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## Non-military dimension of the hybrid war in Ukraine

**Abstract:** The article analyzes the structure, content, properties and effects of the Russian-Ukrainian ‘hybrid war’ in its non-military dimension. Particular emphasis is placed on the aspect of the information and propaganda war, as well as activities in cyberspace. The Russian-Ukrainian conflict is described in the context of the new war strategy of General Valery Gerasimov. Contemporary practice of hybrid actions in the conflict in Ukraine has revealed that, for the first time, a stronger opponent, Russia, uses the full spectrum of hybrid interaction on an opponent who is weak and unable to defend the integrity of its territory. The military conflict of 2014 showed not only the weakness of the Ukrainian state, but also, more importantly, the inefficiency of the organizations responsible for ensuring international security: NATO, OSCE and the UN. In the longer term, it should be noted that the escalation of hybrid activities in Ukraine clearly threatens the states on the Eastern flank of the North Atlantic Alliance. The analysis conducted refers to the problem defined in the form of questions: what is the essence of hybrid operations? What is the nature of non-military hybrid operations? What was the course of these activities in Ukraine? How was international law interpreted in relation to this conflict?

**Key words:** security, hybrid war, non-military dimension, Russian Federation, Ukraine

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### Introduction

The meaning of the term ‘hybrid war,’ understood as a formula combining military and non-military means, is not fixed and is constantly changing<sup>1</sup> (Hoffman, *The Janus choice...*). This thesis is confirmed by the

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<sup>1</sup> According to various definitions, hybrid war is: 1) a contemporary variation of guerrilla warfare, carried out with the help of modern military techniques and mobilization methods; a combination of four types of aggression: traditional, irregular, terrorist and cybernetic; 2) a variation of asymmetric conflict, carried out in three arenas: military activities, propaganda in one’s own country and international propaganda;

analysis of several definitions taken from normative acts, or the opinions of researchers dealing with this issue (Nemeth, *Future war...*). According to them, the concept of hybrid war should be understood as a resultant of several elements: the synthesis of means characteristic of armed struggle conducted by conventional methods and irregular actions; actions involving the use of military and non-military means integrated in an operation that is supposed to surprise the enemy, and then enable taking the initiative and gaining benefits through psychological influence – diplomacy, information and radio-electronic activities are used to this end on a large scale; operations carried out in cyberspace, masking military and intelligence activities; exerting strong economic pressure on the opponent (Rattray, 2004, pp. 20–26). The scope of the concept of hybrid war covers a wide range of information and propaganda activities, intelligence-diversionary, political-diplomatic and economic ones, with elements of lobbying and corruption. Of course, within this kind of conflict, apart from strictly non-military forms, it is planned to conduct military operations with the help of traditional military means: regular army, partisan forces, and limited use of tactical nuclear weapons (Gruszczak, 2011, pp. 12–13).

### A term ‘hybrid war’

The term ‘hybrid war’ was used for the first time in American military thought (Nemeth, *Future war...*).<sup>2</sup> This term was propagated thanks to the narrative about the Israeli-Lebanese crisis, i.e. the conflict between Israel and the Hezbollah organization (2006), in which the activities related to conventional war were combined with a description of the terror and guerrilla operations used (Hoffman, 2007, pp. 35–42). It was also used in the context of the Russo-Ukrainian conflict, whose culmination took place during protests at the Kiev Maidan in November 2013<sup>3</sup> (Wojnowski,

3) a combination of elements of an irregular, domestic war, artificially induced uprising and terrorism; 4) the use of traditional war methods, irregular activities, terrorism and criminal behavior on the battlefield in order to achieve political gains.

<sup>2</sup> The author who, in 2002, introduced the concept of hybrid war to the American war narrative was William J. Nemeth.

<sup>3</sup> In the initial phase of activities undertaken in Ukraine, such terms as ‘non-linear war’ and ‘special war’ were used. Until July 2014, the term ‘hybrid war’ did not appear in official statements of NATO representatives, or in the resolutions of the alliance. For the first time in relation to the Russian way of conducting operations in Ukraine, a Dutch general Frank van Kappen unofficially used the name, who on April

2016, p. 8). The subject of the article is issues related to an unimaginable aspect of the hybrid war in Ukraine, with particular emphasis on the so-called information war<sup>4</sup> (Darczewska, 2015a, pp. 59–73).

One of the conditions conducive to the effective pursuit of a hybrid war in its non-military aspect is the existence in the country under attack of national or religious minorities, which form a large part of society and identify with the aggressor. Using their resentment, the aggressor is able to manipulate their actions, engage them in military and intelligence operations, and, in extreme cases, to conflict separatist, radical and extremist movements. NATO experts claim that the crisis situation related to the Russian-Ukrainian conflict goes beyond the Ukrainian borders. The Russian authorities believe that the defense of ethnic Russians does not rest on the side of the countries in which they live, and is not subject to their rights, the government or the constitution, but remains at the discretion of Russia. According to Kurt Volker (U.S. ambassador to NATO), this approach of the Russian authorities to ethnic Russians, is not only “a breach in the understanding of international law, but also a hybrid warfare technique, called the new approach that has already been used, among others in Estonia in 2007, in Georgia in 2008 [...] The concept of slow but systematic action causes the violation of sovereignty, is part of the strategic landscape of the well-known Russia for some time. [...] Sometimes this includes more open and obvious moves, sometimes the moves are more subtle, it is a struggle with the help of economics, sometimes cyber-attacks carried out under the guise of independent activists.” In his opinion, “such a set of tactics of a hybrid war has been used by Russia for at least a few years” (*Wojna hybrydowa...*).

It should be noted that the application of the Western paradigm of war, in accordance with Clausewitz’s definition, to the Russian activities in Ukraine seems ineffective. According to the new concept of conflict by General Valery Gerasimov, “a new war will not have a beginning or

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26, 2014 called the Russian operations ‘hybrid.’ The authorities of the North Atlantic Pact officially announced that the war in the southeast of the Ukrainian state is a hybrid war on July 3, 2014.

<sup>4</sup> This aspect is important because Russia has transformed the real Ukrainian-Russian conflict and armed intervention in Ukraine into the virtual conflict of Russia, not only with Kiev but also with the West. We can notice here a clear return to the old foreign policy model based on competition with Western Europe, and above all with the United States. Ultimately, the West remains helpless in the face of a revisionist Russia’s policy, and there is no effective idea to neutralize the information campaigns that accompany it.

an end in the classical meaning (declaration of war, capitulation). Direct encounters of soldiers 'eye to eye' will be rare, they will be replaced by precise rocket strikes from a long distance. [...] the division between soldiers and civilians will be blurred. The latter, armed by their own states, will pose a serious threat to regular units due to their irregularity. [...] The most important feature of the new war is that it will no longer be an old-fashioned struggle on the battlefields or streets of cities, but above all in people's heads. As Ukraine shows today, it is no longer about destroying the opponent, but about getting an influence on him, preferably one that he does not realize. Paradoxically, the purpose of such war is to lead to a situation in which the use of physical force will no longer be needed, as it happened in the Crimea. The point is for people to betray their own state and support the aggressor" (Wójcik, 2014, p. 18).

In this case, it is difficult to speak of a specific paradigm, a pattern of activities carried out and to say whether the concept by Gerasimov is a basic concept in Russian military thought. Let us note that in Soviet military thought the characteristic feature was based on two dimensions: military-technological and socio-political. "The latter was to play a softening role – socio-political weapons were to prepare the ground for possible intervention, weaken the opponent's will to fight with propaganda, disinformation or, for example, diversion – like sponsoring pacifist movements in Western countries. Such a strategy is not able to stop even the most modern tanks and planes, because it is based not on killing, but on convincing, focusing on emotions" (Wójcik, 2014, p. 18). The novelty in this approach relies on the use of modern technology in the sphere of information warfare, as well as on the use of conventional armed activities.

The quote from the head of the Russian General Staff can in fact be regarded as an information and psychological operation, whose main goal is to convince the West that Russia has a new, previously unknown strategy for military operations. It seems that these actions had the expected effect – in the decision-making centers, media and societies of the member countries of NATO and the European Union (EU). There is a general opinion that the Russian Federation is currently operating a 'new model of modern war,' which is called 'the Russian hybrid war.' It was supposed to consist of using a whole range of political, diplomatic, military, informational, economic and cultural means, which were appropriately selected and combined in such a way that their synchronized use would bring about the intended results. "Such seemingly little serious games are for Putin multifunctional. First of all, they allow the initiative to be ma-

intained on the basis of: let's do something non-standard, let them think in Brussels and Washington that these are the next elements of our Great Plan. And let them be afraid" (Trofymowych, 2016, p. 181).

In hybrid warfare, the adversary most likely presents unique combinational threats specifically designed to target U.S. vulnerabilities. Instead of separate challengers with fundamentally different approaches (conventional, irregular, or terrorist), we can expect to face competitors who will employ all forms of war, including criminal behavior, perhaps simultaneously. This expectation suggests that our greatest challenge in the future will come not from a state that selects one approach, but from states or groups that select from the whole menu of tactics and technologies, and blend them in innovative ways to meet their own strategic culture, geography, and aims (Hoffman, 2009, p. 5).

A characteristic feature of the hybrid war is the prevalence of non-military means over armed struggle. For this reason, it is not possible to regard a hybrid war as a war in the classical sense of the word, which is why it is postulated to define the characteristic activities of the term 'hybrid aggression,' which more precisely defines the specificity of this type of conflict. The main designations of hybrid aggression are information and propaganda, reconnaissance-diversionary, political-diplomatic and economic activities, with elements of lobbying and corruption. In addition, this type of conflict provides for the possibility of conducting military operations with the help of a regular army, partisan forces and limited use of tactical nuclear weapons. The genesis of this 'new' way of conducting war used by Russia is seen by some Western experts in the strategy of indirect actions described by the British military Basil Liddell Hart, in the total strategy of Erich Ludendorff, and in the concept of the use of unlimited combat measures promoted by the Chinese military, Qiao Liang and Wang Xiangsui (Liang, Xiangsui, 1999).

The 'Russian hybrid war' therefore consists of using a whole range of political, diplomatic, military, informational, economic and cultural means, which are appropriately selected and combined in such a way that their synchronized use will bring about the intended results. As emphasized, in this 'new Russian model' the war has no beginning or end and the division between soldiers and civilians is blurred. Military operations are not preceded by a political declaration of the initiation of war, they are carried out by surprise, and are initiated by small subunits of regular and irregular armed forces, during peacetime (guerrilla groups, special forces, 'green men,' etc.). The main battlefield of this modern war, waged

by Russia in Ukraine is no longer the physical space, but, above all, the unlimited sphere of psychological influence. These actions do not aim at the physical annihilation of the enemy and occupation of its territory, but their goal is to break the opponent's will to limit his resistance (Fryc, 2015, pp. 62–66). Analyzing the context of the application of Western terminology in the Russian Federation, it should be remembered that the Russians, in adopting foreign conceptual apparatus, are guided by their own assumptions and logic, adapting it to their needs, traditions and culture (Darczewska, 2015b, p. 1).

As the events in the southeast of the Ukrainian state unfolded, the Western concept of a hybrid war became a tool of Kremlin anti-Western propaganda in the Russian Federation. In this context, the dissertation by Ruslan Puchow – the director of the Center for Analysis of Strategy and Technology in Moscow is of particular interest. His main thesis is that the Russian side in both the Crimea and the eastern districts of Ukraine has not used any new ways of fighting or tactical solutions that the West defines as a hybrid war. Meanwhile, according to NATO, Russia, using this ‘new tactic,’ has become much more dangerous for the West than the USSR was. As evidence of the belief prevailing in the West, Puchow recalls the statement of NATO Secretary General Anders Rasmussen, and the Western definitions of the hybrid war. He disagrees with the opinions expressed in the West, according to which in the period from February to April 2014 Russian forces could, in some innovative way, use the infantry, airborne troops and special forces, combining their activities with IT and radio-electronic operations and using cyberspace and the media to conduct a broad information campaign aimed at internal and external recipients. A similar opinion is expressed in the case of eastern Ukraine, where the Russians were to inspire the actions of pressure groups composed of local people, and create and manage such groups. Puchow denies that the Russian side was operating in cyberspace, which in his opinion was not necessary in the case of the Ukrainian army, due to its small degree of computerization and the archaic equipment at its disposal in Crimea. The analyst also tries to show that the propaganda activities against the population of the Crimean Peninsula were very limited, because the real intention and readiness to carry out an attack in a given place is not publicly proclaimed.

In addition, the annexation of the peninsula met with an enthusiastic reception in the Russian Federation, where everybody considered Crimea as ‘Russian soil’ anyway. Therefore, any propaganda activities were

simply superfluous. In the opinion of Puchow, Western analysts who try to prove that Russia's success was the result of hybrid war ignore the unique character of the Crimean operation and are trying to conceal their 'incorrect' assessment of these events. According to him, the uniqueness of the annexation of Crimea was manifested in the fact that Moscow used, above all, the ruthless support of the local population, which enabled the paralysis of Ukrainian military units stationed in the Crimea. As the Russian analyst argues, it is hard to imagine the emergence of 'green men' in another country, such as Poland or the United States. In this case, there would be no logical explanation for such an action and no chance of success. An additional factor favoring the Kremlin was the fact that there were Russian military bases on the peninsula, which created the possibility of secretly strengthening the Russian military presence in the Crimea by supplying military units and equipment which NATO intelligence was unable to see (Puchov, 2015, p. 1).

### **Russian non-military actions in Ukraine**

In the case of these modern military operations conducted by Russia in Ukraine, the basis is no longer the physical space, but, above all, the unlimited sphere of psychological influence. There are many indications that in fact the Russian attack on Ukraine began well before President Viktor Yanukovich left the country, and in the period preceding the conflict, the Russian side intensified its media campaign there. "Before Russian troops entered the building of the regional parliament in Simferopol, the capital of Crimea, on March 18, the Kremlin was already sure of victory. The Kremlin guaranteed it long before, infiltrating the Ukrainian state apparatus with bribes, intimidation and cyber-espionage. It will not be an exaggeration to say that the Kremlin was better informed about Ukraine's plans and the possibilities of repelling the attack than the Kyiv government itself. As a result of Russian economic pressure on Ukraine – the combination of energy sanctions, trade blockades and manipulation in the financial sector – the state was bankrupt before the war began. The decision-making process was not only fraught with errors, but also not very transparent. The Russian propaganda ensured that the inhabitants of Crimea and other parts of Ukraine felt that the nazis had been replaced by fascists, and that people who speak Russian are persecuted" (Lucas, 2015, p. 16).

The ongoing hybrid conflict in Ukraine made the public aware of the important role played by skillfully organized propaganda. One cannot forget that one of the most important goals of modern hybrid wars is winning the battle in the opponent's mind. To achieve this, it is necessary to have an open media market, in which the aggressor, in terms of the level of access to modern telecommunications technologies, is in a strong position among the population of the attacked state, which will enable widespread familiarization with propaganda and information materials posted on social networks, websites or hosting platforms (Rącz, 2015, p. 81). The Russian monopoly on mass media in post-Soviet countries (including Ukraine) turned out to be very important here, enabling the creation of a closed information space, thanks to which only a coherent, Russian account reached the public awareness, showing Ukraine as a weak, fallen country and deprived of the prospects of geopolitical existence; the creation of an alternative pro-Russian power center around the overthrown president Viktor Yanukovich, and the use of the former president to undermine the legality of the new Ukrainian authorities. Wide-scale disinformation activities disseminated in the press, radio, television and on the Internet; among others, the case of the so-called doctor from Odessa<sup>5</sup> (*Analysis*, 2014, pp. 27–28) and the story about the fact that the flagship of the Ukrainian Navy *Hetman Sahaydachniy* had turned to the Russian side; large-scale promotion in the media of photos of fallen Ukrainian soldiers, destroyed military equipment and deaths of civilians, in order to intimidate or discourage Ukrainian citizens from undertaking military service. The political tensions and conflicts within the ruling coalition in Kyiv were exaggerated in the media messages, which was supposed to undermine confidence in the new authorities. Other messages concerned the creation in the West of a pro-Russian lobby based in Euroskeptic parties with reference to the issues related to gas distribution, by making European countries aware that Ukraine will be responsible for all future problems related to the transfer of gas.

<sup>5</sup> As part of the Russian information war, the profile of a doctor, Igor Rozowski, was fabricated on Facebook. On Rozowski's profile, information appeared suggesting 'pro-Ukrainian extremists' were preventing him from helping people trapped in burning buildings in Odessa. Rozowski also described the alleged savagery that the Ukrainian fighters perpetrated. His story gained enormous popularity in Russian social media, it was also translated into English and German. Soon, however, it turned out that the photo of Rozowski placed on the profile was actually a photo of another doctor from the North Caucasus. This profile proved to be a tool of war in cyberspace, with the help of which Russian propaganda exerted influence on the emotions and views of the external and internal audience.

The possibilities inherent in the skillful use of information were confirmed in particular by the way in which the Russians annexed the Crimean peninsula. The activities aimed at taking over Crimea began on the night of February 27–28, 2014. A group of armed men invaded the premises of the local parliament and the government of the Autonomous Republic of Crimea in Simferopol and raised Russian national flags. The incident took the Ukrainian forces completely by surprise, which, in the situation, were not able to react. It cannot be ruled out that this first strike group, which claimed to be the so-called self-defense of Crimea, was created by soldiers and officers of the Russian special forces (Olchawa, 2016, pp. 173–174). Consistent adherence to radio silence made it impossible to locate Russian leadership and information centers. License plates were removed from the vehicles of the rebels moving across the peninsula, all indications of national and organizational affiliation were removed from the uniforms of regular Russian troops. In addition, fighters who created irregular formations had various weapons and uniforms which made it impossible to identify them. Preparation and disinformation proved necessary not only in the case of the Crimean operation, but also in the further stages of Russian aggression on the territory of Ukraine. These activities included the following elements: the conflict of national and ethnic groups within the state on the basis of historical identity, by stimulating and strengthening Soviet resentments while exposing the significance and role of radical nationalist groups (“Right Sector,” “Freedom,” “Azow”).

Disinformation was a priority, and the participation of Russian soldiers in armed operations in Ukraine was masked by the creation of volunteer separatist forces. The concentration of Russian troops transferred to Ukraine took place under the pretext of exercises in border divisions. Of course, this tool can be included in the fixed set of measures of Russian operations. It was used successfully in the war with Georgia, but the novelty in the activities in Ukraine was preparing for war in cyberspace (Darczewska, 2014, p. 2; Kuk, 1994, p. 2; *Raport*, 2009, p. 4). Hundreds of websites and social networking sites of seemingly independent, objective and informative character, but in fact mutually connected and coordinating active disinformation activities, became visible in the network (Darczewska, 2014, p. 28; Cheda, *Rosyjska wojna informacyjna...; Sankcje*, 2015, p. 99).

A very effective disinformation method turned out to be rumor, authenticated by information provided by Russian politicians and the military. The assumed purpose of the dissemination of information of this type was

to create a sense of intimidation during the mobilization of the Ukrainian army, which proceeded in an atmosphere of fear and distrust, as well as during military operations. These assumptions proved to be effective, as evidenced by the retreat of the Ukrainian army at Zelenopilla, Iłowajsk, Debalceve, and the losses incurred then were considered “a panic result originated by the Russian media bombing soldiers with information about the full lap, which turned a controlled retreat into a disjointed escape” (Cheda, *Rosyjska wojna informacyjna...*).

Russia used the weakest points of the Ukrainian side, publicizing facts often incompatible with reality. The aim of the information attacks was to promote negative phenomena in the society and the elites of the Ukrainian authorities; such phenomena as the widespread corruption and powerful nationalism prevailing in the western regions of Ukraine, and the discord between the presidential and prime ministerial camps, remained the basic objectives of the attacks of information war. In the case of the annexation of the Crimean Peninsula by Russia and the battles in south-eastern Ukraine, there were irregular activities involving the large-scale use of officers of the Russian special services and soldiers of Specnaz special units as ‘local self-defense units,’ whose task in the first stage of actions taken as part of a hybrid war, consisted of instigating and inspiring dissatisfaction among the local population, manipulation of public opinion, first of all in the local environment, and at the final stages of the entire operation involved taking over, controlling and securing government administration buildings, infrastructure and military units. In the second stage, aimed at the destabilization of eastern Ukraine, actions taken by the Russian side were dominated by conventional military operations undertaken in the Luhansk and Donetsk region, during which modern military equipment (tanks, heavy artillery, anti-aircraft weapons) was used. They were led by branches of pro-Russian separatists, Russian ‘volunteers’ and mercenaries from other countries. The Russian Federation successfully used all the emerging opportunities to strengthen its position on the occupied territory; the Olympic Games in Sochi can be mentioned as an event that effectively absorbed the attention of global public opinion and gave the Russians the opportunity of placing military units near the south-eastern border of the Ukrainian state. This action was explained by the necessity to ensure safety for the participants of the games, which did not raise any suspicions. In practice, these troops were used to protect the actions of the Russian special forces in Crimea during the invasion. The authors of the concept of ‘small war’ and ‘rebel war’ paid particular attention to the use of the ‘protest potential’ in the country of the opponent.

Therefore, it is not surprising that the use of local parties and political organizations inspired, financed and developed by the Kremlin was one of the basic elements of the Crimean collaboration.<sup>6</sup> The main weapon used by the Russian side during the Crimean operation was actions bearing the characteristics of ideological subversion, as well as measures of so-called reflective management<sup>7</sup> (Wojnowski, 2015, pp. 11–36). An example of this type of activity may be the disinformation regarding the transmission by Interfax-Ukraine on March 3, 2014, referring to an unofficial source in the Ukrainian Ministry of Defense, of information concerning the ultimatum issued by the command of the Black Sea Fleet to Ukrainian units blocked in the Crimea. According to its content, if by March 4, 2014, at 5am, these troops did not surrender, then Russian troops and pro-Russian fighters would attack all objects in the hands of Ukrainians. This information was ultimately denied by the Russian side, and the purpose of its transmission was supposed to have influenced the position of the Ukrainian side on the UN Security Council. Attempts were made to disintegrate and weaken the morale of the Ukrainian army. One of such actions was the appointment on March 24, 2014 of Admiral Denis Berezovsky as deputy commander of the Black Sea Fleet, who earlier, on March 2, supported the Russians. It was a clear signal for all Ukrainian soldiers that the Russian Federation would appreciate the merit of anyone who would help support its activities in Crimea (Wrzosek, 2014, p. 24; Wojnowski, 2015, p. 111).

In this phase of the conflict, there were also terrorist activities, including the murder of Volodymyr Ivanovych Rybak, Stepan Chubenko, Yuriy Ivanovych Dakowskyi, Poplavka Juriy Juryovych kidnapping members of the OSCE mission in April and May 2014, abducting Ukrainian politi-

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<sup>6</sup> A significant number of such organizations took part in the activities. These were: The Choice of Ukraine under the leadership of Viktor Medwedczuk, and Russian Unity of Sergey Aksyonov, a.k.a. Goblin, the head of the local mafia (although his party gained less than 14% of support, Aksionow became prime minister of the self-proclaimed government formed in Simferopol). The organizations included activists of the Union of Crimean Cossacks, Crimean Front, activists of the Russian Bloc, National Liberation Movement and Taurus Alliance and Eurasian Youth Union under the leadership of Pavel Kanishtche and Artur Dugin.

<sup>7</sup> The term 'reflexive management' should be understood here as the total of social manipulation and control techniques consisting of energy methods (force, coercion, pressure, fear) and information-psychological (propaganda, disinformation), whose preparation is based on the creation of a special model of the opponent imitating his behavior.

cal and social activists loyal to Kyiv (*Bicie, porwania, tortury...*; Alehno, “*Żywe tarcze*”...), using the civilian population as live shields, or shooting down a passenger plane of Malaysian airlines on July 17, 2014<sup>8</sup> (Radziwinowicz, 2014, p. 17). During the military operation, there was an immediate creation of an alternative center of power. As early as March 11, 2014, the Crimean parliament controlled by Moscow proclaimed the independence of the Crimean Autonomous Republic, and five days later a ‘referendum’ on joining the peninsula to Russia was held according to the old, tried and tested Russian method. The day of March 16, 2014, on which the referendum was held, can be considered a caesura marking the end of the Russian operation.

Summing up, it should be stated that the contemporary practice of hybrid actions in the conflict in Ukraine has revealed that there has been a change in the party using hybrid activities. In this case, hybrid challenges are no longer limited only to non-state actors and to the stereotype of thinking that the weaker opponent uses this form of action against the stronger one. For the first time, the opponent was definitely stronger, a global power – Russia – used the full spectrum of hybrid impact on a weak opponent, unable to defend the integrity of its territory, and “the Kremlin media are mocking that Russian tanks in Ukraine have predicted the world” (Radziwinowicz, 2014, p. 17). The Russian-Ukrainian conflict, but more importantly, the success of the escalation of hybrid activities in Ukraine, undoubtedly threatens the countries of the Eastern flank of the North Atlantic Alliance (Banasik, Parafianowicz, 2015, p. 13). The crisis situation developed in such a way that it could not be considered a crisis in the European Union. It is an undisputed fact that in the immediate future, there is no possibility of Ukraine regaining not only Crimea, annexed by Russia despite opposition from the West, but also other areas in the east of the country over which the authorities in Kyiv lost control. What is more, even the current truce is threatened, the complete break of which would threaten Ukraine with further territorial losses.

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<sup>8</sup> In the latter case, the Russian authorities presented ‘irrefutable evidence’ that the Malaysian Boeing 777 with 298 people on board was shot down by Ukrainian fighters over Donbas. Part of it was the testimony of the mythical ‘Spanish flight dispatcher’ who was supposed to be on duty at Borispol airport in Kiev at the time of the tragedy. The name of the Ukrainian pilot who allegedly shot the plane down was also given. Representatives of the Russian army – referring to the results of “independent investigation” – also depicted on charts the attack of two Ukrainian fighters on a passenger jet.

### **International law regarding the hybrid war in Ukraine**

In order to understand what the concept of hybrid war actually is, and why such a term is used to describe the situation in the Donbas region and the annexing of the Crimean Peninsula, the phenomenon and legal qualification of armed conflict in international law needs to be discussed. The Appeals Chamber in the Tadic case referred to the issue of armed conflict, recognizing that armed conflict arises at the moment when the parties refer to the use of armed forces or similar activities. This criterion has been met in the case of the conflict in eastern Ukraine, as both sides conduct military operations using appropriate weapons. According to the Second Additional Protocol to the Geneva Conventions, a non-international conflict “takes place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations” (Article 1 of Protocol Additional to the Geneva Conventions of August 12, 1949 regarding the protection of victims of non-international armed conflicts, Protocol II). Thus, internal armed conflict occurs when at least one of the parties is of a non-governmental character (Vite, 2009, pp. 75, 180). In the event of the conflict in Donbas, the parties are carrying out regular military operations, although the Ukrainian army is mostly defensive (according to the Charter of the United Nations, 1945, Article 45, Ukraine has the right to use force to defend its territorial integrity, which is an exception to the prohibition of the use of force in the case of ‘armed robbery’).

Considering that, in the sense of the UN Charter, an armed attack on another country is a *sine qua non* condition for the application of the right to self-defense, the strategy of the government and the armed forces of Ukraine seems still to include a peaceful solution to this conflict. Therefore, looking through the prism of the provisions of the Second Special Protocol referred to above, the conflict in Donbas seems to fulfil the conditions of an internal armed conflict, apart from the active participation of regular soldiers and armaments from a third state – the Russian Federation. However, one should consider the question of whether, in light of international law, the state can be considered a party to the conflict when its official position is to definitely deny it. Even if, under Chapter VII of the UN Charter, the Security Council is authorized to recognize the Russian Federation as a party to the conflict and to impose certain temporary

measures, this scenario seems unlikely, as long as the Russian Federation, as a permanent member of the UN Security Council, continues to exercise its veto and effectively block any resolutions of the Security Council.

In addition to the types of armed conflict outlined in international law, the concept of internationalized armed conflict can also be distinguished. This is the situation of the conflict between two factions or internal groups that are supported by other states (Schindler, 1982, p. 255) or the situation when an armed third country intervenes in an internal armed conflict (Gasser, 1983, pp. 145–146). As part of the intervention, it is possible to distinguish the situation of third country intervention in order to support one of the parties, or the intervention of multinational forces in order to conduct a peacekeeping operation (Vite, 2009, p. 85). In the context of an internationalized armed conflict, it should be noted that the armed conflict in eastern Ukraine does not have this character, because at least one of the parties is of a governmental nature and no ‘official’ military intervention has taken place. However, the question is whether the support of the Russian Federation can be considered an armed intervention.

One of the most important aspects of the armed conflict in Eastern Ukraine related to the phenomenon of hybrid war is the fact that the state supporting one of the parties to the conflict through the statements of its representatives completely denies any separatist support. This fact is directly related to one of the elements of the hybrid war – information war, aimed primarily at denying the existing reality and presenting only properly prepared information. Information warfare, or ‘proper’ information management, which reaches a wider audience, is an element of the general psychological war to which the parties of armed conflicts have referred quite often (Lord, 1989, pp. 16–23). The information war in the case of military operations in the Donbas is directly related to the propaganda carried out by the Russian media, whose main purpose is to conceal the presence of members of their armed forces in the armed operations in eastern Ukraine from the audience of these media in the territory of the Russian Federation. The most important manifestation of all attempts to conceal the truth from the citizens of the Federation is the fact that most families of Russian soldiers sent to Ukraine are told that they are being sent to a training ground in another region of the Federation.

The information war is not, however, the only aspect of a hybrid war, which can best be described as a war in which the parties actually taking part depart from the conventional and customary methods of warfare. To a large extent, the situation in eastern Ukraine is reflected in the resolu-

tion of the European Parliament, which, in referring to the pursuit of the hybrid war by the Russian Federation, takes the following aspects into account: information war; the use of elements of cyber war by the Russian Federation; use of regular and irregular armed forces by the Russian Federation; the use of propaganda; application of economic pressure and energy blackmail; political and diplomatic destabilization. The text of the European Parliament resolution expresses one of the few positions of the international community that most closely reflects the essence of the conflict. Undoubtedly, the most important of all aspects of the hybrid war led by the Russian Federation against Ukraine is the issue of the use of soldiers belonging to its armed forces while the uniforms of these soldiers bear no signs or symbols that allow their identification. From the perspective of international law, in particular the international responsibility of states, this circumstance is of enormous significance, since by showing that these soldiers belong to the armed forces of the Russian Federation and are acting in accordance with the orders of the relevant commanders of the Russian Armed Forces, this responsibility can be attributed to the use of force against the territorial integrity and political independence of Ukraine, which constitutes a blatant violation of the basic principles of international law (Czapliński, 2009). In turn, depending on how the international community defines the conflict in eastern Ukraine, which is currently not clearly defined, it will be possible to hold individuals accountable for the violation of, for example, international humanitarian law, if military activities in the Donbas region are recognized as an armed conflict of an international nature. It would seem that all the aspects of a hybrid war have been taken into account, but we should also mention the ongoing alliances, both official and less official.

At present, these alliances are usually economic and trade agreements aimed at strengthening the position of these countries in the future. Qualification of the conflict in eastern Ukraine also concerns cooperation in the political sphere. As one of the aspects of the hybrid war, one should also mention the non-uniformity of at least one of the parties (McCulloh, Johnson, 2003, pp. 21–22). Non-uniformity refers to the composition of forces or groupings carrying out military operations on one of the sides. In addition to the notion of a hybrid war, there is also the notion of an ‘asymmetric conflict’ that persists between a state that respects the law of armed conflicts or international humanitarian law, and groups that barely acknowledge the above laws and do not show the will to observe them (Cohen, 2010, p. 5). It is not subject to discussion that the Russian Fe-

deration sent the so-called 'green men' during the events preceding the referendum on the Crimean Peninsula, who wore uniforms without symbols enabling their identification, who were armed and spoke a dialect of Russian not corresponding to those spoken by the Russian-speaking population in Crimea or the eastern regions of Ukraine. Considering the events preceding the unlawful referendum on the Crimean Peninsula and the circumstances in which armed operations began in the eastern districts of Ukraine, we can risk the statement that both cases were a direct result of an act of aggression (*The Statute of the International Criminal Court in Rome*, 1998, Article 5). This aggression is one of the crimes of international law of the Russian Federation against Ukraine.

The Security Service of Ukraine has repeatedly reported that in the region covered by military operations it found and secured large amounts of Russian weapons. Both the Crimean Peninsula and the territory subordinate to separatist groups are now under armed occupation of the Russian Federation, and in both of these areas regular soldiers of the armed forces of the Russian Federation along with heavy armaments are stationed, which are necessary to maintain further control over these areas. It is also puzzling whether the existing international legal mechanisms are sufficiently effective to prevent such a situation being repeated in the future. In conclusion it must be said that in the face of the armed operations in eastern Ukraine, whose essence is most aptly reflected in the term 'hybrid war,' preceded by the aggression of the Russian Federation, the international community, wishing to maintain a certain system of values and basic principles of international law, had a duty to take decisive actions. The lack of unambiguous and concrete actions on the part of leaders of other countries or international organizations led to the expansion of the area of military operations. It should be remembered that after the annexation of the Crimean Peninsula, the Russian Federation tried to enlarge the area of military operations to create a land-based link to the peninsula. The lack of unambiguous and concrete actions may ultimately lead to the emergence of new territories where the Russian Federation will feel obliged to 'protect' the rights of Russian-speaking populations. It is obvious that taking decisive and unambiguous actions is largely dependent on the political will of a country's leaders. More important than that, however, is to initiate and, subsequently, introduce changes to specific legal and international mechanisms.

The war in Ukraine confirmed a certain ineffectiveness of the UN Security Council as one of its permanent members is a state directly invo-

lved in the situation which is the subject of its meeting, without even mentioning the fact that the resolution of the conflict is not in the interest of that member state. Therefore, it should be considered whether this situation does not diminish the role of the UN Security Council in responding to any manifestations of threats to peace and security, or even does not reduce its role to a certain declaratory confirmation of an existing situation. Contrary to appearances, the situation in eastern Ukraine and its effects are not a problem for this particular country. If both the government in Kiev and the governments of other countries do not draw the appropriate consequences, the situation may be repeated, but in another region or state. International organizations and leaders of other countries must take actions that clearly show that violations of the system of values and basic principles of international law will not be accepted, and provoking a threat to peace and security will have an equally severe consequence.

### **Conclusion**

In the second half of the twenty-first century, in the area of international security, a new trend of the increasing role of conflicts played out in a non-traditional way can be observed. These actions are deliberately kept by the aggressor at a level below the identifiable threshold of a regular war (Banasik, 2017, p. 20). It is highly probable that a protracted conflict will have consequences, manifested in lowering international security. There are voices in Europe indicating that Ukraine is not the ultimate goal for Putin, just as Czechoslovakia was not the ultimate goal for Hitler (Felsztinski, Stanczew, 2015, pp. 9–11). Admittedly, the theoretical outline of the need to counteract hybrid threats is captured by the new NATO Strategic Concept, pointing to the need to develop international cooperation to combat unconventional threats, but in practice the conflict in Ukraine has tested this concept, and the prior conception of a hybrid war, that it was usually conducted by the weaker party.

The constantly strengthening position of Russia in the international arena, combined with elements of the hybrid war, is another proof of the weakness in which the institutions of general security found themselves, which in political practice leads, among other things, to questioning existing international agreements. In this respect, most experts believe that the unstoppable aggressive Russian actions in Ukraine at this stage will result in a growing threat of destabilization throughout the region of Cen-

tral and Eastern Europe. To this end, activities should be closely coordinated “not only between individual public offices, but also representatives of business, media and the non-governmental sector. It seems very unlikely” (Lucas, 2015, p. 16).

These justified forecasts do not translate into the practice of international organizations, and world leaders seem to be primarily guided by their own political interests in seeking a solution to the Ukraine-Russia conflict, in which geopolitical exchanges in Central and Eastern Europe are of secondary importance. This also explains the lack of substantial decisions by the President of the United States, as well as Western European leaders on providing Ukraine with the necessary military support, which is the reason for the wider criticism of independent opinion-forming centers. The question remains, what attitude will the U.S. President, Donald Trump, take on the conflict in Ukraine? At present, the Minsk summit is considered a key condition for lifting restrictions on Russia in the Western capitals. However, the success of the Minsk plan means a formal transformation of the conflict in the Donbas from an international problem to an internal problem of Ukraine. Ukrainian analysts strive to adopt a narrative, according to which the Russia-Ukraine conflict should be considered in a broader context: “For Russia, the conquest of Ukraine is a step towards rebuilding the world order and pursuing its own interests, a necessary premise for a further offensive on Europe, an example for intimidation, rather than the goal itself; Kyiv is fighting primarily and mostly for its future, but, having won this campaign and receiving Ukraine’s reserves, Russia will become much more confident and more aggressive. Everyone will see a really different Russia. The West will have to stop it not at *Siwerskýj Doneć* and not on the Dnieper, but on the Bug and the Vistula, if not on the Oder. And not only Ukrainians will pay with their lives” (Trofymowych, 2016, p. 184).

From the point of view of the security of the Poland, the ‘Ukrainian model’ is particularly important, due to the so-called aggression level below the threshold of war. In the context of Poland’s security, it is necessary to create an information security doctrine that takes into account the Russian specificity of activities. It would be a reference point for legislative activity, precisely defining the threats resulting from new military operations and their effects, especially in a situation where Poland has no material, technological and financial potential to prepare a symmetrical response to Russian forms of information influence. The events in Ukraine have shown that hybrid war can be used by one of the parties to the

conflict to deliberately limit the scale of conducted military operations, in order to prevent the state of war and aggressor from being clearly defined, and thus prevent the international community from reacting. This issue is important because it may have an impact on the provision of allied assistance to one of the NATO member states in the future.

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## Niemilitarny wymiar wojny hybrydowej na Ukrainie

### Streszczenie

Artykuł analizuje strukturę, treść, właściwości i skutki rosyjsko-ukraińskiej „wojny hybrydowej” w jej niemilitarnym wymiarze. Szczególny nacisk położono na aspekt wojny informacyjnej, propagandowej oraz działań w cyberprzestrzeni. Kon-

flikt rosyjsko-ukraiński scharakteryzowany został w kontekście strategii nowej wojny autorstwa generała Walerija Gierasimowa. Współczesna praktyka działań hybrydowych w konflikcie zbrojnym na Ukrainie uwiarydociła, że po raz pierwszy to przeciwnik silniejszy, Rosja, wykorzystuje pełne spektrum oddziaływania hybrydowego na przeciwnika słabego i niezdolnego do obrony integralności własnego terytorium. Konflikt zbrojny lat 2013–2014 pokazał nie tylko słabość państwa ukraińskiego, ale co ważniejsze niewydolność organizacji odpowiadających za zapewnienie bezpieczeństwa międzynarodowego: NATO, OBWE i ONZ. W dalszej perspektywie czasowej należy zauważyć, że eskalacja działań hybrydowych na Ukrainie bez wątpienia zagraża państwu „prawej flanki” Sojuszu Północnoatlantyckiego. Przeprowadzona analiza odnosi się do problemu zdefiniowanego w formie pytań: na czym polega istota operacji hybrydowych? Jaki jest charakter niewojskowych operacji hybrydowych? Jaki był przebieg tych działań na Ukrainie? Jak interpretowano prawo międzynarodowe w odniesieniu do tego konfliktu?

**Słowa kluczowe:** bezpieczeństwo, wojna hybrydowa, działania niemilitarne, Federacja Rosyjska, Ukraina