

COUNTERING HYBRID THREATS BETWEEN COMMON RESISTANCE AND LEGAL MEASURES

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Countermeasures against so-called hybrid threats from authoritarian regimes are multifaceted and need to be addressed in a coordinated and joint manner. Among these countermeasures, the role of civil society—inseparable from that of the political and civil institutions—figures prominently, as it is simultaneously threatened in its weak segments—the part of the population that is vulnerable to foreign propaganda narratives—and attacked in its strong parts—the people who are striving to fight against these dangers.

For society, it is a matter of shifting from necessary resilience—not letting the gains that dictatorial regimes make in terms of destabilization, the strengthening in some countries of the extreme parties they favor, and the abandonment of the struggle by some moderate parties—to necessary resistance. To put it in the classic terms used in the past, it is a question of moving, on the domestic front, from containment to roll-back. These revisionist countries must be made to stop setting the agenda.

This has a direct implication for one of the under-addressed aspects of societal resistance: developing the means to punish a certain form of corruption specifically linked to foreign influences—which means upstream better defining in legal terms what is called “corruption.”

This paper intends to elaborate, albeit briefly, on points 7, 8 and 9 of the general agenda set out in the general document issued by Globsec. It also refers to some papers already proposed outside this framework by the author of these lines.

TELL YOUR STORY BEFORE SOMEONE ELSE DOES

One of the most important instruments of hybrid warfare is narratives warfare. It thrives all the more easily because a large part of the West does not have a coherent, shared and widely distributed narrative. This narrative, in fact, remains rather vague—defense of European values, notably freedom, rule of law, human rights—, and can sometimes seem like a rhetorical formula to hide the lack of action. Above all, this narrative sometimes lacks force when it comes to opposing narratives. Some Western policymakers and politicians are reluctant to speak openly about the Russian regime’s war crimes in Syria and elsewhere, its killings of dissidents or its intimidation, as well as the crimes against humanity perpetrated by the People’s Republic of China in Xinjiang and its repression in Tibet and Hong Kong. The same is sometimes true of the actions of Iran and its proxies. It is therefore difficult to alert public opinion to the narratives of justification that these powers develop. It therefore seems that they are on the way to winning this war of narratives.

It is also not sufficiently appreciated that foreign propaganda narratives are basically divided into three parts, even though there are both nuances and links between the three.

In the first place, we have the so-called hard narratives, which are largely historical revisionism or even denialism. This is the case with the Kremlin’s fallacious accounts of the Molotov-Ribbentrop pact, the glorification of Stalin, the denial of the presence of Russian troops in Ukraine, the conspiracy theories about the Assad regime’s chemical attacks in Syria, the shooting down of flight MH17, the poisoning of the Skripals and Navalny, or the rumors about the planned assassination of Lukashenko. This propaganda reaches the already convinced circles, especially the extreme wings of the electorate in the West, but it is relatively easy to show their falsity. However, it is relatively easy to show their falsity, but it is necessary to work on it methodically.

A second type of narrative concerns the democratic countries themselves, whose propaganda describes their moral decadence and where the Kremlin points to the influence of so-called “LGBT lobbies”. At the same time, it reinforces the feeling of a part of the extreme right of the arrival of “foreign hordes” that it associates with violence and criminality. We also know how the anti-vaccine and anti-sanitary pass movements have been amplified by propaganda like the independence movements in Catalonia, the yellow vests in France and the

anti-migrant movement of the German far right. In France, in particular, the term “sanitary dictatorship”—carried by extremist groups opposing restrictive and protective measures against Covid-19—has been widely relayed with the idea that a democracy like France would be living in a dictatorship, a way of relativizing the repression in Russia and China and putting democracies and dictatorial regimes on the same level. It has been also widely used during the yellow vests protests. Here again, all this is well documented.

There remains a third type of story that is often told by mainstream politicians of both the left and the right. We have called it “soft propaganda”. We have detailed these stories at length elsewhere and their common intention: to make democracies lower their guard in the face of aggression from dictatorial regimes. For the Russian regime in particular, we will quickly recall the main lines: theory of humiliation, shared blame between the Kremlin and the West, provocations that would have been the enlargement of the EU and NATO, but also putting forward the thousand-year-old history of Russia, Ukraine’s belonging to the Russian sphere, the Russian character of Crimea, the Russian people’s lack of preparation or maturity for democracy, the Russian regime’s actions in line with its interests, the need to understand Russia, the need for a self-proclaimed “realistic” policy, etc. However, without a response to these narratives, there can be no real understanding of the Russian regime that no one can confuse with “Russia” and the Russian people. This discourse aims to make people forget that there is a large part of Russian opinion that intends to distance itself from Putin’s regime not only in terms of internal repression, but also in terms of its aggressive policy on the external front.

However, to counter these narratives, the word of the government alone, which, as we have said, must manifest itself in a stronger way, is not enough. In most democracies, rightly or wrongly, the official word is often considered suspect. We need a re-appropriation of the struggle for truth by civil society (NGOs, human rights activists, independent journalists) and by the academic world of universities and think tanks. However, they are not always sufficiently encouraged to do so and (see part 2) are not sufficiently protected. It is no less essential that these people be better associated with the work of government authorities (external and internal intelligence services, diplomacy, defense) in order to share their analyses. An enormous amount of work is already being done by civil society to correct lies and approximations, including on social networks. It plays an indispensable role that must be valued and recognized.

DEMONSTRATE REAL SOLIDARITY

Solidarity is recognized as a necessary practice when a country is targeted by a serious attack. It has been widely used during the terrorist attacks that have targeted several countries and has been accompanied by a list of recommendations for journalists, politicians and social network users, including: to show solidarity with the families and loved ones of the victims, not to disseminate photographs of them out of respect for those who lost their lives and theirs, not to spread unverified news and, in particular, to wait for the communiqués of the authorities (government, police, justice), not to echo the propaganda of terrorist organizations, not to disseminate information about ongoing terrorist operations so as not to hinder them in their actions, not to add division to division, etc. This does not prevent, of course, the launching of investigations into the measures taken and the conduct of operations and, of course, not reporting on the trials of the murderers.

This crucial advice to build solidarity, which is also an element of the resilience of societies, applies in part to attacks of a completely different nature carried out by foreign states. The expression of solidarity with organizations or individuals targeted by propaganda operations, but also with persecuted groups abroad, is fundamental. The expression of solidarity implies in particular not to disseminate unverified information that emanates, directly or not, from the regimes responsible for these attacks. It leads, in particular, the authorities as well as the journalists to reveal them in the most accurate way possible.

Beyond that, this solidarity must be manifested in three ways.

First, it is essential to raise awareness and solidarity with the people, groups and organizations targeted. Governments often do not talk enough about what happens to individuals or groups in civil society who are subject to repression in dictatorial regimes. These may include activists or minorities (e.g., Uighurs) in the People’s Republic of China, dissidents in Iran, some Gulf States, Myanmar and elsewhere, free media and rights or environmental activists in Russia. There is still insufficient awareness of what this policy of erasing fundamental rights means in terms of foreign policy. It is often a precursor, for regimes that have the means to do so, of an aggressive policy abroad. Talking about the experiences of these persecuted groups is also essential to understanding the nature of these regimes. Seeking to silence, minimize or relativize these crimes is also part of the hybrid warfare waged by these states.

Secondly, this manifestation of solidarity requires a more active policy of solidarity on the part of states and major NGOs towards persecuted groups in the context of so-called democracy assistance. Some countries, for example Lithuania and Poland, have shown unwavering solidarity with Belarusian dissidents in terms of both material support, reception of refugees, assistance to teachers and students, etc. Other countries also took such measures to help Afghan refugees after the Taliban came to power. Countries such as Germany

have also been particularly welcoming to Syrian refugees fleeing the criminal regime of Bashar al-Assad, while others have been far less supportive, or have even taken steps to send them home (Denmark) despite the risk of death in their country. This solidarity is not only essential in itself, but it helps to strengthen democracies by showing the coherent nature of their policies. One cannot, in fact, denounce the hold and the danger in terms of security of dictatorial regimes, on the one hand, and refuse unconditional solidarity to the people and organizations that are threatened by them, on the other.

Finally, a concrete and no less strong solidarity must be exercised in the direction of people who are victims, within democratic states, of the practices of dictatorial regimes. Some of these practices are purely criminal: assassinations or attempted assassinations on European soil (Alexsandr Litvinenko, the Skripal affair, opponents of the Kadyrov or Lukashenka regimes, etc.) or operations of a military nature (the explosion of the ammunition depot in Vrebtice in the Czech Republic, but also in Bulgaria and Ukraine). Others concern intimidation of nationals of EU democracies and the United Kingdom.

Thus, intimidation operations against people who warn about the Russian, Chinese or other regimes are growing like mushrooms. The former Moscow correspondent of the *Financial Times*, Catherine Belton, was sued by four Russian oligarchs and a Russian company. Several complaints were also filed a few years ago in France by a blogger whose site revealed a certain sympathy for the Assad and Putin regimes. Russia Today has also launched such proceedings against several people in France and Germany. Yevgeny Prigozhin also tried to do so in the United Kingdom against Bellingcat and its founder Eliot Higgins, but his complaint could not succeed because of the UK sanctions against him. Huawei France is currently suing a French researcher. A French far-right association, which seems to have some indulgence for the Assad regime, is suing activists who have reported such links that were highlighted by a French investigative website. A few years ago, similar procedures were attempted, without success, by Azerbaijan and Turkey.

These strategic lawsuits against public participation (SLAPPs), first known to have been the work of companies against journalists or activists who had revealed practices contrary to human rights (disguised slavery, child labor) or in opposition to environmental responsibility or health safety. The European Parliament and the Council of Europe's Commissioner for Human Rights have addressed this issue. The latter has issued concrete recommendations to dissuade or even avoid them. These legal procedures aim not only to silence those who reveal these practices, but also to dissuade those who might be tempted to do so because of the cost and moral constraints they present. Journalists or activists who do not have the support of a financially powerful organization cannot face this unless they risk ruin, even if they win in the end.

However, most of the documents issued by both the European Union and the Council of Europe have not paid special attention to such operations by, or potentially on behalf of, foreign powers or entities. Some of the measures suggested, however, are of relevance here, including:

- ▶ affirm the solidarity of the nation by setting up a fund to assist the victims of these procedures so that they can cope with them;
- ▶ enacting restrictive laws that make these proceedings much more difficult—this is particularly the case in the United States because of the First Amendment;
- ▶ allow the judicial authority, which is not the case in many countries, to reject these complaints at the beginning of the procedure;
- ▶ informing and training the judiciary;
- ▶ encourage society to show its solidarity;
- ▶ make these procedures much more dissuasive than they are today by allowing judges to impose particularly high fines and damages against abusive procedures, fines and damages that should be even higher in the case of multiple procedures that are a form of harassment.

EXPOSE AND ATTRIBUTE

The ability to uncover and attribute actions that fall under the umbrella of hybrid measures is probably the most essential foundation of the fight against these attempts at intimidation, manipulation of information and influence, leaving aside here direct attacks (cyber attacks in particular) that fall under a form of direct warfare.

Many countries still suffer from a dispersion of services in charge of countering them, notably in its corruption aspect, from a lack already noted with civil society groups and researchers, but also from a legislative system that reveals many loopholes. They seem to me to revolve around two points.

The first is the best documented and concerns the way in which certain propaganda organs, notably Russian and Chinese, seek to throw oil on the fire of any protest movement in Western countries and thereby exonerate dictatorial regimes of their repressive actions, or even of their crimes. It is certainly necessary to strengthen the

powers of regulatory authorities in many countries and to impose much stricter rules on Internet platforms when foreign states are involved. But while governments and parliaments are paying more attention to the actions of platforms that are clearly identified as emanating from foreign states, the same cannot be said of others whose names are less transparent and whose managers or sponsors are subject to little investigation or control.

The second point concerns potential agents of influence, whether they are former political figures, think tank managers or journalists. Some are clearly identified because they hold visible positions within foreign companies or their subsidiaries. Others, on the other hand, act in a more discreet way as consultants, lobbyists or business introducers. On this last dimension, I have already had the opportunity to make certain public recommendations that directly concern the link between a certain form of corruption and foreign influence. Without going over all of them here, we can articulate them around three aspects.

First, democratic states must be able to better identify those people who are, in fact, working for a foreign power. When this does not exist, joint task forces bringing together domestic and external intelligence services, the police, customs and tax services must be set up. Often, identifying the way in which certain people are paid is a complicated investigation, because their clients are not directly the real agents.

Secondly, our legislative arsenal must be adapted accordingly. Some countries sometimes have measures concerning what is called influence peddling, especially on the part of people who may have direct access to members of a government or parliament. But in reality, this influence peddling is difficult to demonstrate. The reality is that today, in most countries, it is not illegal to work for a Russian, Chinese, Turkish or Azeri company, unless they are under sanctions. Nor is it illegal to serve as a consultant or lobbyist for a foreign state or company. To put it differently, this is not a matter of what is legally incriminated as corruption. In this regard, it seems essential, as the United States Congress is apparently about to do, to prohibit any former government official, civilian or military public servant and parliamentarian from engaging in such activities. If foreign influence is to be combated, it must be. Finally, in some countries it is not illegal for a party to receive foreign funding in the form of donations, sponsorship of a political event or bank loans. This is also certainly part of the loopholes in the legislation.

Finally, the financing of think tanks, associations and even universities is currently lacking in transparency. The first two in particular are not required to disclose in their annual reports the funding they have received, whether as core funding or as earmarked funding for certain events. There is no need to ban such funding, but it must be made public.