

# It's Not Propaganda If It's True

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The first casualty of war is the [truth](#). An outrageous example is [Hitler's speech](#) on 22 August 1939, before the *Blitzkrieg* against Poland:

“I shall give a propagandist reason for starting the war, no matter whether it be plausible or not. The victor shall not be asked whether he told the truth. When starting and waging a war, it is not right that matters but victory. [...] The strongest man is right!”

We were reminded of this saying when Putin put forward “sham arguments” intended to justify waging his illegal war on Ukraine.<sup>1)</sup> As has clearly been condemned by [ESIL](#), the [DGIR](#), and the SFDI; cf. also this [post](#); on the misuse of the language of international law by Russia see [here](#). Putin's reasons for the invasion, like his claims of genocide in Donbas, are abstruse and lack any basis in reality. Rather than addressing the West, this national propaganda is meant to convince the Russian people of the necessity of war. Is there a possibility to correct misinformation by communicating directly to the Russian people in Russian?

For the UN [Security Council](#) in particular and the West in general, it is difficult to find an impactful way to respond to the Russian war against Ukraine without risking a potentially nuclear World War III. Economic and political sanctions have been put in place by the EU and the US.<sup>2)</sup> Cf. for an excellent post on the possibility of the UN General Assembly to recommend to States to impose further unilateral sanctions, [here](#). Whether they will have a decisive effect or not, only time will tell. There is, however, another possibility which has not been discussed in its full potential so far. It is the attempt to speak directly to the Russian people, bypassing its autocratic, war-hungry leader. The goal of communicating with Russians in Russian and addressing them directly could be a chance to correct misinformation put in place by the national propaganda machine and support those [Russians who are currently demonstrating](#) despite the well-known risks (cf. the [interview with Dana Schmalz](#)). Telling Russians in their native tongue that no one is actually threatening them should expose the war as the war of aggression it really is. Solemnly speaking, this might restore “truthfulness”, in the words of [Gustav Radbruch](#) (p. 199), “the sister of justice”, which is currently sorely missed.

## Communicating With Russians in Their Native Tongue Is Legal Under International Law

International information campaigns in Russia might intuitively look like massive interference in national sovereignty. The question is whether international law provides any obstacles to – or even a legal basis for – endeavouring to communicate with the Russian people in the Russian language.

While international law responds to disinformation and propaganda (cf., [Björnstjern Baade](#)), it arguably does not include a prohibition on communicating truths. In a [Joint Declaration on Freedom of Expression and “Fake News”, Disinformation and Propaganda](#) the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media, the OAS Special Rapporteur on Freedom of Expression, and the ACHPR Special Rapporteur on Freedom of Expression and Access to Information formulated Standards on Disinformation and Propaganda. They hold that “a) General prohibitions on the dissemination of information based on vague and ambiguous ideas, including ‘false news’ or ‘non-objective information’, are incompatible with international standards for restrictions on freedom of expression, as set out in paragraph 1(a), and should be abolished”. They continue that “c) State actors should not make, sponsor, encourage or further disseminate statements which they know or reasonably should know to be false (disinformation) or which demonstrate a reckless disregard for verifiable information (propaganda).” On the contrary, state actors should, “in accordance with their domestic and international legal obligations and their public duties, take care to ensure that they disseminate reliable and trustworthy information, including about matters of public interest, such as the economy, public health, security and the environment”. Admittedly, these qualifications remain rather indeterminate.

A prohibition of interventions guaranteed by customary international law does exist which includes *false* reporting when directed towards inciting a revolution. The non-intervention principle is also likely to be breached in the case of deliberately communicating false information “intended to produce dissent or encourage insurgents”.<sup>3)</sup> [Björnstjern Baade](#), p. 1363 with further references. Such a qualification might further draw upon the doctrinal question as to whether adversarial information operations may qualify as “coercion” as pointed out by the [Nicaragua judgment of the ICJ](#). According to the ICJ an “[i]ntervention is wrongful when it uses methods of coercion in regard to such choices, which must remain free ones” (para. 205). Pointing to the UN Friendly Relations Declaration, the ICJ stipulated that “[t]he element of coercion, which defines, and indeed forms the very essence of, prohibited intervention, is particularly obvious in the case of an intervention which uses force, either in the direct form of military action, or in the indirect form of support for subversive or terrorist armed activities within another State” (ibid.). Critical voices hold that “deceptive manipulation by way of a disinformation campaign cannot be conceived as coercion”.<sup>4)</sup> [Henning Lahmann](#), p. 216 with further references. Despite such criticism, there are convincing arguments in favour of a broad understanding of what amounts to a coercive act in this regard, for instance “if the degree of manipulation is so deceptive that it destroys voluntarism” ([Nye](#)).

What is important for our purpose, however, is that factually correct statements intended to correct war lies are not illegal under international law (the Lotus principle). International law, thus, would not condemn a communication in Russian to the Russian people. On the contrary, such a communication in the current situation would arguably be justified according to Article 51 of the UN Charter, as collective self-defence would even allow for military intervention in the case at hand.

# How to Communicate With the Russian People in Russian

Such information campaigns must not attack the Kremlin, let alone the Russian Federation directly, as such direct attacks would fall into the trap of giving the floor to propagandist topics, thereby accepting their framing. Quite to the contrary, the envisaged international information campaigns should rather outline and propagate (in the original sense of the word *propagare*, to spread) the positive values and message of the international community, thereby strengthening core values of the peaceful international legal order. The information campaigns should proceed with tact and sensitivity, rather than adopting a schoolmasterly and accusatory tone. The message to be conveyed is that we Europeans belong together, being led by the fundamental values of the free world.

Information campaigns are less intrusive than direct military interventions. They are likely to provoke and bolster resistance. Information campaigns organized by the international community are all the more necessary as Russia is apparently [threatening their own Russian media, banning media outlets from describing the attack on Ukraine as an 'assault, invasion, or declaration of war', restricting social media access](#) and strengthening its own [misinformation campaign](#).

Surely, this is a grand challenge; especially the practical implementation of this proposal might be questioned as handing out flyers in Moscow might not be a realistic option. However, the internet and social media might provide a solid basis to start with.

The current situation is dramatic and the outcome of this war will be decisive for the free world. Hence, if there is a slight chance to do something helpful, we should go for it. To correct misinformation by communicating directly to the Russian people in Russian arguably is such a – legal – option. It is of utmost importance to address and convince those who will be affected by the economic consequences of this irrational endeavour, namely the people of the Russian Federation. They must know who is responsible for all this. Also, in the long run, the commitment to respect the core values of the free world has to come from the people. External pressure alone, no matter how clever, wise, or powerful it might be, will not do the job. Addressing the people in their mother tongue might be a very good first step towards this goal. International law provides no obstacle to such an endeavour. It's not propaganda, if it's true.

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References

- As has clearly been condemned by ESIL, the DGIR, and the SFDI; cf. also this post; on the misuse of the language of international law by Russia see here.
  - Cf. for an excellent post on the possibility of the UN General Assembly to recommend to States to impose further unilateral sanctions, here.
  - Björnstjern Baade, p. 1363 with further references.
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