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Lawfare as the Pivot of RUS
Hybrid Warfare:

*RUS Use of the Law as an Instrument of State Power*
RUS Hybrid Warfare ‘Hydra’: Deployable abroad and inside RUS

TARGET NATION
RUS adversaries and RUS population

INTELLIGENCE
DIPLOMATIC
LEGAL
SOCIO-CULTURAL
ECONOMIC
INFRASTRUCTURE
CYBER
CONVENTIONAL

POLITICAL
MILITARY
## Mapping LAWFARE: Intersection of PMESII/DIMEFIL with Areas of Law

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RUS and Soviet Lawfare: Historical Perspective

RUS and Soviet Experience with Nation-State System (18th–20th c.)
- Partition of sovereign states (POL – 3 times in 18th c.)
- Suppression of nationalist movements (POL, HUN)
- Division of spheres of influence (along with other Great Powers)
- Use of ethno-religious rifts to destabilize neighbors (Ottomans)
- Limited sovereignty of Soviet satellites (HUN, CZE, POL)

RUS Empire Lawfare: Skipping the Lessons of Westphalia 1648
- The Kucuk-Kaynarca Treaty of 1774: RUS as the protector of the Balkan Christians
- Catherine the Great: 1783 Proclamation of Annexation of Crimea
- RUS Expansionism in 19th c.: Legal Justifications

Soviet Lawfare:
- “We can and we must!”: Lenin’s 1919 Speech on Probing POL
- Ribbentrop-Molotov Pact 1939: Nullity of Soviet guarantees to POL
- Formal declarations of war: extracting contributions legally
- Export of Bolshevik revolution (POL, HUN, DEU, BGR, SPA)
- Third World Decolonization
RUS Use of the Law as an Instrument of State Power

Customary International Law and Law of Armed Conflict:
- Prevent war through negotiations and agreements
- Regulate the right to go to war (jus ad bellum);
- Set the rules of engagement and the laws of war (jus in bello)
- Normalize post-war relations through ceasefires, armistices and peace treaties.

International law is NOT carved in stone:
- “International law is what states make of it”
- Based on fundamental legal principles but also derives from state practices

RUS Bending of International Law:
- RUS unable to change international legal system on its own ‘de jure’
- Attempts to change it ‘de facto’ (legal revisionism)

RUS Exploitation of Legal Loopholes:
- Minsk 2 Provisions: on RUS-UKR border and on foreign formations and units in UKR
- Manipulations of the Vienna Document 2011: ‘no notice’ exercises, troop numbers

RUS Decision-makers: legal background!
RUS Lawfare: The Actors

Vladimir Putin, President of the Russian Federation
• ‘Making it all legal’

Valentina Matvienko, Federation Council [RUS Senate] Chair
• Authorizing use of RUS troops abroad

Sergey Naryshkin, RUS Duma [RUS House] Speaker (until 2016)
• Statements on RUS encirclement by NATO ‘beachheads’

Dmitriy Medvedev, Prime Minister of the Russian Federation
• RUS government’s rubberstamping of Presidential policies

Sergey Lavrov, Foreign Minister of the Russian Federation
• RUS Foreign Policy and Status in the World: Polycentric World
• Expanded use of RUS compatriots abroad
• RUS MOFA’s “White Book on Human Rights Abuses in UKR”
• RUS MOFA representatives: from human rights to nuclear treaties
RUS as the Perceived Target of ‘Western Lawfare’

A. Bastrykin, RF Investigative Committee Chairman:
- International law as tool of Western Hybrid Warfare
- RUS to counter by tighter social, information and financial control
  
  **Supremacy of RUS Constitution over International Law:**
  - Theoretical justification (Jun 2015), Enacted into law (Dec 2015)
  - RUS Law on Foreign Property (23 Oct 2015)
  - RF Constitutional Court vs. EU Court on Human rights

Yuriy Chayka, General Prosecutor of the RF
- UKR ‘Right Sector’ accused of attempting to organize a coup in RUS
- Preventing social unrest by blocking social media

Maj-Gen. Moskalkovska, new RF Ombudsman (22 APR 2016)
- Former Head of Legal Department of RUS Ministry of Interior
- Threat: Human rights theme exploited by the West to destabilize RUS
- Response: Expand protection of RUS compatriots abroad
- Objective: “Protect not only the individual, but mostly the system of values”
RUS PERCEPTIONS OF ‘COLOR REVOLUTIONS’: THE KRONOS SYNDROME

‘Color Revolutions’: A Western Hybrid Warfare Tool

• ‘Kronos Syndrome’: Pre-emptive fear of violent regime-change among elites in states historically prone to revolutions and coups

• Moscow Security Conference 27 Apr 2016: Color Revolutions as Regional Destabilization

• Domestic Military Threat: RUS National Guard

• Concept used by RUS to muster support among autocracies in former Soviet space: Central Asia, Belarus
LEGAL JUSTIFICATION OF RUS ACTIONS IN UKR: LAWFARE IN ACTION

RUS Rationale (Spring 2014)

• Engineering of socio-political facts on the ground in UKR
• Ethno-cultural divisions to trigger regional secession
• Incorporation into the RF through expedited local referenda
• Justification of RUS military intervention to protect RUS citizens

Legal basis of RUS actions

• Draft Amendment Bill for accession of new territories to the RF (28 February 2014)
• Crimea Referendum (16 March 2014)
RUS Creative Bending of International Law

RUS citizenship through RUS passports
- Abkhazia, S. Ossetia, Crimea, Donbas

RUS Citizenship Law Amendment (Apr 2016)
- Historical, cultural, linguistic principles

Anti-Nazism: Legitimation of RUS Actions
- Anti-Kyiv/Baltics Nazi Propaganda Claims
- Anti-Nazi Declaration at UN
- Stalin’s 1941 Order (Igor Girkin/Strelkov)

RUS ‘Humanitarian’ interventionism
- Transnistria, Abkhazia, Crimea, Donbass
- Appeals to UN from Donbass Militants
- ‘Humanitarian Convoys’ Technique
- Expanding RUS ‘Responsibility to Protect’
RUS Lawfare: Harassment of the ‘Near Abroad’

RUS Lawfare and Donbas Separatism:
• 1971 UN Decolonization Declaration: Legal Grounds of Donbas Separatist ‘Road Map’ of May 2014

‘Legal Revivalism’: LTU Draft Dodgers Case
• Harassing neighbors by reviving defunct Soviet laws
• Dissolution of the Soviet Union ‘illegal’

Kidnappings and High-Profile Trials:
• Nadezhda Savchenko et al., Eston Kohver

Permeability of Borders:
• Securing the borders in Eastern Europe
• Unilateral Demarcation: Legitimacy vs. Legality

RUS High Seas Harassment: LTU Fishing Vessel
• Contested Areas in the High North
RUS Lawfare in the Arctic and the Black Sea: Matching Legal with Lethal

**RUS Arctic Claims:** The Lomonosov Ridge
- 2001 initial RUS claim before UN
- 2007 North Pole RUS flag planting
- 2014 research results
- 2015 re-submission

**De facto Black Sea borders**
Implications for the International System and Security Architecture

Areas vulnerable to RUS Lawfare:
- Crimea and Donbas
- Unregulated borders along RUS periphery
- The Arctic/High North
- Belarus and Kazakhstan
- The ‘Frozen Conflicts’: Transnistria, Ossetia, Nagorno-Karabakh

RUS ‘Lawfare’: Strengths and Weaknesses
- ‘Under the radar’, less unrecognizable
- Exploits existing legal loopholes
- Uses negotiations to delay and regroup
- Creates ambiguity among allies
- Cannot remain secret: provides indications of RUS intent and potential actions
- Can be countered conceptually and in practice

Recommendations:
- Include “L” in the PMESII framework
- Track and analyze RUS legal developments
- Counter proactively RUS bending of international law
- Uphold peremptory norms of international law
- Expose the political purposes behind RUS ‘peacemaking’
- Oppose RUS ‘responsibility to protect’
- Close existing ‘loopholes’ exploited by RUS
- Approach negotiations with RUS as a multi-dimensional chess game: calculate future RUS moves, beware of potential loopholes
RUS LAWFARE: THE DARK SIDE OF THE LAW
The Final Answer: “I WILL MAKE IT LEGAL!”