

Combatting Russian Lawfare with a Cognitive Shield

Description

On February 24, 2022, Putin formally [announced](#) Russia's invasion of Ukraine. In his remarks, Putin attempted to justify his actions in part by citing the UN Charter and the right to self-defense. Putin's argument was unpersuasive in a legal sense and widely [condemned](#) by the international legal community. Nonetheless, his attempt demonstrated Russia's intent to present distorted interpretations of the law to create an illusion of legitimacy for the invasion. Since his speech, the Russian government has repeatedly abused and weaponized domestic and international law to support its war against Ukraine.

Russia's weaponization of the law is part of its strategy to satisfy Russian domestic opinion, sow discord between Ukraine and its allies, and maintain international support for its activities. Perhaps most insidious, however, is that Russia's disregard for the law is also *malevolently anthropocentric*, intended to both exploit and affect the most vulnerable target: the human being and its cognition. In this respect, Russia's blatant abuse of the law is meant to degrade Ukraine's will to fight by undermining justice and flouting accountability.

<https://www.podbean.com/eas/pb-gaprh-163fe82>

The [essence](#) of Russian lawfare is not the correctness of its legal arguments but how law and facts are used to shape the perception of its invasion of Ukraine among domestic, regional, and international audiences. When it comes to waging lawfare, Russia brazenly crafts and deploys malign narratives by [manipulating facts](#), [distorting](#) the meaning of international obligations, passing [nonsensical domestic legislation](#), and rendering [ridiculous legal judgments](#). In this way, lawfare is just one part of Russia's broader [disinformation](#) and [propaganda](#) efforts. The typology of Russian lawfare has been well-explored: some researchers distinguish up [to 36 types of Russian lawfare](#), depending on the warfare domain and legal environment. These activities undermine the idea of justice and the rule of law and, in many cases, are presented as justifications for specific Russian military activities and objectives in Ukraine.

Today, new technologies [enhance](#) the threat of Russian lawfare. Russia already abuses social media to spread disinformation about its invasion globally. New tools, such as large language models, make such campaigns easier, cheaper, and more effective. Disinformation campaigns can corrupt legal

environments by undermining facts, biasing juries, or otherwise creating evidence-resistant beliefs and amplifying basic instincts like hatred.

Consequently, effectively countering Russian lawfare requires recognizing human cognition as a battlefield and combatting Russian disinformation more broadly. Governments and the sources of international law—namely customary law, treaties, and statutes of international courts—should be designed to reflect a *benevolently anthropocentric* approach that prioritizes human cognitive [resilience](#) against lawfare and disinformation. Governments, militaries, and civil societies must erect a “cognitive shield” to resist the Russian disinformation efforts that underpin its abuse of the law. This shield should focus on five pillars and be integrated into the grand strategy of multi-domain operations.

The cognitive shield includes the following:

Narrative Analysis: Governments should continuously monitor, gather, and organize sources of malevolent foreign narratives to track their activity and targets. For example, big data processing and sentiment analysis tools could do such monitoring. Indeed, such tools are already being developed, including several by [Ukrainian](#) experts directly responding to Russian disinformation campaigns. These tools have been successfully used in Ukraine to [uncover and mitigate](#) Russian attempts to promote pro-Moscow insurgencies in Ukraine. Debunking false narratives is central to combatting Russian lawfare, which frequently attempts to distort historical facts. Enhancing these capabilities would strengthen the international legal community’s ability to tell fact from fiction and blame Russia for employing such information campaigns.

Proactive Information Campaigns, Educational Initiatives, and Civil-Military Cooperation: Governments should start or build upon existing efforts to promote “cognitive self-resilience skills” like critical thinking and fact-checking techniques among all levels of society, cultivating [media literacy](#) and the ability to recognize disinformation on one’s own. This strategy paves the way for a pre-bunking approach, preemptively exposing weaponized narratives before they are deployed, including in legal environments. Several [national governments](#) and [regional](#) bodies are already working on these initiatives and should be considered models for other governments interested in doing the same.

Legislative Efforts to Protect Human Cognition: National and international legislative bodies should pass measures to protect mental health and the integrity of cognitive processes, including perception, memory, and decision-making. These functions should be considered fundamental human rights and principles protected by international humanitarian law. At the same time, legislative bodies must criminalize cyberattacks and AI-enabled disinformation campaigns. Indeed, implementing such

protections in international law would require significant efforts within the United Nations, particularly the UN International Law Commission. This would include amendments to the Geneva Conventions and the Statute of the International Court of Justice or Responsibility of States for Internationally Wrongful Acts (2001). Similar provisions must also be reflected in international criminal law, such as the Rome Statute of the International Criminal Court. The goal of these efforts is significant: to introduce a new principle in the law of war that protects human cognition and to hold accountable the states that violate it.

Interdisciplinary Integration: New insights from neurosciences such as neurobiology, [psychoneuroimmunology](#), and [psychology](#) will continue to help explain the specific neural mechanisms that must be protected from disinformation. Just as there are mechanisms capable of artificially inducing negative reactions like hatred, there are also mechanisms that can neutralize these reactions. For example, a recent meta-analysis of [42 studies](#) found that psychological “inoculation” (e.g., teaching people about common misinformation strategies) can improve a person’s ability to assess the credibility of new information independently. Government and international legal bodies must maintain awareness of these scientific advances to create new means of protecting citizens against disinformation.

Military Cognitive Strategies: Besides building resilience among civilians, governments need to adopt strategies to combat disinformation in their militaries. A striking example of the importance of such strategies is the Russian attempt to exploit allegations of corruption at the highest levels of power in Ukraine to undermine Ukraine’s will to fight. Indeed, corruption in Ukraine is a long-standing and systemic issue. Many Ukrainians of military age who left the country after Russia’s invasion [state](#) that they do not want to fight for a corrupt government.

From my personal experience—as both a lawyer and a combatant in Ukraine—I am disappointed about the absence of a robust justice system in Ukraine. However, it’s important not to overlook the paradox of “perverse transparency,” when anti-corruption efforts expose previously unnoticed corruption, thereby creating a misleading impression of increasing corruption. Russian intelligence services have [leveraged](#) Ukrainian anti-corruption efforts to generate high-profile [news stories](#), which Russian media channels further exploit to discredit Ukrainian authorities to Western and Ukrainian audiences, including Ukrainian soldiers. Military doctrines must account for information campaigns exploiting narratives designed specifically to undermine a population’s will to fight by emphasizing the importance of cognitive resilience among its troops and populations that may be called upon to serve in the future.

Notably, the pillars of the cognitive shield are mutually reinforcing. For example, narrative analysis tools developed by governments or private industry can be improved by incorporating new findings

from neuroscience studies. These tools can then be better applied in resilience-building educational initiatives and inform the drafting of legislative and military doctrine.

Whether local or global, conflict remains fundamentally a clash of wills, making it inherently a cognitive battle. Russian attempts to legally justify its invasion of Ukraine are a stark reminder of the vital role of cognitive resilience. Indeed, proactive and creative strategies necessitate relentless political commitment, but they are essential to safeguard the cognitive integrity of individuals committed to the ideals of freedom.

Armenak Ohanesian is Ukrainian lawyer, practiced in litigation, international arbitration, and criminal law. Post-Russian invasion, he served in the Ukrainian Armed Forces, including roles as an infantry soldier, combat medic, and artillery commander, notably in the Iziium Counteroffensive and the Battle of Bakhmut. Decorated for his service, he now leads legal studies at IKAR, focusing on international law and cognitive warfare.

The views expressed are those of the author(s) and do not reflect the official position of the Irregular Warfare Initiative, Princeton University's Empirical Studies of Conflict Project, the Modern War Institute at West Point, or the United States Government.

Main Image: Photo taken at Protests in London against the war in Ukraine, February 25, 2022 (Garry Knight via [Flickr](#))

If you value reading the Irregular Warfare Initiative, please consider [supporting our work](#). And for the best gear, check out the [IWI store](#) for mugs, coasters, apparel, and other items.

Date Created

2024/06/13