 examines the relationship between cognitive warfare and the principle of non-intervention under international law, focusing on the development and scope of the principle and on the key legal concepts for determining when such operations may constitute unlawful intervention. The conclusion summarizes the main findings and their implications for the principle of non-intervention.

2 THE RISE OF COGNITIVE WARFARE

Cognitive warfare constitutes a form of unconventional warfare conducted by State and non-state actors that employ cyber tools to interfere with the adversary's cognitive processes, exploit mental biases and mechanisms of reflective thought, and induce distortions in the perception and interpretation of reality. Its purpose is to influence decision-making, constrain the adversary's capacity for autonomous action, and produce adverse effects at both the individual and collective levels (Claverie; Du Cluzel, 2021). This article focuses on cognitive warfare conducted by States, the subjects bound by the principle of non-intervention.

An understanding of cognitive warfare begins with psychological warfare, whose historical trajectory and doctrinal development laid the foundations for its emergence. Cognitive warfare can be understood as a contemporary expression of this tradition, adapted to new forms and domains of conflict. Psychological warfare encompasses planned actions that employ communication means to influence perceptions, attitudes, and behaviors, thereby contributing to the achievement of political and military objectives (North Atlantic Treaty Organization, 2007). Unlike propaganda, a broad communicative phenomenon employed by different social groups to influence opinions and behaviors (Olejnik, 2024), psychological warfare has a distinctly strategic

and military character. It has been incorporated into the organizational structures and doctrinal frameworks of armed forces and intelligence services worldwide.

Although psychological warfare is not a new phenomenon (Newitz, 2024), it underwent profound transformations during the first half of the twentieth century, driven by the expansion of mass communication technologies, particularly the press and radio, as well as by the increasing professionalization and systematization of its planning and execution. During the two World Wars, belligerent powers employed newspapers, films, radio broadcasts, and leaflets to delegitimize adversaries before foreign audiences, undermine their morale, and encourage surrender. Alongside messages whose government sponsorship was openly acknowledged, content with deliberately concealed or ambiguous authorship was also produced to obscure its origin and lend greater credibility to the messages. These practices included clandestine radio broadcasts and the publication of opinion articles presented as independent, despite being designed to advance interests defined by their actual foreign sponsors (Linebarger, 1954; Goldman, 2024).

Throughout the Cold War, psychological warfare remained a central instrument of strategic competition between the United States and the Soviet Union. During this period, television emerged as a new medium for disseminating psychological warfare, expanding its reach and persuasive power through the combination of images, sound, and narrative (Taylor, 2003).

Among the leading thinkers and practitioners of modern psychological warfare was Paul M. A. Linebarger, author of *Psychological Warfare*, originally published in 1948. His formulations, centered on influencing perceptions, attitudes, decision-making processes, and behavior, remain relevant to contemporary operations and constitute some of the foundations upon which cognitive warfare is built. Linebarger (1954) argued that modern conflicts were subject to moral constraints that made the complete physical destruction of an adversary impracticable. Victory would therefore consist in rendering the adversary incapable of governing and fighting, ultimately

compelling it to accept negotiations for surrender on terms imposed by the victor. From this perspective, psychological warfare sought to disrupt adversary structures, undermine their decision-making capacity, and, above all, diminish their willingness to continue resisting.

Grounded in psychological knowledge, psychological warfare seeks to influence cognition and behavior through strategically crafted communications. Its reach, however, extends beyond enemy combatants to include neutral actors and foreign audiences. Its objectives include creating confusion, deepening internal divisions, and shifting loyalties (Linebarger, 1954).

Psychological warfare tactics are based on the development of messages carefully tailored to the characteristics, perceptions, and vulnerabilities of their intended audiences. To enhance their effectiveness, such operations seek to mobilize emotions, empathy, and pre-existing sentiments, while also employing disinformation, ambiguity, and the selective use of truthful information to lend greater credibility to the narratives disseminated. Another strategy involves exploiting the image and perceived vulnerabilities of adversary leaders, reinforcing feelings of distrust, fear, or rejection. The dissemination of such messages may also rely on agents of influence, including journalists, academics, and other socially recognized figures capable of lending legitimacy and reach to the narratives being promoted. Finally, psychological warfare is characterized by its continuous nature. It is not confined to periods of armed conflict but constitutes a sustained effort to influence perceptions and behavior that can be conducted in both wartime and peacetime (Linebarger, 1954).

On the Soviet side, Moscow developed what became known as "active measures" (активные мероприятия, aktivnye meropriyatiya), a repertoire of instruments that included disinformation, sabotage, espionage, and the use of agents of influence. By disseminating both authentic and fabricated information, these measures sought to exploit political and social vulnerabilities, deepen existing divisions, erode trust in institutions, and foster receptiveness to the Soviet model (Rid, 2021; Hosaka, 2024).

During the 1990s, the expansion of the Internet fundamentally reshaped patterns of communication, coordination, and decision-making, replacing linear and hierarchical structures with increasingly integrated, decentralized, and near-real-time networks (Castells, 2009). The emergence of cyberspace further reduced the constraints imposed by time and space, enabling unprecedented levels of global connectivity. By 2025, approximately 74% of the world's population, or about 6 billion people, were using the Internet, underscoring the structural role of digital networks in social, economic, and political life and reinforcing the strategic importance of information in international relations (International Telecommunication Union, 2025).

Against this backdrop, cyberspace also became a domain for military operations, encompassing activities such as sabotage, espionage, and psychological operations conducted in digital environments (Buchanan, 2020). It was within this context that the concept of cognitive warfare emerged, understood as an evolution of psychological warfare. In addition to psychological knowledge aimed at understanding human behavior, cognitive warfare incorporates insights from neuroscience to identify vulnerabilities in the human brain at the individual level, as well as emerging digital technologies, including the Internet and advances in artificial intelligence (Claverie; Du Cluzel, 2021). As a result, it has become possible to shape individual and collective interpretations of reality and influence public opinion on an unprecedented scale, expanding the reach, precision, and persuasive potential of such operations while simultaneously reducing their costs compared with traditional psychological methods (Rid, 2013; Stengel, 2019).

Five major contemporary technological developments have contributed to expanding the dissemination and effectiveness of cognitive warfare in cyberspace: the digitization of information, the widespread adoption of smartphones, advances in big data analytics, the consolidation of social media platforms, and recent developments in generative artificial intelligence.

First, the digitization of information has significantly reduced the costs and barriers associated with the production, reproduction, and distribution of content. Unlike traditional media, whose production and circulation often required substantial infrastructure and investment, the digital environment allows content to be produced, modified, and disseminated with relatively limited resources from virtually anywhere in the world (Aguiar; Reimers; Waldfogel, 2024). This characteristic broadens the range of actors capable of participating in influence operations and facilitates the transnational circulation of persuasive content. Lower entry barriers, however, do not eliminate disparities in capacity: the most sophisticated operations still depend on resources, such as access to large-scale personal data, technical expertise, and infrastructure, that remain unevenly distributed among States.

Second, the widespread adoption of smartphones has fundamentally transformed access to information and communication channels. As mobile and permanently connected devices, smartphones have become ubiquitous channels through which influence can be exerted, allowing operations to be conducted continuously and persuasive content to be seamlessly integrated into everyday routines (Levinson, 2004; Saylor, 2013). Exposure to potentially persuasive messages is therefore no longer confined to specific moments or environments of media consumption.

Third, the growing availability of big data and advanced data analytics has enabled influence campaigns to be personalized with a high degree of precision. By collecting and processing large volumes of data on users, including browsing behavior, consumption patterns, preferences, and social connections, actors can tailor messages to specific demographic segments or, under certain circumstances, to individual users (Zuboff, 2019). The combination of large-scale data collection and analytical capabilities therefore makes it possible to move beyond predominantly mass-based approaches toward communication strategies that are more precisely segmented and adapted to the characteristics of target audiences.

Fourth, the rapid expansion of social media platforms has profoundly altered the production, circulation, and amplification of information. These platforms enable not only the instantaneous dissemination of content on a large scale but also forms of communication in which users themselves produce, share, and amplify particular narratives (Singer; Brooking, 2019). Influence operations consequently do not depend exclusively on centralized sources of communication. Content can circulate through extensive networks of users and acquire an appearance of legitimacy through its repeated dissemination across different accounts and profiles.

Content may be disseminated by ordinary users, digital influencers linked to foreign States, or news organizations that reproduce information already widely circulated without adequately verifying it. This process is facilitated by platform architectures designed to maximize engagement through notifications, likes, and algorithmically curated feeds, encouraging continuous consumption while reducing opportunities for critical evaluation (Alter, 2017). At the same time, influence operations may employ fake accounts, trolls, and coordinated bots to amplify narratives, interfere with public debate, and artificially generate visibility and the appearance of consensus (Olejnik, 2024). The repetition of such messages may reinforce perceptions of their legitimacy, while synthetic identities and coordinated behavior make it more difficult to identify their authorship and origins.

Fifth, recent advances in generative artificial intelligence are likely to bring about a qualitative transformation in the conduct of cognitive warfare operations. Large language models (LLMs) can rapidly generate coherent content adapted to different audiences while also facilitating near-instantaneous multilingual translation. These capabilities can substantially increase the scale, personalization, and plausibility of transnational influence campaigns while reducing operational costs and, in certain stages of their execution, the need for direct human involvement.

The development of synthetic media technologies, particularly deepfakes, further expands the potential of cognitive warfare operations. Audio, video, images,

and documents generated or manipulated through artificial intelligence can achieve a high degree of realism, making them more difficult to identify and potentially facilitating the dissemination of disinformation. Moreover, the possibility of fabricating convincing digital content can undermine confidence in the authenticity of digital information more broadly, including content that is genuine (Venema, 2024).

By interfering with the formation of perceptions, beliefs, and opinions, cognitive warfare operations can undermine the reliability of the information environment and make it increasingly difficult to distinguish between facts, interpretations, and deliberately deceptive content. This process can erode trust in institutions and in the mechanisms through which knowledge is produced and validated, thereby constraining individuals' ability to form political judgments autonomously and on an informed basis. As a result, interference with the formation of public opinion and political will may affect the epistemic conditions that underpin public debate and the legitimacy of democratic decision-making (Stengel, 2019; Buluc, 2024; Pamment; Palmertz, 2024).

3 COGNITIVE WARFARE UNDER THE PRINCIPLE OF NON-INTERVENTION

The expansion of cognitive warfare presents new challenges to the protection of State sovereignty and autonomy, particularly in the context of operations designed to influence the perceptions, attitudes, and decision-making processes of foreign populations. Against this backdrop, it is necessary to examine the extent to which such practices may constitute breaches of the principle of non-intervention, taking into account its historical development, legal construction, and application to new forms of State conduct in the information environment.

One of the foundations of the contemporary international order is the recognition of States as sovereign, independent, and legally equal entities. This principle underpins the protection of their internal affairs against external interference, as embodied in the principle of non-intervention (Kriener, 2023; Kokott; Mälksoo, 2023).

Its emergence was the outcome of a long historical process. In Europe, from the late Middle Ages onward, political authority was gradually consolidated within territorially defined monarchies, strengthening the central authority of sovereign rulers. The American and French Revolutions subsequently transformed the foundations of political legitimacy by establishing popular consent and political representation as key principles underlying State authority. Sovereignty thus gradually evolved from a conception centered primarily on dynastic and monarchical legitimacy toward one increasingly grounded in the nation and the people. The consolidation of capitalism, followed by the profound political and institutional transformations brought about by the two World Wars, further contributed to the consolidation, throughout the twentieth century, of an international order structured around relations among sovereign and formally equal States (Teschke, 2003).

The incorporation of the principle of non-intervention into the legal framework governing international relations provides important evidence of its recognition as a norm of international law. In the field of treaty law, the Charter of the United Nations established State sovereignty as one of the foundations of the international order by providing, in Article 2(1), that the Organization is based on "the principle of the sovereign equality of all its Members."

Sovereign equality presupposes that each State possesses autonomous authority over matters falling within its domestic jurisdiction, which constitutes one of the legal foundations for protection against external interference. The Charter recognizes this sphere expressly, although in a limited way: Article 2(7) provides that nothing in the Charter authorizes the United Nations to intervene in matters that are essentially within the domestic jurisdiction of any State. This provision constrains the Organization rather than States themselves, and the Charter contains no express inter-State prohibition of intervention (Roscini, 2024). It nonetheless confirms that domestic jurisdiction is a protected sphere within the normative structure of the Charter, and in this sense, non-intervention may be understood as a corollary of State sovereignty.

The prohibition of the threat or use of force in Article 2(4), which covers the most evident form of intervention, completes this framework (Crawford, 2019).

The principle is likewise reflected in instruments adopted within regional organizations, which further indicates its broad acceptance (Kriener, 2023). In the Americas, it is codified in the Charter of the Organization of American States (art. 19 and 20). In Africa, the Charter of the Organization of African Unity listed non-interference in the internal affairs of States among its founding principles (Organization of African Unity, 1963, art. III(2)), and the Constitutive Act of the African Union retained it as a principle governing relations among Member States, (African Union, 2000, art. 4(g)). In Southeast Asia, the 1976 Treaty of Amity and Cooperation (art. 2) and the 2007 ASEAN Charter (art. 2(2)(e)) provide for non-interference in the internal affairs of the parties. In Eurasia, the Charter of the Shanghai Cooperation Organization (2002, art. 2) and the Charter of the Collective Security Treaty Organization (2002) contain comparable commitments. In Europe, Principle VI of the 1975 Helsinki Final Act, a political rather than a legally binding instrument, calls on participating States to refrain from intervention in each other's internal and external affairs.

The principle also appears in thematic treaties. The Vienna Conventions on Diplomatic Relations (1961, art. 41(1)) and on Consular Relations (1963, art. 55(1)) impose a duty on persons enjoying privileges and immunities not to interfere in the internal affairs of the receiving State. The 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (art. 2(2)) and the 2000 United Nations Convention against Transnational Organized Crime (art. 4(1)) require States Parties to perform their obligations in a manner consistent with the principles of sovereign equality, territorial integrity, and non-intervention in the domestic affairs of other States.

In addition to being enshrined in numerous international treaties, the principle of non-intervention is recognized as part of customary international law (Kriener, 2023). Customary international law consists of unwritten rules derived from a general practice

of States accompanied by the belief that such practice is legally required (*opinio juris*) (Wood; Sender, 2024). Its relevance is heightened by the decentralized nature of the international legal system, in which there is no universal legislative authority capable of creating rules of general application. Customary rules therefore play an essential role in binding States generally: a State may be bound by a customary rule regardless of whether it is a party to a treaty codifying that rule.

The customary character of the principle of non-intervention is further supported by extensive international practice and evidence of *opinio juris*, expressed through international treaties, United Nations General Assembly resolutions, declarations, and other international instruments (Roscini, 2024). In the *Military and Paramilitary Activities in and against Nicaragua* case *(Nicaragua v. United States of America)*, the International Court of Justice expressly recognized the customary status of the principle and emphasized that the existence of violations does not undermine the continued validity of the rule itself (ICJ, 1986; Schmitt, 2017).

Although the prohibition of intervention is firmly established in both treaty and customary international law, the precise contours of its legal content and scope remain subject to ongoing debate (Jamnejad; Wood, 2009; Schmitt, 2017). In the case of armed intervention, which also engages the prohibition of the threat or use of force under Article 2(4) of the Charter, its characterization as a breach of the principle of non-intervention is relatively clear and constitutes its most evident manifestation (Jamnejad; Wood, 2009). The greater difficulty therefore lies in addressing non-armed forms of intervention, particularly when they are intended to influence the political, social, or cultural processes of another State. It is within this area of legal uncertainty that the question of cognitive warfare arises.

The principle of non-intervention was articulated in the Americas well before the adoption of the Charter of the United Nations. Article 8 of the 1933 Montevideo Convention on the Rights and Duties of States provided that no State has the right to intervene in the internal or external affairs of another, and the 1936 Additional

Protocol Relative to Non-Intervention reaffirmed that prohibition. The principle was later codified in the Charter of the Organization of American States (1948, as amended). Article 19 provides that no State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State, and Article 20 prohibits the use or encouragement of coercive measures of an economic or political character in order to force the sovereign will of another State and obtain advantages of any kind (Roscini, 2024).

These regional formulations were later taken up at the universal level through United Nations General Assembly Resolution 2131 (XX) of 1965, the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty, and Resolution 2625 (XXV) of 1970, which contains the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations. The latter, in particular, reaffirmed the prohibition of armed intervention, political and economic coercion, and other forms of interference, and recognized the right of every State to choose freely its political, economic, social, and cultural systems (Roscini, 2024).

In its jurisprudence, the International Court of Justice has had several important opportunities to delineate the legal contours of the principle of non-intervention. In 1949, in the *Corfu Channel* case (United Kingdom v. Albania), the Court rejected the existence of an alleged "right of intervention," characterizing such a claim as an expression of a policy based on force (ICJ, 1949). The principle was more comprehensively developed several decades later in the *Nicaragua* case (1986). In that judgment, the ICJ recognized non-intervention as a corollary of State sovereignty and affirmed the right of each State to conduct its affairs free from external interference. The Court further established that intervention is prohibited when it concerns matters that, by virtue of the sovereign equality of States, must remain within the sphere of a State's free decision-making (ICJ, 1986; Kriener, 2023; Roscini, 2024; Bayer, 2025).

Building on the foregoing development of international law, two elements can be identified as necessary to characterize an intervention: conduct directed at matters within the internal affairs of a particular State and coercion of sufficient gravity to render the conduct unlawful (Schmitt, 2017; Schmitt, 2021; Roscini, 2024).

As discussed above, the principle of non-intervention protects matters within a State's internal affairs, that is, matters intrinsically connected to the exercise of State sovereignty. This sphere is commonly referred to as the State's *domaine réservé*, or reserved domain, and this article uses the terms interchangeably (Kriener, 2023). Among the matters encompassed by this sphere are the choice and organization of political, economic, social, and cultural systems, as well as the conduct of foreign policy. This understanding is supported by United Nations General Assembly Resolution 2625 (XXV), by the jurisprudence of the International Court of Justice, particularly the *Nicaragua* case (ICJ, 1986), and by the specialized literature (Roscini, 2024; Bayer, 2025).

Political intervention is particularly relevant to cognitive warfare operations. As discussed above, such operations may exploit and deepen existing political cleavages, disrupt decision-making processes, intensify social divisions, or create new fractures within the political fabric of a State. In this context, a State's political structure and the mechanisms through which political power is constituted and exercised, including elections and government formation, are central expressions of sovereign autonomy. The protection afforded to this sphere extends not only to the formal organization of political institutions but also to the conditions under which these processes take place (Schmitt, 2021; Bayer, 2025). When conducted with the purpose of restricting a State's capacity to manage its political affairs autonomously, such operations may directly encroach upon this sphere of sovereignty. The same may occur when they seek to influence foreign policy, particularly by constraining freedom of decision or inducing changes in international alliances and alignments.

In addition to affecting matters falling within the internal affairs of a State, the characterization of unlawful intervention requires the presence of coercion, as

recognized by the International Court of Justice in the *Nicaragua* case (ICJ, 1986). Coercion exists where the pressure exerted on the target State is sufficiently intense to impair its freedom of decision-making and compel it to act in accordance with the will of the intervening State (Jamnejad; Wood, 2009; Kriener, 2023). In this regard, the specialized literature distinguishes between intervention and "mere interference," the latter referring to attempts to influence the internal affairs of another State without resorting to coercive means. Such conduct does not, in principle, constitute a breach of international law (Schmitt, 2017; Kriener, 2023; Bayer, 2025). This distinction is particularly significant in the context of cognitive warfare operations.

A recurring argument holds that political interference is an inherent feature of international relations, such that prohibiting it would ultimately amount to restricting diplomacy itself and the interaction between States (Roscini, 2024; Czepulonis, 2025). From this perspective, intervention must be distinguished from ordinary practices of influence, propaganda, and criticism in the context of diplomatic relations. Accordingly, although such practices may seek to influence the conduct of another State, they do not, in themselves, involve a sufficient degree of coercion to constrain its freedom of decision-making or compel it to adopt a particular course of action. For example, a foreign ministry may publish social media messages criticizing an action taken by another State. In this view, such conduct would not reach the level of coercion necessary to constitute unlawful intervention (Schmitt, 2017).

Treating cognitive warfare as an ordinary manifestation of international relations, however, may underestimate the transformations introduced by the contemporary technological environment, whose development has yet to be fully addressed by the specialized literature. Operations combining disinformation, deepfakes, automation, microtargeting, and neuroscience have expanded, on an unprecedented scale, the capacity of external actors to shape the information environment and interfere with the formation of political will within other societies.

Cognitive warfare campaigns may have significant effects on electoral processes, erode trust in institutions, deepen political divisions, create mechanisms of pressure intended to influence domestic and foreign policy decisions, and undermine a society's capacity to form its political will autonomously. Such effects extend beyond ordinary influence and cannot automatically be equated with practices inherent to diplomatic activity. Unlike an official and public statement by a foreign government, these operations involve a coordinated set of actions that, through concealment, seek to produce effects on the political environment of the target State without necessarily revealing their origin or purpose.

Schmitt (2021) distinguishes, in the electoral context, between cyber operations that directly affect the State's capacity to conduct an election and those intended to influence voters' attitudes. The former tend to be coercive when they disrupt the conduct of the electoral process, such as through attacks that alter vote counts, disable electoral equipment, or prevent individuals from exercising their right to vote. Coercion may also arise indirectly through operations targeting voters in ways that impede their access to the polls, for example, by disseminating false information about polling locations, voting procedures, or voting conditions. In such cases, characterizing an operation as coercive does not depend on demonstrating that it actually altered the electoral outcome, although factors such as its scale, effects, duration, and the target State's ability to respond should be taken into account (Wheatley, 2021).

More complex, however, is the characterization of operations intended to influence voters' preferences. According to Schmitt (2021), foreign information campaigns that merely express political positions and seek to persuade are not, in principle, coercive. The issue becomes more contentious when an operation significantly interferes with the information environment, for example by depriving voters of relevant information, dominating the communication space, or disseminating disinformation. In such cases, factors including the scale and effects of the operation, the accuracy of the information disseminated, the use of false identities, the exploitation of social vulnerabilities, and

targeting designed to produce a particular electoral outcome may contribute to its characterization as coercive. Thus, although no definitive legal criterion exists, the distinction between persuasion and coercion depends to a considerable extent on the intensity and effects of the operation on voters' ability to exercise their choice freely.

Moreover, the interpretation of the principle of non-intervention cannot disregard the power relations that shape the construction and application of international legal categories themselves. As Koskenniemi (2005) observes, international law does not operate in a politically neutral space, as its rules and interpretations are shaped by power struggles and by unequal capacities to influence their application. From a complementary perspective, Anghie (2004) demonstrates how seemingly universal categories of international law may reproduce asymmetries among States when applied in contexts marked by material inequalities.

An excessively restrictive conception of intervention, which excludes operations conducted through digital technologies on the assumption that they do not conform to traditional forms of interference, may reinforce existing asymmetries in international relations. Although digitization has lowered the cost of conducting influence operations and widened the range of actors able to conduct them, the capacity to carry out sophisticated, large-scale and sustained campaigns remains unevenly distributed. It depends on access to personal data at scale, influence over platform infrastructure, and the ability to attribute and counter hostile operations, all of which tend to be concentrated in States with greater technological, financial, and informational resources.

Such an interpretation would therefore disproportionately benefit those States, which are best positioned to conduct such operations, while leaving weaker States, which are also the least able to detect, attribute, and respond to them, exposed to their effects. By treating these practices as falling outside the scope of intervention, international law risks normalizing forms of coercive influence that powerful States can exercise with relative impunity, rather than protecting the States most vulnerable to them. The result would be a legal framework that privileges the freedom of action of powerful States while leaving others without effective means of response.

4 CONCLUSIONS

Cognitive warfare represents a contemporary transformation in the ways power is exercised in international relations. Although rooted in psychological warfare, the incorporation of digital technologies, artificial intelligence, big data, automation, and individualized targeting has radically expanded the capacity to influence perceptions, behavior, and decision-making processes. These capabilities enable influence to be exercised persuasively on a scale, at a speed, with a degree of precision, and with a persistence previously unattainable, significantly increasing the potential to shape the formation of political perceptions and decisions.

This transformation has important legal implications because it may directly affect the autonomy that sovereignty protects. Sovereignty is not limited to territorial integrity: it also encompasses each State's freedom to determine its internal affairs and foreign policy, within the limits set by international law and free from coercive external interference. When an operation is deliberately designed to condition this freedom in matters falling within the State's *domaine réservé*, it may move beyond mere influence and constitute a violation of the principle of non-intervention.

It is in this respect that cognitive warfare acquires particular legal significance. Its capabilities enable actors to exploit vulnerabilities, segment audiences, tailor content, automate its dissemination, and manipulate the information environment in which political decisions are formed. In this context, coercion does not necessarily depend on physical force or an explicit threat. It may operate by affecting the very conditions under which political will is formed, narrowing the range of perceived alternatives and constraining the decision-making process.

The seriousness of this problem becomes particularly apparent when such operations target elections, government formation, political organization, or the orientation of foreign policy. The object of interference is no longer merely public opinion but the capacity of the State and its society to autonomously determine matters falling

within their sovereign sphere. Deliberately manipulating these conditions through a foreign operation may therefore amount to coercive intervention, rather than mere interference, in the exercise of the autonomy that the principle of non-intervention seeks to protect.

Cognitive warfare therefore cannot automatically be reduced to a mere diplomatic instrument or an ordinary form of influence. When deliberately structured to exploit vulnerabilities and constrain the formation of political will, it may assume a coercive character and affect the autonomy protected by international law. Existing doctrine on coercion, however, was not developed with such technologically mediated operations in mind: it centers on compelling a State to act or refrain from acting, and it struggles to capture operations that distort the conditions under which will is formed without imposing a specific outcome. The criteria discussed in this article, namely concealment of origin, deliberate distortion of the information environment, exploitation of cognitive vulnerabilities, scale, and targeting, offer a starting point for distinguishing persuasion from coercion. Treating such operations as merely another manifestation of diplomatic practice could favor the States with the greatest technological capacity to employ them, at the expense of those that bear their effects.

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