Deniability and Retaliation in Russian Hybrid Warfare

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Covert action, particularly in hostile foreign intervention, is often identifiable in ways that run counter to notions of secrecy in foreign policy. However, decisive smoking guns are difficult to define and procure even for the most flagrantly attributable action, and do not necessarily result in contrition. As Russian Foreign Minister Sergei Lavrov responded when confronted with direct evidence of Russia's military involvement in Ukraine, "before demanding from us that we stop doing something, please present proof we have done it."[1] It is this burden of proof that makes even the most implausible deniability a valuable policy tool. Fully deflecting responsibility is rarely the point of denial – it is, rather, slowing and minimizing retaliation while shifting the onus of escalation to the adversary. If the key to an effective response to this type of hostility, characteristic of hybrid warfare, is speed and coordination, even the thinnest denial prevents actors seeking to retaliate from doing so effectively, and provides actors reluctant to punish a way out.

The former face coordination problems and a limited available responses due to rigid requirements for attribution, especially when responding through legal or institutional frameworks they have a stake in upholding, and when retaliation must be decisive and timely. The latter, meanwhile, can selectively point to even superficial denial and claim they have done their due diligence and responded accordingly. Both domestically and internationally, this exploits fragmentation of heterogeneous polities and institutions. This role of deniability is particularly apparent in the concept of hybrid warfare and in recent Russian foreign intervention. Institutions such as NATO have struggled to muster timely formal attribution and retaliation, and to deter subsequent incursions. Here, a shift towards improved mechanisms for coordination and information-sharing, as well as an increased willingness to view independent incidents as part of a broader Russian strategic initiative is fundamentally necessary.

Deniability, Ambiguity, and Hybrid Warfare

Hybrid warfare activity exploits "thresholds of detection and attribution as well as the border between war and peace"[2] by introducing uncertainty about the parties involved, the extent of their direct responsibility, the relevant legal and institutional frameworks, and the very nature of the conflict. This 'grey zone' of the war-peace binary is not merely a definitional or conceptual issue, but ambiguity in practice. Here, an ill-defined territory of hostile action does not quite meet traditional conceptions of interstate warfare nor requirements to ascribe state responsibility.

This is not a new concept – ambiguity by design reaches as far as the state use of privateers to skirt naval conventions, and far beyond that. Russia's association with hybrid warfare is thus not because it originated the concept, but because it has eagerly adopted it. Such warfare is relatively inexpensive, and is preferable to those disadvantaged in full-scale military confrontation but maintaining some degree of local escalation dominance.[3] The ability to obfuscate also limits potential negative domestic political

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[1] "Russia Says No Proof It Sent Troops, Arms to East Ukraine." Reuters, January 21, 2015.

[2] "Hybrid Threats." The European Centre of Excellence for Countering Hybrid Threats. Accessed June 29, 2019. https://www.hybridcoe.fi/hybrid-threats/.

[3] Lanoszka, Alexander. "Russian Hybrid Warfare and Extended Deterrence in Eastern Europe." *International Affairs* 92, no. 1 (January 1, 2016): 175–95.

consequences. Lastly, hybrid warfare hinges on the exploitation of potentially fractured adversaries. Russia's strategic aims are generally well served by all the above, whether these aims are the gradual acquisition of limited gains, the signaling of resolve, the probing of status quo powers' willingness to punish transgressions, or some combination of the three.[4]

Crimea, 2014

In 2014, Russia deployed special operations troops to facilitate the annexation of Crimea. Without insignia, the forces were dubbed 'little green men' by the West but dismissed as 'local self-defense units' by the Russian government. In response to evidence showing self-identifying Russian troops in Crimea, claimed no knowledge of where local forces had obtained military vehicles with Russian plates, including armored carriers. As Russia's role became increasingly clear, Russia shifted to rhetorical reframing – Crimea was a potential humanitarian crisis on Russian borders, Yanukovych, Ukraine's legitimate president, had requested assistance, and the human rights of Crimean residents, who maintained a right to self-determination, were threatened by the interim Ukrainian government. Brazil, India, China, South Africa, and over 50 other states abstained from a UN General Assembly resolution which condemned the 2014 Crimean status referendum, and a further 10 joined Russia in voting against.

The move did not come without response. Since the annexation of Crimea, NATO has funneled aid to Ukraine and established a forward deployed defense in Poland and the Baltics. The US, Canada, and the EU have imposed and extended rounds of targeted sanctions. However, the efforts mask a degree of internal disunity. As the full implementation of the Minsk II agreements, a precondition for lifting sanctions, becomes increasingly unlikely, EU leaders have struggled to keep member states such as Hungary, Italy, France, Slovakia, Bulgaria, and the Czech Republic in line. Germany has become mired in domestic debate on the issue, and outside the EU, the US legislature has sought to curtail an executive branch seemingly open to the idea of lifting sanctions and formally recognizing Crimea.

Crimea is essentially a fait accompli relying on denial and ambiguity to undercut response at the operational level in the immediate term, and at the strategic level in the long term. The inaction of NATO allies stems from the alliance's command and control vulnerabilities, and its rigid classification of what constitutes military conflict. Despite evidence of direct Russian involvement, unclear formal attribution made for paralyzed US and European decision-making processes, failing to establish or communicate sufficient attribution and intent within a critical timeframe. Russia's wielding of legal and diplomatic rhetoric further undermined efforts to condemn and to retaliate within these same frameworks.

Russia has pursued similar policy elsewhere. It claims interference in US and European elections is the work of independent non-state actors, and has often found a receptive audience for this denial. In turn, Western intelligence reports, including the 2017 US intelligence assessment on Russian electoral interference, have not explicitly named Vladimir Putin, despite evidence that the operation was ordered by the highest levels of the Russian government. Russia describes private military companies as an instrument for realizing national interests without direct government responsibility due to their illegal status domestically. Denial pervades the provision of support for separatist forces in Eastern Ukraine, the role of this support in the downing of MH17, involvement in 2016's attempted coup in Montenegro, aid

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[4] For logics of intentionally identifiable covert action see: Austin Carson, *Secret Wars: Covert Conflict in International Politics*. Princeton University Press, 2018; Austin Carson and Keren Yarhi-Milo. "Covert Communication: The Intelligibility and Credibility of Signaling in Secret." *Security Studies* 26, no. 1 (January 2, 2017): 124–56; Rory Cormac and Richard J. Aldrich, "Grey Is the New Black: Covert Action and Implausible Deniability." *International Affairs* 94, no. 3 (May 1, 2018): 477–94.

in concealing the use of chemical weapons by the Syrian government, the poisoning of Sergei Skripal, and repeated incursions into NATO airspace, among other incidents.

Salisbury, 2018

If there is some evidence that the West has learned since Crimea, it may be in the UK's 2018 case of the poisoning of former Russian military officer Sergei Skripal and his daughter Yulia. Though it did not invoke Article V, the attack was quickly condemned by the UK as a breach of international law and chemical weapons conventions, declared an unlawful use of force by Russia on British territory with no alternative other than direct culpability of the Russian government, and linked with broader Russian foreign intervention. In the same day, the UK confirmed to the NATO Council that the chemical used was a military grade nerve agent developed by the Soviet Union. The analysis was later verified by the International Organization for the Prohibition of Chemical Weapons (OPCW).

The UK shared classified intelligence assessments with Germany, France, and the US, which agreed with the UK's implication of Russia. In retaliation, the UK, as well as the US, Canada, Australia, Ukraine, and a number of EU members collectively expelled a record 150 Russian diplomats identified as Russian intelligence officers within 10 days of the attack. Russia, meanwhile, claimed the UK was deliberately hampering the investigation, insinuating that it may have ordered the attack itself to distract from Brexit negotiations or prevent Russia from hosting the World Cup. Though a poisoning is hardly equivalent to an annexation, the Skripal incident suggests there may be an improved, though imperfect, response to implausible deniability. Through immediate, direct, and public statements of attribution, improved information-sharing, and evaluating the breadth of an adversary's policy rather than one-off events, states targeted by such activity can exercise better control over effective response.

Resilience in NATO and the EU

Both NATO and the EU are clearly cognizant of the need to address these challenges. Particularly since the 2016 Warsaw Summit, policy in dealing with the ambiguity of hybrid threats has centered on resilience, or an improved capacity of member states to adapt to and recover from attacks through bolstered democratic governance and civil preparedness. Resilience complements NATO's broader policy of deterrence by denial, wherein hostile action is deterred not by the credible promise of punishment, but rather by denying the adversary the opportunity to fully realize its objective.

What then, other than making things difficult for the adversary, is the precise function of resilience, and what must civil institutions actually be strengthened to do? NATO's view of resilience places detection, attribution, and response at the forefront. While detection is simply the ability to identify hostile action and to minimize damage, attribution relies on ascribing direct responsibility while differentiating from human error or system failure. Response, in turn, centers on adjusting security posture and retaliation, but relies critically on timely and credible detection and attribution.

Challenges and Prospects

Though NATO's bolstered eastern flank might serve to deter a Russian land invasion, it is unclear what purpose it serves in deterring the lower-level hostile action that characterizes hybrid warfare other than presenting the risk of escalation. The alliance's policy of resilience, meanwhile, has met criticism that it serves only to address hostile action once it has already begun instead of credibly deterring such action in the first place. NATO faces unique limitations here. Should the alliance seek deterrence by punishment, an enhanced forward presence is of limited utility, and deniability restricts the form punishment can take within established frameworks. Altering these frameworks to include the possibility

of nonconventional retaliation potentially normalizes adversary action. Overtly retaliating outside these frameworks risks undermining the very principles an institution such as NATO seeks to uphold. Broadening these guidelines, such as efforts to remove the notion of 'armed' attack from Article V, presents wider opportunities to dismiss hostile action as below-threshold. Conversely, more clearly delineating what falls above thresholds can credibly deter, but also directly imply what falls just below. If precise thresholds are left unenforced, deterrence loses credibility – a notion likely behind NATO's hesitance in including cyber-attacks under Article V.

NATO, however, can improve response through clearer internal directives, improved communication and early warning mechanisms, and broader application of political consultation under Article IV. This would facilitate member requests for NATO support, the greater sharing of intelligence and best practices, as well as diplomatic coordination. Central to this is also quick, coordinated, and public detection and attribution through improved information sharing, especially with the EU. Currently, information sharing, especially between the two organizations, lacks funding, high-level coordination, and interoperability. Even within NATO, there is still no broad mechanism to share classified information. In 2016, for instance, the US divulged little information about Russian electoral interference, and communicated with France and Germany ahead of the countries' respective elections only on a bilateral basis. The EU's recent Rapid Alert System for hostile incursions, meanwhile, is barely functional.[5]

Lastly, if deterrence by denial is to limit an adversary's ability to fully realize its objectives, then these objectives cannot be viewed in isolation when they reflect a broader strategic goal. Russia does not engage in foreign interventions with the limited aim of disrupting Estonian networks or Montenegrin governance, but with the broad goal of undermining powers and institutions it views as hostile or detrimental to Russia's position in the world. This does not mean that incidents of interference are all highly coordinated, but rather that they support a broad strategic objective that is pursued incrementally based on immediate circumstances, including the likelihood and magnitude of retaliation. When viewed piecemeal, imposing higher costs on a hostile party for successive transgressions may appear to be disproportionate retaliation that risks broader escalation. However, it is worth noting that what is being deterred is not any singular intervention but rather destabilization efforts writ large, and that states such as Russia engage in hybrid warfare and exploit ambiguity and deniability precisely because they seek to avoid this type of escalation and direct confrontation.

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[5] Apuzzo, Matt. "Europe Built a System to Fight Russian Meddling. It's Struggling." *The New York Times*, July 6, 2019, sec. World.