

**BEHIND THE DIGITAL
CURTAIN: A LOOK
INSIDE THE RUSSIAN
INFORMATION WAR
AGAINST THE WEST**

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Behind the Digital Curtain. Civil Society vs State Sponsored Cyber Attacks

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In the post-truth world of Putin and Trump the international law is being spurned by some states; a development led by the two most powerful permanent members of the United Nation's Security Council. In the past few years this has resulted in the obliteration of trust between different public and private actors of international relations, and everyone became self-righteous (Mäger, 2016; Herszenhorn, 2018; Applebaum, 2019; Harding, 2018).

Next to journalists, lawyers, economists and political scientists, who are all experts on media, law, economic and political life respectively, everyone with access to a keyboard also claims to be an expert in these issues (i.e. bloggers, opinion leaders). The moment has

come when all the crises - economic, ecological, migration, informational and political - are intertwined, and nobody can entirely figure out where they originated and how to address them but many declare to have "the solution" (Mäger, 2016; Herszenhorn, 2018; Applebaum, 2019; Harding, 2018).

People are no longer observers but rather participants and targets of all possible conflicts that happen "remotely" - ideological and political, within and outside their country. The consequences of this "participation" have already affected their personal lives: religious-ethnic conflicts, Brexit, rise of the extreme right on the European continent, etc. (Nagan & Hammer, 2008).

Introduction

At the same time, it is harder for scientists (scholars) to reach their potential readership, their expertise discarded when inconvenient. Moreover, the quality of research materials has decreased and it has become difficult to check the reliability of their sources. To this comes the increasing noise generated by ever more Internet outlets with dubious funding and nefarious goals, which disseminate rumors, untruths, historic revisionism, and even fake studies (Karnaushenko, 2015; Jeangène; Escorcia; Guillaum & Herrera, 2018).

Loss of control over dissemination of information that in seconds can reach millions of people, and can cause emotional outbursts and social unrest, is one of the consequences of

globalization and the spread of the Internet which are both impossible to reverse.

The extent to which the information disorder has developed in the world is also the result of a “hybrid war”, which has been waged by Russia, one of the biggest countries that have resisted globalization for over 20 years. Russia is trying to clench the past, to preserve what it calls “classical relations” between the states, although “the classical relations” between states (as Russia understands them) are not feasible anymore, due to the emergence of millions of “actors in the digitalized world”, who have the ability to actively influence the processes of coexistence. As a member of the UN Security Council, Russia continuously blocks resolutions that could solve burning issues of international relations (Syria, Venezuela, and Ukraine etc.). Russia deliberately paralyzes international public law and weakens interdependence between states, triggering political and information chaos in liberal democracies

(Lukas & Pomeranzev, 2016; Chivvis, 2017; Gerasimov, 2013).

At the same time, Moscow experiments the introduction of controls over information within and outside its borders. Having problems with the freedom of speech (Report of the Freedom House on Russia, 2019), Russia undermines this norm in other countries through the activities of its agents of influence (Kamian, 2018; Mäger, 2016; Abrams, 2016). Russia creates conditions in which liberal democracies are forced to debate about the introduction of censorship for the sake of national security and sovereignty (Barandiy, 2018). As an example, citizens, politicians and officials in a country like Ukraine blame the existing licensed media for being Kremlin-mouthpieces, and call for “active or passive defense” against the Kremlin’s infiltration in their national discourse (Barandiy, 2018). The consequences of such allegations vary from counter-propaganda (as active defense) to the attempts to shutdown cer-

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tain media outlets (as passive defense). The urgency of the reaction depends on the level of the freedom of the media in a country, and whether it suffers from or is under imminent risk of military aggression of Russia.

Both, the military intervention, which is forbidden in international law, and interference in other states’ affairs through information, which is not forbidden in international law, are inherent to the concept of foreign policy of Russia. Though the second aspect is often considered to be a form of war not only by Russia (which will be discussed below) but also by many Western states - Russia’s war against liberal democracies aims to force back the international community to the “classic relations between states” time, without supranational bodies like the EU or NATO (Syuntyurenko, 2015; Putin, 2014; Pieters,

2018).

One active actor that resists this “war” is civil society. NGOs and activists worldwide cooperate with public and private actors, organize events and produce reports with the goal to raise awareness on the level and consequences of “interference”. By now they have not managed to streamline the “information disorder” as the approaches of such “interference” differ depending on terminology, used in the states of the origin of such NGOs.

There is a terminology that has been circulated in the communication flow of legal and political systems of nation states, but only few of them are actually regulated by national or international law. The officials and experts use active measures (Russia, USA), interference in internal affairs (Russia) or election meddling (USA), hybrid or ideological war (analysts worldwide), information aggression and information at-

tacks (Russia), psychological operations, fake news and disinformation (the USA, the EU), manipulation of information (France), Russian propaganda (Ukraine), propaganda of war and hate speech (Council of Europe, OSCE, Germany), cyber attacks (worldwide) etc.

Absence of common terminology amplifies the chaos and weakens the resistance of states against Russia’s extraterritorial information influence operations (Ristolainen, 2017). Nevertheless, it is of paramount importance to establish common definitions because of the tight technological and human interconnections in the current global world order.

First of all, it is necessary to establish sources in politics and law of Russia that aim at information influence of the Kremlin on other states. Russia acts in a “bubble of interpretations”; the purpose of this study is to connect the actions undertaken by Russia to the terminology Russia itself

uses itself for such acts and “reciprocal” actions undertaken by other states against Russia. This is needed to understand the approach, worldview and mindset of the Kremlin’s power elites and for the West to be able to resist or to adapt to the conditions imposed by Moscow (Bennett, 1995).

In this paper, I intentionally do not connect Russia’s “measures” to officially existing terms in Russia as its actions are considered by Russians to be a “defense”. At the same time, I do not connect Russia’s “measures” to any existing western term or definitions, in order to avoid the confusion between those definitions and the findings in this study.

I propose to use the term that contains elements of Russia’s “measures” that would resonate with all the states that have felt their impact. This term is “influence through information” (“information influence”) (Scott, 2016).

The purposes of the study are

1) to determine the place of **“information influence” in Russia’s concept of “interference in sovereignty”** as interpreted by the law, science and rhetoric of the Kremlin, and

2) to offer a definition of “information influence” in relation to “interference in sovereignty” as defined by the Kremlin and, at the same time, as experienced by the Western states.

Terminology, used by the Kremlin. Basics.

Information influence of Russia on foreign states has been systematically introduced into its concept of sovereignty after 2011 (Ivashov, 2012). The dates and chronology of the introduction of the concept of “information sovereignty” are tied to past elections in Russia, which for decades have kept in power the same people by just rotating their positions. Thus, after Medvedev’s “presidency” Putin’s return to

power took place in March 2012 (Pavlovskiy, 2014; Ziegler, 2012; Budraitskis, 2014). In May 2012, Igor Ashmanov, one of the founders of the Russian Internet called “Runet” talked about the necessity of introducing the notion of “digital sovereignty” (Коваленко, 2019). In February 2013, General Valeriy Gerasimov came up with

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the “ideology” of information aspects of geopolitical confrontation (HlavRadyoOnline, 2012; Kasperskaia, 2014). In 2014 Putin’s aide and advisor on Ukraine Vladislav Surkov (who in 2006 had already introduced the idea of “sovereign democracy”) published an essay about “non-linear war”- Putin’s method of information influence

on Ukraine and other countries (Surkov, 2006; Dubovitsky (Surkov), 2014).

In internal affairs and in the international arena Russia is adopting laws and proposing agreements that reflect its approach to state sovereignty, the concept of (non-) interference and information security. These documents are governed by a specific terminology that is used by the state institutions involved in the drafting.

In September 2011, Russian Ministry of Telecommunication prepared the Convention of Information Security for the UN (Convention on International Information Security, 2011). Though this was not accepted by the majority of the Western states its content is relevant for understanding the Kremlin’s readiness to introduce the state of information sovereignty in Russia with the accompanying reactive and pro-active measures in relation to foreign states.

The preamble of the Convention mentions that “political authority in connection with governmental policy issues related to the Internet is a sovereign right of States...”

Art. 1 declares the aim of the Convention which is “to act against the use of information and communication technology to violate international peace and security, as well as to set up measures ensuring that the activity of governments in the information space will” among

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other:

- “be compatible with the right of each individual to seek, receive, and distribute information and ideas, as is affirmed in UN documents, while keeping in mind that this right may be restricted through legislation to protect the national and social security of each State, as well as to prevent the wrongful use of and unsanctioned interference in information resources”;
- “guarantee the free exchange of technology and information, while maintaining respect for the sovereignty of States and

their existing political, historical, and cultural specificities”.

Art. 2 defines the term “**information warfare**”-“confrontation between two or more states in the information space with the goal of inflicting damage to information systems, processes, and resources, as well as to critically important structures and other structures; undermining political, economic, and social systems; carrying out **mass psychological campaigns** against the population of a state in order to destabilize its society and the government; as well as forcing a state to take decisions in the interests of its opponents”.

One more interesting term defined by the Convention is “**information weapon**” - “information technology, means, and methods intended for use in information warfare”.

Art. 6 puts limits on the states requiring that they refrain from developing and adopting plans or doctrines capable of increasing threats in the information space, straining relations between states or provoking “information wars”; that they refrain from any actions aimed at a complete or partial breach of the integrity of the information space of another state; that they refrain from using information and communication technology to interfere

with the internal affairs of another state; that they refrain from slander as well as from using insulting or hostile propaganda to intervene into or interfere in the internal affairs of other states; that they have the right and duty to take action against the proliferation of untruthful or distorted messages which could be considered as a means of interfering in the internal affairs of other states or as damaging world peace and security etc.

At the same time “this Convention will not apply in those cases when the actions in question are undertaken within the information infrastructure of one state, citizen, or corporation under the jurisdiction of that state, and the effects of those actions are only felt by citizens and corporations under the jurisdiction of that state, and no other state has grounds to assert its jurisdiction” (**Art.3**).

As we see the terms “information war”, “information weapon”, “mass psychological campaigns” have been in use and waiting for their “introduction in law” by Russia for many years.

Recent developments in Russia concerning a possible internet isolation introduced through a draft law reflected the Kremlin’s idea of digital (internet) sovereignty. (О внесении изменений в Федеральный закон ...”

№ 608767-7; Danilenkov, 2017; Ristolainen, 2017). The digital sovereignty though is only a part of the wider concept of information sovereignty in Russia. This exact concept has been advocated by Igor Ashmanov since 2012-2013 (Yarovaya & Ashmanov, 2013; Diplomatrutube, 2013). It justifies the control by the Russian government over information distribution in the country and securing the “independence” of this information from “external influence”.

Igor Ashmanov is one of the most influential people from the IT industry in the entourage of the Kremlin’s key decision-makers. He gives lectures on information sovereignty, also to hackers, so called “kiberdruzhynniki (Tsarhrad TV, 2017), and participates in the hearings by the Russian lawmakers (Diplomatrutube, 2013; AB-studiya, 2018; Zappone & Massola, 2019). In 2018 he was Putin’s confidant during the Russian presidential election. His and

his partner Natalia Kaspersky’s products cover over 50% of the Russian information security market (Kasperskaia, 2014). Because of their world view they expose in their advocacy activity and their business interests, it is natural that they lobby for the creation of a propaganda system and for the introduction of **information sovereignty** ideology, which consists of **an information shield** and **an information sword**, for both of which naturally their products should be used.

The “**information shield**” consists of reactive instruments to protect the Russian information space from external interference, while the “information sword” consists of attacking or preventive instruments of interference into information flows of foreign states, both aimed at “the disruption of the information sovereignty of the adversary” (Life TV, 2012).

According to Ashmanov, a state needs in-

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formation and cyber-forces consisting of hackers in order to realize these information attacks. **Information attacks** are the “sword” of the information sovereignty, and “they are not forbidden by international agreements”. What is important, according to Ashmanov, with the help of information attacks “military intervention in a foreign state can be justified” (Ashmanov, 2013; Tsarhrad TV, 2017).

The report “Facts of the interference in the information sovereignty of Russia before presidential elections. Preparation of Maidan technology in Russia”, authored by both the Institute of Strategic Studies and Forecast (further ISSF) and the “Anti-maidan Movement” (Елисеев, 2015), proposed to equate the attacks on the information sovereignty of Russia with military

aggression, and to consider the foreign challenge to the propaganda of the Russian state aimed at the people of Russia as an encroachment on the Kremlin's information sovereignty (Geopolitika.ru, 2017).

The “Antimaidan Movement” was initiated by the Russia's Great Fatherland Party, which is co-chaired by the above-mentioned Igor Ashmanov. Although ISSF head Dmitriy Yegorchenkov participated in the drafting and presentation of the report, it is still not clear who “ordered” the report and what impact it has had in the Kremlin (ISIP RUDN, 2017).

Many of the terms used by the Kremlin, have been elaborated on in another document - the Report of the Temporary Commission of the Russian Federation Council “For the protection of the state sovereignty and prevention of the interference in the internal affairs of the Russian Federation” (further the “Report”) that was established with Resolution of the Russian Federation 14 June 2017 №172 (further the “Temporary Commission”).

The Temporary Commission has investi-

gated «facts of interference” in the sovereignty of Russia. Its task has been to provide Russia's Parliament, Ministries, the Central Electoral Commission, the Prosecution Office and other state institutions of the Russian Federation with recommendations on how to restrict possible “interference” in the internal affairs of Russia by international actors in the future.

The Temporary Commission is Russian “response” to the US-investigation on the Russian meddling in the 2016 presidential elections and other reciprocal acts that followed after these allegations (Заверняева, 2017). Two chapters of the Report are dedicated to the history of “American interference” in other states, particularly, in Russian' affairs. The US norms of resistance against Russian influence in the world like “Patriot Act”, “Freedom Act”, “Magnitsky Act” and “Ukraine Freedom Support Act” are also mentioned in the Report.

The head of the Temporary Commission Andrey Klymov admits that “it is difficult to differentiate informing from interference” (Россия 24, 2017). This narrative is

easily manipulated by the Kremlin who at home calls information coming from foreign sources an interference and restricts it; while disguising its own information interference as legitimate information and insists it must not be restricted because Western governments guarantee “freedom of speech” and “freedom of media”.

Terms that have been used to expose foreign influence are “**foreign agents**” and “**undesirable organization**”. Politically active NGOs in Russia that receive grants from abroad are called “foreign agents” by the Russian government (Report of the Temporary Commission of the Council of the Russian Federation on the Protection of Sovereignty, 2018, p. 56). At the

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The digital sovereignty is only a part of the wider concept of information sovereignty in Russia.

moment of establishment of the Temporary Commission more than 90 NGOs had been identified as foreign agents, and by 2017, 11 organizations were designated as undesirable (Report of the Temporary Commission of the Council of the Russian Federation on the Protection of Sovereignty, 2018, p. 58).

Another interesting term is “vbros” - “news stories” that are “dumped” into social media, “washed” through the mass media in order to appear again the social media as legitimate news (Report of the Temporary Commission of the Council of the Russian Federation on the Protection of Sovereignty, 2018, p. 59; Gostev, 2017). “Vbrosy” are dangerous as they can provoke the spread of false information about individuals and institutions at an impressive speed in huge volumes, “igniting peo-

ple’s emotions.”

Other terms, used by the Russian decision and opinion makers are **information confrontation, “containment of Russia”, the collective West, complex measures, asymmetric measures, complex approach, active operations, agent of influence, ideological diversion, ideological aggression, active measures, sovereign expertise** (scanning of every draft law on resistance to interference) (Komov, Korotkov & Dylevski, 2007; Belenkov, Gyulazyan & Mazlumyan, 2018; Ruptly, 2019).

Russian information influence on foreign states in terms of sovereignty

The breach of the sovereignty of foreign, often neighboring states by Russia is inherent to its modern doctrine of international law, and its approach to foreign policy is based on force, rather than the law, as the means to achieve its geopolitical goals (Tolstykh, 2016). Although “in theory” Russia respects international law, in reality it

places the supremacy of national interests over internationally agreed norms; it brings up historical, religious and other non-recognized scholarly arguments to justify its actions in international relations and prioritizes bilateral relations over multilateral agreements (Klishas, 2018; Mèger, 2016; Abrams, 2016).

For the last two decades, Russia has tested how far it can push the boundaries of tolerance of the international community to the breach of international law (Report of the Standing Committee on National Defence of the House of Commons (Canada), 2018). So far, only the reaction to the “hybrid interference” in Ukraine has had negative consequences for Russia in face of sanctions or dismissed participation in the decision-making process of some international organizations. Despite the reaction of the West, Russia has not changed its approach towards international law. Inside the country state media “used” West’s reaction to boost popularity of Russian leadership (Kazun, 2016; Domańska, 2019). In international relations Moscow has tried

to impose its vision of the “rightful transactions” onto the governments of other states, e.g. through UN Security Council meetings. Whenever Russia’s message fails through official communication, it moves into attempting to replace foreign political decision-makers with the ones friendlier to Kremlin’s “transnational activities” (Shekhovtsov, 2017).

By manipulating technology and achievements of Western democracies, such as the concept of human rights Russia tries to undermine Western democracies’ values. For example, it “interferes in the sovereignty” of the Western states by financing their radical parties, undertaking information and cyber attacks, and stocking social divisions.

During the referendum campaigns in the UK and the Netherlands, as well as during the elections in Germany, Austria, Czechia, Italy, the United States and France, Russia engaged in “informational-psychological pressure” on the electorate with the aim to weaken certain candidates and prevent inconvenient outcomes for the Kremlin (Bradshaw & Howard, 2017). In all of them the fear-mongering narratives that includ-

ed migrants, Islam, and non-traditional life-styles were used.

The results have often been useful for Moscow for destabilizing Europe: the UK decided to leave the EU although a majority of the population as well as some national authorities now realize that it may be financially and reputationally ruinous; in Germany, for the first time since the World War II the far-right took seats in the parliament; in Austria and Italy the far-right entered the government.

One may argue that it is not proper to conclude that the narratives created by the Kremlin during the political campaigns in the above-mentioned states had swayed the outcome of the referenda or elections resulting in choosing Kremlin-friendly ideas and governments. While the exact effect of the influence has been empirically challenging to establish, the attempts to influence are beyond doubt (Political Warfare: Competition in a Cyber Era (Policy Paper), 2019; Bayer, Bitiukova, Bard, Szakács, Alemanno & Uszkiewicz, 2019).

The Temporary Commission claims that Kremlin’s actions are solely the responses to the “information, sanction and dip-

lomatic war that has been waged against Russia since 2014” from the moment of the “coup d’état” (the way the Kremlin calls Revolution of Dignity or “Euromaidan”) in Ukraine, but, as shown above, Russia started claiming information sovereignty long before the 2014 events in Ukraine.

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“Influence through information” in Russian interpretation

“Russia’s official military doctrine, as well as statements by top Russian generals, describe the use of false data and destabilizing propaganda as legitimate tools, and information as another type of armed force (military power)”, - says European Union Commissioner for Security Julian King (Barbarosie & Coalson, 2018).

Following every new offence originating from Russia, Western countries’ leaders declare that the Kremlin meddles in their internal affairs - in the information space, cyber space, and political arena of their nations. Nevertheless, these statements have not yet shaped a united Western vision of how to counter this Russian foreign policy strategy. Whether respective governments realize it or not, all the acts of the Kremlin towards other states are part of Russia’s system of international relations and have to be analyzed in their

complex entirety.

Peter Dickinson writes in his article “From Crimea to Salisbury: Time to Acknowledge Putin’s Global Hybrid War” that the West does not realize that the Kremlin’s attacks are not isolated from one to another; its actual goal is to interfere, and these interferences constitute a “single coordinated global campaign” (Dickinson, 2018). Therefore, the problem is that the West mobilizes its power and resources to repel individual Russian attacks separately instead of learn about the Russian integral approach and prepare appropriate response.

At the same time, it has to be considered, that the measures of the Kremlin towards other states are often not coordinated and not thought-through, as they are executed by the different independent from each other actors within Russia’s government (DenTV, 2019). Yet the common ground of these measures implies restraining of the globalization processes, although they result in self-isolation of Russia from the lib-

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eral international community (Putin, 2014).

Russia’s approach to secure “national interests”

Russia’s approach to secure national interests differs from the one of the liberal states. It is based on realism rather than liberalism or constructivism in international relations (Ziegler, 2012). Thus, international law in the interpretation of the Kremlin is the law to which other states agree to adhere, but if it constrains the



national interests of Russia, the latter should prevail (Mäger, 2016). At the same time, Russia accuses other states that prioritize national interests over international agreements of breaching international law (The Ministry of Foreign Affairs of the Russian Federation, 2018).

Contrary to the generally recognized principle of sovereign equality, Vladimir Putin as well as his advisors do not consider small states that are “unable to survive entirely by their own means” to be sovereign. Thus, Igor Ashmanov insists that Belgium and Germany, for example, are not sovereign states (Tsarhrad TV, 2017).

According to the Russian parliamentarians who drafted the Report on Interference in the Internal Affairs of Russia (which will be discussed below) only Russia, the US and China have the “highest level of sovereignty” (Report of the Temporary Commission of the Council of the Russian Federation

on the Protection of Sovereignty, 2018). Truly (“globally”) sovereign states are those states that have veto power in the UN Security Council, officially possess nuclear weapons and have special capabilities in the field of aerospace.

Vladimir Putin himself believes that there are only a few fully sovereign states in the world, stressing that the states that participate in military unions have only limited sovereignty (Putin, 2017). During the Valdai Forum in 2007 Putin said that “for Russia, sovereignty is not a luxury, but the condition of survival in this world... Either Russia will be entirely independent and sovereign, or it will not exist at all, claiming that he was the only one able to ensure such independence. In terms of Putin’s vision of foreign policy, Russia is ready and

willing to use force to “protect its sovereignty” (Tkachenko, 2017). By creating this link between national interests (independence, existence of the state) and his persona, Putin cemented his regime for decades.

Internationally, Russia positions itself as a “defender” of “classic” international law that “allows regimes to act with impunity within the state borders even in case of crimes against humanity (Россия24, 2018). This follows from the Kremlin’s refusal to follow the approach of the liberal international community to include human rights as a factor in international relations. According to Putin’s entourage, the concept of human rights is an instrument of interference and it is being used to “break down sovereignty” of states (Ashmanov, 2013). The vision of the Kremlin is that the “human rights in Russia are rights only as long as they do not contradict traditional values of Russian society”, and that

“no decision of an international court should prevail over the decision of Russian national courts” (Medvedev, 2018; Østbø, 2017). In these terms, in order to “protect national interests” (read regime) (De Mesquita, 2006). Russia has to be “secured” from what it calls “interference from outside”, including the concept of human rights.

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(Non)-interference as defined by Russia. What is interference in the sovereignty of Russia?

According to the Temporary Commission of the Russian Federation for protection of sovereignty, the interference in the internal affairs are activities of foreign states, their legal or natural persons, their associations and unions, with the aim to change the constitutional order, territorial integrity of the Russian

Federation, its internal and foreign policies, composition and structure of the state and local organs through elections, media, NGOs and educational programs (list non-exhaustive); these activities are beyond the generally recognized principles of international law or agreements of the Russian Federation with other states.

Moreover, the Temporary Commission has suggested to introduce this definition of interference into the law of the Russian Federation and investigate accordingly.

Forms of interference according to the Temporary Commission

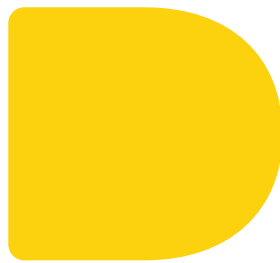
(Report of the Temporary Commission of the Council of the Russian Federation on the Protection of Sovereignty, 2018)

According to the Temporary Commission, interference is a direct or non-direct foreign support for political forces in certain states as well as the entire complex of measures of influence on the citizens of foreign states in order to change their behavior, form certain stereotypes, destabilize state institutions etc. This is political interference and it hap-

pens through informational and organizational means, using NGOs, foreigners, diaspora, “special operations”, bribing of the state officials, politicians and journalists.

The Temporary Commission considers the following to be interference:

- a. Establishment and support of NGOs that participate in the political processes in “the interests of a foreign state”, for example, when they are financed by the USA, the UK or the EU or when their leaders do study in the US and Baltic states. Such “foreign studies” are considered to be “anti-Russian” by the Temporary Commission.
- b. Cooperation with educational institutions, financing of education programs with the goal of “further control” of this field in order to orient it to the Western model in political, economic, and social aspects.
- c. Instrumentalization of mass media and social media to discredit the state institutions, the Kremlin’s power apparatus and political leaders.
- d. As separate forms of interference, the Commission mentions the “discreditation” of



the Russian Orthodox Church; “politicization” of sport like exposing Russia’s state sponsored doping program, and “instrumentalization” of the environmental issues.

According to the Temporary Commission, other forms of “interference in the internal affairs of Russian Federation” are stimulation of youth protests, meddling in elections, inciting ethnic conflicts or conflicts in the republics of the Northern Caucasus, the Volga region or in Crimea with the involvement of Crimean Tatar Mejlis-representation, and maligning of the Russian economic and political life in the world arena, and the use of such information inside of Russia.

The Temporary Commission considers the call of the Western leaders not to recognize the results of the elections of the President of the Russia in Crimea to be an interference and breach of the Universal

Declaration of Human Rights.

Legal and political acts and norms related to the “protection of sovereignty” of Russian Federation from foreign interference

The most relevant documents of strategic planning in this field are the Yearly address of the President of the Russian Federation to the Federal Assembly of Russian Federation, Concept of the foreign policy of the Russian Federation (Об утверждении Концепции внешней политики Российской Федерации № 640), Strategy of the national security of the Russian Federation (О Стратегии национальной безопасности Российской Федерации № 683), Doctrine of Information Security of the Russian Federation (Об утверждении Доктрины информационной безопасности Российской Федерации

№ 646), the Military Doctrine of the Russian Federation (О военной доктрине Российской Федерации № 146), the Strategy on the Development of the Information Society from 2017-2030, and a State Program “Digital Economy” 2017.

The following norms of Russian law are related to the “protection of Russia from interference”:

- a. State service can only be performed by the people who have only Russian citizenship (О государственной гражданской службе Российской Федерации № 79-ФЗ);
- b. Persons who take decisions related to the sovereignty and national security are forbidden to have accounts in foreign banks (О запрете отдельным категориям лиц открывать и иметь счета (вклады)... № 79-ФЗ);

c. NGOs that get finances from foreign sources and are politically active on the territory of the Russian Federation get the status of “foreign agents” (О внесении изменений в отдельные законодательные акты Российской Федерации ... № 121-ФЗ);

d. There are restrictions for the citizens with dual Russian-American citizenship to be members or heads of politically active NGOs; The activities of the politically active NGOs that get financing from the citizens or organisations based in the US can be suspended (О мерах воздействия на лиц, причастных к нарушениям основополагающих прав и свобод человека... № 272);

e. US-citizens who have been convicted of the crimes against Russian citizens are banned from entering the RF (О мерах воздействия на лиц, причастных к нарушениям основополагающих прав и свобод человека... № 272);

f. With the Law №129 of 23 May 2015 the definition of “undesirable organization” has been introduced. Undesirable organisations are those, whose activities constitute a “threat” to the constitutional order of the Russian Federation, or the defence and security of the country. Managers of such organizations are subject to criminal liability while foreign leaders of these organisations may be banned from entering the territory of Russia. Organisations, designated as undesirable are National Endowment for Democracy, Open Society Foundation, Open Russia, International Republican Institute. In January 2019 the case against the activist of the Khodorkovskyy’s “Open Russia” Anastasiia Shevchenko has been introduced. The case became famous as the daughter of Anastasiia who had been disabled from birth and needed thorough care, got severely ill and died one week after her mother was detained.

g. Foreigners may not possess or manage more than 20% of the shares of a Russian media organization (О внесении изменений в Закон Российской Федерации “О средствах массовой

информации” № 305-ФЗ);

h. Amendments to the Code of Administrative Offences related to “defamation of government”. Fines and arrest up to 15 days have been foreseen for the breach of this law (О мерах воздействия на лиц, причастных к нарушениям основополагающих прав и

свобод человека... № 272);

i. Amendments to the Law on Information and to the Code of Administrative Offences related to “fake news”, have been adopted in March 2019. (О внесении изменений в Кодекс Российской Федерации об административных правонарушениях № 28-

Information attacks are the “sword” of the information sovereignty, and “they are not forbidden by international agreements”.

Ф3). The Rosskomnadzor will block the websites that publish “fake information” under the label of factual messages.

Proposals on amendments and draft law in relation to the “protection from interference”

The Temporary Commission has proposed to legally “evaluate and regulate” the phenomenon of the “participation in the process of interference” in Russian internal affairs by the foreign individuals as they are performing

“undesirable activity”.

For several years the Temporary Commission has tried to create a “Black book of interference in the internal affairs of other states” (by other states than Russia, i.e. the USA). In 2017 the head of the Temporary Commission Andrey Klymov, announced that they were preparing such a “Book”, using materials they got through inter-parliamentary cooperation with other states (e.g. Venezuela) (Климов, 2017). The first edition of the Book should have been published in June 2018 however as of February 2019 the Book has not been published. Moreover, Klymov recently stated that they work on a Black Book of foreign interference in the affairs of Ukraine and Venezuela (Климов, 2019). The Members of the Russian Parliament who participate in the Temporary Commission had a plan to create a “board of shame” in order to “uncover” the involvement of Russia’s accusers in wrongful acts. The “board” is still work in progress.

On 22nd of April 2019 the Russian Parliament passed legislation on “internet sovereignty” (О внесении изменений в Федеральный закон ... № 608767-7). It will enter in force on the 1st November 2021. It provides changes to the law on “Telecommunications” and to the law on “Information, information technology,

and protection of information”. It will result in transferring to state-control the points of traffic exchange and cross-border points of traffic transition, as well as creating pre-filtering systems with deep analysis equipment (DPI). It means that all the data coming to Russians will be “pre-checked” for their content (Rozendaal & Barandiy, 2019) and can be blocked in a similar way as China’s Great Firewall. Igor Ashmanov has advocated for these norms for many years (Липатов, 2019). Putin praised the legislation, saying that “Russia must defend itself against the threat of foreign powers trying to disable the country’s access to the global Internet” (Putin explains why the Americans would be fools to shut off Russia’s Global Internet access, 2019). At the same time, this supposed threat is used as justification by the Kremlin to control the flow of information within the country (Ristolainen, 2017).

Place of the “information influence” in the Russian definition of interference

Among the 10 ways of interference identified by the Temporary Commission, there is one

that refers to media and social media to discredit of the country, its power institutions, political leaders etc (Report of the Temporary Commission of the Council of the Russian Federation on the Protection of Sovereignty, 2018, p. 4-5).

The Temporary Commission accused London and Washington of interference through media (Report of the Temporary Commission of the Council of the Russian Federation on the Protection of Sovereignty, 2018, p. 68). *For example, they “interfere” in the following ways:*

1. Use of global media to spread “prepared” content that can contain fake news or conclusions that are based on intentionally wrong data or assumption. They are aimed at foreigners but many of these “vbrosy” also reach Russians. According to the Temporary Commission an example of such global media campaigns were the “information attacks” during Russia’s military campaign in Syria.

2. Direct propaganda in Russian language through the US “state” media, and through the affiliated organizations with the aim to raise the number of opposition-minded people within Russia. The Temporary Commission named as examples of such propaganda the

content of the home pages of the websites of Radio Freedom and Voice of America during the Russian Presidential campaign 2018 (Report of the Temporary Commission of the Council of the Russian Federation on the Protection of Sovereignty, 2018, pp. 71-72), while ignoring the mass of Russian government financed websites and TV-channels in dozens of foreign languages under the Sputnik and RT outlets.

3. Direct or indirect influence on Russian media, journalists and bloggers in order to involve them in the propaganda campaigns, e.g. through educational and trainings’ programs like “Open World - Russian leadership program”. The Temporary Commission claimed that through the programs “new platform for psychological influence on the people of Russia are being created for the “activation of the protest potential”.

The criteria of “information interference” may be summarized as follows: preparation of the content by foreign actor (e.g. the USA or the

UK); cross-border measures online and offline; “enabling of the measures from the side of the state” (e.g. using “state-financed” media); intention of the “influencer” to target Russian and foreign audience; the goal is to inflict the damage to (the power elites of) Russia.

It has to be noted that by putting the work of the media in such rhetoric helps covering the Russia’s wrongdoing. This rhetoric allows

Moscow to “accept” or to “deny” the Russian misconduct despite the evidences. As a result of this rhetoric, international community “turns a blind eye” on Russia’s wrong doing.

At the same time, the Temporary Commission introduced its world view into domestic legal system, e.g. by proposing amendments in legal acts related to “information security” (Отчет о деятельности Временной комиссии Совета Федерации ..., 2017). *Thus, the Russian Federation Council considered recommendations of the Temporary Commission when adopting the following legal acts:*

- The Law on security of critical infrastructure
- Amendments to the Law on telecommunication

- Amendments to the Law on information, information technology and information security
- Amendments to the Law on mass media which allows blocking the websites and forces some media organizations to register as “foreign agents”.

Consequences of “information influence” of Russia on foreign states - interference in other states’ affairs?

According to Russian perception, sovereignty is an absolute power of the state. This approach is rejected by states that advocate for a more liberal world order.

There are many definitions of sovereignty. One of the well-established ones explains sovereignty as the capacity of a state to secure and to realize its own will, and the will of its nation (Barandiy, 2012).

Considering this definition, and generaliz-

ing Russian concept of interference, three main questions arise:

1. Does the information influence result in the change of the will of the nations and, therefore, does information influence constitute interference?
2. Does the use of the information and information technology as tools to modify the will of foreign nations constitute direct or indirect interference in national sovereignty of a state? Are consequences - a compulsory element of the interference?
3. Is there a breach of international law in the first and / or second case? What is the state’s responsibility for such actions?

One has to answer these questions by applying a “mirroring approach” to the Russian concept of interference, from the point of view of the West which suffers from Russian information influence.

1. Does the information influence result in

the change of the will of the nations and therefore constitutes interference?

The correlation between the measures of interference and the change in the will of a nation has not been established yet, but, because of the internet the Kremlin has direct access to millions of individuals in other states. Internet eliminates the other states as middlemen who could recognize, block or adjust these actions at the stage at the “entry” stage of these measures into their territories. In other words, by abusing democratic principles Russia’s information acts, softly “forced” into foreign societies and into their legal systems, undermine the capacity of a state to secure its will and the will of its nation.

2. Does the use of the information and information technology as tools to modify the will of foreign nations constitute direct or indirect interference in national sovereignty of a state? Are consequences - a compulsory element of the interference?

International norms are yet to develop; however, the information war of Russia on other states can be de-facto characterized as interference in their sovereignty.

Firstly, Russian interference has a cross-border element: the argument of the populists that internal “fake news” weaken the state institution in the same way as external ones is not valid, as internal ones operate within that nation’s legal system and it is possible to develop and enforce instruments of resistance to such “fake news” domestically, whereas extraterritorial enforcement does not exist in international law, which so far does not regulate the problem of cross-border influence through information.

Secondly, there is an intention of the Russian state officials and Russian state media to “stand up for Russia’s interests” by any available means (Mckew, 2017). Although interference is often executed by individuals, there is evidence that their actions are Kremlin-initiated and-sponsored (Grove, 2018).

Thirdly, measures of Russian interference are “forced” into the legal system of foreign states, often through “top-down imposed soft

power” (Roslycky, 2011) and by abuse of the institute of democracy.

Fourthly, the instruments of the interference both online and offline are originating from Russia (state media, trolls, automated bots, fake news).

Lastly, there are consequences for the political discourse, as well as internal and external matters of concerned states (e.g. changes in state budgets, tightening of the freedoms, and creation of defense mechanisms, all of which constitute a threat to the international liberal order). In this case, the correlation between the interference of the Kremlin and the change of the will of the foreign nation does not even need to be established: evidence of “systematic attempts to interfere” should be already enough to “charge” the Russian Federation with interference, at least politically.

3. Is there a breach of international law in the first and / or second case? What is state responsibility for such actions?

The International Court of Justice in the case “Nicaragua vs. USA” established that for the interference to be wrongful there must be the element of coercion (Military and Paramilitary

Activities in and against Nicaragua (Nicaragua v. United States of America, 1986).

At the same time, the element of coercion (force) has been “admitted” by Russia when it proposed to the UN the Article 2 of its Convention on International Information Security.

The Members of the Russian Parliament had a plan to create a “board of shame” in order to “uncover” the involvement of Russia’s accusers in wrongful acts.

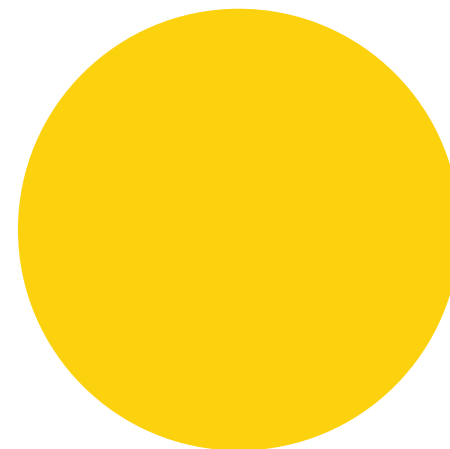
CONCLUSIONS

The “information influence” in relation to “interference in sovereignty” as defined by the Kremlin, and at the same time as experienced by the Western states, means an extraterritorial information activity such as cross-border state-enabled information or information technology act, which has the capacity to affect the will or behavior of another state or its nation; it implies the intention by state officials and by the state coordinated individuals to directly or indirectly “defend the interests” of their state, as defined by its power elite, online or offline.

Despite the “Nicaragua case”, and raising of the question of interference on the international level by different actors, there is no generally accepted definition of interference in internal affairs apart from the military one, and there is no unique approach to the responsibility for these actions. Russia is unilaterally diverting this “non-approach” towards its own interpretation within its own legal system at the same time creating implications for politics and law of other states.

The challenge remains to determine whether states should set limits to “forced” information influence originating in a different legal system than their own, for now leaving the resistance to it almost exclusively to scholars and to the civil society activists worldwide.

Measures of Russian interference are “forced” into the legal system of foreign states, often through “top-down imposed soft power” and by abuse of the institute of democracy.



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