



# DISINFORMATION AND THE UKRAINIAN OLIGARCHY

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How Ukraine's Disinformation Problem is  
Shaped by Individual Financial Interests  
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## Abstract

Since 2014, Ukraine has been the scene for a conflict tearing the country apart, socially and politically. Disinformation campaigns led by agents working in the interests of the Russian state have had pivotal effects on the conflict. This paper relies on disinformation theory, as well as customary international law. By examining the oligarchic structure of the Ukrainian state, and how oligarchs work in their own financial interests, this paper argues that disinformation in Ukraine can only be contained if the oligarchs are brought to consider it as a threat to their own well-being. The paper concludes by proving that such a convergence of interests is not possible at the moment.

## List of abbreviations

### CIS

Commonwealth of Independent States ..... 24

### COP

Code of Practice on Disinformation ... 18

### EEC

Eurasian Economic Community ..... 25

### EU

European Union ..... 18

### FSB

Federal Security Bureau..... 51

### GRU

Main Directorate of the Armed Forces  
of Russia..... 35

### ICCPR

International Covenant on Civil and  
Political Rights..... 9

### IMF

International Monetary Fund ..... 42

### IRA

Internet Research Agency..... 14

### ISD

Industrial Union of the Donbass ..... 43

### NATO

North Atlantic Treaty Organization.... 17

### UCMC

Ukrainian Crisis Media Center ..... 31

### UN

United Nations ..... 15

### UNHCR

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### USSR

Union of Soviet Socialist Republics... 23

### VK

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## 1 Introduction

“When economic power became concentrated in a few hands, then political power flowed to those possessors and away from the citizens, ultimately resulting in an oligarchy or a tyranny.” – John Adams

On March 18<sup>th</sup>, 2014, Ukraine was *de facto* stripped of the Crimean Peninsula by the Russian Federation. On the surface, this may have seemed like a classic territorial dispute between two countries issued from a now obsolete bloc: Ukraine and Russia. However, as often happens in such cases, reality is altogether different. The war in Ukraine is far more complex than the territorial revendications of both sides involved: it is the result of a relentless disinformation campaign on the side of Russia, combined along with that of a decades-old Ukrainian oligarchic state, where the leaders of the country express no interest in the future and independence of Ukraine, but rather pursue individual financial gains.

With a president elected on the grounds of his anti-corruption campaign, Volodymyr Zelensky, who has only taken his first steps against the oligarchy eighteen months after his election, Ukraine proves to be a country standing on weak foundations. The oligarchic structure of the Ukrainian elite can be demonstrated to have near-absolute control of the country’s policies; one can safely venture to say that foreign disinformation on Ukrainian soil does not escape this influence. Indeed, it is the oligarchs who wield the power to cut off the roots of Russian governmental disinformation that still exist in Ukraine to this day: what the country needs is for disinformation to become detrimental to the elites.

Disinformation is not a new phenomenon. The term dates back to the Soviet Union’s secret service endeavours, such as the 1980s INFESTATION campaign, which aimed to make the world believe that the United States had invented HIV/AIDS. Instances of disinformation can often be seen in modern military history – the Normandy landings constitute such an example, since the Allied forces put great effort into making it seem like the landing would take place in Calais. The difference today lies in the Internet, the boon and bane of our century, and in new technologies at large. “While new

technologies have expanded citizens' ability to receive news from a far wider range of sources, it also makes it easier for stories and narratives to flourish that are deceptive or just plain false.”<sup>1</sup> Information has never been able to travel as fast as it does now, and the artificial endorsements that people bestow with “likes” is not helping the matter. As seen in the war Ukraine has been tangled in since 2014, disinformation has the potential of pitting people against their state and causing internal wars with the aim of secession. The war has been going on at varying degrees of intensity for seven years, and disinformation is still plaguing the country. Given that, the question arises of what the future of Ukraine will look like as it pertains to disinformation and the independence of the country. As a matter of fact, the independence of Ukraine is closely linked with the limiting of disinformation – with media free of self-serving influences, one may expect democracy to unfold and the country to advance on the road to post-conflict reconstruction, both domestically and internationally.

Scholars from various fields have been conducting extensive research on information operations, cyber attacks, and the international legal norms that disinformation violates. There is also a large body of research on the topic of the oligarchy, both as a type of polity and in the context of the Ukrainian state. Meanwhile, the author is aware that the narrow topic of the future of disinformation in Ukraine has scarcely been addressed by scholars, let alone the role that Ukrainian oligarchs will play in this unfolding of events. This thesis aims to contribute to the ongoing discussion and policy-making debate regarding the *status quo* of disinformation in Ukraine.

This thesis is composed in the following manner:

Chapter 1 provides the reader with a theoretical overview of disinformation; it addresses the definition of disinformation, the effects that new technologies have had on the latter, and offers examples of disinformation at large. Chapter 2 is focused on the Ukrainian war and the role that Russian disinformation has played in it; in it, we will examine the pre-existing conditions that led to the war, the unfolding of events, and the disinformation operations led by Russia. Finally, Chapter 3 will delve into the

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<sup>1</sup> Kristina A. Kvien, “We Must All Fight against Disinformation,” U.S. Embassy in Ukraine, August 12, 2020, <https://ua.usembassy.gov/we-must-all-fight-against-disinformation>

subject of the oligarchic structure of the Ukrainian state and the implications thereof; it will offer a historic analysis of the rise of the oligarchs, as well as an analysis of their influence over the media. The final chapter will also introduce the author's main deduction: that the future of disinformation in Ukraine depends on the oligarchs finding it unprofitable to them. The thesis finishes with a conclusion, in which the author offers a nuanced view of the future events that Ukraine may expect.

## 2 Chapter 1: Disinformation

### 2.1 Definition of disinformation

#### 2.1.1 Confusion with misinformation

A problem that disinformation scholars face frequently when addressing the public is the constant conflation between the terms “disinformation” and “misinformation”. While the two terms are etymological cousins, disinformation and misinformation are two entirely different concepts that are dangerous to confuse. Don Fallis describes disinformation as being intentionally deceptive, while misinformation is merely inaccurate information – disinformation is conscious misinformation, while misinformation stands on its own as an “mistaken” event.<sup>2</sup> The two can mislead individuals and groups into different types of harm. The difference resembles that between a natural disaster and a terror attack: the latter is widely considered “worse” than the former because it is the intent that changes everything.

A short definition of disinformation under Fallis’ understanding is “misleading information whose role it is to mislead; thereby excluding cases of honest mistakes.” Rodriguez also uses Fallis’ definition of disinformation, adding thereto that disinformation is comprised of myriad information operations, be they intra- or international. Their aim is not to manipulate election results, but rather to shape information in a way that influences voters’ choices and behaviors towards one or another inclination. Because of its indirect nature, disinformation proves to be one of the hardest issues for international law to capture.<sup>3</sup>

#### 2.1.2 Disagreements between scholars

Fallis, whose definition of disinformation we have used above, deems that disinformation and misinformation can coexist (i.e., disinformation is conscious misinformation). His stance can best be summarized in his own words: “Whether it results from an honest mistake, negligence, unconscious bias, or (as in the case of

<sup>2</sup> Don Fallis, “What Is Disinformation?,” *Library Trends* 63, no. 3 (2015): 401–26, <https://doi.org/10.1353/lib.2015.0014>.

<sup>3</sup> Manuel Rodriguez, “Disinformation Operations Aimed at (Democratic) Elections in the Context of Public International Law: The Conduct of the Internet Research Agency during the 2016 US Presidential Election,” *International Journal of Legal Information* 47, no. 3 (2019): 149–97, <https://doi.org/10.1017/jli.2019.28>.

disinformation) intentional deception, inaccurate information (or misinformation) can mislead people.”<sup>4</sup> By accepting that misinformation and disinformation can sometimes have the same effects, Fallis acknowledges the overlap between the two phenomena.

On the other hand, some information scientists consider disinformation and misinformation to be mutually exclusive: such is the case of Heron.<sup>5</sup> The study of disinformation is also hindered by the fact that it is often limited to the idea of “fake news”, a term that gained incredible popularity with the Trump campaign of 2016. Although “fake news” is a concept easier to grasp for the greater public, Bennett and Livingston argue that such confusion is deplorable because fake news denotes a discrete event, whereas disinformation presents an endemic problem. Disinformation demands one look at “systematic disruptions of authoritative information flows due to strategic deceptions that may appear very credible to those consuming them.”<sup>6</sup> Thus, where fake news demand but a single fact-checking operation to set the record straight, disinformation necessitates a more holistic approach.

### 2.1.3 Effects of disinformation

Disinformation has both direct and indirect consequences. Directly, it causes people to make decisions with erroneous or incomplete information. Indirectly, it hampers the ability of journalists and public officers to effectively share information because it gradually erodes trust in the public information sphere. Here, the example of a terror attack is once again useful; a terror attack harms people in the most direct way possible, but it also harms the public sphere and how willing people are to visit public spaces.<sup>7</sup> All too often, disinformation operations circulating in relation to elections and politics at large are linked to movements of the radical right. Along with a return to populism in the world at large, there is a declining level of trust in democratic institutions, which undermines the credibility of official information. In their willing “rejection” of official

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<sup>4</sup> Don Fallis, “What Is Disinformation?,” *Library Trends* 63, no. 3 (2015): 401–26.

<sup>5</sup> Peter Heron, “Disinformation and Misinformation through the Internet: Findings of an Exploratory Study,” *Government Information Quarterly* 12, no. 2 (January 1995): 133–39, [https://doi.org/10.1016/0740-624x\(95\)90052-7](https://doi.org/10.1016/0740-624x(95)90052-7).

<sup>6</sup> W Lance Bennett and Steven Livingston, “The Disinformation Order: Disruptive Communication and the Decline of Democratic Institutions,” *European Journal of Communication* 33, no. 2 (April 2018): 122–39, <https://doi.org/10.1177/0267323118760317>.

<sup>7</sup> Don Fallis, “What Is Disinformation?,” *Library Trends* 63, no. 3 (2015): 401–26.

information, many people turn to alternative sources of information, which, more often than not, are misleading.<sup>8</sup> Disinformation therefore also has the effect of undermining democracy as a whole, since it discredits the institutions linked to it and further invites individuals to consume content that leads them to make decisions based on false information. Thus, the authors argue that “[...] the Brexit campaign in the United Kingdom and the election of Donald Trump in the United States are among the most prominent examples of disinformation campaigns intended to disrupt normal democratic order [...].”<sup>9</sup>

Disinformation must be addressed and prevented not only because it is disruptive, but also because it is a serious threat to basic human rights. Wingfield considers disinformation to be a human rights issue for several different reasons. First, disinformation infringes upon an individual’s right to free and fair elections, as enshrined in Article 25<sup>10</sup> of the International Covenant on Civil and Political Rights (ICCPR). For elections to be free and fair, voters need to be provided with accurate information about the parties and individuals involved. The results of elections and referendums may be influenced by inaccurate information.

The right to health, enshrined in Article 12<sup>11</sup> of the Covenant on Economic Social and Cultural Rights, may also be violated by the spread of disinformation, since inaccurate information about healthcare and disease, such as misrepresentations of the side effects of vaccines, may put readers and their families at risk. The COVID-19 pandemic is a telling example of such a risk, considering that it has been under the yoke of many different misconceptions and conspiracy theories, such as the ones regarding masks and their supposed carbon monoxide poisoning. The right to freedom from attacks upon one’s honor and reputation, enshrined in Article 17<sup>12</sup> of the ICCPR, is also at risk, since disinformation is often related to a particular individual (public political figures

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<sup>8</sup> W Lance Bennett and Steven Livingston, “The Disinformation Order: Disruptive Communication and the Decline of Democratic Institutions,” *European Journal of Communication* 33, no. 2 (April 2018): 122–39.

<sup>9</sup> Ibid.

<sup>10</sup> OHCHR, “International Covenant on Civil and Political Rights,” Ohchr.org, 2013, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

<sup>11</sup> Office of the High Commissioner on Human Rights, “International Covenant on Economic, Social and Cultural Rights,” ohchr.org, December 16, 1966, <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>.

<sup>12</sup> OHCHR, “International Covenant on Civil and Political Rights,” Ohchr.org, 2013.

and journalists are often targeted), and is designed to harm their reputation. Since disinformation sometimes focuses on particular groups such as migrants and ethnic minorities, designed to instigate violence or hostility, it also endangers the right to freedom from discrimination, which is found in Articles 2(1) and 26<sup>13</sup> of the ICCPR.

## 2.2 Influence of new technologies

### 2.2.1 Disinformation is not a new phenomenon

Although disinformation has been made exponentially easier for its perpetrators with the advent of new technologies – as we will discover in this thesis -, it must be acknowledged that disinformation is not a new phenomenon.

As a term, “disinformation” is a loan translation from the Russian *dezinformatsiya* (дезинформация). Although Merriam-Webster Online<sup>14</sup> emphasizes the fact that the real origin of the word is practically impossible to uncover, one can successfully argue that the term was popularized in the 1950s and generally during the Cold War by the Soviet KGB, with the meaning that we confer to it today. Here, one can state an illustrious example of disinformation: the D-Day operations of June 6<sup>th</sup>, 1944, whereby Allied Forces were successful in manipulating information to make the Axis forces believe landing would happen in Calais, when it was actually carried out in Normandy.

### 2.2.2 How technology shapes disinformation

While it is simple to demonstrate that disinformation is not a new phenomenon, it is impossible to overlook the extent to which the rise of new information technologies has affected the scope of disinformation. The 21<sup>st</sup> century has shortened the time needed to spread disinformation, widened its audience, and facilitated its spread. Software evolves at an unprecedented speed, allowing people to manipulate images with a few swipes of a finger. Wikipedia is another example of such ease in manipulating information, since the encyclopedia relies on public contributions, and,

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<sup>13</sup> OHCHR, “International Covenant on Civil and Political Rights,” Ohchr.org, 2013.

<sup>14</sup> Merriam-Webster, “The Real Story of ‘Disinformation,’” www.merriam-webster.com, accessed February 25, 2021, <a href="https://www.merriam-webster.com/words-at-play/disinformation-meaning-origin">https://www.merriam-webster.com/words-at-play/disinformation-meaning-origin</a>.

while the moderating teams work hard, the platform exists on donations only, which do not guarantee constant vigilance on less-visited pages. The very functioning of Wikipedia also allows individuals to become moderators and modify entries at will - a position of relative power that can be abused.

It is also primordial to note that digital disinformation is different from traditional disinformation insofar as the flow of opinions and news is endless on these platforms; individuals are not only consumers but also creators of content; “likes” and other such endorsements amplify content regardless of its truthfulness; and finally, the advent of so-called “deep fakes”, are all aspects of digital disinformation that allow it to penetrate all strata of society.<sup>15</sup>

Technology-facilitated disinformation has also been a danger that disproportionately affects democracies as opposed to other types of polities. Such an argument is supported by the work of Bennett and Livingston<sup>16</sup>. The scholars argue that the freedom of the press that is inherent to accomplished democracies is a problem when it comes to disinformation. Indeed, since the free circulation of information is primordial, disinformation under the guise of journalistic formats roams free. It must also be noted that the freedom to express oneself is a human right, protected by Article 19 of the International Covenant on Civil and Political Rights (ICCPR), under the following terms:

- “1. Everyone shall have the right to hold opinions without interference.
- 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”<sup>17</sup>

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<sup>15</sup> Manuel Rodriguez, “Disinformation Operations Aimed at (Democratic) Elections in the Context of Public International Law: The Conduct of the Internet Research Agency during the 2016 US Presidential Election,” *International Journal of Legal Information* 47, no. 3 (2019): 149–97.

<sup>16</sup> W Lance Bennett and Steven Livingston, “The Disinformation Order: Disruptive Communication and the Decline of Democratic Institutions,” *European Journal of Communication* 33, no. 2 (April 2018): 122–39.

<sup>17</sup> OHCHR, “International Covenant on Civil and Political Rights,” Ohchr.org, 2013.

Considering the nature of the article, it is understandable that democracies are all the more vulnerable to disinformation because they run a risk of being accused (and perhaps rightfully so) of limiting freedom of expression when trying to combat disinformation. A more complete discussion of the human rights considerations linked to disinformation can be found later in the chapter.

The advent of social media has not only made disinformation more prevalent and easier to spread: it has also introduced a host of new actors with ambiguous goals and capacities. Forrest laments the fact that social media “have a phenomenal advertising budget and no internal policies to back it up and prevent disinformation from seeping in.”<sup>18</sup> Social media companies indeed are often in a position where their income is determined by the amount of movement on their platforms, and disinformation is a creator of movement as much as regular information is; therefore, one can reasonably argue that social media platforms do not, by definition, have a reason to combat disinformation. This argument is further supported by the fact that digital giants such as Facebook have only recently started to address the issue of disinformation, once they became increasingly popular and started to draw the attention of states. In addition to that, social media giants can be seen to take steps to prevent disinformation only when abstaining from doing so entails legal or business implications; there is no moral dilemma for those who profit from the oversharing of information.

As has been previously demonstrated, the speed and volume of disinformation have been heightened by the progress of new technologies. In particular, Manuel Rodriguez<sup>19</sup> draws attention to the fact that democratic processes are at risk, since disinformation has the potential of swaying results; therefore, it can undermine the democratic process as a whole.

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<sup>18</sup> Carolyn Y. Forrest, “Russia’s Disinformation Campaign: The New Cold War,” GALE OneFile (Communications Lawyer, December 2018), <https://link.gale.com/apps/doc/A538120539/AONE?u=aupl&sid=AONE&xid=e21b6f4c>.

<sup>19</sup> Manuel Rodriguez, “Disinformation Operations Aimed at (Democratic) Elections in the Context of Public International Law: The Conduct of the Internet Research Agency during the 2016 US Presidential Election,” *International Journal of Legal Information* 47, no. 3 (2019): 149–97.

### 2.2.3 Taxonomy of disinformation

The taxonomy of disinformation is primordial in the study of the matter; indeed, using the right terms and knowing what disinformation is not shape policy responses to the issue. We have earlier determined the difference between misinformation and disinformation. To this we can add that the term of “disinformation” cannot be ascribed to truthful statements, accidental falsehoods, or mockery.<sup>20</sup>

In the context of democratic elections, Rodriguez points out three common strategies that undermine a healthy democratic process: doxing (to publicly identify or publish private information about someone, especially as a form of punishment or revenge<sup>21</sup>), disinformation operations, and propaganda operations. Examples of disinformation include: the false information of Pope Francis endorsing Donald Trump in 2016, or the ill-intentioned sharing of false information regarding the closure of polling stations.<sup>22</sup>

### 2.2.4 Examples of technology-enabled disinformation

Where disinformation used to stay in the lanes of traditional media, such as with deceptive advertising, government propaganda, doctored photographs and documents, it is now ubiquitous with, among others, internet frauds and manipulated Wikipedia entries. Naturally, “traditional” forms of disinformation are only exacerbated by the advent of new information technologies.

A damning example of disinformation propelled with the speed of new technologies and social media took place under the Trump administration, in 2017, when the president mentioned Sweden as an example of a country suffering from its migrant inflow; he based his information on a documentary that was proved to have used extensively manipulated footage. The footage was intended to support the claim that Muslim immigrants were causing a spike in crime rates; the argument was ridiculed by Swedish authorities the next day.<sup>23</sup>

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<sup>20</sup> Don Fallis, “What Is Disinformation?,” *Library Trends* 63, no. 3 (2015): 401–26.

<sup>21</sup> Merriam-Webster, “Definition of DOX,” Merriam-webster.com, 2012, <https://www.merriam-webster.com/dictionary/dox>.

<sup>22</sup> Manuel Rodriguez, “Disinformation Operations Aimed at (Democratic) Elections in the Context of Public International Law: The Conduct of the Internet Research Agency during the 2016 US Presidential Election,” *International Journal of Legal Information* 47, no. 3 (2019): 149–97.

<sup>23</sup> W Lance Bennett and Steven Livingston, “The Disinformation Order: Disruptive Communication and the Decline of Democratic Institutions,” *European Journal of Communication* 33, no. 2 (April 2018): 122–39.

In the New Cold War,<sup>24</sup> Forrest provides insights into how disinformation is used to target the United States. While this thesis is not concerned with the United States specifically, the examples provided help us discern disinformation as used against tangible actors. Using the advertising algorithms of Google and Facebook, along with geolocation and key word searches, Russian operatives have learned how to use the personal data of Internet users to their advantage, notably by grasping which audiences are the most receptive to certain kinds of speech, so that they are sure to overshare information and therefore quickly make it viral. This latter aspect of Russian disinformation has also been prevalent in Ukraine, as we will see in the second part of this paper. The result is that disruptive information spreads fast and gains the appearance of validity and acceptance, especially for those individuals that primarily rely on social media for their news intake.<sup>25</sup> In May 2016, in the midst of the American elections, two Facebook pages operated by the Internet Research Agency (IRA, a “troll farm” based in Saint Petersburg) orchestrated simultaneous protests. One was against, and the other in support of, the opening of a new library in the Islamic Da’wah Center in Houston. The protests clashed and escalated, but only verbally and not to the point of coming to blows. A report to the Senate Intelligence Committee of the United States investigated these events and was able to prove that neither side was aware of the orchestration.<sup>26</sup>

## 2.3 Policy efforts to tackle disinformation

### 2.3.1 What policy makers and scholars promote

Policy makers around the world have been trying to tackle the issue of disinformation through formal processes such as bill proposals. In November 2017, a bipartisan bill called the Honest Ads Act was introduced to the House and Senate of the United States. The idea would be to compel all social media to have their users disclose the funding sources of advertisements, just as all traditional forms of media are already legally

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<sup>24</sup> Carolyn Y. Forrest, “Russia’s Disinformation Campaign: The New Cold War,” GALE OneFile (Communications Lawyer, December 2018).

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

required to. Such a solution would also hit two birds with one stone, as traditional media have been protesting the unfair advertisement advantage that online media have had for some time. The Honest Ads Act would also have social media companies make “reasonable efforts” towards preventing foreign funding of political advertising. The Act, however, has been lagging under the Republican-majority Senate of the last few years. On the other hand, Forrest argued in 2018 that such an Act would do little for disinformation in the light of the Mueller investigation and what it has shown – therefore, even if the current Democrat majority were to pass it, it may not have much of an effect – although the proposed leveling of the economic playing field is laudable.

As a general rule, information operations are not attributed to states, mainly because accusations are difficult to make with the problem of three contrasting attributions to a state: geographic, financial, and political. However, Rodriguez finds<sup>27</sup> that Article 8 of the Draft Articles on Responsibility of States of 2001, adopted by the UN International Law Commission, provides an exception following which “[...] the conduct of a person or group of persons shall be considered an act of a State under international law if the person or group of persons is in fact acting on the instructions of, or under the direction or control of, that State in carrying out the conduct.”<sup>28</sup> It is sufficient to prove one of the three motivations (instruction, direction, and control) to establish responsibility. The article also mentions that the motivation of the actor to act on behalf of the state is irrelevant.

In order to be triggered, Article 8 demands that clear implication be established, and should therefore be considered with precaution; in fact, there needs to be a sufficient legal nexus between the actor operating the device and the state, which is often difficult to demonstrate. State ownership of a company or legal entity, for instance, is not enough to signify legal attribution, since the company/entity may well have entirely private functions.

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<sup>27</sup> Manuel Rodriguez, “Disinformation Operations Aimed at (Democratic) Elections in the Context of Public International Law: The Conduct of the Internet Research Agency during the 2016 US Presidential Election,” *International Journal of Legal Information* 47, no. 3 (2019): 149–97.

<sup>28</sup> International Law Commission of the United Nations, “Draft Articles on Responsibility of States for Internationally Wrongful Acts, with Commentaries” (August 2001), [https://legal.un.org/ilc/texts/instruments/english/commentaries/9\\_6\\_2001.pdf](https://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf).

Since disinformation carries with it a host of issues pertaining to human rights, scholars such as Wingfield seek to find an adequate, human rights-based approach to disinformation. According to him, such an approach would target the human rights impacts of disinformation, rather than disinformation itself, because condemning all false and misleading information would be a net too wide to cast. It would also require clear legal requirements of an objective threshold of harm caused before a piece of disinformation is faced with liability. He also pushes forward the possibility of improving the digital literacy of Internet users, which would mean not resorting to legislation at all. He fails to consider, however, that such a solution would be a very optimistic one, requiring very important investments for such large-scale education operations. And the question of which countries would fund such programs remains unanswered; in the case of disinformation, it is crucial that all individuals are equally catered to, and the financial problem involves the possibility of certain states educating only their own citizens, leaving a large part of the world population vulnerable to disinformation. In fact, the fight against disinformation is a universal one, and no one country should bear the brunt of it.

Finally, Wingfield raises some questions to be considered when drafting national laws on disinformation. He deems it important that the laws consider the possibility where the person sharing false information had reason to believe the latter was true, and he wishes to remind states that individuals may be pursuing legitimate aims, such as the protection of democracy, a legitimate interest of society.<sup>29</sup> One can see, with Wingfield's argument, that national or international legislation that is drafted and adopted without an honest considerations of all interests involved may well open the door for disinformation-wielding states to silence their opponents.

### 2.3.2 Which legal norms are violated?

Some scholars prefer to discuss the international law instruments that already exist, rather than the ones that could be implemented.

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<sup>29</sup> Richard Wingfield, "A Human Rights-Based Approach to Disinformation | Global Partners Digital," Global Partners Digital, October 15, 2019, <https://www.gp-digital.org/a-human-rights-based-approach-to-disinformation/>.

Rodriguez, for instance, argues<sup>30</sup> that international law is already well-equipped to combat disinformation, and that states should use public international law to protect themselves.

There is a strong case to be made for the fact that disinformation is, in fact, already in the scope of existing international law – especially in primary norms of international law. First, disinformation violates states sovereignty, since it is impeding on the cyber domain, which falls under the category of state territory. This position is defended by scholars such as von Heinegg, who states that “[...] the principle of territorial sovereignty applies to cyberspace and it protects the cyber infrastructure located within a State's territory.”<sup>31</sup> Furthermore, sovereignty also presupposes that states get to decide their political order and manage their governmental processes – disinformation undermines this vital function of a sovereign state. It is to be noted, however, that not all scholars would agree on cyber space being a sovereign territory – rather, NATO has been following the paradigm according to which the Internet is a global commons that demands common governance.<sup>32</sup> Second, disinformation violates the principles of non-intervention. The principle is breached by interfering in elections, which constitutes intervention into the internal affairs of a state. In this case, since the prohibition of intervention may be regarded as customary international law, *jus cogens*, disinformation can be argued to violate primary norms. In addition to the point made previously, the UN has also made it an official position to deem both cyberspace and information technologies to fall under the principle of non-intervention.<sup>33</sup> Finally, disinformation and the spread thereof also violate the principle of due diligence, or the duty of prevention. As a matter of fact, states need to ensure that their territory and objects are not used to harm other states. A seminal case for the principle of due diligence is the *Corfu Channel* case – a 1947 case before the International Court of

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<sup>30</sup> Manuel Rodriguez, “Disinformation Operations Aimed at (Democratic) Elections in the Context of Public International Law: The Conduct of the Internet Research Agency during the 2016 US Presidential Election,” *International Journal of Legal Information* 47, no. 3 (2019): 149–97.

<sup>31</sup> Wolff Heintschel von Heinegg, “Legal Implications of Territorial Sovereignty in Cyberspace” (2012), [https://www.ccdcoe.org/uploads/2012/01/1\\_1\\_von\\_Heinegg\\_LegalImplicationsOfTerritorialSovereigntyInCyberspace.pdf](https://www.ccdcoe.org/uploads/2012/01/1_1_von_Heinegg_LegalImplicationsOfTerritorialSovereigntyInCyberspace.pdf).

<sup>32</sup> Johnathan Dowdall and Beatriç Hasani, “SECURITY & DEFENCE AGENDA Protecting the Global Commons” (2010), [https://www.act.nato.int/images/stories/events/2010/gc/report02\\_brussels\\_SDA.pdf](https://www.act.nato.int/images/stories/events/2010/gc/report02_brussels_SDA.pdf).

<sup>33</sup> Group of Governmental Experts, “On Developments in the Field of Information and Telecommunications in the Context of International Security,” July 22, 2015, <https://digitallibrary.un.org/record/799853?ln=en>

Justice, in which it was determined that Albania had a duty to let other states using its territorial waters know that the latter were mined.<sup>34</sup> The obligation of due diligence applies if the concerned state has knowledge of the operations or has been led to reasonable believe that cyber operations are carried out on their territory. Due diligence is about conduct, not result; therefore, while there is no particular praise to be given to countries preventing disinformation on their soil, there is a strong imperative to undertake all reasonable available measures to do so.

### 2.3.3 EU Code of Practice: what it is and why it fails to fulfil its goals

In order to try and counter disinformation, lawmakers have been implementing treaties and accords. The example of the EU Code of Practice on Disinformation (COP) embodies the current struggle for balanced legislation perfectly. The COP is a non-binding document signed by companies and associations (among which Facebook, Google, Microsoft, Mozilla, and Twitter). The company signatories of the COP recognize their “role in contributing to the solutions to the challenges posed by disinformation.” The Code defines disinformation as the following: verifiably false or misleading information which is created, presented, and disseminated for economic gain or to intentionally deceive the public, and which may cause public harm (threats to democratic and policymaking processes, as well as public goods such as the protection of EU citizens’ health). The application of the Code is limited to services provided within the contracting parties of the European Economic Area. The goals of the Code are straightforward and keep with the general definition of the issues caused by disinformation. It aims to reduce revenue made by sharing disinformation, to improve transparency in political advertising, as well as to propose reasonable policies against misrepresentation, among others.

Meanwhile, much as all other efforts against disinformation, the COP is hindered by the juncture where human rights meet the fight against disinformation. As a matter of fact, the COP is bound to be consistent with Article 10 of the European Convention on

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<sup>34</sup> International Court of Justice, “Corfu Channel (United Kingdom of Great Britain and Northern Ireland v. Albania),” [www.icj-cij.org](http://www.icj-cij.org), March 25, 1948, <https://www.icj-cij.org/en/case/1/judgments>.

Human Rights, which protects the freedom of expression.<sup>35</sup> Thus, the signatories are encouraged to “**invest in technological means to prioritize relevant, authentic, and accurate and authoritative information** where appropriate in search, feeds, or other automatically ranked distribution channels. Be that as it may, **Signatories should not be compelled by governments, nor should they adopt voluntary policies, to delete or prevent access to otherwise lawful content or messages solely on the basis that they are thought to be "false".**”<sup>36</sup> Such an ambiguous clause hints at the reason of the inefficacy of law on the topic of disinformation: where is the limit between arbitrarily deciding that something is false and taking steps to prevent harmful disinformation? It is clear that, along the way, one actor or another must make decisions that may be deemed controversial. Other questions emanate from the COP: what is to happen if a signatory honestly deems information to be false, and forcibly removes it from their platform, and that information is later proven to be true? Does the signatory then become a perpetrator of disinformation?

This, then, is what binds international law in shackles: companies and States have to fill in the role of human rights protectors and preventors of disinformation, and this makes such a document purely ineffective – something which has not escaped the reviewers of the COP. The review mechanism has the signatories write an annual account of their work to counter disinformation, in the form of a publicly available report. The assessment period is 12 months, after which the signatories meet and discuss further action. It is in one of the external reviews of the COP that one can find that the latter has not been as effective as one would prefer it to be: namely, the question raised earlier of an actor arbitrarily deciding what is a false and an actor honestly working to prevent disinformation was mentioned again.

In a briefing note to the European Commission, the Carnegie International Endowment for Peace found that the self-regulatory measures of the COP had next to no effect, although they were a logical and necessary first step. The findings two years down the

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<sup>35</sup> European Court of Human Rights, “European Convention on Human Rights” (2010), [https://www.echr.coe.int/Documents/Convention\\_ENG.pdf](https://www.echr.coe.int/Documents/Convention_ENG.pdf).

<sup>36</sup> European Commission, “EU Code of Practice on Disinformation” (September 2018).

line found no improvement of trust between governments, and that there is still much more to be done to protect people from the ill effects of disinformation. The paper proposes three key recommendations: develop a shared terminology, develop campaign-wide analytics for impact evaluation, and develop an iterative consultancy process that leads to actionable evidence.<sup>37</sup> A scholar of disinformation, however, can plainly see that such efforts, however laudable, are not much help in fighting disinformation. In fact, the COP is an agreement struck between large social media companies with head offices in the European Union, what's more on a voluntary basis without coercive measures. While Facebook, Google, Twitter, may well make efforts towards “developing a shared terminology” when it comes to disinformation, it does not change the fact that these companies make most profit when there are large movements of information, and this income does not discriminate based on whether the information is true or not. Thus, it can be said that the soft law that the COP constitutes has neither the right enforcement mechanisms, nor the right signatories, to be effective.

## 2.4 Human Rights concerns

### 2.4.1 Freedom of expression

Disinformation and the protection of human rights are intrinsically linked by virtue of the fact that mistaken protection from disinformation can result in a violation of basic human rights. In the United States, for instance, only green card holders and US nationals may fund political campaigns directly.<sup>38</sup> While this constitutes a relatively small safeguard from foreign interference in domestic elections, it also prevents foreign nationals from using their own money to promote their own opinions – this issue emphasizes the silver lining between the fight against disinformation and the protection of freedom of expression, a theme that is recurrent in human rights-based approaches to disinformation.

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<sup>37</sup> James Pamment, “EU Code of Practice on Disinformation: Briefing Note for the New European Commission,” Carnegie Endowment for International Peace, March 3, 2020, <https://carnegieendowment.org/2020/03/03/eu-code-of-practice-on-disinformation-briefing-note-for-new-european-commission-pub-81187>.

<sup>38</sup> Carolyn Y. Forrest, “Russia’s Disinformation Campaign: The New Cold War,” GALE OneFile (Communications Lawyer, December 2018).

As exemplified in earlier parts of this chapter, disinformation is not a new phenomenon. However, the rapidity of the spread of disinformation on social media is. The stakes are further increased by the anonymous and private aspect of said spread. Unfortunately, many of the prospective policy responses to disinformation raise pressing questions regarding the freedom of expression. Indeed, even though disinformation poses serious threats to individual human rights, inappropriate responses to disinformation can themselves be in violation of Article 19<sup>39</sup> of the ICCPR – the right to freedom of expression. For instance, the Anti-Fake News Act in Malaysia outright criminalizes the publication of information that is wholly or partly false, which opens the door for governmental censorship of dissenting opinions and/or statements of facts. Should a treaty be drafted, it is of utmost importance that signatories are not able to allow the interests of a state to supersede the interests of individuals; in other words, states cannot “[...] conflate situations dangerous to them with situations dangerous to the [...] public”, a risk that permeates all spheres of international law.<sup>40</sup>

#### 2.4.2 Why human rights concerns are preventing effective carrying out of justice

The liminality between disinformation and the freedom of one to express oneself poses another problem: states are often reticent to call disinformation a criminal act outright, since that would require prosecution of actors who constantly shift paradigms to their advantage.<sup>41</sup> In the specific case of disinformation aimed at democratic elections, Rodriguez argues that the current primary norms of international law do not cover the issue adequately. Adding to that, he mentions that an international disinformation treaty seems hardly feasible.<sup>42</sup>

In addition to the point made previously, the issue of attribution also hinders states' capacity to bring perpetrators before justice, be they states or individuals. Indeed, there is the technical origin of the computer sending out the information operations, and

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<sup>39</sup> OHCHR, “International Covenant on Civil and Political Rights,” Ohchr.org, 2013.

<sup>40</sup> Matilde Castoldi et al., “Submission to the United Nations Committee on the Rights of the Child for General Comment 25 on Children’s Rights in Relation to the Digital Environment,” Ohchr.org, November 15, 2020, <https://www.ohchr.org/EN/HRBodies/CRC/Pages/GCChildrensRightsRelationDigitalEnvironment.aspx>.

<sup>41</sup> Manuel Rodriguez, “Disinformation Operations Aimed at (Democratic) Elections in the Context of Public International Law: The Conduct of the Internet Research Agency during the 2016 US Presidential Election,” *International Journal of Legal Information* 47, no. 3 (2019): 149–97.

<sup>42</sup> Ibid.

there is the political attribution to the person or group of persons carrying out the operation. The physical attribution to the computer is a recurrent point of contention, since it is fairly easy for one to say that the geolocation of a device has nothing to do with the motivations of the perpetrator, or with the state whose interests are supported by said operations.<sup>43</sup> The issue of physical attribution is made all the more difficult by the fact that anyone can access Tor, an encrypted access to the Internet which is so well protected that even two individuals sharing a domestic network cannot see what the other one is doing. With the help of such a tool, anyone can make it seem like their activity is coming from an infinity of different locations.

### 3 Chapter 2: The war in Ukraine

Having considered the definition of disinformation and the different solutions that scholars and policymakers have been offering in the international sphere, let us now turn to the case study of the Ukrainian war, a modern conflict in which the use of disinformation campaigns has been absolutely pivotal. It is important here to set the territorial and temporal framework of the case study: we will be discussing the war that has been taking place within the borders of Ukraine, specifically in the regions of Donetsk and Luhansk and on the Crimean Peninsula. We will begin with the disinformation campaigns of the winter of 2013, which foreshadowed the annexation of Crimea in March 2014. As the conflict is still ongoing, with a current death toll of more than 13.000 people,<sup>44</sup> this thesis will analyze the events leading up to an arbitrary cut-off point of March 2021.

#### 3.1 Pre-existing conditions

Before delving into the core of the matter that is the disinformation propagated by Russia-backed agents throughout the Ukrainian war, it is crucial to give a historical account of the events leading up to the war today. To have a complete look at the

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<sup>43</sup> Manuel Rodriguez, “Disinformation Operations Aimed at (Democratic) Elections in the Context of Public International Law: The Conduct of the Internet Research Agency during the 2016 US Presidential Election,” *International Journal of Legal Information* 47, no. 3 (2019): 149–97.

<sup>44</sup> Radio Free Europe/Radio Liberty, “Death Toll up to 13,000 in Ukraine Conflict, Says UN Rights Office,” RadioFreeEurope/RadioLiberty (February 26, 2019), <https://www.rferl.org/a/death-toll-up-to-13-000-in-ukraine-conflict-says-un-rights-office/29791647.html>.

bigger picture, we need to go back to the times of the Union of Soviet Socialist Republics (USSR, Soviet Union).

The root causes of the war currently tearing Ukraine apart can be found in the relations it has had with the Russian Federation since the collapse of the Soviet Union. Indeed, one can argue that it is the regional integration efforts of Russia that put Ukraine in a difficult position between “dependence and integration.”<sup>45</sup> This position has been all the more tenuous because of the conflicting motivations of the elites in Ukraine: the famous *oligarchs*, characterized not only by their wealth, but also by their willingness to maximize gains while minimizing risks to the detriment of a clear-cut political affiliation. Such is the position, for instance, of Rinat Akhmetov, a Donetsk-born businessman and politician and one of the central characters of our third chapter.

In August of 1991, fifteen new countries emerged overnight from the shambles of the Soviet Union. Within the Soviet Union, the two strongest republics were Russia and Ukraine. It stands to reason that, once they became independent with the collapse of the USSR, the two countries stood as the most powerful ones in the post-Soviet space. The position of these two states in the top two, however, should not be mistaken for equality. The reality was altogether different: the Russian Federation came out of the Soviet Union bearing all of its revenue and all of its foreign debt (which it has since repaid<sup>46</sup>), whereas Ukraine was, in this respect, simply an impoverished post-Soviet country that fared a little better than the others. Although the superiority of Russia over Ukraine cannot be contested, this cannot be taken to mean that Russia was faring particularly well in the 1990s – indeed, Russia has suffered from the crumbling of the communist economy in devastating ways. Be that as it may, Russia was in dire need of partners to help rebuild its regional power. Immediately after the collapse, the Russian Federation started seeking ways of advancing regional integration within Eastern Europe. The first step of this regional integration was the creation of the Commonwealth of Independent States (CIS) in December of 1991, an institution that

<sup>45</sup> Rilka Dragneva and Kataryna Wolczuk, “Between Dependence and Integration: Ukraine’s Relations with Russia,” *Europe-Asia Studies* 68, no. 4 (April 20, 2016): 678–98, <https://doi.org/10.1080/09668136.2016.1173200>.

<sup>46</sup> “26 Years On, Russia Set to Repay All Soviet Union’s Foreign Debt,” *The Straits Times*, March 26, 2017, <https://www.straitstimes.com/world/europe/26-years-on-russia-set-to-repay-all-soviet-unions-foreign-debt>.

still exists today and aims to “coordinate its members’ policies regarding their economies, foreign relations, defense, immigration policies, environmental protection, and law enforcement.”<sup>47</sup>

Following the creation of the Commonwealth, Russia repeatedly offered Ukraine access to the different treaties that made up the CIS (the creation of the Inter-Parliamentary Assembly and the Economic Court, and the signature of the Charter, are telling examples), but the latter was reluctant to engage in any close relationship with the CIS for fear of losing its sovereignty.<sup>48</sup> However, conscious that a loss of the Russian ally would entail catastrophic consequences for the newly established, somewhat weak country, the Ukrainian government signed a bilateral trade agreement with Russia in 1993, with the goal of being seen as an equal instead of as a subordinate within the CIS. In keeping with this pressing need for independence from Russia, the then-president of Ukraine, Leonid Kravchuk desired to make great strides towards pro-western integration with the European Union. The Ukrainian elites, however, lacked this single-mindedness, and were able to sway the government to work more closely with Russia: Ukraine signed the CIS framework in April 1994, although simply as an observer state and not a full-fledged member. As of 1995, these endeavours started to become too costly for Russia; the Russian government decided to implement a smaller customs union within the CIS (the CIS Customs Union), starting with Belarus and Kazakhstan at first. Considering that the customs union was to have any weight only with the participation of Ukraine, Russia imposed oil and gas duties on the Eastern European country, that were to be lifted once Ukraine joined the group. Following this defiant move from Russia, Ukraine and Russia went back and forth in protectionist measures in the 1990s; considering that the effects of these economic standoffs were more detrimental to Ukraine than to Russia, the pro-Russian government of President Kuchma finally turned to Russia in 2000, arguing that internal nationalism had been making legislators blind to economic realities.

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<sup>47</sup> Encyclopedia Britannica, “Commonwealth of Independent States | Facts, Members, & History,” Encyclopedia Britannica, n.d., <https://www.britannica.com/topic/Commonwealth-of-Independent-States>.

<sup>48</sup> Rilka Dragneva and Kataryna Wolczuk, “Between Dependence and Integration: Ukraine’s Relations with Russia,” *Europe-Asia Studies* 68, no. 4 (April 20, 2016): 678–98.

This decision on the part of the Ukrainian leadership coincided directly with the beginning of Vladimir Putin's first term as president of the Russian Federation, which sparked a new, more pragmatic approach to the participation of Ukraine in regional integration, namely one of incentives and benefits. That is why, in 2000, Russia spearheaded the creation of the Eurasian Economic Community (EEC, *Evrazes* in Russian), with the same countries as the former customs union, but this time using more alluring and less hindering incentives for Ukraine. To this Kuchma's government agreed, once again as associate member to the Community. By 2003, Putin announced the boldest effort at regional integration thus far: the Eurasian Economic Space, with the goal in mind to create a common currency. This issue caused heated debate in the now West-leaning Ukraine: with previous efforts at European integration and a strongly West-leaning public, what were the implications of entering such an agreement, even as an observer? However, the aspirations of the average Ukrainian were left unanswered. Kuchma had been left extremely vulnerable at the end of his second mandate in 2004, during which he stood accused of various crimes and misdemeanors, among which the Gongadze affair, in which an opposition journalist was found decapitated, and recorded conversations showed Kuchma was clearly implicated in the matter.<sup>49</sup> In an ultimate effort to secure the presidency for his appointed successor, Viktor Yanukovych from the Party of Regions, Kuchma neglected national interests and the trends of public discussion, and signed the agreement Putin presented to him. The entire process of the signature of the agreement was tainted with illegitimacy, with a Russian-leaning Ukrainian envoy handling the affair, and an expedited procedure violating government policies. At that point, the Ukrainian people grew restless, and the tension in the public debate came to a tipping point, which triggered the Orange Revolution in 2004. Viktor Yushchenko, from the "Our Ukraine" party, was elected after a third election round against Yanukovych, triggered by the numerous proven electoral violations of the first two rounds. The entire election process was blackened by the

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<sup>49</sup> Harper's Magazine, "How It's Done (Case of Georgy Gongadze, Journalist from Ukraine, Probably Murdered)," <https://go-gale-com.proxy.aup.fr/ps/i.do?p=AONE&u=aupl&id=GALE%7CA71250716&v=2.1&it=r>.

2004 poisoning of Yushchenko, which has not yet been elucidated because Russia is opposed to extraditing involved suspects on its soil.<sup>50</sup>

Thus, Yushchenko became president of Ukraine, brandishing a serious intent to commence efforts to integrate the European Union. Once again, it was the financial elites who could not follow such promises, because of the loss of trade involved in moving away from Russia; exports from Ukraine to Russia actually rose during Yushchenko's mandate.<sup>51</sup> Russia, however, not intent on continuing such a tango, made clear that it had no interests in an exclusive free trade agreement with Ukraine, which had been the hope of Yushchenko's government. By 2009, Ukraine and Russia had had two gas wars,<sup>52</sup> which only contributed to the weakness of Ukraine after the 2008 worldwide economic crisis. The second gas war of 2009 exposed Ukraine's vulnerability, since the latter was forced to strike an unfavorable gas contract with Russia, under which Ukraine was paying more for gas than countries like Germany were.<sup>53</sup> Yushchenko's presidency was encumbered by a myriad problems. Along with several dissolutions of Parliament, and the appointment of his once-rival Yanukovych as Prime Minister (which was widely regarded as a move to inch closer to Russia<sup>54</sup>), Yushchenko was also accused of having received foreign funding for his presidential campaign, which is illegal – we have also seen that this is not an uncommon law: the United States abide by the same one. These events led Yushchenko's approval ratings to stand at 7% at the end of his mandate.<sup>55</sup> The results of the 2010 elections were just as damning to him, with the incumbent receiving only 5.45% of the votes in the first round. Two candidates fought for the presidency: the ally-turned rival of Yushchenko's,

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<sup>50</sup> "Yushchenko to Russia: Hand over Witnesses," KyivPost, September 28, 2009, <https://www.kyivpost.com/article/content/ukraine-politics/yushchenko-to-russia-hand-over-witnesses-49610.html>.

<sup>51</sup> Rilka Dragneva and Kataryna Wolczuk, "Between Dependence and Integration: Ukraine's Relations with Russia," *Europe-Asia Studies* 68, no. 4 (April 20, 2016): 678–98.

<sup>52</sup> Rawi Abdelal, "The Profits of Power: Commerce and Realpolitik in Eurasia," [www.hbs.edu](https://www.hbs.edu/faculty/Pages/item.aspx?num=42270) (Harvard Business School, June 2013), <https://www.hbs.edu/faculty/Pages/item.aspx?num=42270>.

<sup>53</sup> Rilka Dragneva and Kataryna Wolczuk, "Between Dependence and Integration: Ukraine's Relations with Russia," *Europe-Asia Studies* 68, no. 4 (April 20, 2016): 678–98.

<sup>54</sup> Helen Fawkes, "Ukraine Comeback Kid in New Deal," *News.bbc.co.uk*, August 4, 2006, <http://news.bbc.co.uk/2/hi/europe/5242860.stm>.

<sup>55</sup> FOM-Ukraine, "Ukrainian Opinions Ratings Oct-Dec 2009 (Мнения и взгляды населения Украины в сентябре - октябре 2009 года)," [bd.fom.ru](http://bd.fom.ru), October 2009, [https://bd.fom.ru/report/map/ukrain\\_eo/du091015](https://bd.fom.ru/report/map/ukrain_eo/du091015).

Yuliya Tymoshenko, and Viktor Yanukovych. The second round was tight, and very clearly divided in geographical terms (the commonly called “East”, including the Donbass and the Crimean Peninsula, voted overwhelmingly in favor of Yanukovych), with Yanukovych coming out victorious.<sup>56</sup>

During his presidency, Yanukovych etched ever closer to Putin’s Russia. This convergence culminated in November 2013, when the then-president signed a preliminary agreement with Vladimir Putin on Ukrainian accession to the Evrazes, thereby closing the door on the European Union, and relinquishing a possible ulterior accession.

### 3.2 Unfolding of the war

Yanukovych’s decision to craft a closer economic alliance with Russia sparked outrage in the Ukrainian public, which was and still is clearly pro-European. Indeed, while the percentage of people in favor of Ukrainian accession to the EU has securely hovered around 52% since 2014, people have also been in steady support of the implementation of commonly called “European reforms”, even without accession.<sup>57</sup> People immediately started hosting massive non-violent protest on the Independence Square of Kyiv (the now famed *Maidan Nezalezhnosti*). The name of the square is not fortuitous, and it foretold the fate of the landmark: it was there that, in 1991, students set up their tents in their campaign to exit the Soviet Union.

The 2014 protests lasted for weeks, until a violent culmination in February 2014, when more than a hundred pro-democracy protesters were murdered, who now posthumously bear the title of Heaven’s Hundred. Although the most popular line of thought is that the killers were members of the Ukrainian armed forces, trained by Russians and sent by Yanukovych to tame the protests,<sup>58</sup> the investigation into the

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<sup>56</sup> Kyiv Post, “Interfax-Ukraine Exit Poll: Yanukovych Leads among Voters in Kyiv, Regional Capitals,” KyivPost, February 7, 2010, <https://www.kyivpost.com/article/content/ukraine-politics/interfax-ukraine-exit-poll-yanukovych-leads-among-58897.html>.

<sup>57</sup> Olena Makarenko, “68% of Ukrainians Want Pro-European Reforms Even without EU Membership Prospects,” Euromaidan Press, October 22, 2018, <http://euromaidanpress.com/2018/10/22/some-50-of-ukrainians-support-eurointegration-poll-half-empty-or-half-full-glass/>.

<sup>58</sup> World Heritage Encyclopedia, “List of People Killed during Euromaidan,” [27](http://www.self.gutenberg.org/articles/eng>List_of_people_killed_during_Euromaidan</a>.</p></div><div data-bbox=)

perpetrators is still ongoing, and has been accused by the families of the victims of going at too slow a pace.<sup>59</sup> As soon as the protests broke out, Yanukovych fled to Moscow, where his security was assured. Soon after his departure, the *Rada* (Ukrainian Parliament) deposed him from power. His successor, Petro Poroshenko, a confectionery tycoon-turned politician in the 2010s, was elected in May of the same year during early presidential elections that should have taken place in 2015 according to the original presidential calendar.

The tensions in Kyiv were mirrored in the East of Ukraine, where independentist pro-Russian forces in the *oblasts* (regions) of Luhansk and Donetsk, as well as the Crimean Peninsula started gaining traction. The rationale was the same for the three secessionist regions: the culturally Russian individuals who were caught up in the border-crafting of the collapse of the Soviet Union desired either a return to their homeland, or just a separation from the Ukrainian state.

The Crimean Parliament organized a referendum for its citizens on March 16<sup>th</sup>, 2014, to present them with the choice of either remaining part of Ukraine or integrating the Russian Federation as one of its republics. The official results relayed by the Crimean election taskforce placed the “return to Russia” option at an astonishing 96.77% approval rate, with a turnout of 83.1%,<sup>60</sup> numbers which were relayed by many pro-Russian-government media such as Sputnik. Because of the nature of the events, and the disinformation operations involved with the war, many observers deemed these numbers to have been inflated. As a matter of fact, in May of 2014, the President of Russia’s Council on Civil Society and Human Rights allegedly published (and quickly took down) a truthful report of the electoral numbers, which uncovered that the total turnout was only of about 30%, of which around half voted to rejoin the Russian Federation: the total number of Crimeans who accepted to enter the Russian Federation

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<sup>59</sup> Ukraine Crisis Media Center, “Seven Years On, What We Know, and How We Remember the Deadliest Days of the Maidan,” Uacrisis.org, February 19, 2021, <https://uacrisis.org/en/seven-years-maidan>.

<sup>60</sup> Azerbaijan News State Agency, “With 100% Ballots Counted, 96.77% of Crimeans Vote to Re-Unite with Russia,” azertag.az, March 17, 2014, [https://azertag.az/en/xeber/With\\_100\\_ballots\\_counted\\_9677\\_of\\_Crimeans\\_vote\\_to\\_re\\_unite\\_with\\_Russia](https://azertag.az/en/xeber/With_100_ballots_counted_9677_of_Crimeans_vote_to_re_unite_with_Russia)

would then have been of only of 15% of the population.<sup>61</sup> On March 18<sup>th</sup>, two days after the referendum, the peninsula was invested by the Russian military. On that day, Vladimir Putin delivered his famous speech:

“Colleagues,

In people’s hearts and minds, Crimea has always been an inseparable part of Russia. This firm conviction is based on truth and justice and was passed from generation to generation, over time, under any circumstances, despite all the dramatic changes our country went through during the entire 20th century.

After the revolution, the Bolsheviks, for a number of reasons – may God judge them – added large sections of the historical South of Russia to the Republic of Ukraine [...]”<sup>62</sup>

The Crimean Peninsula is internationally recognized as part of Ukrainian sovereign territory, by all but a dozen dozen states, including Armenia, North Korea, Venezuela, and Myanmar.

The Russian Federation, having *de facto* annexed Crimea, now counts it among the republics of the Federation. The Provinces of Donetsk and Luhansk also held referendums in which independence won the ballot. The latter are not part of the integration plans of Russia – they receive financial and material support from the country but are not part of the Russian territory, be it in their own view or that of the Federation.

The conflict is still ongoing in 2021; as of summer 2016, the Ukrainian Ministry for Social Policy had registered close to 1.8 million<sup>63</sup> internally displaced persons (IDPs). The latest census by the Ukrainian branch of the UNHCR places the total number of

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<sup>61</sup> Paul Roderick Gregory, “Putin’s ‘Human Rights Council’ Accidentally Posts Real Crimean Election Results,” Forbes, May 5, 2014, <https://www.forbes.com/sites/paulroderickgregory/2014/05/05/putins-human-rights-council-accidentally-posts-real-crimean-election-results-only-15-voted-for-annexation/?sh=64419f2af172>.

<sup>62</sup> The Kremlin, “Address by President of the Russian Federation,” President of Russia (March 18, 2014), <http://en.kremlin.ru/events/president/news/20603>.

<sup>63</sup> Gwendolyn Sasse, “War and Displacement: The Case of Ukraine,” *Europe-Asia Studies* 72, no. 3 (March 15, 2020): 347–53, <https://doi.org/10.1080/09668136.2020.1728087>.

Ukrainian IDPs at 1.5 million, with an overwhelming majority of individuals coming from Luhansk and Donetsk; in addition to that, 58% of the displaced are women.<sup>64</sup>

The war has also taken a tremendous toll on the Ukrainian economy, in addition to wreaking unprecedented havoc in local politics. General fatigue on the side of the electorate has led, amongst other things, to people electing for president an unexperienced, former comedian who ironically played the role of a teacher, accidentally appointed president of Ukraine, on a now renowned Ukrainian TV show (*Servant of the People*, which is now the name of Volodymyr Zelensky's party). The appeal of breaking away from “traditional” politicians was high, and his election caused a deep cleavage in society; to this day, Ukrainians are still unsure of President Zelensky's motivations, a theme we will come back to in chapter three.

As retaliation for the *de facto* annexation of Crimea, Ukraine and the West have put Russia under the yoke of many economic sanctions, to which the Russian Federation has riposted with *countersanctions*, namely an embargo on food products from the sanctioning countries (most importantly, the US and EU). While, in appearance, Russia introduced these countersanctions to “get back” at the West, it has also used them to fulfil domestic political goals, namely, to encourage domestic food production to advance towards alimentary self-sufficiency – an effort that has been successful in terms of quantity but not of quality, and strained by contraband.<sup>65</sup>

### 3.3 Role of Russian disinformation in the war

The ongoing war in Ukraine was caused by Russian disinformation, and is still influenced by the latter. This section will give a detailed account of the different disinformation tactics used by Russian actors on Ukrainian soil. Along with scholarly sources, this section will be supported by an interview conducted with Oleksandra

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<sup>64</sup> UN High Commissioner for Refugees Ukraine, “Registration of Internal Displacement in Ukraine,” [unhcr.org](https://unhcr.org/), October 27, 2020,  
<https://app.powerbi.com/view?r=eyJrIjoiY2RhMmExMjgtZWRlMS00YjcwLWI0MzktNmEwNDkwYzdmYTM0IiwidCI6ImU1YzM3OTgxLTY2NjQtNDEzNC04YTBjLTY1NDNkMmFmODBiZSIslmMiOjh9>.

<sup>65</sup> Paulina Pospieszna, Joanna Skrzypczyńska, and Beata Stępień, “Hitting Two Birds with One Stone: How Russian Countersanctions Intertwined Political and Economic Goals,” *PS: Political Science & Politics* 53, no. 2 (April 2020): 243–47, <https://doi.org/10.1017/s1049096519001781>.

Tsekhanovska, who works at the Hybrid Warfare Analytical Group (HWAG) of the Ukrainian Crisis Media Center (UCMC).

Borrowing from the behavior of its predecessor and originator of the word “disinformation”, the Soviet Union, Russia has been using meta-narratives to serve certain goals. That is to say, there are main axes of communication that the Russian government and its hired hands use to justify military intervention, protectionism, etc. This mainly presents itself through disinformation, of which even the smallest instances can be demonstrated to fit a broader narrative.

The main overarching meta-narrative the Russian government uses to its advantage today is one that has been around for decades: it is the fear of the West as an ever-encircling foreign power. This narrative translates into a general belief that the West is progressive to the point of destroying core Christian values (during the Cold War, it was the capitalism of the West that was the antagonist), or that the wealthiest western nations are drawing other ones into their orbits, like the EU, only to show incapacity to lead groups of nations correctly. Over a century ago, Mackinder foretold such defensiveness with his Heartland theory, presented in “The Geographical Pivot of History”, according to which:

“Who rules East Europe commands the Heartland;  
Who rules the Heartland commands the World-Island;  
Who rules the World-Island commands the World.”<sup>66</sup>

In Mackinder’s theory, the Heartland is the swath of land ranging from the Himalayas to the Arctic, the World-Island is comprised of Europe, Asia, and Africa, and the World is composed of the World-Island and the outlying Isles (British Isles, the Americas, Japan, and Oceania). The tendency of Russia to fend off the West is then explained by both a need for control of the region and a fear of being closed off from the rest of the world; before the annexation of Crimea, Russia was practically a landlocked country, with the port of Saint Petersburg navigable only during the warmer times of the year.

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<sup>66</sup> H. J. Mackinder, “The Geographical Pivot of History,” *The Geographical Journal* 23, no. 4 (April 1904): , <https://doi.org/10.2307/1775498>.

This meta-narrative is, granted, an overwhelmingly large one; in addition to that, it is also one that is difficult to feed to the public. This may be a reason for the popularity of the trope according to which Ukraine has been but a puppet of the West since the collapse of the Soviet Union. Ukraine is then, in the eyes of a Putin-led government and the Russian public at large, nothing but a pet project of the West, which has the ultimate goal of advancing NATO to the borders of Russia. The Russian public proves to be receptive to such a portrayal, and as such it has been incredibly popular in the ethnically ambiguous parts of Ukraine, namely the Eastern regions which were haphazardly – though in compliance with historic borders - attributed to Russia and Ukraine at the time of the collapse of the Soviet Union.

As a matter of fact, this distribution led to the easternmost regions of Ukraine, Donetsk and Luhansk, as well as Crimea, to be partly populated by ethnic Russians, or at least by people that found themselves in the liminality between Ukraine and Russia and were forcibly “made Ukrainian”. In 2001, a census showed that 17.3% of the population of Ukraine considered themselves Russian. Of this census, Donetsk, Luhansk, Crimea, and the city of Sebastopol were found to be the home of the highest percentages of Russians: respectively, 38, 39, 58, and 71 percent of these constituencies were Russian dwellers.<sup>67</sup> Because of the number of Russians in these regions, the close position to the Russian border of the Donbass, and the ideal position of Crimea as a vacation spot for Russians, these regions became hotspots of Russian influence and culture. The numbers support the observations made ever since the beginning of the war: the Donbass and Crimean Peninsula were both in a position of discontent regarding Ukraine, and the unconditional attachment of Crimea to the Russian Federation, as opposed to the mere support that the Donbass receives from Russia, are explained by the number of Russians in each region.

As such, these three hotspots of the current war were consuming predominantly Russian media even before the war. TV channels, the information source of choice in Russia, exported very well to the regions. Indeed, a 2014 report found that only one in

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<sup>67</sup> State Statistics Committee of Ukraine, “General Results of the Census | National Composition of Population,” 2001.ukrcensus.gov.ua, 2001, <http://2001.ukrcensus.gov.ua/eng/results/general/nationality>.

five Crimeans had changed their media consumption habits after the annexation, and 75% of these individuals reported increased consumption of Russian media.<sup>68</sup> These three regions have also always been predominantly Russian speaking, although one can easily observe that this bears little relevance considering that the Kyiv region, being a former Soviet capital, has been overwhelmingly Russophone ever since, with no visible correlation to patriotism or percentage of Russian population.<sup>69</sup>

The combination of these factors led to the creation of a set of propitious circumstances for Russian disinformation to gain traction in 2014. In Crimea, for instance, Russian disinformation focused on a false portrayal of mainland Ukrainian politics. Elections were systematically presented as coups, the rise of fascism exacerbated in news accounts... Ultimately, it was nationalism that scared ordinary people the most.<sup>70</sup> Indeed, newly elected Ukrainian officials were presented to be hardcore nationalists who would soon ban the Russian language on Ukrainian soil. This point about language has been the most redundant one over the duration of the war, and one that has been disproved by a host of fact-checking organizations.<sup>71</sup> The culminating point of the Crimean disinformation campaign was the annexation of the peninsula on March 18<sup>th</sup>, 2014. On that day, Vladimir Putin addressed his famous speech to the State Duma (regional parliament), which we have quoted a part of in the first chapter of this thesis. In that speech, Putin can be seen to have manipulated facts and repackaged them in a new narrative (i.e., the idea that Crimea was forcefully taken from Russia) with the help of appeals to the emotions of the public.<sup>72</sup>

Russian disinformation does not always look like the dramatically doctored photographs of the Soviet Union. Rather, it works best when it is propelled by agents on the ground, who mask their intentions behind a veil of genuine concern for the sovereignty of the country. Effective arguments of this kind often revolve around the

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<sup>68</sup> Broadcasting Board of Governors, “Contemporary Media Use in Ukraine” (June 2014), [https://www.usagm.gov/wp-content/media/2014/06/Ukraine-research-brief.pdf?\\_ga=2.196786412.179723463.1605739064-1610282411.1605039205](https://www.usagm.gov/wp-content/media/2014/06/Ukraine-research-brief.pdf?_ga=2.196786412.179723463.1605739064-1610282411.1605039205).

<sup>69</sup> Ibid.

<sup>70</sup> Oleksandra Tsekhanovska, Russian Disinformation, interview by Antonina Gain, October 29, 2020.

<sup>71</sup> Vika Romanyuk, “Fake: Ukraine’s Toughest Language Law. Russians Banned,” StopFake, December 6, 2020, <https://www.stopfake.org/en/fake-ukraine-s-toughest-language-law-russians-banned>.

<sup>72</sup> The Kremlin, “Address by President of the Russian Federation,” President of Russia (March 18, 2014).

failure of the government – be it that of the mainland or the regional one – and how the latter has allowed itself to come under the yoke of foreign (read Western) influence. The logical conclusion of such arguments is that sovereignty can then be recovered, and one of the ways to do so is secession.<sup>73</sup> Since this rhetoric is one that appeals to uninformed publics, it makes for a great disinformation campaign, since people are likely to spread it and defend it unwittingly.

To attain their goals in Crimea, Russia used one of its military bodies, the GRU (the Main Directorate of the General Staff of the Armed Forces of the Russian Federation, a foreign military intelligence agency) mandated dozens of people to flood social media with posts and comments supporting the Russian annexation of Crimea. One profile was seen online posting deliberate lies about the political situation in Ukraine at the time of the Revolution of Dignity:

"There was a coup in Ukraine," wrote the profile, a certain Galitsin, in English. "I live in Kiev. I was on the Maidan, but peaceful protest ended two months ago, when we were displaced by armed nationalists. It's a nightmare. Fascists came to us again 70 years after the Second World War. I do not want this future for Ukraine."

Along with this short comment, The Washington Post was able to obtain a report from the GRU,<sup>74</sup> in which it was found that the profile was one of their many creations. The same report stated that the GRU waited for the seizure of the Crimean parliament on February 27<sup>th</sup>, 2014, to create four groups on Facebook and VKontakte (Facebook's Russian-speaking counterpart) to incite secession from Ukraine; the report stated that "[...] using our accounts on Facebook, we circulated commentaries informing the population of the Crimean Peninsula of a threat from Nazi organizations."<sup>75</sup>

### 3.4 Russian government-sponsored disinformation at large

In order to be most effective at undermining the information sphere in times of war, disinformation must also be deployed outside of war. Russia has also been following

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<sup>73</sup> Oleksandra Tsekhanovska, Russian Disinformation, interview by Antonina Gain, October 29, 2020.

<sup>74</sup> Ellen Nakashima, "Inside a Russian Disinformation Campaign in Ukraine in 2014," The Washington Post, December 25, 2017, [https://www.washingtonpost.com/world/national-security/inside-a-russian-disinformation-campaign-in-ukraine-in-2014/2017/12/25/f55b0408-e71d-11e7-ab50-621fe0588340\\_story.html?utm\\_term=.731132ee7935](https://www.washingtonpost.com/world/national-security/inside-a-russian-disinformation-campaign-in-ukraine-in-2014/2017/12/25/f55b0408-e71d-11e7-ab50-621fe0588340_story.html?utm_term=.731132ee7935).

<sup>75</sup> Ibid.

this rationale. A telling example lies in the COVID-19 pandemic. In fact, the aforementioned meta-narrative of the failure of the West to protect its citizens has been well-served by the opportunities presented by the pandemic. Russian media have notoriously shifting public attention from bad Russian handling of the pandemic to the COVID situations in Western countries. From the very beginning of the pandemic, Russian-sanctioned media have been actively promoting the conspiracy theory according to which the virus is nothing more than a bioweapon.<sup>76</sup> From one conspiracy theory to the next, the origin of the virus varies – although it is China that is mentioned most often.

In an effort to combat disinformation and prevent the spread of Russian operations through Ukrainian channels, current Ukrainian President Volodymyr Zelensky introduced a five-year ban on three TV channels: 112, NewsOne, and ZIK. All three are owned by Viktor Medvedchuk, a Ukrainian oligarch and politician who happens to have close ties to Putin – the latter is the godfather of one of Medvedchuk's daughters. With this decision, Zelensky marks one of the first strong governmental decisions regarding Russian disinformation and its covert agents.<sup>77</sup>

In August of 2020, the US Department of State issued a report on the pillars of Russian disinformation.<sup>78</sup> The five pillars, from visible to denied, were determined as the following:

1. Official government communications (official statements, social media posts, interviews and quotes of government officials)
2. State-funded global messaging (state-funded foreign facing media, like Russia Today, domestic facing media, like Rossiya 1, and international Russian socio-cultural associations)
3. Cultivation of proxy sources (Russia-aligned outlets, local language-specific outlets, unwitting and unwitting proliferators of Russian narratives)

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<sup>76</sup> Vicky Peláez, “Scientists: Coronavirus Is a Weapon of Biological Warfare,” Sputnik Mundo, February 13, 2020, <https://mundo.sputniknews.com/20200213/cientificos-el-coronavirus-seria-un-arma-de-guerra-biologica-1090460452.html>.

<sup>77</sup> Roman Olearchyk, “Ukraine Shuts TV Channels It Accuses of Spreading ‘Russian Disinformation,’” www.ft.com, February 3, 2021, <https://www.ft.com/content/176c0332-b927-465d-9eac-3b2d7eb9706a>.

<sup>78</sup> Global Engagement Center - US Department of State, “Pillars of Russia’s Disinformation and Propaganda Ecosystem” (August 2020), [https://www.state.gov/wp-content/uploads/2020/08/Pillars-of-Russia%20%99s-Disinformation-and-Propaganda-Ecosystem\\_08-04-20.pdf](https://www.state.gov/wp-content/uploads/2020/08/Pillars-of-Russia%20%99s-Disinformation-and-Propaganda-Ecosystem_08-04-20.pdf).

4. Weaponization of social media (infiltration of domestic conversations, standing campaigns to undermine faith in institutions, amplification of protests or civil discord)
5. Cyber-enabled disinformation (hack and release, site capture, cloned websites, disruption of official sources)

Incidentally, one can note that the third pillar of the cultivation of proxy sources was particularly effective in the Ukrainian war.

The report notes that, by taking the unique approach of using all five pillars at the same time, Russia enjoys three advantages over its adversaries. First, since not all the pillars have to provide information as reliable as that coming out of official sources directly, there is a possibility of introducing numerous variants of the same information. This in turn allows crafters of disinformation to fine tune variants to accommodate certain audiences and ensure maximum outreach, and “By simultaneously furthering multiple versions of a given story, these actors muddy the waters of the information environment in order to confuse those trying to discern the truth.”<sup>79</sup> Second, the diversity of outlets provides Russian official organs with plausible deniability, especially when the proxy sites seem far removed from the government. Finally, Russia enjoys a media multiplier effect, which boosts their reach and resonance. This multiplier effect can only be expected to grow with the advent of artificial intelligence. In fact, one can safely assume that IA will soon be able to replicate human writing, and therefore offer an industrialization of information at virtually no cost. In addition to that, some pillars of the ecosystem do not require momentum from the Kremlin: they are self-sustainable. Thus, they can be responsive and address specific current policy decisions, and then go back to “pouring scorn on Russia’s perceived adversaries.”<sup>80</sup>

With the advent of new technologies and how they have allowed disinformation to flourish at an unprecedented speed, one can observe the effects disinformation has had

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<sup>79</sup> Global Engagement Center - US Department of State, “Pillars of Russia’s Disinformation and Propaganda Ecosystem” (August 2020), [https://www.state.gov/wp-content/uploads/2020/08/Pillars-of-Russia%E2%80%99s-Disinformation-and-Propaganda-Ecosystem\\_08-04-20.pdf](https://www.state.gov/wp-content/uploads/2020/08/Pillars-of-Russia%E2%80%99s-Disinformation-and-Propaganda-Ecosystem_08-04-20.pdf).

<sup>80</sup> Global Engagement Center - US Department of State, “Pillars of Russia’s Disinformation and Propaganda Ecosystem” (August 2020).

on the war in Ukraine. However, the implications of these disinformation campaigns are far greater than meets the eye: in Ukraine, it is the media at large which is plagued by disinformation of all sorts, not least because it is the country's select few oligarchs who pull the strings of the media.

## 4 Chapter 3: Media wars and influence of oligarchic power

### 4.1 Emergence of the oligarchic system

#### 4.1.1 History

The oligarchic system of Ukraine started to take shape before the collapse of the USSR, at the time of *perestroika*, or the “rebuilding,” a period in the 1980s in which the Communist Party of the Soviet Union underwent a series of reforms under the direction of Mikhail Gorbachev and his policy of *glasnost* (openness). At that time, members of the Communist *nomenklatura* (influential elites) were able to amass large amounts of capital. These allowed rich individuals to purchase companies and services at risible prices during the privatization waves of the collapse, or, as Serhiy Plokhy puts it, oligarchs “emerged as the main beneficiaries of the second stage of privatization [after the Soviet collapse], which amounted to the sale of government assets at a fraction of their actual value.”<sup>81</sup>

In a natural fashion, clans started to form, by region or business sector. At the same time, systems of dependence between oligarchs and politicians started to emerge, whereby politicians, in exchange for the financial support offered by businessmen, would turn a blind eye to the widespread violations that took place during privatization.<sup>82</sup> In addition to that, oligarchs started to partake in politics in order to introduce another edge over their business rivals.<sup>83</sup> One of the regional clans, that of Donetsk, headed by Rinat Akhmetov up until the Revolution of Dignity, implemented its political base in the Party of Regions. Viktor Yanukovych represented the interests

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<sup>81</sup> Serhiy Plokhy, *GATES of EUROPE : A History of Ukraine*. (S.L.: Basic Books, 2021).

<sup>82</sup> Sławomir Matuszak, “The Oligarchic Democracy - the Influence of Business Groups on Ukrainian Politics” (Warsaw, Poland: OSW Centre for Eastern Studies, September 2012), <https://core.ac.uk/download/pdf/76798391.pdf..>

<sup>83</sup> Vitalii Rybak, “The Clash of Oligarchs: Key Features of Ukraine’s Media Sphere,” ukraineworld.org, June 4, 2020, <https://ukraineworld.org/articles/infowatch/clash-oligarchs-key-features-ukraines-media-sphere>.

of the clan on a political level, as governor of the Donetsk *oblast* from 1997 to 2002, and was later promoted to a much more prominent role by becoming Prime Minister under Kuchma (2002-2005), which eventually culminated in his election as president of the country.<sup>84</sup>

As we have seen before, it is commonplace to compare Ukraine with Russia, given their “top two” status after the collapse of the Soviet Union. While the two nations share a common history and somewhat similar cultures, Matuszak stated in 2012 that he deemed it highly unlikely that Ukraine would follow the Russia oligarchic model, where big business is subordinate to the government. Indeed, Putin was able to overturn the late Soviet oligarchic model (of the oligarchs commanding government) with severely authoritarian means, such as putting Khodorkovsky, the head of the largest oil company in Russia, in prison for 9 years in 2003.<sup>85</sup> Such a decision came across as an attempt to silence a rival who was starting to exhibit tendencies counter to those of the executive. Such a trial has never happened in Ukraine. On the contrary, presidents have a history of needing business support in difficult times. Such was the case of Kuchma, who sought oligarchic support throughout his presidency, culminating in the Cassette Scandal (or the Gongadze Affair).

#### 4.1.2 Case study of Rinat Akhmetov

The case of Rinat Akhmetov, Ukraine’s richest man according to Bloomberg in 2018,<sup>86</sup> is noteworthy as a textbook example of the Ukrainian oligarchy. Originally from Donetsk, Akhmetov first stepped onto the Ukrainian business scene in 1995, when the chairman of the Shakhtar Donetsk football club (extremely popular in Ukraine, and renowned in the world) was killed by a rival gang bomb in 1995, leaving the role, along with his business ventures, to Akhmetov. Ukrainian historian Sergei Zhuk identifies the Lyuks corporation (Akhmetov’s principal heirloom of the 1990s) as “the first official firm to legalize the criminal activities of the Donetsk Mafia.”<sup>87</sup> Whichever the case may

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<sup>84</sup> Sławomir Matuszak, “The Oligarchic Democracy - the Influence of Business Groups on Ukrainian Politics” (Warsaw, Poland: OSW Centre for Eastern Studies, September 2012).

<sup>85</sup> Paul Lagasse, “Khodorkovsky, Mikhail Borisovich,” *The Columbia Encyclopedia*, 2018.

<sup>86</sup> Bloomberg, “Bloomberg Billionaires Index,” *Bloomberg.com*, 2019,

<https://www.bloomberg.com/billionaires/profiles/rinat-akhmetov/>.

<sup>87</sup> Maximilian Hess, “Ukraine’s Donbas Don: Who Is Rinat Akhmetov? | Eurasianet,” *eurasianet.org*, January 29, 2020, <https://eurasianet.org/ukraines-donbas-don-who-is-rinat-akhmetov>.

be, Akhmetov has never been charged with a single crime. In the first decade of his business ventures, he focused on gaining the trust of the Donbass people, notably with his charity, the “Rinat Akhmetov Foundation.” Such an effort was, of course, not only out of affection for his home region, but also to ensure the support of metallurgy workers of the region, a bid that became helpful during the Ukrainian war.

Akhmetov’s fate as a prominent oligarch was sealed in 2004, when he “joined forces with Viktor Pinchuk, son-in-law of then-President Leonid Kuchma, to submit a winning \$800 million bid for steel giant Kryvorizhstal.”<sup>88</sup> This deal, approved by Kuchma and then Prime Minister Yanukovych, was a noteworthy example of the oligarchy at play: in fact, it was “blatantly profiteering,” at a price far too low for its market value. As a matter of fact, this transaction even became one of the fuels to the growing fire of the Orange Revolution. When Yushchenko was elected, his government immediately seized the company, and sold it for more than 4 billion USD, which further demonstrated that Akhmetov and Pinchuk had bought the company at the expense of the state, involving shadow arrangements.

As a result of this event, Akhmetov’s image was tarnished. However, this did not prevent him from winning a seat in Parliament (the *Rada*) in 2006 – an elected position which incidentally granted him immunity from criminal charges. Akhmetov’s reported fortune exploded in 2010, when his long-time ally Yanukovych became president. The oligarch started buying assets everywhere in Ukraine, thus consolidating his nationwide grip on vital businesses. By 2011, he was in total control of Kyiv’s energy market. By 2013, he had a lion’s share of Ukraine’s power networks. In the early 2010s, Akhmetov had diversified his business ventures considerably; his sectors include to this day metallurgy, media, banking, transport, insurance, and retail trade.<sup>89</sup>

Although Euromaidan was aimed at people such as Akhmetov, he made the interesting decision of backing the new government after the Revolution. This is in part explained

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<sup>88</sup> Maximilian Hess, “Ukraine’s Donbas Don: Who Is Rinat Akhmetov? | Eurasianet,” eurasianet.org, January 29, 2020, <https://eurasianet.org/ukraines-donbas-don-who-is-rinat-akhmetov>.

<sup>89</sup> Sławomir Matuszak, “The Oligarchic Democracy - the Influence of Business Groups on Ukrainian Politics” (Warsaw, Poland: OSW Centre for Eastern Studies, September 2012).

by the fact that, even without his Donbass assets, he was still Ukraine's richest man: such a position was not to be relinquished, and so he decided to gather all the chances he could get. His backing of Poroshenko's government was not only verbal: Akhmetov helped Poroshenko regain control of Mariupol with the help of his workers present on the ground. Akhmetov was rewarded for his support of the new executive power: the investigations launched into his records after Maidan rapidly stopped under Poroshenko, and, to this day, not one of the profitable privatizations he has benefitted from has been overturned. As a matter of fact, in 2019, Akhmetov was buying even more stakes in the Ukrainian energy sector.

After his election in May 2019, Zelensky and his government launched price fixing<sup>90</sup> probes into Akhmetov's businesses, as well as investigations into alleged profits from assets in Crimea. Such clashes, however, are often not long-lived. Although Akhmetov's goals in the current situation are undecided, particularly because he could gain from either outcome of the war, he wields sufficient influence to sway Zelensky, as we will see in a later section about the media wars oligarchs are leading.

In addition to the immense business stakes he holds, Akhmetov is generally seen as an indispensable ally in the war against Russia-backed separatists. The Donbass is Akhmetov's "home and fiefdom;"<sup>91</sup> he owns the popular football club Shakhtar Donetsk, and the region was the heart of his original business empire – should Ukraine regain control of the East, he would be able to guarantee job safety to hundreds of thousands of people.<sup>92</sup> This influence was seen with Akhmetov's handling of the Mariupol crisis, and both Akhmetov and whoever is president are well aware of that. In order to maximize his benefits, Akhmetov has learned to bend with the political currents of the country. Naturally, he is not the only one to behave this way: Matuszak aptly states that "[...] if the political configuration changes, the oligarchs usually have no problems

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<sup>90</sup> Price-fixing: an agreement that is usually not legal, in which companies all sell goods at a particular price in order to keep prices high. Cambridge Dictionary, "Price Fixing Definition," [dictionary.cambridge.org](https://dictionary.cambridge.org), accessed February 21, 2021, <https://dictionary.cambridge.org/dictionary/english/price-fixing>.

<sup>91</sup> Roman Olearchyk, "Ukraine's Oligarchs Jostle for Influence with President Zelensky," The International Financial Times, February 19, 2020, <https://www.ft.com/content/1821b882-4366-11ea-abea-0c7a29cd66fe>.

<sup>92</sup> Ibid.

finding common ground with the new government.”<sup>93</sup> Thus, as a Member of Parliament in 2006-2012, he backed his old ally Yanukovych, and promptly distanced himself when the latter fled Ukraine in 2014. Under Poroshenko, he flew the pro-Ukrainian banner.<sup>94</sup>

## 4.2 Influence of the elite

### 4.2.1 Oligarchic influence on foreign relations

Apart from the undeniable influence that the oligarchic structure of the Ukrainian state has had on the war and its outcomes, the elite has also had considerable effects on the country’s interactions with other states. An interesting example of such influence lies in the ambiguous ties between the Trump campaign and the Party of Regions, a pro-Russian political machine known for being a hub of crony oligarchs.<sup>95</sup>

The relation between the Trump circle and the Party of Regions is complex, yet the financial aspect thereof is clear: one of Trump’s campaign managers, Paul Manafort, was suddenly forced to resign in August 2016 when it was revealed that the campaign had been partially financed by the Party of Regions (a sum of 12.7 million dollars, which, while large for the US, is far larger for Ukraine, where the purchasing power is lower). The reader will remember from Chapter 1 that such financing is illegal in the United States. Two members of the Party of Regions, Lyovochkin, the former Head of Presidential Administration under Yanukovych, and Kivalov, were seen “reveling at Mr. Trump’s inauguration”<sup>96</sup> as guests of choice. This concurrence of events led observers to believe that “[the oligarchs’] dreams of a comeback seemed within reach.”<sup>97</sup> And this dream was followed by actions which benefitted both Donald Trump and the interests

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<sup>93</sup> Sławomir Matuszak, “The Oligarchic Democracy - the Influence of Business Groups on Ukrainian Politics” (Warsaw, Poland: OSW Centre for Eastern Studies, September 2012).

<sup>94</sup> Roman Olearchyk, “Ukraine’s Oligarchs Jostle for Influence with President Zelensky,” The International Financial Times, February 19, 2020.

<sup>95</sup> Michael Carpenter, “The Oligarchs Who Lost Ukraine and Won Washington,” Foreign Affairs, November 26, 2019, [https://www.foreignaffairs.com/articles/russia-fsu/2019-11-26/oligarchs-who-lost-ukraine-and-won-washington?utm\\_medium=email\\_notifications&utm\\_source=reg\\_confirmation&utm\\_campaign=reg\\_guestpass](https://www.foreignaffairs.com/articles/russia-fsu/2019-11-26/oligarchs-who-lost-ukraine-and-won-washington?utm_medium=email_notifications&utm_source=reg_confirmation&utm_campaign=reg_guestpass).

<sup>96</sup> Kenneth P. Vogel et al., “Prosecutors Examining Ukrainians Who Flocked to Trump Inaugural (Published 2019),” The New York Times, January 11, 2019, sec. U.S.,

<https://www.nytimes.com/2019/01/10/us/politics/ukraine-donald-trump-inauguration.html>.

<sup>97</sup> Michael Carpenter, “The Oligarchs Who Lost Ukraine and Won Washington,” Foreign Affairs, November 26, 2019.

of pro-Kremlin oligarchs. “In the months that followed [the election of Donald Trump], the pro-Kremlin network in Ukraine began plotting a disinformation campaign against one of the most forceful supporters of Ukraine’s sovereignty and an ardent champion of its fight against corruption and Russian aggression: former Vice President Joe Biden.”<sup>98</sup> The mentioned disinformation campaign was orchestrated by a former Ukrainian military prosecutor, Konstantin Kulyk, who compiled a series of false allegations against Biden, chiefly that Biden had wrongfully advocated for the removal of Viktor Shokin as prosecutor general. As a matter of fact, the “wrongfulness” of such actions was debatable, since they were led in a joint coordination of US policy, the European Union, and the IMF. Before his removal, Shokin had been part of the Kharkiv Office for Combating Organized Crime, “where cops and criminals were largely indistinguishable.”<sup>99</sup> It was thanks to Shokin that Kulyk was appointed military prosecutor. The Kharkiv web of organized crime was also seen to have links to Rudy Giuliani, since the latter struck deals with the Mayor of Kharkiv even after the latter was demonstrated to have gang ties.

#### 4.2.2 An “oligarchic democracy”: 2012 prediction of the war

Interestingly, Matuszak’s paper from 2012 encompasses the domestic conditions which led to internal unrest, and ultimately to the war, perfectly. Indeed, an analysis of the 2004 presidential election and the Orange Revolution sheds light on the fact that Yanukovych had already attracted the bad graces of the other oligarchic plans in the years leading up to 2014.

The reader remembers the extremely low approval ratings (7%) of Kuchma at the end of his second term: this led the incumbent to be slow in designating a preferred successor, and for Yanukovych to be the default, as his Prime Minister. Since Yanukovych represented the Donetsk clan and was a friend of Akhmetov’s, he was not a suitable candidate for some of the oligarchs of rival clans. Still, most were compelled to back him in order to counter Yushchenko’s agenda, considered too liberal to be apt

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<sup>98</sup> Michael Carpenter, “The Oligarchs Who Lost Ukraine and Won Washington,” Foreign Affairs, November 26, 2019.

<sup>99</sup> Ibid.

to protect the interests of big business. In the end, adding to the public contestation of the election results, it was oligarchic discontent that was one of the drivers of success for the Orange Revolution. “When it became clear that the only way of putting down the protests against the forgery of the results of the presidential runoff was through the use of force, some representatives of big business chose a compromise with Yushchenko. One of these groups was ISD [Industrial Union of Donbass]. Although this group originated from the Donetsk clan, its conflict with Akhmetov was escalating and it did not want him to become stronger.”<sup>100</sup> Kuchma also withdrew his support at the last minute, by refusing to send armed forces against the protesters taking to the streets because of manipulated election results that placed Yanukovych as the winner. Thus, Yanukovych, while a part of the oligarchic structure of Ukraine, was still shunned by his peers. In addition to that, Matuszak warned in 2012 that the “concentration of huge political power in the hands of Yanukovych has already given rise to concern among oligarchs, including those who have so far formed his political base.”<sup>101</sup>

The enormous wealth that Yanukovych amassed during his time as president was also a precursor to the war, since the then-president had become “[...] a deeply reviled kleptocrat who had perpetrated such audacious acts of corruption—such as installing an ostrich zoo in his official residence—that not even his oligarch cronies could defend him any longer.”<sup>102</sup> This division among the elites of Ukraine – not on political matters, but rather financial ones – has been one of the leading causes of political turmoil in the country. Interestingly, Matuszak makes the bold claim that it is this very oligarchic structure commanded by personal interests that has allowed Ukraine to enjoy “pluralism in political life and the media,”<sup>103</sup> an argument whose importance he could not have foreseen, almost ten years after the publication of his report.

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<sup>100</sup> Sławomir Matuszak, “The Oligarchic Democracy - the Influence of Business Groups on Ukrainian Politics” (Warsaw, Poland: OSW Centre for Eastern Studies, September 2012).

<sup>101</sup> Ibid.

<sup>102</sup> Michael Carpenter, “The Oligarchs Who Lost Ukraine and Won Washington,” Foreign Affairs, November 26, 2019.

<sup>103</sup> Sławomir Matuszak, “The Oligarchic Democracy - the Influence of Business Groups on Ukrainian Politics” (Warsaw, Poland: OSW Centre for Eastern Studies, September 2012).

## 4.3 Media ownership

### 4.3.1 Jostle for influence over the president

Although Akhmetov has suffered blows to his image on several occasions, the most recent one being the price-fixing probes launched by Zelensky, he remains, by virtue of his grip on key industries, a profitable ally for the government in power. And Akhmetov is not blind to this reality: in fact, he has been angling to become a closer ally of the current president. This rapprochement is not unopposed: as many aspects of the oligarchy, it is a tacitly agreed upon competition.

Akhmetov's rival in the “jostle for influence” over the current president is Ihor Kolomoisky, the second richest man in Ukraine. When Zelensky was elected, Akhmetov was left in the shadows, not least because it was precisely Kolomoisky who supported Zelensky at the right moment, and offered the necessary media coverage during his presidential campaign.

Kolomoisky has been in the bad graces of the president since the latter started the process of asking the International Monetary Fund (IMF) for a loan of 5.5 billion dollars. The IMF demands that Ukraine hold the previous chairman of PrivatBank, Ukraine's largest bank, accountable for a large balance sheet hole, without which the loan will not be delivered. Kolomoisky, until recently, was the head of the board of PrivatBank, and is refusing to comply, with the help of his skilled lawyers. To legitimate his refusal, Kolomoisky has been publicly warning Ukraine of the dangers of contracting loans with the IMF. These events have led Zelensky to try and dampen the influence of Kolomoisky on the public sphere. Akhmetov and Kolomoisky's duel happens on television, or rather on the widely popular channels that they respectively own. As such, Akhmetov has been offering Zelensky more positive coverage on his airwaves.<sup>104</sup>

The rivalry between the two oligarchs did not start with their battle over Zelensky: observers determine that the rivalry between the tycoons comes from Kolomoisky seeking cheaper energy prices from Akhmetov for his ferroalloy plants, and getting faced with refusal. Ever since, Kolomoisky has been vocal about his dislike of

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<sup>104</sup> Roman Olearchyk, “Ukraine’s Oligarchs Jostle for Influence with President Zelensky,” The International Financial Times, February 19, 2020.

Akhmetov, not least by publicly stating that Akhmetov's assets should be nationalized because they were acquired during the profitable privatization wave of the 2000s.<sup>105</sup>

#### 4.3.2 Clash of oligarchs on the media scene

The diversification of sectors that is so dear to the oligarch is what led them all to invest large sums in the media sphere, most importantly television, the most widespread source of information in Ukraine. This in turn has led the ten most watched channels in Ukraine to be owned by oligarchs.<sup>106</sup> The lack of alternatives is what contributes to the popularity of said channels – the state-owned channels are so underfunded that have little reach.<sup>107</sup> Indeed, since state-owned media had to be rebuilt from scratch after the Soviet collapse, the government has struggled to establish itself as a strong actor on Ukrainian channels.

Much like oligarchs have been jostling for influence over whichever president is in power, they have also been rather bellicose in their search for maximum ownership of Ukraine's TV channels. This competition has translated itself into a substantial diversity in the media. Some talk shows are “rather inclusive” and the existence of independent media and media projects, most of which operate online, “stand in the way of efforts to monopolise the Ukrainian media sphere.”<sup>108</sup>

#### 4.4 The solution lies in interests coinciding

Having considered the influence that the oligarchs wield over Ukraine's political and economic spheres, it becomes evident that the future of disinformation in Ukraine will also be under the same sign. We have seen that the policies of Ukraine move with the oligarchs, and vice versa: one can safely assume that disinformation can only be stopped should the business elite decide the latter is detrimental to them.

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<sup>105</sup> Roman Olearchyk, “Ukraine’s Oligarchs Jostle for Influence with President Zelensky,” The International Financial Times, February 19, 2020.

<sup>106</sup> Nataliya Dan’kova, “Detector of TV ratings: what do Ukrainians watch during lockdown?” “Детектор телерейтингів: що українці дивляться на карантині?,” detector.media, April 15, 2020, <https://detector.media/rinok/article/176382/2020-04-15-detektor-telereytyngiv-shcho-ukraintsi-dyvlyatsya-na-karantyni/>.

<sup>107</sup> Vitalii Rybak, “The Clash of Oligarchs: Key Features of Ukraine’s Media Sphere,” ukraineworld.org, June 4, 2020.

<sup>108</sup> Ibid.

Unfortunately, this is not the case. The reasons are twofold: first, Ukrainian oligarchs share some of the goals that Russia advances with its disinformation operations, and second, oligarchs do not have an inherent need to stop disinformation since they can decide to simply discard it.

#### 4.4.1 Oligarchs share some of Russia's goals in Ukraine

Thinking that Russia's goals in Ukraine are only to widen their territory would be a grave mistake. Indeed, we have seen that the stakes of the Ukrainian war are much higher than those of a simple territorial dispute. The war is tainted by economic considerations, as much as geopolitical ones: Russia has an interest in keeping Ukraine in a state of internal turmoil and rampant corruption because it keeps the West from its borders (a fear that has always been prevalent in the Russian mind, all the more when Ukraine started to exhibit the desires to enter NATO or the EU).

Where Russia wants to keep the West out of its horizons in order to reign free on its territories, Ukrainian oligarchs want the same thing in order to maintain their reign of corruption. This is where the interests of both parties coincide. This desire on both ends to sustain the gangrened institutions that prevent Ukraine from becoming a true democracy also explains why the oligarchs have been found to have ties with Russia at all times, be it during the Orange Revolution of 2004 or the Revolution of Dignity of 2014. In the current context, it does not only mean that the oligarchs that puppeteer the media scene in Ukraine turn a blind eye to the disinformation that they could easily slow down, but also that they actively promote the anti-Western narratives that Russia holds so dear. Kolomoisky's recent public disapproval of the IMF loan, and his blatant refusal to cooperate in setting the record straight regarding PrivatBank, is a textbook example of such collision of interests. The anti-corruption reforms that have been at the top of the political agenda since 2014 are faced with a form of counter-revolution, not least because oligarchs would "have much to lose from the establishment of a level playing field and independent judiciary." In addition to this, various oligarch plans are actively working to undermine further cooperation with the IMF and the EU, even

going so far as actively “promoting anti-Western narratives *via* their media platforms.”<sup>109</sup>

#### 4.4.2 Oligarchs do not fear disinformation since they control the media

Another reason for the oligarchs not to fear disinformation is the total control they exert over traditional media, as we have seen earlier in the chapter. In fact, in 2018, state-owned media were seen to reach only 0.71% of the public, while the congregation of the channels owned by the four largest oligarchic groups made up 76.2% of the news intake of the Ukrainian people.<sup>110</sup> Naturally, the oligarchs can then mold the public opinion to their liking on any topic – disinformation is the last of their concerns, as it generally goes in the direction of their own desires, when it is not of their own creation.

The *chargée d'affaires* of the US embassy in Ukraine, Kristina Kvien, also laments the fact that “certain prominent Ukrainians and Ukrainian media outlets falsely accuse Western reform partners of misspending assistance funds. In doing so, these elected officials, oligarchs, and others have set aside the interests of the Ukrainian people to pursue their own personal interests, or Russia’s, in an attempt to preserve the corrupt system that they have exploited to make themselves rich and powerful and divide Ukraine from its Western partners.”<sup>111</sup> In the same statement, the US representative also regrets that retrograde forces suggest that the West seeks to “run” Ukraine, or aims to use Ukraine to advance covert interests – in the opinion of the author, that is but a false narrative used by those who do not want to see Ukraine reach its full democratic potential.

## 5 Conclusion

Matuszak stated in 2012 that “it is the interplay of the interests of the oligarchs that is the real mechanism which shapes Ukrainian politics.”<sup>112</sup> Almost a decade after his report, Matuszak’s statement still holds true, if not more, in a traumatized Ukraine. The

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<sup>109</sup> Serhiy Verlanov, “Taming Ukraine’s Oligarchs,” Atlantic Council, November 19, 2020, <https://www.atlanticcouncil.org/blogs/ukrainealert/taming-ukraines-oligarchs/>.

<sup>110</sup> Ukrainian Institute for the Future, “The Future of the Ukrainian Oligarchs,” 2018, [https://www.wilsoncenter.org/sites/default/files/media/documents/event/the\\_future\\_of\\_ukrainian\\_oligarchs.pdf](https://www.wilsoncenter.org/sites/default/files/media/documents/event/the_future_of_ukrainian_oligarchs.pdf)

<sup>111</sup> Kristina A. Kvien, “We Must All Fight against Disinformation,” U.S. Embassy in Ukraine, August 12, 2020.

<sup>112</sup> Sławomir Matuszak, “The Oligarchic Democracy - the Influence of Business Groups on Ukrainian Politics” (Warsaw, Poland: OSW Centre for Eastern Studies, September 2012).

disinformation campaign led by Russia to light the flames of internal turmoil, and ultimately war, are also the playing field of Ukrainian oligarchs and their vested interests.

This thesis has examined how disinformation played a pivotal role in the Ukrainian war, and most importantly how the future of the handling of disinformation rests on the willingness of oligarchs to uphold the best interests of Ukraine.

In addition to the undeniable influence that oligarchs have on Ukrainian politics, it can be seen that they are almost in total control of the media sphere in Ukraine, and thus able to direct both policy decisions and public discussions in the directions that suit them best. It would be possible for Russian governmental disinformation to be tamed in Ukraine: for this to happen, disinformation would have to become detrimental to the oligarchs, or at least to part of them.

Several issues stand in the way of such a solution. First, oligarchs share some of the goals that Russia is advancing in Ukraine, such as the promotion of a weak and corrupt judicial system. In addition to that, oligarchs have little reason to fear disinformation themselves, since they are in control of what is and isn't aired on the most popular TV channels – Ukrainians' medium of choice for their news intake.

This demonstrates how multifaceted and complex the situation in Ukraine is. With a business elite in control of the policy directions the country is taking, Ukraine is *de facto* led by no general will to gear Ukraine towards improvement, no desire to make “full use of the talent and creativity of its people,”<sup>113</sup> but rather by individualistic, oligarch-oriented aspirations.

From a legal perspective, Rodriguez compellingly argued that disinformation violates three international legal norms: state sovereignty, non-intervention, and the principle of due diligence. However, Rodriguez also acknowledges that states are unlikely to proclaim the illegality of disinformation because of tense geopolitical contexts.<sup>114</sup> In the case of Ukraine, this unwillingness to condemn disinformation outright comes not only

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<sup>113</sup> Kristina A. Kvien, “We Must All Fight against Disinformation,” U.S. Embassy in Ukraine, August 12, 2020.

<sup>114</sup> Manuel Rodriguez, “Disinformation Operations Aimed at (Democratic) Elections in the Context of Public International Law: The Conduct of the Internet Research Agency during the 2016 US Presidential Election,” *International Journal of Legal Information* 47, no. 3 (2019): 149–97.

from a fear of altercating with Russia directly, but also from an oligarchic unease at the thought of extensive investigations into their own ventures. Oleksandra Tsekhanovska, from the Hybrid Warfare Analytical Group (HWAG), bemoans the fact that the judicial branch of government has been totally ineffective. In addition to this, she believes that Ukraine clearly needs to update its legislation to instore some sort of safeguard against disinformation: the latest legislative document on the media dates back to the 1990s. The former Ministry of Culture had started to push for legislation<sup>115</sup> specifically for disinformation, but the document was badly written, and the officials involved in the drafting kept proposing problematic provisions.<sup>116</sup>

2021 has brought interesting developments to this matter. The reader remembers the overnight ban on the three TV channels owned by Medvedchuk, a close friend of Putin's. This decision was widely regarded as Zelensky's first move to counter Russian disinformation.<sup>117</sup> The implications of Zelensky's newest policy direction, while a breath of fresh air to his electorate and the Ukrainian people at large, are also very important for the findings of this thesis. Indeed, we have determined that only oligarchic assent can stop disinformation. Could this be the case here? The question seems straightforward, but the answer is multifaceted: the author believes that this decision is the result of a convergence of interests between Ukrainian stakeholders, foreign states, and the oligarchs.

Days after the three TV channels were instantly shuttered, Medvedchuk's assets were also frozen – this series of restrictions has been described by observers as the “most important policy shift since Zelensky won office in 2019.”<sup>118</sup> Zelensky may well be preparing his upcoming reelection in 2023, returning to the populist roots of his election by going after those that the Ukrainian public tires of the most – indeed, Zelensky was elected on a promise to “break the system.” It took the incumbent a year

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<sup>115</sup> Hromadske International, “Ukraine’s Culture Ministry Takes on Disinformation with Controversial Bill,” en.hromadske.ua, January 23, 2020.

<sup>116</sup> Oleksandra Tsekhanovska, Russian Disinformation, interview by Antonina Gain, October 29, 2020.

<sup>117</sup> Roman Olearchyk, “Ukraine Shuts TV Channels It Accuses of Spreading ‘Russian Disinformation,’ ” www.ft.com, February 3, 2021, <a href="https://www.ft.com/content/176c0332-b927-465d-9eac-3b2d7eb9706a">https://www.ft.com/content/176c0332-b927-465d-9eac-3b2d7eb9706a</a>.

<sup>118</sup> Roman Olearchyk, “Zelensky Takes on Ukraine’s Oligarchs in Bid to Court Biden,” www.ft.com, March 3, 2021, https://www.ft.com/content/bf26bf68-e2a7-4b89-9f28-f66a92c945b4.

and half to take action regarding his promises; and some observers consider the election of Joe Biden as president of the US as a motivation for him to act. Two arguments support this reasoning. First, Zelensky helps Biden by weakening the domestic position of two Ukrainian oligarchs that are under American investigation (Kolomoisky, for funneling PrivatBank funds, and Medvedchuk, who has been under US sanctions since 2014). The second reason is a consequence of the first one: by walking hand in hand with the US, Zelensky opens his arms a little wider to the West at large. As a matter of fact, the Ukrainian and Western discontent linked to the previous behavior of Zelensky, whereby he was hesitant to affront Russia (albeit through Medvedchuk) in hopes of a peace accord, is now tamed. The silent cooperation of the oligarchs is more complicated to gauge, however. It may stem from the fact that they are genuinely concerned that Zelensky may fulfil his promises, and bide their time. Akhmetov, for instance, has made the decision to stand by Zelensky.

Although some may revel in this new direction that the executive is taking, and hope for a possible end for the war, the imminent evolution of events must be taken with precaution. Indeed, Ukraine already regularly blocks hundreds of websites without having so much as court order – acts of censorship that would be unthinkable in the West.<sup>119</sup> Such was the case of VKontakte (VK), a Russian counterpart to Facebook, which was shut down in May 2017. The initial response among Ukrainians was anger; it gradually evolved into apathy, or appreciation for the better informed. Oleksandra Tsekhanovska was one of the people that were initially outraged at the shutdown, however her position shifted when it became known in time that VK had become the “digital backyard of the FSB” and a weapon of choice for lowering mobilization among Ukrainians.<sup>120</sup>

But even a high rate of public approval for this decision does not hide the fact that it constitutes an obstacle for the freedom of speech. In light of this, Zelensky’s decision to go after Medvedchuk’s TV channels, especially when we have just seen that oligarchs

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<sup>119</sup> Geoffrey Cain, “Ukraine’s War on Russian Disinformation Is a Lesson for America,” The New Republic, March 29, 2019.

<sup>120</sup> Oleksandra Tsekhanovska, Russian Disinformation, interview by Antonina Gain, October 29, 2020.

contribute to plurality in the media sphere, leaves a bitter taste. As of 2021, it seems possible that Zelensky will be the Ukrainian president that will bring the oligarchy to heel; the price of such an achievement is yet unknown. Ukraine stands at a crossroads, and will soon uncover its choice between three paths: the continuation of the legacy of puppeteered presidents, a move towards a Russian autocratic model, or a rapprochement with Western democracy and the separation of powers that is inherent to a truly democratic state.

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